Pages 5929–5997

FEDERAL REGISTER

VOLUME 29 NUMBER 89

Washington, Wednesday, May 6, 1964

Contents

(Continued on next page)

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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.

3 CFR

PROCLAMATIONS:
3298 (amended by Proc. 3587) 5933
3586 5931
3587 5933
3588 5935
3589 5937
3590 5939

7 CFR

722 5941
908 5941

14 CFR

40 5941
41 5942
42 5942
507 (2 documents) 5942, 5943
514 5943
PROPOSED RULES:
507 (2 documents) 5958, 5959

21 CFR

17 5944
121 (2 documents) 5945
146 5946
147 5946
PROPOSED RULES:
120 5958

30 CFR

222 5946

33 CFR

204 5946

42 CFR

54 (2 documents) 5947, 5951

47 CFR

PROPOSED RULES:
1 5958

50 CFR

PROPOSED RULES:
10 5957

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3586

SMALL BUSINESS WEEK

By the President of the United States of America

A Proclamation

WHEREAS nine out of every ten business enterprises that supply the needs and wants of the American people are small and independently owned and operated; and

WHEREAS these small businesses provide:

—about one-third of the Nation's goods and services;

—a broad source of diversified employment opportunities;

—an opportunity for expression and growth of personal initiative and judgment;

—new ideas, new methods, and new products which stimulate our economy; and

WHEREAS small businesses help to preserve our economic freedom by preserving competition and providing the consumer with a wide choice of products; and

WHEREAS it is appropriate that we recognize the importance of small business to the maintenance of our free enterprise system and to our continued economic growth:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the week beginning May 24, 1964, as Small Business Week; and I urge chambers of commerce, boards of trade, and other public and private organizations to participate in ceremonies recognizing the great contribution made by the 4.6 million small businesses of this country to our prosperous society and to the well-being and happiness of our people.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirtieth day of April in the year of our Lord nineteen hundred and sixty-four, and of [SEAL] the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 64-4572; Filed, May 4, 1964; 1:42 p.m.]

Proclamation 3587

IMMIGRATION QUOTA

By the President of the United States of America

A Proclamation

WHEREAS under the provisions of section 202(a) of the Immigration and Nationality Act, each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than independent countries of North, Central, and South America, is entitled to be treated as a separate quota area when approved by the Secretary of State; and

WHEREAS under the provisions of section 201(b) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to determine the annual quota of any quota area established pursuant to the provisions of section 202(a) of the said Act, and to report to the President the quota of each quota area so determined; and

WHEREAS under the provisions of section 202(e) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to revise the quotas, whenever necessary, to provide for any political changes requiring a change in the list of quota areas; and

WHEREAS, on December 12, 1963, the former Colony and Protectorate of Kenya was granted its independence by the Government of the United Kingdom; and

WHEREAS the Secretary of State, the Secretary of Commerce, and the Attorney General have jointly determined and reported to me the immigration quota hereinafter set forth:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid Act of Congress, do hereby proclaim and make known that the annual immigration quota of the quota area hereinafter designated has been determined in accordance with the law to be, and shall be, as follows:

Quota area	*Quota*
Kenya	100

The establishment of an immigration quota for any quota area is solely for the purpose of compliance with the pertinent provisions of the Immigration and Nationality Act and is not to be considered as having any significance extraneous to such purpose.

Proclamation No. 3298 of June 3, 1959, as amended, entitled "Immigration Quotas," is further amended by the addition of the quota for Kenya.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirtieth day of April in the year of our Lord nineteen hundred and sixty-four and [SEAL] of the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 64-4573; Filed, May 4, 1964; 1:42 p.m.]

Proclamation 3588

NEW YORK WORLD'S FAIR

By the President of the United States of America

A Proclamation

WHEREAS many foreign governments and overseas private organizations are active participants in and exhibitors at the New York World's Fair; and

WHEREAS the Fair will attract a great number of visitors from those exhibiting countries and other parts of the world; and

WHEREAS the Government of the United States and the governments of many of the several States of the United States are also active participants in and exhibitors at the Fair; and

WHEREAS the Congress, by Senate Concurrent Resolution 80, agreed to April 21, 1964, requested the President, in the name of the people of the United States, to welcome all who come to the United States to visit the Fair; to extend official recognition to the Fair; and to call upon officials and agencies of the Government to lend such cooperation as may be appropriate for those purposes:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, in recognition of the value of the New York World's Fair as an effective instrument for the promotion of international understanding, good will, tourism, and trade, do hereby extend the welcome of the people of the United States to those persons who come to our country to visit the New York World's Fair, and express the hope that they will take this opportunity to enjoy the hospitality of other parts of our Nation.

I also urge Federal, State, and local officials, and the people of the United States, generally, to assist in making our overseas visitors welcome and in furthering their enjoyment of their visit to our country.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirtieth day of April in the year of our Lord nineteen hundred and sixty-four, and [SEAL] of the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 64-4574; Filed, May 4, 1964; 1:42 p.m.]

Proclamation 3589

COMMEMORATION OF THE BEGINNINGS OF THE OFFICE OF THE PRESIDENCY OF THE UNITED STATES

By the President of the United States of America

A Proclamation

On the thirtieth day of April, in the year Seventeen Hundred and Eighty-nine, on the balcony of the Federal Hall in New York City, George Washington took the oath as the first President of the United States of America.

In the one hundred and seventy-five years since that occasion, thirty-five other Americans have sworn that same oath and entered that same office to discharge in seamless continuity the duties prescribed by the Constitution.

Individual incumbents are remembered individually according to the challenges and responses of their tenure. But the office itself has long since come to transcend its occupants. The Presidency has made every man who occupied it, no matter how small, bigger than he was; and no matter how big, not big enough for its demands. It has served as symbol of the spirit, purposes and aspirations of the American nation in this land and in lands far beyond these shores.

Ordained to serve a nation of fewer than four million inhabitants, the American Presidency will before its two hundredth anniversary be serving a country of more than two hundred million inhabitants, living together in the most successful society yet created and sustained on this earth.

In this achievement, it has been the will of the people that the office of the American Presidency be used in the work of perfecting our national unity, establishing justice, insuring domestic tranquility, providing for the common defense, promoting the general welfare, and securing the Blessings of Liberty to ourselves and our posterity by seeking a world of peace, freedom and opportunity.

The office of the Presidency is, as one President described it, "pre-eminently the people's office." The President himself is, in the words of another President, "the steward of the public welfare." While it has become custom, outside the original concept of the Consititution, for Presidents to be chosen from candidacies offered by political parties, the office itself and the conduct of that office remain today, as at the inception, national and not partisan, serving all the people without regard to party affiliations or philosophical persuasions.

In the course of the year beginning this anniversary day, the American electorate will once more choose a fellow citizen to occupy the office of the American Presidency and to discharge its duties. All citizens participating in that decision will carry in their minds the memory of recent tragic events which impressed upon them and all the world full awareness of the importance of this office and its continuity for our daily pursuits and our hopes for life, liberty and the pursuit of happiness.

In this period, it will be constructive for all Americans to renew our appreciation of the functionings of our system, and to show our respect for the institutions on which our society stands by devoting to the office of the Presidency new study of its origins and history and new efforts to understand its functions and potentials within our democratic society, and by reflecting upon how this national office may be the more effective servant of our national purposes.

NOW, THEREFORE, I, Lyndon B. Johnson, President of the United States of America, on this thirtieth day of April in the year Nineteen Hundred and Sixty-four, do hereby proclaim the ensuing twelve months a period of commemoration of the beginnings of the office of the Presidency of the United States.

During this year, let all citizens recall that on this day one hundred and seventy-five years ago the first President admonished us: "The preservation of the sacred fire of liberty, and the destiny of the re-

publican model of government, are justly considered as deeply, perhaps as finally, staked, on the experiment entrusted to the hands of the American people."

In this spirit, then, let us during this anniversary year devote ourselves, through our appropriate organizations, societies, publications and through our public discussions, to fostering a new understanding of the First Office of the American Government and to strengthening the service of that Office in meeting our continuing challenges.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirtieth day of April, in the year of our Lord nineteen hundred and sixty-four, and of [SEAL] the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 64-4575; Filed, May 4, 1964; 1:42 p.m.]

Proclamation 3590

UNITED NATIONS DAY, 1964

By the President of the United States of America

A Proclamation

WHEREAS the United Nations is dedicated to the same noble principles that have made our Declaration of Independence and our Constitution a constant beacon of hope and inspiration for all mankind; and

WHEREAS the United Nations has for 19 years repeatedly and decisively proved to be an increasingly effective and respected action agency for world peace, progress, and prosperity; and

WHEREAS the United Nations, through its efforts and through those of its specialized agencies, has greatly benefited the United States and each of its other members, individually and collectively; and

WHEREAS the United Nations has kindled an ever-increasing recognition and practice throughout the world of those humanitarian principles to which this country has long been dedicated; and

WHEREAS the United Nations has earned, and is entitled to receive an affirmative expression of, the respect and recognition of this Nation, and of each of its other members, for its inestimable contributions to international peace, justice, and understanding; and

WHEREAS it is essential that the United Nations be supported, both morally and materially, by us and by all of its other members; and

WHEREAS intelligent public support of the United Nations by the people of this Nation depends in large measure upon a wide dissemination to our people of significant and accurate information concerning the United Nations; and

WHEREAS the General Assembly of the United Nations has resolved that October twenty-fourth, the anniversary of the coming into force of the United Nations Charter, should be dedicated each year to making known the purposes, principles, and accomplishments of the United Nations:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby urge the citizens of this Nation to observe Saturday, October 24, 1964, as United Nations Day by means of community programs which will demonstrate their faith in the United Nations and contribute to a fuller understanding of its aims, problems, and accomplishments.

I also call upon the officials of the Federal and State Governments and upon local officials to encourage citizen groups and agencies of the press, radio, television, and motion pictures to engage in appropriate observance of United Nations Day throughout the land in cooperation with the United States Committee for the United Nations and other organizations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirtieth day of April in the year of our Lord nineteen hundred and sixty-four, and [SEAL] of the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 64-4576; Filed, May 4, 1964; 1:42 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 4]

PART 722—COTTON

Subpart—Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton

TRANSFER OF COTTON ACREAGE AFFECTED BY A NATURAL DISASTER

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

(a) The purpose of this amendment is to designate States and counties that have been affected by a natural disaster within the meaning of section 344(n) of the Act.

(b) In order that determinations with respect to transfers of acreage for the 1964 crop may be made prior to the end of the cotton planting season, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure requirements and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Paragraph (h) of § 722.226 of the acreage regulations for the 1964 and succeeding crops of upland cotton (28 F.R. 11041; 29 F.R. 2301, 5274, 5303) is amended as follows:

§ 722.226 Transfer of farm cotton acreage affected by a natural disaster.

* * * * *

(h) *Designated States and counties affected by a natural disaster.* It is hereby determined that a natural disaster consisting of flood or excessive rainfall in 1964 has prevented timely planting or replanting of a portion of the 1964 farm cotton allotments on some farms in the following designated States and counties:

KENTUCKY

Ballard.	Graves.
Calloway.	Hickman.
Carlisle.	McCracken.
Fulton.	Marshall.

MISSOURI

Bollinger.	Pemiscot.
Butler.	Ripley.
Cape Girardeau.	Scott.
Dunklin.	Stoddard.
Mississippi.	Wayne.
New Madrid.	

(Secs. 344(n), 375; 78 Stat. 177, 52 Stat. 66, as amended, 7 U.S.C. 1344(n), 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 30, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-4537; Filed, May 5, 1964; 8:52 a.m.]

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

[Valencia Orange Reg. 81, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Finding. 1. Pursuant to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, as amended, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges as hereinafter provided will tend to effectuate the declared policy of the act.

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

Order, as amended. The provisions in paragraph (b)(1)(i) of § 908.381 (Valencia Orange Regulation 81, 29 F.R. 5538) are hereby amended to read as follows:

§ 908.381 Valencia Orange Regulation 81.

* * * * *

(b) * * *

(1) * * *

(i) District 1: 700,000 cartons.

* * * * *

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

Dated: April 30, 1964.

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

[F.R. Doc. 64-4496; Filed, May 5, 1964; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER A—CIVIL AIR REGULATIONS

[Reg. Docket No. 1893; Amdt. 40-44]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Emergency Equipment for Overwater Operations

The purpose of this amendment is to require survivor locator lights on life preservers and liferafts for extended overwater operations.

The Federal Aviation Agency published as a notice of proposed rule making (28 F.R. 8214), and circulated as Notice No. 63-32 on August 5, 1963, a proposal to amend Parts 40, 41, and 42 of the Civil Air Regulations to require that each life preserver and liferaft, when carried in accordance with these regulations, be equipped with a means of illumination (survivor locator light) for the purpose of facilitating the location at night of persons who have survived a water landing in an aircraft.

All of the comments received in response to this notice were in general agreement with the proposal it contained.

The desirability of requiring life preservers and liferafts to be equipped with a means of illumination, which would materially assist in the rescue of persons from the water at night, has long been recognized. Such a requirement would have been prescribed in 1954 if lights had been developed to a level of reliability sufficient to justify a mandatory requirement at that time.

The Agency has developed standards for survivor locator lights in its Technical Standard Order TSO-C85 issued concurrently with this rule. Lights meeting these standards are commercially available in quantity, and can be readily approved by the Agency. In addition, survivor locator lights which have been fitted to life preservers and liferafts on a voluntary basis in the past generally conform to TSO-C85. However, in order to allow an adequate time for procurement, installation, and approval of the prescribed lights for all operators, this amendment is made ef-

fective 180 days after its date of publication in the FEDERAL REGISTER.

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

This amendment is made under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424).

In consideration of the foregoing, § 40.206(a) of Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) is hereby amended by adding a new subparagraph (5) to read as follows, effective November 2, 1964:

§ 40.206 Equipment for overwater operations.

(a) * * *

(5) Each life preserver and liferaft required under subparagraphs (1) and (2) of this paragraph shall be equipped with an approved survivor locator light.

* * * * *

Issued in Washington, D.C., on April 30, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-4547; Filed, May 5, 1964; 8:53 a.m.]

[Reg. Docket No. 1893; Amdt. 41-9]

PART 41—CERTIFICATION AND OPERATION RULES FOR CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN OVERSEAS AND FOREIGN AIR TRANSPORTATION AND AIR TRANSPORTATION WITHIN HAWAII AND ALASKA

Emergency Equipment for Overwater Operations

The purpose of this amendment is to require survivor locator lights on life preservers and liferafts for extended overwater operations.

The Federal Aviation Agency published as a notice of proposed rule making (28 F.R. 8214), and circulated as Notice No. 63-32 on August 5, 1963, a proposal to amend Parts 40, 41, and 42 of the Civil Air Regulations to require that each life preserver and liferaft, when carried in accordance with these regulations, be equipped with a means of illumination (survivor locator light) for the purpose of facilitating the location at night of persons who have survived a water landing in an aircraft.

All of the comments received in response to this notice were in general agreement with the proposal it contained.

The desirability of requiring life preservers and liferafts to be equipped with a means of illumination, which would materially assist in the rescue of persons from the water at night, has long been recognized. Such a requirement would have been prescribed in 1954 if lights had been developed to a level of reliability sufficient to justify a mandatory requirement at that time.

The Agency has developed standards for survivor locator lights in its Technical Standard Order TSO-C85 issued concurrently with this rule. Lights meeting these standards are commercially available in quantity, and can be readily approved by the Agency. In addition, survivor locator lights which have been fitted to life preservers and liferafts on a voluntary basis in the past generally conform to TSO-C85. However, in order to allow an adequate time for procurement, installation, and approval of the prescribed lights for all operators, this amendment is made effective 180 days after its date of publication in the FEDERAL REGISTER.

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

The amendment is made under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424).

In consideration of the foregoing, § 41.206(a) of Part 41 of the Civil Air Regulations (14 CFR Part 41, revised) is hereby amended by adding a new subparagraph (5) to read as follows, effective November 2, 1964:

§ 41.206 Equipment for overwater operations.

(a) * * *

(5) Each life preserver and liferaft required under subparagraphs (1) and (2) of this paragraph shall be equipped with an approved survivor locator light.

* * * * *

Issued in Washington, D.C., on April 30, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-4548; Filed, May 5, 1964; 8:53 a.m.]

[Reg. Docket No. 1893; Amdt. 42-8]

PART 42—AIRCRAFT CERTIFICATION AND OPERATION RULES FOR SUPPLEMENTAL AIR CARRIERS, COMMERCIAL OPERATORS USING LARGE AIRCRAFT, AND CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN CHARTER FLIGHTS OR OTHER SPECIAL SERVICES

Emergency Equipment for Overwater Operations

The purpose of this amendment is to require survivor locator lights on life preservers and liferafts for extended overwater operations.

The Federal Aviation Agency published as a notice of proposed rule making (28 F.R. 8214), and circulated as Notice No. 63-32 on August 5, 1963, a proposal to amend Parts 40, 41, and 42 of the Civil Air Regulations to require that each life preserver and liferaft, when carried in accordance with these regulations, be equipped with a means of illumination (survivor locator light) for the purpose of facilitating the location at night of persons who have survived a water landing in an aircraft.

All of the comments received in response to this notice were in general agreement with the proposal it contained.

The desirability of requiring life preservers and liferafts to be equipped with a means of illumination, which would materially assist in the rescue of persons from the water at night, has long been recognized. Such a requirement would have been prescribed in 1954 if lights had been developed to a level of reliability sufficient to justify a mandatory requirement at that time.

The Agency has developed standards for survivor locator lights in its Technical Standard Order TSO-C85 issued concurrently with this rule. Lights meeting these standards are commercially available in quantity, and can be readily approved by the Agency. In addition, survivor locator lights which have been fitted to life preservers and liferafts on a voluntary basis in the past generally conform to TSO-C85. However, in order to allow an adequate time for procurement, installation, and approval of the prescribed lights for all operators, this amendment is made effective 180 days after its date of publication in the FEDERAL REGISTER.

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

This amendment is made under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424).

In consideration of the foregoing, § 42.206(a) of Revised Part 42 of the Civil Air Regulations (28 F.R. 7124) is hereby amended by adding a new subparagraph (5) to read as follows, effective November 2, 1964:

§ 42.206 Equipment for overwater operations.

(a) * * *

(5) Each life preserver and liferaft required under subparagraphs (1) and (2) of this paragraph shall be equipped with an approved survivor locator light.

* * * * *

Issued in Washington, D.C., on April 30, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-4549; Filed, May 5, 1964; 8:53 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 2071; Amdt. 726]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring installation of the stabilizer limit switches and the horizontal stabilizer electrical trim limit switches with new limit switches and associated mounting brackets and cams on Boeing Models 707

and 720 Series aircraft was published in 28 F.R. 12628.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One response to the proposal questioned the need for this AD since there are no proven instances of complete stabilizer malfunction or runaway. There have been incidents in which the stabilizer has started to run away and although there have been no cases reported where the stabilizer has run away to the full limits, the AD is considered necessary for safety and reliability.

It was stated that switch replacement should be required only on the nose down position. Since all four switches are subject to substantially the same ice conditions and since runaway trim in either direction could be encountered, replacement of all switches is considered necessary.

Objection was made to the change in the nose down trim limit because it would not allow complete electrical trim throughout all configurations during emergency descents. It is agreed that under certain conditions it may be necessary for the pilot to trim manually. However, this reduction of the electrical nose down trim limit is considered necessary in the interest of safety in the event of electrical trim runaway. Accordingly, the proposed requirement regarding the nose down trim limit is being retained in this AD.

Another comment recommended routine compliance rather than compliance at the specified 3,000 and 1,000 hours. The 3,000 hours' time in service represents approximately one year of operation and is considered a reasonable compliance time. Since replacement of the switch may be easily accomplished and is necessary in the interest of safety, the 1,000 hour compliance time for the five specified aircraft has been retained.

It was stated in the comments received that this AD is unnecessary since the present switches are capable of functioning after ice breakaway. The switches required by this AD have sufficient torque to break through ice buildup, thereby increasing reliability and safety in icing conditions. This ability to break through ice buildup in considered necessary in the interest of safety, therefore the switch provision is being retained in this AD.

There was also a comment that the nose up electrical trim would be reduced a small amount after the modifications required by this AD. This is correct; however, the reduction of this small amount of nose up electrical trim does not reduce controllability of the aircraft and is considered necessary in the event of nose up electrical trim runaway.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

BOEING. Applies to Models 707 and 720 Series aircraft Serial Numbers 17586 through 17612, 17614 through 17652, 17658 through 17690, 17692 through 17724, 17903 through 17906, 17918 through 17930, 18012 through 18037, 18054 through 18063, 18067 through 18071, 18083 through 18087, 18165 through 18167, 18245 through 18251, 18334 through 18339, 18351 through 18357, 18372 through 18375, 18378, 18381 through 18395, 18411, 18414 through 18422, 18424, 18425, 18451, and 18452.

Compliance required as indicated unless already accomplished.

To provide improved airplane controllability in case of horizontal stabilizer electrical trim malfunction, and to provide a switch with sufficient operating torque to assure switch operation necessary for horizontal stabilizer electrical trim operation in both directions, accomplish the following:

(a) Within 3,000 hours' time in service after the effective date of this AD on all the above listed airplanes, except Serial Numbers 18393 through 18395, 18451, and 18452, remove the existing stabilizer limit switches (Boeing P/N 66-11056 or Control Company of America P/N 1HS6) and associated mounting brackets and install new limit switches Control Company of America P/N H10-1001 and associated mounting brackets and cams. This installation shall be accomplished in accordance with Boeing Service Bulletin No. 1635(R-1), Paragraph 3, Part I, or an FAA-approved equivalent.

(b) Within 1,000 hours' time in service after the effective date of this AD on airplane Serial Numbers 18393 through 18395, 18451 and 18452, replace the four horizontal stabilizer electrical trim limit switches Control Company of America P/N H10-59 with Control Company of America P/N H10-1001 switches in accordance with Boeing Service Bulletin No. 1635(R-1), Paragraph 3, Part II, or an FAA-approved equivalent.

(Boeing Service Bulletin No. 1635(R-1) covers this same subject.)

This amendment shall become effective June 5, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 29, 1964.

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

[F.R. Doc. 64-4477; Filed, May 5, 1964; 8:45 a.m.]

[Reg. Docket No. 5031; Amdt. 727]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas Model DC-8 Series Aircraft

Amendment 692, 29 F.R. 2877, AD 64-5-2, requires inspection of the main landing gear bogie beam assembly on Douglas Model DC-8 Series aircraft, and specifies cleaning in accordance with the manufacturer's ovehaul manual. This is unduly restrictive since the overhaul manual provides for only one cleaner. Therefore, Amendment 692, is amended to refer to the manufacturer's maintenance manual which will permit the use of any cleaner approved for use on the DC-8 landing gear assembly.

Since this amendment relaxes a requirement and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is amended as follows:

Amendment 692, 29 F.R. 2877, AD 64-5-2, Douglas Model DC-8 Series aircraft, is amended by:

1. Changing paragraphs (b)(4) and (b)(5) to read:

(4) The rework referred to in (b)(1) and (b)(2) shall be accomplished in accordance with DC-8 Maintenance Manual, Chapter 32-0, paragraphs (A), page 201 dated September 1, 1960, and (D), page 203 dated March 15, 1961, or FAA approved equivalent.

(5) Shot peening referred to in (b)(2) shall be accomplished in accordance with DC-8 Overhaul Manual, Chapter 13-3-2, paragraph 3(L), page 13, dated November 1, 1963, or FAA approved equivalent.

2. Changing the Note after the last paragraph of the AD to read:

NOTE: The cleaning methods specified in DC-8 Maintenance Manual Chapter 12-13-0, page 201, paragraph (1), dated August 1, 1960, should be used in cleaning the landing gear bogie beam.

This amendment shall become effective May 6, 1964.

(Secs. 313(a), 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 29, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-4478; Filed, May 5, 1964; 8:45 a.m.]

[Reg. Docket No. 1892; Amdt. 72]

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

Survivor Locator Lights

There is hereby being adopted an amendment of Part 514 of the regulations of the Administrator, to establish a standard for survivor locator lights approved for use on life preservers and life rafts. Manufacturers and users of this equipment may be affected by the amendment. The contents of this amendment were published by the Federal Aviation Agency as a notice of proposed rule making (28 F.R. 8218), and circulated as Notice 63-31, dated August 5, 1963. In addition, Notice 63-32 was published concurrently, proposing to require the installation of approved survivor locator lights on life preservers and life rafts, under Parts 40, 41, and 42 of the Civil Air Regulations.

By means of Notice 63-31, the Agency intended to add to the life preserver standard TSO-C13c a further standard covering survivor locator lights. Public response to the notice however, included numerous recommendations for substantive changes in the life preserver standard. Furthermore, several comments pointed out the possibility that inadvertent changes might have been made in the life preserver standard, with respect to the Air Transport Association

specification incorporated by reference in TSO–C13c.

The Agency has concluded that adoption of a standard for survivor locator lights is urgently required, at the earliest possible date. After reviewing public comment made upon Notice 63–31, it was apparent that all outstanding issues, particularly regarding the life preserver itself, could not be properly resolved without seriously delaying adoption of the light standard. Consequently, the Agency is adopting, at this time, the survivor locator light standard only. The Agency may follow this in the near future with a revised separate life preserver standard. Reference made herein to public comment covers, therefore, only that portion of the comment directed to the light standard.

Several comments were received, contending that a light intensity of 3 candles, as proposed, is excessive, and that a substantially lower intensity will serve the intended purpose of the light. Also, it was pointed out that lights now available, and used in large numbers by air carriers, would be barred from this application unnecessarily. The Agency concludes, upon review of the comments and other available information, that a light of 1 candle intensity will be visible under clear atmospheric conditions to a distance of at least a nautical mile, and that this range is adequate to serve the intended purpose of the light. The standard, as adopted, has therefore been revised to specify 1 candle as the minimum required effective intensity.

Several comments were made that the standard would not permit water-activated batteries. Such a prohibition was not intended. Accordingly, a new section 3.5 has been added to the standard to make clear the acceptability of water-activated batteries.

Comments were made that the light could not be installed on a life preserver and made visible in all directions in a horizontal plane. It was not intended that the light be visible only in a horizontal plane and the comments are accepted. Accordingly, section 3.2, as adopted, has been revised to specify that the light assembly shall be so designed that, when it is installed on a life preserver, illumination will be provided, to the fullest extent practicable, in all directions from the horizontal plane to the vertical.

Comments were made that if the light can be attached and detached easily, it can easily be lost. The attachment-detachment specification was made to facilitate separate servicing of the light and life preserver. The comments are accepted, however, and section 3.3, as adopted, has been revised to specify that the light must be attached to the life preserver so that it will not become detached without a deliberate effort by the user.

A comment was made that waterproofing should not apply to water-activated lights since the cell involved must be open to water in order to function. The purpose of the specification is to secure protection of the assembly during storage and up to and during the time it is put into use. The comment is nevertheless valid and section 3.4 has been retitled and restated to clarify its objective.

Comments were made which questioned the need for a switch and inferring from the specification that water-activated cells would thereby be prohibited since they do not use switches in the usual sense of the word. It is intended, within the standard, to provide for deactivation of any energy source, to conserve it during daylight hours or when not required during occupancy of a life raft. The Agency is retaining this provision, but is revising the standard by specifying, in section 3.6, means for controlling light actuation, and which will in particular permit deactivation of a water-actuated cell upon removal of the cell from water. The specification will not preclude the use of automatic means of light actuation.

One comment contended that the watertightness test was unrealistic and questioned whether the presence of water in light assembly components, after the test, would compromise the effectiveness of the test. The comment included a suggested revision of the test specification. The intent of the proposal was to prescribe a reasonable and simple test to show that components are sealed to prevent the entry of moisture where it would be detrimental. The test, as proposed in the notice, is considered to be more effective in meeting the intent, and less burdensome, than that suggested by the comment. Accordingly, no change is being made in the test as it was proposed.

Comments were made that each water-actuated battery could not reasonably be tested, "demonstrating its operating condition by lighting the light with the means provided", because immersing the battery in water would render it unfit for further service. The comment is accepted and the standard has been revised by requiring the manufacturer to insure that the light assembly is in an acceptable condition for proper operation.

Although Notice No. 63–31 dealt with survivor locator lights in terms of their use on life preservers, the Agency has determined that survivor locator lights meeting the standards in TSO–C85 are equally acceptable for use on life rafts. For this reason, TSO–C85 has been made applicable to survivor locator lights used on both life preservers and life rafts without need for further rule making action.

Interested persons have been afforded an opportunity to participate in the making of this amendment (28 F.R. 8218), and due consideration has been given to all relevant matter presented.

This amendment is subject to the FAA Recodification Program announced in Draft Release No. 61–25 (26 F.R. 10698). This recodification, however, will not result in any substantive change in the rules as adopted herein.

This amendment is issued under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423).

In consideration of the foregoing, Part 514 of the Regulations of the Administrator (14 CFR Part 514, as amended) is hereby amended as follows:

§ 514.91 Survivor locator lights—TSO–C85.

(a) *Applicability.* Minimum performance standards are hereby established for survivor locator lights intended for installation on life preservers (adult and child) and life rafts for use in civil aircraft of the United States. New models of survivor locator lights manufactured on or after the effective date of this section shall meet the requirements specified in Federal Aviation Agency Standard, "Survivor Locator Lights", dated April 22, 1964.[1]

(b) *Marking.* The survivor locator light shall be permanently marked in accordance with the provisions of § 514.3 (d), except that the weight of the light assembly may be omitted.

(c) *Data requirements.* In accordance with the provisions of § 514.2, as applicable, manufacturers of survivor locator lights 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: Six copies of an instruction manual containing descriptive information of the device, information for its maintenance and overhaul, instruction concerning the proper mounting of the light on the life preservers or life rafts to ensure continued compliance with prescribed minimum performance standards and pertinent operating instructions and limitations for the device.

Effective date. July 6, 1964.

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

Issued in Washington, D.C., on April 28, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–4550; Filed, May 5, 1964; 8:53 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Bread, Rolls, or Buns; Optional Use of Carrageenan

In the matter of amending the definitions and standards of identity for bakery products to provide for the optional use of carrageenan or salts of carrageenan in bread, enriched bread, milk bread, raisin bread, and whole wheat bread, baked in loaf form:

After consideration of the information furnished by the petitioner and that submitted in response to the invitation for

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

comments published in the FEDERAL REGISTER of February 28, 1964 (29 F.R. 2790), together with other relevant data, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definitions and standards of identity for bakery products as hereinafter set out. Accordingly, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471). *It is ordered:* That paragraph (a)(2) of the standard of identity for bread (21 CFR 17.1) be amended to read as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) * * *

(2) Milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed partly skimmed milk, sweetened condensed skim milk, nonfat dry milk, or any combination of two or more of these; except that any such ingredient or combination, together with any butter and cream used, is so limited in quantity or composition as not to meet the requirements for milk or dairy ingredients prescribed for milk bread by § 17.3. Whenever milk solids not fat in any of the forms referred to in this subparagraph are used, carrageenan or salts of carrageenan conforming to the requirements of §§ 121.1066 and 121.1067 of this chapter may be used, in a quantity not in excess of 0.8 percent by weight of such milk solids not fat.

* * * * *

§§ 17.2, 17.3, 17.4, 17.5 [Amended]

The cross-references to § 17.1 carried in the standards for the related bakery products (§ 17.2 *Enriched bread* * * *, § 17.3 *Milk bread* * * *, § 17.4 *Raisin bread* * * *, § 17.5 *Whole wheat bread* * * *) have the effect of extending the above-ordered amendment to §§ 17.2, 17.3, 17.4, and 17.5.

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919; 21 U.S.C. 341, 371)

Dated: April 30, 1964.

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

[F.R. Doc. 64-4518; Filed, May 5, 1964; 8:48 a.m.]

PART 121—FOOD ADDITIVES

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

CONDENSED, EXTRACTED GLUTAMIC ACID FERMENTATION PRODUCT

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1097) filed by the Bioferm Division of International Minerals and Chemical Corporation, P.O. Bin B, Wasco, California, and other relevant material, has concluded that the following regulation should issue to prescribe conditions under which condensed, extracted glutamic acid fermentation product may be safely used in poultry feeds. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471) the food additive regulations are amended by adding to Subpart C the following new section:

§ 121.206 Condensed, extracted glutamic acid fermentation product.

The additive condensed, extracted glutamic acid fermentation product may be safely used in poultry feed under the following conditions:

(a) The additive is a concentrated mixture of the liquor remaining from the extraction of glutamic acid, combined with the cells of *Corynebacterium lilium* used to produce the glutamic acid.

(b) It is used or intended for use as a protein supplement for poultry at not more than 5 percent of the total ration.

(c) In order to assure safe use, the label and labeling of the additive shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) A statement of the concentration or strength of the additive contained in any mixture.

(3) Adequate directions for use.

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

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

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

Dated: April 30, 1964.

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

[F.R. Doc. 64-4519; Filed, May 5, 1964; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DEFOAMING AGENTS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1340) filed by Silicone Products Department, General Electric Company, Waterford, New York, and other relevant material, has concluded that § 121.1099(a)(2) of the food additive regulations should be amended to provide for the safe use of formaldehyde as a preservative in dimethylpolysiloxane defoamers. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1099 is amended by adding alphabetically to the list of substances in subparagraph (a)(2) the following new item:

§ 121.1099 Defoaming agents.

* * * * *

(a) * * *

(2) * * *

Substances	*Limitations*
* * *	* * *
Formaldehyde	As a preservative in defoaming agents containing dimethylpolysiloxane, in an amount not exceeding 1.0 percent of the dimethylpolysiloxane content.
* * *	* * *

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW.,

Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

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

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

Dated: April 30, 1964.

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

[F.R. Doc. 64-4520; Filed, May 5, 1964; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Procaine Penicillin Plus Tylosin Phosphate

Under the authority vested in the Secretary of Health, Education, and Welfare, by the Federal Food, Drug, and Cosmetic Act (sec. 507(c), 59 Stat. 463 as amended; 21 U.S.C. 357(c)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), § 146.26(b) is amended by changing subparagraph (56) to read:

§ 146.26 Animal feed containing certifiable antibiotic drugs.

* * * * *

(b) * * *

(56) It is a medicated feed for chickens containing a combination of procaine penicillin and tylosin phosphate in the amounts and for the purposes indicated in § 121.225 of this chapter, and its labeling bears adequate directions and warnings for such use; *Provided, however,* That such medicated complete feed has been prepared from a concentrated medicated feed that contained not more than 200 grams of tylosin phosphate per ton. If the medicated feed is prepared from a concentrated medicated feed containing more than 200 grams of tylosin phosphate per ton, it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug, or the methods used in and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtains the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner.

* * * * *

The amendment ordered is necessary to provide exemption from certification of animal feed or animal feed concentrates containing tylosin phosphate not in excess of 200 grams per ton of feed. Therefore, notice and public procedure are not applicable in this instance.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER.

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

Dated: April 30, 1964.

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

[F.R. Doc. 64-4521; Filed, May 5, 1964; 8:49 a.m.]

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

Ampicillin Sensitivity Discs

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), the regulations for antibiotics intended for use in the laboratory diagnosis of disease (21 CFR 147.1, 147.2) are amended as hereinafter set forth to provide for the certification of ampicillin sensitivity discs.

1. Section 147.1 is amended in the following respects:

In paragraphs (c)(3) and (d), the following new item is inserted alphabetically in the tables:

§ 147.1 Antibiotic sensitivity discs; tests and methods of assay; potency.

* * * * *

(c) * * *

(3) * * *

Antibiotic	Volume of suspension added to each 100 ml. of seed agar used for test	Suspension number	Medium	
			Base layer	Seed layer
Ampicillin	*Ml.* 1.0	3	E	A

* * * * * * *

(d) * * *

Antibiotic	Solvent	Standard curve (antibiotic concentration per disc)
Ampicillin	Water	1.3, 2.4, 4.4, 8.1, 15.0 μg.

* * * * *

2. Section 147.2 is amended by adding to paragraph (a) the following new subparagraph:

§ 147.2 Antibiotic sensitivity discs; certification procedure.

(a) * * *

(24) Ampicillin: Not less than 2 μg. or not more than 10 μg.

* * * * *

Notice and public procedure are not necessary prerequisities to the promulgation of this order, and I so find, since it provides for the certification of new sensitivity discs for an antibiotic drug and is thus important to clinicians in determining if the antibiotic drug is the one of choice for patients with bacterial infections.

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

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

Dated: April 29, 1964.

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

[F.R. Doc. 64-4522; Filed, May 5, 1964; 8:49 a.m.]

Title 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

PART 222—CONNALLY ACT REGULATIONS

Revocation of Requirement for Reports of Vessel Shipments

Correction

Federal Register Document 64-4334, appearing at page 5805 in the Proposed Rule Making section of the issue for Friday, May 1, 1964, belongs in the Rules and Regulations section of that issue.

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Bristol Bay, Alaska

1. Pursuant to the provisions of section 7 of the River and Harbor Act of Au-

gust 8, 1917 (40 Stat. 266; 33 U.S.C. 1), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.222a is hereby prescribed to establish and govern the use and navigation of a danger zone in Bristol Bay, Alaska, effective on publication in the FEDERAL REGISTER to provide for early use of the area, as follows:

§ 204.222a Bristol Bay, Alaska; air-to-air weapon range, Alaskan Air Command, U.S. Air Force.

(a) *The danger zone.* An area in Bristol Bay beginning at latitude 58°33'-00", longitude 159°25'30"; thence to latitude 57°57'10", longitude 158°28'30"; thence to latitude 57°08'30", longitude 160°15'30"; thence a latitude 57°50'00", longitude 161°22'30"; thence to latitude 58°33'00", longitude 159°50'30"; and thence to the point of beginning.

(b) *The regulations.* (1) Intermittent firing will be conducted over two to three day periods about 2 hours a day between the hours of 10:00 a.m. and 4:00 p.m. during the months of May through August.

(2) The fact that practice firing is to take place over the designated area shall be advertised to the public 72 hours in advance through the usual media for the dissemination of such information. Notice to the U.S. Coast Guard and NOTAM shall be issued at least 48 hours before firing is to be conducted on the range. Information as to the dates, time, and characteristics of the firing shall be advertised in advance of each session of firing.

(3) Prior to conducting each practice firing, the danger zone shall be patrolled by aircraft to note the location of all vessels within the area. The practice firing exercise shall be conducted in the portion of the danger zone not occupied by surface craft.

(4) This section shall be enforced by the Commander, Alaskan Air Command, U.S. Air Force, Seattle, Washington, or such agencies as he may designate.

[Regs., 24 April 1964, 1507-32 (Bristol Bay Alaska)-ENGCW-ON] (Sec. 7, 40 Stat. 266, Chap. XIX, 40 Stat. 892; 33 U.S.C. 1, 3)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 64-4499; Filed, May 5, 1964; 8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 54—GRANTS FOR CONSTRUCTION OF SPECIALIZED SERVICE FACILITIES

Subpart B—Grants for Construction of Facilities for the Mentally Retarded (General)

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following Subpart B—Grants for Construction of Facilities for the Mentally Retarded (General) of new Part 54—Grants for Construction of Specialized Service Facilities, which relates solely to grants for construction of public and other nonprofit facilities for the mentally retarded. These regulations shall become effective on the date of publication in the FEDERAL REGISTER.

Subpart B—Grants for Construction of Facilities for the Mentally Retarded (General)

Sec.

AUTHORITY: The provisions of this Subpart B issued under sec. 133, 77 Stat. 287; 42 U.S.C. 2673. Interpret or apply secs. 131-137, 401-407, 77 Stat. 286-290, 296-299; 42 U.S.C. 2671-2677, 2691-2696.

§ 54.101 Definitions.

As used in this subpart all terms not defined herein shall have the same meaning as indicated in the Act.

(a) "Act" means the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (Pub. Law 68-164).

(b) "Area" means the geographic territory from which patients needing services for the mentally retarded come or might be expected to come to existing or proposed facilities for the mentally retarded, the delineation of which is based on such factors as population distribution, natural geographic boundaries, and transportation accessibility. Nothing in the regulations in this part shall preclude the formation of an interstate area with the mutual agreement of the States concerned.

(c) "Community service" means that the services furnished by the facility will be available to the general public.

(d) "Equipment" means those items which are necessary for the functioning of the facility, and which are considered depreciable and as having an estimated life of not less than five years. Not included are items of current operating expense such as food, fuel, drugs, paper, printed forms and soap.

(e) "Comprehensive services" means a complete range of the services specified in § 54.104(a) in sufficient quantity to meet the needs of the mentally retarded within the area.

(f) "Population" means the latest figures of total population residing in the States as certified by the Federal Department of Commerce.

(g) "Surgeon General" means the Surgeon General of the Public Health Service.

§ 54.102 Allotments; transfer of allotments.

(a) *Allotments to States.* The allotments to the several States under Part C, Title I of the Act shall be computed as follows:

(1) One-third on the basis of a facility need factor expressed by the relationship of the total population under 21 in each State to the total population under 21 in the United States;

(2) Two-thirds on the basis of total population weighted by financial need. "Financial need" as applied to any State means the relative per capita income as shown by data supplied by the Federal Department of Commerce for the three most recent consecutive years for which satisfactory data are available.

(b) *Transfer of allotment to another State.* A State may submit a request in writing to the Surgeon General that its allotment or a specified portion thereof be added to the allotment of another State for the purpose of meeting a portion of the Federal share of the cost of a project for the construction of a facility for the mentally retarded in such other State. In determining whether the facility with respect to which the request is made will meet the needs of the State making the request and that use of the specified portion of such State's allotment, as requested by it, will assist in carrying out the purposes of Part C of Title I of the Act, the Surgeon General shall consider the accessibility of the facility, and the extent to which services will be made available to the residents of the State making the request.

(c) *Transfer of allotment to the allotment for community mental health facilities.* A State may submit a request in writing to the Surgeon General that a specified portion of its allotment be added to the allotment to such State under Title II of the Act for the construction of community mental health centers. The Surgeon General shall adjust the allotments of such State upon either:

(1) Certification by the State agency that it has afforded from the date of availability of the first such allotment to the State a minimum of 18 months (but not exceeding the period of availability under the Act), and for any subsequent allotment to such State a minimum of 6 months, during which application could be made for the portion so specified and that no approvable applications for such funds were received during that period of time; or

(2) A demonstration satisfactory to the Surgeon General that the need for community mental health centers is substantially greater than for facilities for the mentally retarded, such demonstration to include the concurrence or other views of the State advisory council des-

ignated under section 134(a)(3) of Title I, Part C of the Act.

§ 54.103 State plan: submission; modification; publicizing.

(a) *Submission of State plan.* Each State wishing to participate in the program shall submit to the Surgeon General a State plan which conforms to the Act, the regulations of this subpart, and procedures prescribed by the Surgeon General.

(b) *Modification of the State plan.* The State Agency shall from time to time as necessary, but not less often than annually, review the State plan, including the overall program for the construction of facilities for the mentally retarded, and shall submit to the Surgeon General any modifications of the plan and the construction program as the State agency considers necessary to administer the plan and the annual allotment.

(c) *Publicizing the State plan.* At least thirty days prior to the submission of the State plan or any modification thereof to the Surgeon General, the State agency shall publish in newspapers having general circulation throughout the State a general description of the proposed plan or any such modification, and the State plan shall be available for examination and comment by interested persons prior to submission to the Surgeon General.

§ 54.104 Adequate services and facilities.

(a) *Adequate services.* The State plan shall provide for the following services which are necessary to provide adequate services for the mentally retarded:

(1) *Diagnostic services.* Coordinated medical, psychological and social services, supplemented where appropriate by nursing, educational or vocational services, and carried out under the supervision of personnel qualified to: (i) Diagnose, appraise, and evaluate mental retardation and associated disabilities, and the strengths, skills, abilities and potentials for improvement of the individual; (ii) determine the needs of the individual and his family; (iii) develop recommendations for a specific plan of services to be provided with necessary counseling to carry out recommendations; and (iv) where indicated, periodically reassess progress of the individual.

(2) *Treatment services.* Services under medical direction and supervision providing specialized medical, psychiatric, neurological, or surgical treatment, including dental therapy, physical therapy, occupational therapy, speech and hearing therapy, or other related therapies which provide for improvement in the effective physical, psychological or social functioning of the individual.

(3) *Educational services.* Services, under the direction and supervision of teachers qualified in special education, which provide a curriculum of instruction for preschool children, for school age children unable to participate in public schools, and for the mentally retarded beyond school age.

(4) *Training services.* Services which provide: (i) Training in self-help and motor skills; (ii) training in activities of daily living; (iii) vocational training; (iv) opportunities for personality development; and (v) experiences conducive to social development, and which are carried out under the supervision of personnel qualified to direct these services.

(5) *Custodial services.* Services which provide personal care including, where needed, health services supervised by qualified medical or nursing personnel.

(6) *Sheltered workshop services.* Services in a facility which provides or will provide comprehensive services involving a program of paid work which provides: (i) Work evaluation; (ii) work adjustment training; (iii) occupational training; and (iv) transitional or extended employment; and carried out under the supervision of personnel qualified to direct these activities.

(b) *Adequate facilities.* (1) the State plan shall provide for adequate facilities for furnishing community service for the mentally retarded for persons residing in the State and for furnishing needed services for persons unable to pay therefor, taking into account the caseload necessary for maintenance and operation of efficient facilities.

(2) Facilities for the provision of diagnostic services (see paragraph (a) of this section) shall be planned to serve an annual caseload of not less than 150 or more than 300 retardates: *Provided*, That modification of this caseload requirement may be approved by the Surgeon General at the request of the State agency if he finds that such modification conforms with acceptable standards of program adequacy.

(3) Facilities for treatment services, educational services, training services, custodial services (see paragraph (a) of this section) shall be planned to serve a daily caseload of not less than 40 or more than 200 retardates in facilities providing less than 24-hour a day service, and to serve not less than 40 or more than 500 retardates in facilities providing 24-hour a day service; provided that modification of these caseload requirements may be approved by the Surgeon General at the request of the State agency if he finds that such modifications conform with acceptable standards of program adequacy.

(4) Facilities shall be planned by each State so that all persons in the State shall have access to facilities providing adequate services.

The State agency shall determine the priority of projects on the basis of the relative need for facilities in the area to be served by the project taking into consideration existing facilities and services. Projects within each area shall be considered in order of importance as given below:

(a) Facilities which alone or in conjunction with other existing facilities provide comprehensive services for a particular community or communities.

(b) Facilities which alone or in conjunction with other existing facilities provide multiple but less than comprehensive services for a particular community or communities.

(c) Facilities which provide a single service for a particular community or communities.

§ 54.106 General standards of construction and equipment.

The State agency shall adopt general standards of construction and equipment for facilities for the mentally retarded assisted under this program. The standards adopted shall not be less than the general standards prescribed by the Surgeon General and set forth in § 54.119 *Appendix A—General standards of construction and equipment.*

§ 54.107 Construction program.

The State program for the construction of facilities for the mentally retarded shall be developed in the following manner:

(a) The State agency shall determine the need for facilities and services in accordance with the principles set forth in § 54.104 taking into account existing facilities and services.

(b) The State agency shall determine, through field investigation and otherwise, the approximate locations in which facilities should be constructed.

(c) After having determined the need for facilities and services, the State agency shall develop an overall construction program. The program shall set forth all such needs in accordance with the standards specified in § 54.104 and shall, insofar as funds are available, provide for construction in the order of relative need determined in accordance with § 54.105.

§ 54.108 Minimum standards of maintenance and operation.

The State plan shall provide minimum standards for the maintenance and operation of facilities receiving aid under Part C, Title I of the Act.

§ 54.109 Personnel administration.

(a) A system of personnel administration on a merit basis shall be established and maintained with respect to the personnel employed in the administration of the State plan. Such a system shall include provision for:

(1) Impartial administration of the merit system;

(2) Operation on the basis of published rules or regulations;

(3) Classification of all positions on the basis of duties and responsibilities and establishment of qualifications necessary for the satisfactory performance of such duties and responsibilities;

(4) Establishment of compensation schedules adjusted to the responsibility and difficulty of the work;

(5) Selection of permanent appointees on the basis of examinations so constructed as to provide a genuine test of qualifications and so conducted as to afford all qualified applicants opportunity to compete;

(6) Advancement on the basis of capacity and meritorious service; and

(7) Tenure of permanent employees.

Substantial compliance with the Standards for a Merit System of Personnel Administration, issued by the Secretary of Health, Education, and Welfare, the Secretary of Labor, and the Secretary of Defense on January 26, 1963, 28 F.R.

734, including any subsequent amendments thereof, will be deemed to meet the requirements of the regulations in this part.

(b) *Conflict of interest.* No full-time officer or employee of the State agency, or any firm, organization, corporation, or partnership which such officer or employee owns, controls, or directs, shall receive funds from the applicant directly or indirectly, in payment for services provided in connection with the planning, design, construction or equipping of the project.

§ 54.110 Fair hearings.

The State plan shall provide an opportunity for an appeal to and a fair hearing before the State agency to every applicant for a construction project who is dissatisfied with any action of the State agency regarding its application.

§ 54.111 Application: submittal; amendment; processing.

(a) *Submittal of application.* Construction applications, including both a detailed narrative description and a detailed estimate of the cost of the project, shall be submitted to the Surgeon General through the State agency on forms prescribed by the Surgeon General.

(b) *Amendment to application.* An amendment to any application approved by the Surgeon General shall be processed in the same manner as an original application, except that the original application's conformity with the priority regulations shall suffice for an amendment which does not modify the factors on which the priority was granted.

(c) *Processing of application.* The State agency shall approve, recommend, and forward applications received in the order of priority, except that the State agency may approve, recommend and forward to the Surgeon General applications out of the order of priority if:

(1) The State agency has afforded reasonable opportunity for development and presentation of projects in the order of priority, and

(2) The State agency certifies to the Surgeon General that financial resources for the construction, maintenance and operation of projects of higher priority are not then available.

The priority of a project under the State plan shall not be affected by the fact that other projects of lower priority have been approved and recommended by the State agency.

§ 54.112 Assurances from applicant.

In addition to any other requirements imposed by law, each construction grant shall be subject to the condition that the applicant will furnish and comply with the following assurances. The Surgeon General may, at any time, approve exceptions to these conditions and assurances where he finds that such exceptions are not inconsistent with the Act and the purposes of the program:

(a) That applicant (or other public or nonprofit agency which is to operate the facility) has or will have a fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 50 years undisturbed use and possession for the purpose of the construction and operation of the facility;

(b) That the Surgeon General's approval of the final working drawings and specifications, which conform to the general standards of construction and equipment, will be obtained before the project is advertised or placed on the market for bidding;

(c) That applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders; and award the contract to the responsible bidder submitting the lowest acceptable bid; provided, however, that the purchase and installation of equipment which is unique to the facility, as well as kitchen, laundry and laboratory equipment, need not be considered construction work for the purpose of this section, except that if open competitive bidding is employed to obtain any or all of such equipment, the award shall be made to the responsible bidder submitting the lowest acceptable bid;

(d) That applicant will enter into no construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, without the prior approval of the Surgeon General;

(e) That applicant will submit to the Surgeon General for prior approval changes that substantially alter the scope of work, function, utilities or safety of the facility;

(f) That applicant will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications;

(g) That applicant will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable time;

(h) That applicant will furnish progress reports and such other information as the Surgeon General may require;

(i) That applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications;

(j) That sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

(k) That sufficient funds will be available when construction is completed for effective use of the facility for the purposes for which it is being constructed;

(l) (1) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined under the Davis-Bacon Act (40 U.S.C. 276 et seq.) and will receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any work week in excess of eight hours in any calendar day or forty hours in the work week (40 U.S.C. 327–332); and

(2) That the following conditions and provisions will be included in all construction contracts:

(i) The provisions of Labor Standards for U.S. Public Health Service Construction Grant Programs (PHS 930–A–5) pertaining to the Copeland Act (Anti-Kickback) Regulations and Labor Standards (prevailing rates of pay and overtime requirements) except in the case of contracts in the amount of $2,000.00 or less;

(ii) The contractor shall furnish performance and payment bonds, each of which shall be in the full amount of the contract price, and shall maintain, during the life of the contract, adequate fire, workmen's compensation, public liability and property damage insurance;

(iii) Representatives of the Surgeon General and State agency will have access at all reasonable times to work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection;

(m) That the facility will be operated and maintained in accordance with minimum standards prescribed by the State agency for the maintenance and operation of such facilities;

(n) That the applicant will conform to all the applicable requirements of the State plan and the regulations of this subpart.

§ 54.113 Community service; nondiscrimination; services for persons unable to pay.

Before a construction application for a facility for the mentally retarded is recommended by a State agency for approval, the State agency shall obtain assurance from the applicant that:

(a) The facility will furnish a community service;

(b) All portions and services of the entire facility for the construction of which, or in connection with which, aid under the Act is sought, will be made available without discrimination on account of race, creed, or color; and that no professionally qualified person will be discriminated against on account of race, creed, or color with respect to the privilege of professional practice in the facility; and

(c) The facility will furnish below cost or without charge a reasonable volume of services to persons unable to pay therefor. As used in this paragraph, "persons unable to pay therefor" includes both the legally indigent and persons who are otherwise self-supporting but are unable to pay the full cost of needed services. Such services may be paid for wholly or partly out of public funds or contributions of individuals and private and charitable organizations such as community chest or may be contributed at the expense of the facility for the mentally retarded itself. In determining what constitutes a reasonable volume of services to persons unable to pay

therefor, there shall be considered conditions in the area to be served by the applicant, including the amount of such services that may be available otherwise than through the applicant. The requirement of assurance from the applicant may be waived if the applicant demonstrates to the satisfaction of the State agency, subject to subsequent approval by the Surgeon General, that to furnish such services is not feasible financially.

§ 54.114 Certification to the Surgeon General.

After the State agency has approved a construction application, it shall recommend it to the Surgeon General for approval and shall certify:

(a) That the application contains reasonable assurance as to the availability of funds for the cost of construction and the entire cost of maintenance and operation when completed;

(1) Availability of funds for the non-Federal share of construction costs shall mean (i) funds immediately available, placed in escrow, or acceptably pledged, or (ii) funds or fund sources specifically earmarked in a sum sufficient for that purpose, or (iii) other assurances acceptable to the Surgeon General.

(2) To assure the availability of funds for maintenance and operation, the application for the construction of a new project must include a proposed operating budget for the two-year period immediately following its completion. In the case of an addition to an existing facility, the application must include a statement showing that funds are or will be available to meet the difference between proposed expenditures and anticipated income for the operation of the constructed addition for the two-year period immediately following its completion.

(b) That the application is in conformity with and contains the assurances required by the State plan and these regulations.

§ 54.115 Requests for construction payments.

(a) *Certification by State agency.* The State agency shall certify to the Surgeon General the amount of payments due to an applicant for the cost of work performed and materials and equipment furnished.

(1) Except as provided in subparagraph (2) of this paragraph, payments shall be made as follows:

(i) The first installment when not less than 25 percent of the construction of the project has been completed;

(ii) A second installment when not less than 50 percent of the construction of the project has been completed;

(iii) A third installment when not less than 75 percent of the project has been completed;

(iv) A fourth installment when the project is 95 percent completed; and

(v) The final payment when the project is completed and final inspection by a representative of the Surgeon General is made and the amount certified as due and payable as determined by the audit.

(2) Upon a written request and a showing of necessity by the applicant, the Surgeon General may adopt a different schedule of payments.

(b) *Inspection by State agency.* As a basis for certification by the State agency that payment of an installment is due an applicant, the State agency, without expense to the Federal Government, shall make adequate inspections to determine that the work has been performed upon a project, or purchases have been made, in accordance with the approved plans and specifications.

§ 54.116 Fiscal and accounting requirements.

(a) *Construction allotments.* (1) The State agency shall be responsible for establishing and maintaining accounts and fiscal controls of all Federal and State funds allotted for construction projects. Federal and State funds shall be separately identified by maintaining separate fund accounts for this purpose.

(2) The fiscal records shall be so designed as to show at any given time the Federal funds allotted, encumbered, and unencumbered balances. If State contributions are made for construction, separate accounts, reflecting similar information, shall be maintained for State funds.

(b) *Construction payments.* (1) Where the State may receive Federal funds for applicants for construction project grants, or the State itself is an applicant, adequate records of account and fiscal controls shall be established and maintained by the State to assure proper accounting of all funds received and disbursed. Similar suitable accounts shall be maintained to show the receipt and disbursement of State, local or other funds used for matching purposes.

(2) The State agency shall require that applicants receiving Federal funds establish and maintain adequate accounting and fiscal records to reflect the receipt and expenditure of funds allotted and paid for construction projects.

(3) The States which by law are authorized to make payments to applicants shall promptly pay such applicants funds certified for payment by the Surgeon General for approved construction projects.

§ 54.117 Notice of change of status of facility.

The State agency shall promptly notify the Surgeon General in writing, if at any time within 20 years after the completion of construction, any facility which received funds under Part C of Title I of the Act is transferred to any person, agency, or organization not qualified to file an application under Part C, Title I of the Act or not approved as a transferee by the State agency; or ceases to be a public or nonprofit facility for the mentally retarded as defined in the Act.

§ 54.118 Good cause for other use of facility.

If within twenty years after completion of any construction for which a construction grant has been made the facility shall cease to be a public or nonprofit facility for the mentally retarded, the Surgeon General in determining whether there is good cause for releasing the applicant or other owner of the facility from the obligation to continue such facility as a public or other nonprofit facility for the mentally retarded, shall take into consideration the extent to which:

(a) The facility will be devoted by the applicant or other owner to use for another public purpose which will promote the purpose of the Act; or

(b) There are reasonable assurances that for the remainder of the twenty year period other facilities not previously utilized for the care of the mentally retarded will be so utilized and are substantially equivalent in nature and extent for such purposes.

§ 54.119 Appendix A—General standards of construction and equipment.

(a) *Introduction.* The standards set forth in this subpart have been established by the Surgeon General as required by the Act. These standards constitute minimum requirements for construction and equipment, and shall apply to all projects for which Federal assistance is requested under the Act. The Surgeon General may approve plans and specifications which contain deviations from the requirements prescribed if he is satisfied that the purposes of such requirements have been fulfilled. In addition to these requirements, it is recognized that the project will have to meet the requirements of local codes and ordinances relating to construction.

(b) *Architectural.* (1) Facilities shall be fire safe, structurally safe, and so planned as to carry out effectively the proposed program. The following requirements have been established to assure an orderly development of the project and to provide a uniform method for the preparation and review of drawings, specifications, and estimates.

(2) The submission of programs, drawings, outline specifications, and estimates shall be in three stages as follows:

(i) *First stage.*

a. Program.[1]
b. Schematic plans.
c. Outline specifications.
d. Site survey.
e. Estimated construction costs.

(ii) *Second stage.*

a. Preliminary plans.
b. Outline specifications.
c. Revised cost estimates.

(iii) *Third stage.*

a. Working drawings.
b. Specifications.
c. Final cost estimates.

(c) *Construction.* (1) One-story buildings shall be constructed of noncombustible materials of not less than one-hour fire-resistive construction throughout except as follows:

(i) Boiler rooms and rooms used for the storage of combustible materials

[1] A narrative program in sufficient detail to permit a comprehensive evaluation of the project is to be submitted with the initial part of the application.

shall be of two-hour fire-resistive noncombustible construction.

(ii) Interior nonload-bearing partitions, other than those enclosing corridors and vertical shafts, may be of noncombustible construction without a fire-resistive rating.

(iii) Subject to prior approval by the Surgeon General, these requirements may be varied for free-standing facilities containing only educational, recreational, or workshop functions utilized by ambulant groups of mild or moderate levels of mentally retarded.

(2) Buildings more than one story in height shall be constructed of noncombustible materials, using a structural framework of reinforced concrete or structural steel except that load-bearing masonry walls and piers may be utilized for buildings up to and including three stories in height. The fire-resistive requirements of the various building elements shall be of not less than the following hourly ratings:

	Hours
Columns, girders, trusses	1½
Floor construction including beams	1½
Roof construction including beams	1
Beams supporting masonry; individually protected	2
Bearing walls	2
Corridor partitions	1
Walls enclosing stairways, elevator shafts, chutes and other vertical shafts, boiler rooms, and rooms used for storage of combustible materials	2

(3) Interior finish walls and ceilings of all exitways, storage rooms, laboratories, and areas of unusual fire hazard shall have a flamespread rating of less than 20. Interior finish of other areas shall have a flamespread rating of less than 75 except that 10 percent of the aggregate wall and ceiling areas of any space may have a flamespread rating up to 200. Flamespread ratings shall be on the basis of tests conducted in accordance with American Society for Testing Materials, Publication No. E84.

(4) Exit facilities: Exit facilities shall comply with the requirements of the Building Exits Code, National Fire Protection Association Bulletin No. 101.

(d) *Mechanical.* All installations of fuel burning equipment, steam, heating, air conditioning and ventilation, and plumbing systems shall comply with the requirements of the following National Codes:

(1) National Board of Fire Underwriters Standards: National Board of Fire Underwriters, 85 John St., New York 38, N.Y.

(2) National Fire Protection Association, 60 Batterymarch St., Boston 10, Mass.

(3) American Standards Association, 70 East 45th St., New York 17, N.Y.

(4) American Gas Association, 1725 I St., Washington, D.C.

(5) National Plumbing Code: Published by American Society of Mechanical Engineers, 29 West 39th St., New York 18, N.Y.

Boilers shall meet the requirements of the American Society of Mechanical Engineers (A.S.M.E. codes relating to pressure vessels), and shall be installed to meet all requirements of State and local codes and regulations.

(e) *Electrical.* All electrical installations and equipment shall comply with the requirements of local and State codes and the applicable sections of the National Electrical Code and the following:

(1) *Hazardous locations.* Installations and equipment in rooms in which flammable anesthetic and disinfecting agents are used or stored shall comply with the requirements of NFPA No. 56 and No. 70.

(2) *Fire alarms.* Manually operated fire alarm system installations shall comply with the requirements of NFPA No. 72 and shall be located as required by the Building Exits Code, NFPA No. 101.

(3) *Radiation protection.* Radiation protection in rooms in which X-ray, gamma-ray, or beta-ray producing equipment is used shall comply with the requirements of the following handbooks of the National Bureau of Standards:

Handbook 55, Protection Against Betatron-Synchrotron Radiations up to 100 Million Electron Volts.

Handbook 73, Protection Against Radiations From Sealed Gamma Sources.

Handbook 76, Medical X-ray Protection up to Three Million Volts.

(4) *Emergency electric service.* Emergency exit lighting shall comply with the requirements of the National Electrical Code and shall be located as required by the Building Exits Code.

(f) *Elevators, dumbwaiters, and escalators.* Installation of elevators, dumbwaiters, and escalators shall comply with the requirements of the American Standard Safety Code for Elevators, Dumbwaiters, and Escalators, ASA A17.1–1960.

Dated: April 30, 1964.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: May 1, 1964.

ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 64-4523; Filed, May 5, 1964; 8:49 a.m.]

PART 54—GRANTS FOR CONSTRUCTION OF SPECIALIZED SERVICE FACILITIES

Subpart C—Grants for Construction of Community Mental Health Centers

Notice of proposed rule making, public rule-making procedures and postponement of effecting date have been omitted in the issuance of the following Subpart C—Grants for Construction of Community Mental Health Centers of new Part 54—Grants for Construction of Specialized Service Facilities, which relates solely to grants for construction of public and other nonprofit facilities for the mentally ill. These regulations shall become effective on the date of publication in the FEDERAL REGISTER.

Sec.

AUTHORITY: The provisions of this Subpart C issued under sec. 203, 77 Stat. 291; 42 U.S.C. 2683. Interpret or apply secs. 200 to 207, 401 to 407, 77 Stat. 290 to 294, 296 to 299; 42 U.S.C. 2681 to 2687, 2691 to 2696.

§ 54.201 Definitions.

As used in this subpart all terms not defined herein shall have the same meaning as indicated in the Act.

(a) "Act" means the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (Pub. Law 88–164).

(b) "Area" means the geographic territory which includes one or more communities served or to be served by existing or proposed community mental health facilities, the delineation of which is based on such factors as population distribution, natural geographic boundaries, and transportation accessibility. Nothing in the regulations in this subpart shall preclude the formation of an interstate area with the mutual agreement of the States concerned.

(c) "Community" means an area or that portion of an area served or to be served by a program providing at least the essential elements of comprehensive mental health services as specified in § 54.212.

(d) "Community mental health facility" means a community mental health center (as defined in section 401(c) of the Act) for the provision of services which, either alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated with the applicant, will be part of a program providing, principally for persons residing in a particular community or communities in or near which the center is situated, at least those essential elements of comprehensive mental health services that are prescribed by § 54.212.

(e) "Community service" mean that the services to be furnished by a program providing at least the essential elements of comprehensive mental health services will be available to the general public.

(f) "Comprehensive mental health planning" means the planning on a statewide basis for the provision of adequate mental health services, taking into consideration such factors as problems of availability of manpower and facili-

ties, the role of mental hospitals, the development of new improved methods for the treatment or prevention of mental illness, and laws applicable to the mentally ill.

(g) "Comprehensive mental health services" means a complete range of all the elements of service specified in § 54.203(a) in sufficient quantity to meet the needs of persons residing within the community served by a community mental health facility, taking into consideration factors such as the age group served, diagnostic categories treated, and the availability of short, medium and long term care.

(h) "Elements of service" means the individual types of mental health services prescribed in § 54.203(a).

(i) "Essential elements of comprehensive mental health services" means those elements of service prescribed in § 54.212(a).

(j) "Equipment" means those items which are necessary for the functioning of the facility, and which are considered depreciable and as having an estimated life of not less than five years. Not included are items of current operating expense such as glassware, chemicals, and fuel.

(k) "Program" means the existence of and the administrative and working relationships between at least the essential elements of comprehensive mental health services to be provided to a community served by a community mental health facility which meets the criteria of § 54.212.

(l) "Population" means the latest figures of total population residing in the States as certified by the Federal Department of Commerce.

(m) "Surgeon General" means the Surgeon General of the Public Health Service.

(n) "Title II of the Act" means the "Community Mental Health Centers Act" (Title II, Pub. Law 88-164).

§ 54.202 Allotments; transfer of allotments.

(a) *Allotments to States.* The allotments to the several States under Title II of the Act shall be computed as follows:

(1) One-third on the basis of a facility need factor expressed by the relationship of the total population in each State to the total population of the United States.

(2) Two-thirds on the basis of total population weighted by financial need. "Financial need" as applied to any State means the relative per capita income as shown by data supplied by the Federal Department of Commerce for the three most recent consecutive years for which satisfactory data are available.

(b) *Transfer of allotment to another State.* A State may submit a request in writing to the Surgeon General that its allotment or a specified portion thereof be added to the allotment of another State for the purpose of meeting a portion of the Federal share of the cost of a project for the construction of a community mental health facility in such other State. In determining whether the facility with respect to which the request is made will meet the needs of the State making the request and that use of the specified portion of such State's allotment, as requested by it, will assist in carrying out the purposes of Title II of the Act, the Surgeon General shall consider the accessibility of the facility and the extent to which services will be made available to the residents of the State making the request.

(c) *Transfer of allotment to the allotment for facilities for the mentally retarded.* A State may submit a request in writing to the Surgeon General that a specified portion of its allotment be added to the allotment to such State for the construction of facilities for the mentally retarded under Part C of Title I of the Act. The Surgeon General shall adjust the allotments of such State upon either:

(1) Certification by the State agency that it has afforded from the date of availability of the first such allotment to the State a minimum of 18 months (but not exceeding the period of availability under the Act), and for any subsequent allotment to such State a minimum of 6 months, during which application could be made for the portion so specified and that no approvable applications for such funds were received during that period of time; or

(2) A demonstration satisfactory to the Surgeon General that the need for facilities for the mentally retarded is substantially greater than for community mental health centers, such demonstration to include the concurrence or other views of the State advisory council designated under section 204(a)(3) of Title II of the Act.

§ 54.203 State plan; elements of adequate services; facilities; relationship to other planning.

(a) *Adequate services.* The State plan shall provide for the following elements of service which are necessary to provide adequate mental health services for persons residing in the State, which shall constitute the elements of comprehensive mental health services:

(1) Inpatient services;

(2) Outpatient services;

(3) Partial hospitalization services, such as day care, night care, week-end care;

(4) Emergency services 24 hours per day must be available within at least one of the first three services listed above;

(5) Consultation and education services available to community agencies and professional personnel;

(6) Diagnostic services;

(7) Rehabilitative services, including vocational and educational programs;

(8) Precare and after-care services in the community, including foster home placement, home visiting and half-way houses;

(9) Training;

(10) Research and evaluation.

(b) *Adequate facilities*—(1) *Provision of services.* Based on comprehensive mental health planning, the State plan shall provide for adequate community mental health facilities for the provision of programs of comprehensive mental health services to all persons residing in the State and for furnishing such services to persons unable to pay therefor, taking into account the population necessary to maintain and operate efficient facilities and the financial resources available therefor.

(2) *Accessibility of services.* The State plan shall provide that every community mental health facility shall:

(i) Serve a population of not less than 75,000 and not more than 200,000 persons, except that the Surgeon General may, in particular cases, permit modifications of this population range if he finds that such modifications will not impair the effectiveness of the services to be provided;

(ii) Be so located as to be near and readily accessible to the community and population to be served, taking into account both political and geographical boundaries;

(iii) Provide a community service; and

(iv) Provide needed services for persons unable to pay therefor.

(c) *Financial feasibility.* The State plan shall set forth the policies and criteria to be used in evaluating the adequacy of financial support for the maintenance and operation of the program as described in § 54.212 when construction is completed, which shall include such factors as the proposed source or sources of funds, and the per capita and family income range of the population to be served.

(d) *Planning.* The State plan shall show that:

(1) It is consistent with the comprehensive mental health planning of the State;

(2) Cognizance has been taken of other health planning efforts and planning in such areas as urban development, welfare services and related facilities;

(3) In the case of interstate metropolitan areas, there has been consultation with the other State or States concerned; and

(4) To the maximum extent practicable, there has been coordination with city, metropolitan area and interstate planning agencies to achieve consistency between the State plan for, and the delineation of areas to be served by, community mental health facilities and other health, welfare, and physical development plans and activities.

§ 54.204 State plan; areas; determination of relative need; priorities.

(a) *Areas.* The State plan shall set forth a division of the State into geographical areas, and shall rank those areas according to their relative need for mental health services. Insofar as necessary data are available, the basic demographic and socioeconomic characteristics of the population within each area shall be described.

(b) *Relative need.* The relative need of areas shall be determined according to the information available concerning the following criteria, and the State plan shall indicate the relative weights assigned to each of these criteria in ranking the areas of the State.

(1) The extent of mental illness and emotional disorder, considering both the proportion of the population involved and the total number of people affected,

taking into account such related indices as:

(i) The existence of low per capita income, chronic unemployment, and substandard housing.

(ii) The extent of problems related to mental health, such as alcoholism and drug abuse, crime and delinquency.

(iii) The special needs of certain groups within the area, especially the physically and mentally handicapped, the aged and children.

(2) The present availability of public and private community mental health resources (including personnel and facilities), and the accessibility of those resources.

(c) *Priority of projects.* The State agency shall determine the relative priority of projects included in the State construction program in accordance with the relative need of the area to be served: *Provided,* That, if the community to be served by the proposed facility is smaller than the area in which it is located, then the relative need of communities within such area shall be determined in accordance with the criteria in paragraph (b) of this section, giving special consideration to:

(1) The extent to which the proposed project will, alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated with the applicant, provide comprehensive mental health services to the community;

(2) The extent to which the proposed facility is to be a part of or closely associated with a general hospital.

§ 54.205 State plan; methods of administration.

(a) *Personnel administration.* A system of personnel administration on a merit basis shall be established and maintained with respect to the personnel employed in the administration of the State plan. Such a system shall include provision for:

(1) Impartial administration of the merit system;

(2) Operation on the basis of published rules or regulations;

(3) Classification of all positions on the basis of duties and responsibilities and establishment of qualifications necessary for the satisfactory performance of such duties and responsibilities;

(4) Establishment of compensation schedules adjusted to the responsibility and difficulty of the work;

(5) Selection of permanent appointees on the basis of examinations so constructed as to provide a genuine test of qualifications and so conducted as to afford all qualified applicants opportunity to compete;

(6) Advancement on the basis of capacity and meritorious service; and

(7) Tenure of permanent employees.

Substantial compliance with the Standards for a Merit System of Personnel Administration, issued by the Secretary of Health, Education ,and Welfare, the Secretary of Labor, and the Secretary of Defense on January 26, 1963, 28 F.R. 734, including any subsequent amendments thereof, will be deemed to meet the requirements of the regulations in this part.

(b) *Conflict of interest.* No full-time officer or employee of the State agency, or any firm, organization, corporation, or partnership which such officer or employee owns, controls, or directs shall receive funds from the applicant directly or indirectly for payment for services provided in connection with the planning, design, construction or equipping of the project.

(c) *Publicizing the State plan.* At least thirty days prior to the submission of the State plan or any modification thereof to the Surgeon General, the State agency shall publish in newspapers having general circulation throughout the State, a general description of the proposed plan or any such modification, and the State plan shall be available for examination and comment by interested persons prior to submission to the Surgeon General.

(d) *Modification of the State plan.* The State agency shall from time to time as necessary, but not less often than annually, review the State plan, including the overall program for the construction of community mental health facilities, and shall submit to the Surgeon General any modifications of the plan and the construction program as the State agency considers necessary to administer the plan and the annual allotment.

(e) *Fair hearing.* The State agency shall establish such rules and regulations as will provide an opportunity for an appeal to and a fair hearing before the State agency to every applicant for a construction project who is dissatisfied with the action of the State agency regarding its application.

§ 54.206 State plan; processing of applications.

(a) *Submittal of applications.* Construction applications, including a detailed estimate of the cost of the project, shall be submitted to the Surgeon General through the State agency and shall be executed on forms prescribed by the Surgeon General.

(b) *Amendment to application.* An amendment to any application approved by the Surgeon General shall be processed in the same manner as an original application, except that the original application's conformity with the priority regulations shall suffice for an amendment which does not modify the factors on which the priority was granted.

(c) *Order of processing applications.* The State agency shall approve, recommend, and forward applications received in the order of priority, except that the State agency may approve, recommend, and forward to the Surgeon General applications out of the order of priority if:

(1) The State agency has afforded reasonable opportunity for development and presentation of projects in the order of priority, and

(2) The State agency certifies to the Surgeon General that financial resources for the construction, maintenance and operation of projects of higher priority are not then available.

The priority of a project under the State plan shall not be affected by the fact that other projects of lower priority have been approved and recommended by the State agency.

§ 54.207 State plan; construction program; design of facilities; minimum standards of operation and maintenance.

(a) *Standards of construction and equipment.* The State agency shall adopt general standards of construction and equipment for community mental health facilities which shall not be less than the general standards prescribed by the Surgeon General and set forth in the regulations in this part (§ 54.215, Appendix A—General standards of construction and equipment).

(b) *Development of construction program.* The State program for the construction of community mental health facilities shall be developed in the following manner:

(1) The State agency shall determine the need for facilities and services in accordance with the principles set forth in § 54.203 taking into account existing facilities and services.

(2) The State agency shall determine, through field investigation and otherwise, the communities in or near which facilities should be constructed.

(3) After having determined the need for facilities and services, the State agency shall develop an overall construction program. The program shall set forth all such needs in accordance with the standards specified in § 54.204 and shall, insofar as funds are available, provide for construction in the order of relative need determined in accordance with § 54.204.

(c) *Design of facilities.* The design of facilities for which Federal assistance is requested shall be based on an assessment of the requirements of the services to be provided in the facility and in any other facilities which may be part of the program containing the essential elements of comprehensive mental health services as defined in the regulations in this part. When the facility to be built under Title II of the Act is additive to a community program in which essential elements or other elements, or both, are already functioning, assessment of all the requirements of all these elements will be taken into consideration. The architectural plans submitted to the Surgeon General shall reflect such an assessment and shall also reflect the participation and concurrence of the agency or agencies responsible for the several elements of the program.

(d) *Submission of drawings.* The submission of drawings, construction outlines, and estimates for the approval of the Surgeon General shall be in the three stages required by the regulations in this part (Appendix A—General standards of construction and equipment). As soon as possible after the award of a construction contract, the applicant shall submit to the Surgeon General for approval, through the State agency, a complete list of all proposed equipment and an itemization of its estimated cost.

(e) *Minimum standards of maintenance and operation.* The State plan shall provide minimum standards for the maintenance and operation of community mental health facilities receiving assistance under Title II of the Act.

§ 54.208 State plan; requests for construction payments; fiscal and accounting requirements.

(a) *Certification by State agency.* The State agency shall certify to the Surgeon General the amount of payments due to an applicant for the cost of work performed and materials and equipment furnished.

(1) Except as provided in subparagraph (2) of this paragraph, payments shall be made as follows:

(i) The first installment when not less than 25 percent of the construction of the project has been completed;

(ii) A second installment when not less than 50 percent of the construction of the project has been completed;

(iii) A third installment when not less than 75 percent of the project has been completed;

(iv) A fourth installment when the project is 95 percent completed; and

(v) The final payment when the project is completed and final inspection by a representative of the Surgeon General is made and the amount certified is due and payable as determined by the audit.

(2) Upon a written request and a showing of necessity by the applicant, the Surgeon General may adopt a different schedule of payments.

(b) *Inspection by State agency.* As a basis for certification by the State agency that payment of an installment is due an applicant, the State agency, without expense to the Federal Government, shall make adequate inspections to determine that the work has been performed upon a project, or purchases have been made, in accordance with the approved plans and specifications.

(c) *Fiscal and accounting requirements.* (1) Construction allotments.

(i) The State agency shall be responsible for establishing and maintaining accounts and fiscal controls of all Federal and State funds allotted for construction projects. Federal and State funds shall be separately identified by maintaining separate fund accounts for this purpose.

(ii) The fiscal records shall be so designed as to show at any given time the Federal funds allotted, encumbered, and unencumbered balances. If State contributions are made for construction, separate accounts, reflecting similar information, shall be maintained for State funds.

(2) *Construction payments.* (i) Where the State may receive Federal funds for applicants for construction project grants, or the State itself is an applicant, adequate records of account and fiscal controls shall be established and maintained by the State to assure proper accounting of all funds received and disbursed. Similar suitable accounts shall be maintained to show the receipt and disbursement of State, local, or other funds used for matching purposes.

(ii) The State agency shall require that applicants receiving Federal funds established and maintain adequate accounting and fiscal records to reflect the receipt and expenditure of funds allotted and paid for construction projects.

(iii) The States which by law are authorized to make payments to applicants shall promptly pay such applicants funds certified for payment by the Secretary for approved construction projects.

§ 54.209 State plan; assurances from applicant.

In addition to any other requirements imposed by law each construction grant shall be subject to the condition that the applicant will furnish and comply with the following assurances. The Surgeon General may at any time approve exceptions to these assurances and conditions where he finds that such exceptions are not inconsistent with the Act and the purposes of the program.

(a) That applicant (or other public or nonprofit agency which is to operate the facility) has or will have a fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 50 years undisturbed use and possession for the purpose of the construction and operation of the facility.

(b) That the Surgeon General's approval of the final working drawings and specifications which conform to the general standards of construction and equipment will be obtained before the project is advertised or placed on the market for bidding.

(c) That the applicant will perform the actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract either by public advertising or circularizing three or more bidders; and award the contract to the responsible bidder submitting the lowest acceptable bid: *Provided, however,* That the purchase and installation of equipment which is unique to the facility, as well as kitchen, laundry and laboratory equipment, need not be considered construction work for the purpose of this section except that if open competitive bidding is employed to obtain any or all of these items, the award shall be made to the responsible bidder submitting the lowest acceptable bid.

(d) That applicant will enter into no construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications without the prior approval of the Surgeon General.

(e) That applicant will submit to the Surgeon General for prior approval changes that substantially alter the scope of work, function, utilities or safety of the facility.

(f) That applicant will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications.

(g) That applicant will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable time.

(h) That applicant will furnish progress reports and such other information as the Surgeon General may require.

(i) That applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications.

(j) That sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility.

(k) That sufficient funds will be available when construction is completed for effective use of the facility for the purpose for which it is being constructed.

(l) (1) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages or rates not less than those prevailing on similar construction in the locality as determined under the Davis-Bacon Act (40 U.S.C. 276 et seq.) and will receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any work week in excess of eight hours in any calendar day or forty hours in the work week (40 U.S.C. 327–332); and

(2) That the following conditions and provisions will be included in all construction contracts:

(i) The provisions of "Public Health Service Labor Standards for Construction Grant Programs" (PHS 930–A–5) pertaining to the Copeland Act (Anti-kickback) Regulations and Labor Standards (prevailing rates of pay and overtime requirements) except in the case of contracts in the amount of $2,000 or less;

(ii) The contractor shall furnish performance and payment bonds, each of which shall be in the full amount of the contract price, and shall maintain, during the life of the contract, adequate fire, workman's compensation, public liability and property damage insurance;

(iii) Representatives of the Surgeon General and State agency will have access at all reasonable times to work whenever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

(m) That the facility will be operated and maintained in accordance with minimum standards prescribed by the State agency for the maintenance and operation of such facilities.

(n) That the services to be provided by the facility, alone or in conjunction with other facilities owned or operated by the applicant, will be made available for a program providing, principally for persons residing in a particular community or communities in or near which such facility is to be situated, at least those essential elements of comprehensive mental health services prescribed in § 54.212.

(o) That the applicant will conform to all the applicable requirements of the State plan and the regulations in this part.

§ 54.210 State plan; community service; nondiscrimination; services for persons unable to pay.

Before a construction application for a community mental health facility is recommended by a State agency or approval, the State agency shall obtain assurance from the applicant that:

(a) The facility will furnish a community service;

(b) All portions and services of the entire facility for the construction of which, or in connection with which, aid under the Act is sought, will be made available without discrimination on account of race, creed, or color; and that no professionally qualified person will be discriminated against on account of race, creed, or color with respect to the privilege of professional practice in the facility;

(c) That the facility will furnish below cost or without charge a reasonable volume of services to persons unable to pay therefor. As used in this paragraph, "persons unable to pay therefor" includes both the legally indigent and persons who are otherwise self-supporting but are unable to pay the full cost of needed services. Such services may be paid for wholly or partly out of public funds or contributions of individuals and private and charitable organizations such as Community Chest or may be contributed at the expense of the community mental health facility itself. In determining what constitutes a reasonable volume of services, there shall be considered conditions in the area to be served by the applicant, including the amount of such services that may be available otherwise than through the applicant. The requirement of assurance from the applicant may be waived if the applicant demonstrates to the satisfaction of the State agency, subject to subsequent approval by the Surgeon General, that to furnish such services is not feasible financially.

§ 54.211 State plan; approval and certification of application.

After the State agency has approved a construction application, it shall recommend it to the Surgeon General for approval and shall certify:

(a) That the application contains reasonable assurance as to the availability of funds for the cost of construction and the entire cost of maintenance and operation when completed.

(1) Availability of funds for the non-Federal share of construction costs shall mean:

(i) Funds immediately available, placed in escrow, or acceptably pledged, or

(ii) Funds or fund sources specifically earmarked in a sum sufficient for that purpose, or

(iii) Other assurances acceptable to the Surgeon General.

(2) To assure the availability of funds for maintenance and operation, the application for the construction of a new project must include a proposed operating budget for the two-year period immediately following its completion. In the case of an addition to an existing facility, the application must include a statement showing that funds are or will be available to meet the difference between proposed expenditures and anticipated income from the operation of the constructed addition for the two-year period immediately following its completion.

(b) That the application is in conformity with and contains the assurances required by the State plan and the regulations in this part.

(c) That the application contains reasonable assurance of the financial feasibility of the program of comprehensive mental health services which the project will provide or of which it is to be a part.

§ 54.212 Projects; essential elements of comprehensive mental health services; program requirements.

(a) *Essential elements of comprehensive mental health services.* The essential elements of comprehensive mental health services are:

(1) Inpatient services.

(2) Outpatient services.

(3) Partial hospitalization services—must include at least day care service.

(4) Emergency services provided 24 hours per day must be available within at least one of the first three services listed above.

(5) Consultation and education services available to community agencies and professional personnel.

(b) *Services of facility as part of a program.* To the extent that the services to be provided within the proposed facility do not constitute a program providing at least the essential elements of comprehensive mental health services, the application shall demonstrate to the satisfaction of the Surgeon General that the services to be provided within the proposed facility will be part of such a program (as described below).

(c) *Criteria of program.* As used in this section, a program for providing at least the essential elements of comprehensive mental health services must take into consideration the needs of all age groups, assure continuity of care for patients and assure that the relationship between the individual elements of the services meets the following criteria:

(1) (i) That any person eligible for treatment within any one element of service will also be eligible for treatment within any other element of service;

(ii) That any patient within any one element can and will be transferred without delay to any other element (provided that adequate space is available) whenever such a transfer is indicated by the patient's clinical needs;

(iii) The clinical information concerning a patient which was obtained within one element be made available to those responsible for that patient's treatment within any other element;

(iv) That those responsible for a patient's care within one element can, when practicable and when not clinically contraindicated, continue to care for that patient within any of the other elements; and

(v) In cases where two or more of the individual elements of services are provided by different organizations, agencies, or persons, the relationships between the individual elements must be evidenced by appropriate contracts or other formal written agreements (copies of which must accompany the application) among the various organizations, agencies, or persons which make specific provisions for assuring compliance with the criteria set forth in this section.

(2) That a qualified psychiatrist will be responsible for the clinical program, and the medical responsibility for every patient will be vested in a physician.

(3) That general practitioners and other non-psychiatric physicians in the community served by the program will be allowed, when qualified, to follow and assist in the care of their patients on the various services of the program provided they are working under the supervision of a member of the psychiatric staff of the service.

(4) That the services of the program will not be denied to any person residing within the area served solely on the ground that such person does not meet a requirement for a minimum period of residence in such area.

(d) *Budgetary and staffing pattern.* The application shall include a description of the proposed sources of operating income for all elements of service included in the program and a proposed operating program budget for the two-year period immediately following the completion of construction of the facility. There shall also be included the proposed staffing pattern for all elements of the program by major professional categories.

§ 54.213 Change of status of facility.

The State agency shall promptly notify the Surgeon General in writing, if at any time within 20 years after the completion of construction, any facility which received funds under Title II of the Act is sold or transferred to any person, agency, or organization not qualified to file an application under Title II of the Act or is not approved as a transferee by the State agency, or ceases to be a public or nonprofit community mental health center as defined in the Act.

§ 54.214 Good cause for other use of facility.

If within 20 years after completion of any construction for which a construction grant has been made the facility shall cease to be a public or nonprofit community mental health center, the Surgeon General in determining whether there is good cause for releasing the applicant or other owner of the facility from the obligation to continue such facility as a public or other nonprofit community mental health center, shall take into consideration the extent to which:

(a) The facility will be devoted by the applicant or other owner to use for another public purpose which will promote the purpose of the Act; or

(b) There are reasonable assurances that for the remainder of the 20 year period other facilities not previously utilized for the care of the mentally ill will be so utilized and are substantially equivalent in nature and extent for such purposes.

§ 54.215 Appendix A—General standards of construction and equipment.

(a) *Introduction.* The standards set forth in this section have been established by the Secretary as required by the Act. These standards constitute minimum requirements for construction and equipment, and shall apply to all projects for which Federal assistance is requested under the Act. The Surgeon General may approve plans and specifications which contain deviations from the requirements prescribed, if he is satisfied that the purposes of such requirements have been fulfilled. In addition to these requirements, it is recognized that the project will have to meet the requirements of local codes and ordinances relating to construction.

(b) *Flexibility.* All project facilities shall be designed and constructed so as to permit maximum flexibility in the proposed uses of those facilities. Provision shall be made, wherever possible, for future expansion of the floor areas and the relocation of interior partitions.

(c) *Architectural.* (1) Facilities shall be fire safe, structurally safe, and so planned as to carry out effectively the proposed program. The following requirements have been established to assure an orderly development of the project and to provide a uniform method for the preparation and review of drawings, specifications, and estimates.

(2) The submission of drawings, construction outlines, and estimates shall be in three stages as follows: (Such material is in addition to program and financial information in connection with such applications as may be required by the Surgeon General).

(i) *First stage.*

Schematic plans.[1]
Outline specifications.
Site survey.
Estimated construction costs.

(ii) *Second stage.*

Preliminary plans.
Outline specifications.
Revised cost estimates.

(iii) *Third stage.*

Working drawings.
Specifications.
Final cost estimates.

(d) *Construction.* (1) One-story buildings shall be constructed of noncombustible materials of not less than one-hour fire-resistive construction throughout except as follows:

(i) Boiler rooms and rooms used for the storage of combustible materials shall be of two-hour fire-resistive noncombustible construction.

(ii) Interior nonload-bearing partitions, other than those enclosing corridors and vertical shafts, may be of noncombustible construction without a fire-resistive rating.

(2) Buildings more than one story in height shall be constructed of noncombustible materials, using a structural framework of reinforced concrete or structural steel except that load-bearing masonry walls and piers may be utilized for buildings up to and including three stories in height. The fire-resistive requirements of the various building elements shall be of not less than the following hourly ratings:

	Hours
Columns, girders, trusses	1½
Floor construction including beams	1½
Roof construction including beams	1
Beams supporting masonry; individually protected	2
Bearing walls	2
Corridor partitions	1
Walls enclosing stairways, elevator shafts, chutes and other vertical shafts, boiler rooms and rooms used for storage of combustible materials	2

(3) Subject to prior approval by the Surgeon General, these requirements may be varied for free-standing facilities containing only outpatient, educational, recreational, or workshop functions utilized by ambulant groups.

(4) Interior finish walls and ceilings of all exitways, storage rooms, laboratories, and areas of unusual fire hazard shall have a flamespread rating of less than 20. Flamespread ratings shall be on the basis of tests conducted in accordance with American Society for Testing Materials, Publication No. E84.

(5) Exit facilities shall comply with the requirements of the Building Exits Code, National Fire Protection Association Bulletin No. 101.

(e) *Mechanical.* All installations of fuel burning equipment, steam, heating, air conditioning and ventilation, and plumbing systems shall comply with the requirements of the following National Codes:

(1) National Board of Fire Underwriter Standards: National Board of Fire Underwriters, 85 John St., New York 38, N.Y.

(2) National Fire Protection Association: 60 Batterymarch St., Boston 10, Mass.

(3) American Standards Association: 70 East 45th St., New York 17, N.Y.

(4) American Gas Association: 1725 I St., Washington, D.C.

(5) National Plumbing Code: Published by American Society of Mechanical Engineers, 29 West 39th St., New York 18, N.Y.

Boilers shall meet the requirements of the American Society of Mechanical Engineers (A.S.M.E. Codes relating to pressure vessels), and shall be installed to meet the requirements of State and local codes and regulations.

(f) *Electrical.* All electrical installations and equipment shall comply with the requirements of local and State codes and the applicable sections of the National Electrical Code and the following:

(1) *Hazardous locations.* Installations and equipment in rooms in which flammable anesthetic and disinfecting agents are used or stored shall comply with the requirements of NFPA No. 56 and No. 70.

(2) *Fire alarms.* Manually operated fire alarm system installations shall comply with the requirements of NFPA No. 72 and shall be located as required by the Building Exits Code, NFPA No. 101.

(3) Radiation protection in rooms in which X-ray, gamma-ray, or beta-ray producing equipment is used shall comply with the requirements of the following handbooks of the National Bureau of Standards:

Handbook 55, Protection Against Betatron-Synchrotron Radiations up to 100 Million Electron Volts.
Handbook 73, Protection Against Radiations From Sealed Gamma Sources.
Handbook 76, Medical X-ray Protection up to Three Million Volts.

(4) *Emergency electric service.* Emergency exit lighting shall comply with the requirements of the National Electrical Code and shall be located as required by the Building Exits Code.

(g) *Elevators, dumbwaiters, and escalators.* Installation of elevators, dumbwaiters, and escalators shall comply with the requirements of the American Standard Safety Code for Elevators, Dumbwaiters, and Escalators, ASA A17.1–1960.

(h) Equipment necessary for the functioning of the facility or the program as planned shall be provided in the kind and to the extent required to perform the desired service. The necessary equipment may be included in the cost of the project.

Dated: April 30, 1964.

[SEAL] LUTHER L. TERRY,
Surgeon General.

Approved: May 1, 1964.

ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 64–4524; Filed, May 5, 1964; 8:50 a.m.]

[1] Schematic drawings are considered an integral part of the program description to be provided in the initial application.

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 10]

MIGRATORY BIRDS

Hunting

Notice is hereby given that pursuant to the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), it is proposed to amend Part 10, Title 50, Code of Federal Regulations. Based on the results of migratory game bird studies now in progress and having due consideration for any views or data submitted by interested parties, these amendments will specify open seasons, certain closed seasons, hunting methods, shooting hours, bag and possession limits, and possession, importation, and transportation controls for migratory game birds.

Amendments specifying open seasons, bag and possession limits, and shooting hours for doves and pigeons in Puerto Rico and the Virgin Islands will be proposed for final adoption not later than June 1, 1964, to become effective on or about July 1, 1964. Amendments specifying open season, bag and possession limits, and shooting hours for doves, pigeons, rails (except coot), woodcock, Wilson's snipe, waterfowl and coot in Alaska, and certain sea ducks in coastal waters along certain northeastern States will be proposed for final adoption not later than August 1, 1964, to become effective on or about September 1, 1964. Amendments specifying open seasons, bag and possession limits, and shooting hours for waterfowl, coots, cranes, and other migratory game birds not previously adopted will be proposed for final adoption not later than September 1, 1964, to become effective on or about October 1, 1964.

At the present time amendments to the regulations governing hunting methods and possession, importation, and transportation controls are being proposed as set forth below. The purposes of these proposed amendments are as follows:

1. Section 10.3(a)(1) is amended to permit the taking of migratory game birds by means of falconry which has not been permitted previously.

2. Section 10.3 (a) (4) and (5) and (b) (9) are amended for editorial purposes and to permit the taking of all species of migratory game birds, except waterfowl, over those lands where grains or other feed has been scattered solely as a result of any valid agricultural operation or procedure, rather than only when scattered solely as a result of a normal agricultural planting or harvesting. This amendment will not change the regulations governing the hunting of waterfowl in any way, but will permit the hunting of all other species over lands where grains or other feed has been found scattered solely as a result of such valid agricultural operations or procedures as weed control, soil improvement, livestock feeding, handling of nurse or cover crops, etc., and where hunting is now prohibited.

3. Section 10.6(a) is amended to require the retention of one fully feathered wing on all migratory game birds, including doves, as a means of ready species identification in the field. Previously, the head and feet were required to be retained on all species except doves.

4. Section 10.7 is amended for editorial and clarification purposes and to require the retention of one fully feathered wing on all migratory game birds imported from foreign countries as a ready means of species identification.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments set forth below to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., 20240, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

1. Subparagraphs (1), (4), and (5) of paragraph (a) and subparagraph (9) of paragraph (b) of § 10.3 are amended to read as follows:

§ 10.3 Hunting methods.

* * * * *

(a) *Permitted methods.* Migratory game birds may be taken only:

* * * * *

(1) By the aid of dogs, artificial decoys, manually or mouth-operated bird calls, with longbow and arrow, or with shotgun (not larger than No. 10 gauge and incapable of holding more than three shells) fired from the shoulder, and by means of falconry;

* * * * *

(4) By the aid of a motorboat, sailboat, or other craft when used solely as a means of picking up dead or injured birds; and

(5) All migratory game birds, including waterfowl, may be taken on or over standing crops (including aquatics), flooded standing crops, flooded harvested crop lands, grain crops properly shocked on the field where grown, or grains found scattered solely as a result of normal agricultural planting or harvesting; and in addition, all migratory game birds, except waterfowl, may be taken on or over lands where shelled, shucked, or unshucked corn, wheat or other grain, salt or other feed has been distributed or scattered solely as a result of valid agricultural operations or procedures.

(b) *Prohibited methods.* Migratory game birds may not be taken:

* * * * *

(9) By the aid of baiting, or on or over and baited area. As used in this subparagraph, "baiting" shall mean the placing, exposing, depositing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat or other grain, salt or other feed so as to constitute a lure, attraction, or enticement to, on or over any area where hunters are attempting to take them; and "baited area" means any area where shelled, shucked, or unshucked corn, wheat or other grain, salt or any other feed whatsoever capable of luring, attracting, or enticing such birds is directly or indirectly placed, exposed, deposited, distributed or scattered. However, nothing in this subparagraph shall prohibit:

(i) the taking of all migratory game birds, including waterfowl, on or over standing crops, flooded standing crops (including aquatics), flooded harvested crop lands, grain crops properly shucked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting; and

(ii) the taking of all migratory game birds, except waterfowl, on or over any lands where shelled, shucked, or unshucked corn, wheat or other grain, salt or other feed has been distributed or scattered solely as the result of valid agricultural operations or procedures.

* * * * *

2. Paragraph (a) of § 10.6 is amended to read as follows:

§ 10.6 Transportation into, within, or out of any State.

* * * * *

(a) If such birds are dressed, one fully feathered wing must remain attached to each bird so as to permit species identification while being transported between the place where taken and the personal abode of the possessor or between the place where taken and a commercial preservation facility.

* * * * *

3. Section 10.7 is amended to read as follows:

§ 10.7 Importations from foreign countries.

Migratory game birds lawfully killed, possessed, and exported in accordance with the hunting laws and regulations of any foreign country or subdivision thereof may be imported and transported in any State by any person, without a permit, subject to the conditions and restrictions specified in this section.

(a) The following listed birds shall be limited as to the numbers any one person is permitted to import and transport during any one calendar week beginning on Sunday, either by a single shipment or by multiple shipments, as follows:

(1) From any foreign country: Not to exceed (i) 25 doves, singly or in the aggregate of all species, and (ii) 10 pigeons, singly or in the aggregate of all species.

(2) From Mexico: Not to exceed (i) 10 ducks, singly or in the aggregate of all species, and (ii) 5 geese including brant, singly or in the aggregate of all species.

(b) All migratory game birds imported from Mexico or any other foreign country except Canada must be dressed, drawn, and have the head and feet removed: *Provided*, That each such bird imported from any foreign country including Canada must have one fully feathered wing attached so as to permit species identification, and such wing must remain attached while being transported between the port of entry and the personal abode of the possessor or between the port of entry and a commercial preservation facility.

(c) Importations from Mexico must be accompanied by a Mexican export permit. Importations from Canada must be accompanied by any tags or permits required by Dominion or Provincial law.

(d) Only such birds shipped or transported from a foreign country during the open season or within 5 days immediately following the close of the open season where taken may be imported. Any such birds shipped or transported not later than 5 days following the close of the open season where taken may continue in transit immediately after importation for such additional time, not to exceed 5 days, as is necessary to deliver them to their destination.

(e) Any package or container in which such birds are transported or shipped shall have the name and address of the shipper and the consignee and an accurate statement of the numbers and kinds of birds therein contained clearly and conspicuously marked on the outside thereof.

FRANK P. BRIGGS,
Acting Secretary of the Interior.

APRIL 30, 1964.

[F.R. Doc. 64-4488; Filed, May 5, 1964; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

2,4-D ISOPROPYL ESTER FOR POST-HARVEST USE ON LEMONS

Notice of Proposal To Extend Tolerance

The University of California Agricultural Extension Service, 2200 University Avenue, Berkeley, California, has requested that action be taken to permit the use of 2,4-D isopropyl ester postharvest on the citrus fruit lemons to reduce the incidence of infection by Alternaria and thus increase the storage life of the fruit. Data are presented which show that residues remaining on the fruit are 2,4-D and that these residues of 2,4-D added to residues from preharvest use of 2,4-D will not exceed the presently established tolerance of 5 parts per million for preharvest use of 2,4-D on citrus. These residues on lemons will not constitute a hazard to man.

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 512; 21 U.S.C. 346a(e)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90; 29 F.R. 471), it is proposed by the Commissioner, on his own initiative and in accordance with the request set forth above, that the regulations for the pesticide chemical 2,4-D in or on raw agricultural commodities be amended by adding to § 120.142 *2,4-D; tolerances for residues* a new sentence reading as follows: "The tolerance for citrus fruits also includes 2,4-D(2,4-dichlorophenoxyacetic acid) residues on lemons resulting from postharvest use of 2,4-D isopropyl ester."

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing 2,4-D may request, within 30 days from the publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written comments, preferably in quintuplicate, on the proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 30, 1964.

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

[F.R. Doc. 64-4526; Filed, May 5, 1964; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 15381]

RULES GOVERNING EX PARTE COMMUNICATIONS IN HEARING PROCEEDINGS

Order Extending Time for Filing Comments and Reply Comments

The Commission having before it a request submitted on behalf of the Executive Committee of the Federal Communications Bar Association that the time for filing comments in the above-captioned proceeding be extended for a period of six weeks; and

It appearing, that additional time is required by the Association for study of the proposed rules and for preparation of meaningful comments; and

It further appearing, that a careful study of the proposed rules by experienced practitioners will be of particular interest to the Commission, that a six week extension might reasonably be needed for this purpose, and hence that a grant of the requested extension will serve the public interest, convenience, and necessity;

It is ordered, This 28th day of April 1964, pursuant to § 0.251(b) of the rules and regulations, that the time for filing comments in the above-captioned proceeding is extended to June 11, 1964, and that the time for filing reply comments is extended to June 22, 1964.

Released: April 30, 1964.

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

[F.R. Doc. 64-4538; Filed, May 5, 1964; 8:52 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 5030]

AIRWORTHINESS DIRECTIVE

Boeing Models 707/720 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Boeing Models 707 and 720 Series aircraft. A number of incidents of malfunction of the fuel dump chute limit switches have occurred resulting in overheating of the switches. In order to correct this condition, this AD requires performance of a periodic resistance check on the fuel dump chute switches and replacement of all defective switches with switches incorporating a sealed receptacle.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before June 5, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it it proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

BOEING. Applies to all Models 707 and 720 Series aircraft.

Compliance required as indicated.

Failures and malfunctions occurring in the fuel dump chute limit switches of the retractable dump chute system have caused switch overheating sufficient to scorch the connecting wires. To prevent this, accomplish the following:

(a) Within 500 hours' time in service after the effective date of this AD, and thereafter at periods not to exceed 500 hours' time in service, perform a resistance check on the fuel dump chute extend limit switch, P/N's 5EN11–6B or H11–186, and on the fuel dump chute up limit switch, P/N's 2EN15–6 or H11–162. If any switch is found defective, replace before further flight. (Boeing telegraphic messages 6–7161–1–9101 and 6–7161–1–9159 sent to all operators on February 3, and March 28, 1963, respectively, cover this resistance check.) Upon compliance with paragraph (b) the provisions of this paragraph may be discontinued.

(b) Within 2,500 hours' time in service after the effective date of this AD, replace limit switches on each fuel dump chute which do not incorporate a sealed receptacle with improved switches incorporating a sealed receptacle in accordance with Boeing Service Bulletin 1877. Replace the switch pigtail type wires with new wires and a mating sealed connector, also in accordance with Boeing Service Bulletin 1877.

(c) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Boeing Service Bulletin 1877 dated January 23, 1964, and Boeing telegraphic messages 6–7161–1–9101 and 6–7161–1–9159 dated February 3, and March 28, 1963, respectively, cover this subject.)

Issued in Washington, D.C. on April 29, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–4479; Filed, May 5, 1964; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 5029]

AIRWORTHINESS DIRECTIVE

General Dynamics Models 340/440 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for General Dynamics Models 340 and 440 Series aircraft. There has been an incident where a portion of the left main landing gear separated when the gear was lowered. Investigation revealed that the piston and axle assembly became separated from the upper portion of the gear because the gland nut was not secure. To correct this condition, this AD requires inspection of the main landing gear gland nut to assure that the gland nut is properly installed.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before June 5, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

GENERAL DYNAMICS. Applies to all Models 340 and 440 Series aircraft.

Compliance required within the next 500 hours' time in service after the effective date of this AD and thereafter every time that the main landing gear gland nut is installed.

To prevent the loss of a main landing gear piston and axle assembly due to an improperly installed gland nut, inspect the main landing gear gland nut installation to assure that the gland nut is installed as follows:

(a) Screw the gland nut, P/N 528062, on to the main landing gear outer cylinder, P/N 528402, until it is tight.

(b) Unscrew the gland nut until the first tapped hole is opposite one of the milled slots in the cylinder.

(c) Screw lock screw, P/N AN501A416–8, into the tapped hole so that the screw protrudes into the milled slot in the cylinder.

(d) Screw set screw, P/N 500305–4, into an adjacent tapped hole in the gland nut and safety the lock screw and set screw with a lockwire.

(General Dynamics/Convair Models 340 and 440 Maintenance Manuals cover this same subject.)

Issued in Washington, D.C., on April 29, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–4480; Filed, May 5, 1964; 8:45 a.m.]

Notices

ATOMIC ENERGY COMMISSION

STATE OF FLORIDA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Florida for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of Florida and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as an appendix to this notice. Attachments referenced in the appendix are included in the complete text of the program. A copy of the program, including proposed Florida regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State & Licensee Relations, United States Atomic Energy Commission, Washington 25, D.C. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington 25, D.C., within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuance of February 14, 1962; 27 F.R. 1351. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Germantown, Md., this 13th day of April 1964.

For the Atomic Energy Commission.

WOODFORD B. MCCOOL,
Secretary to the Commission.

Proposed Agreement Between the United States Atomic Energy Commission and the State of Florida for Discontinuance of Certain Commission Regulatory Authority and Responsibility Within the State

Whereas, The United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, The Governor of the State of Florida is authorized under section 290.18 of the Florida Nuclear Code (Chapter 290, Florida Statutes, 1961) to enter into this agreement with the Commission; and

Whereas, The Governor of the State of Florida certified on _____, that the State of Florida (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, The Commission found on _____, 1963, that the program of the State for the regulation of the materials covered by this agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this agreement;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

Article I. Subject to the exceptions provided in articles II, III, and IV, the Commission shall discontinue, as of the effective date of this agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

Article II. This agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproducts, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

Article III. Notwithstanding this agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

Article IV. This agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

Article V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

Article VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

Article VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

Article VIII. This agreement shall become effective on _____, 1964, and shall remain in effect unless, and until such time as it is terminated pursuant to article VII.

APPENDIX "A"

RADIATION CONTROL IN THE STATE OF FLORIDA

I. Introduction. The radiation control program of the State is designed to regulate all sources of radiation other than those for which regulatory responsibility is to be retained by the U.S. Atomic Energy Commission. As the term "radiation sources" is used hereinafter in this narrative, it is intended to mean those sources under the control of the State. The sources are divided into two major categories: radioactive materials and radiation machines. Radioactive materials, including radium, are to be regulated under a licensing program similar to the existing program of the U.S. Atomic Energy Commission, requiring possession of a license prior to acquisition or use of such materials. Radiation machines will be subject to a registration program involving the reporting of information by the registrant and the right of inspection by the State for compliance with prescribed safety standards.

The program described herein constitutes a continuation of Florida's efforts to modify and improve its activities for the control of radiation hazards, to gain increased knowledge of radiological health significance and to make use of ionizing radiation for the improvement of the public health when and if methods for such use are discovered or developed. An integral part of this program is the assumption of certain responsibilities which the United States Atomic Energy Com-

mission will discontinue under a contemplated agreement between the Commission and the State.

II. History. The first regulations for the control of radiation in the State of Florida were prepared jointly by the Florida Industrial Commission and the Florida State Board of Health and promulgated in April, 1947, by the Florida Industrial Commission. They were embodied in Regulation No. 8, "Radiant Energy" of the "Regulations for the Control and Prevention of Occupational Diseases". These rules were revised in 1957 and in 1960. As a result of this cooperative effort, the Florida Industrial Commission and the Florida State Board of Health have established a very close working relationship in the field of occupational health.

In 1950, the Board of Health conducted a statewide survey of shoe-fitting fluoroscopes, as a result of which the use of almost all of these machines was discontinued; such use is now prohibited. In 1957, a statewide program of radiological surveillance of the environment was started in order to develop baseline knowledge and to enable us to know when increases occurred from fallout or from possible pollution from other sources. The area in the vicinity of the then proposed power reactor to be located in Polk County was examined in much greater detail. This program has continued and has been expanded to include seafood and shell fish beds. Spot samples of citrus and other terrestrial foods have been analyzed. The State of Florida has participated in the national air and precipitation fallout surveillance network since 1957, and now operates two stations (Jacksonville and Miami). To provide a degree of information on which action programs could be based, the State added four more identical stations (Pensacola, Tallahassee, St. Peterbsurg, and Orlando). In addition to operating a collecting station for the National Pasteurized Milk Surveillance Program (Tampa), the State Board of Health has an active producer milk surveillance program which is statewide in scope and sufficiently detailed in sampling points to permit specifically-localized action programs, should such become necessary. At the request of county medical societies and other organized professional groups and industry, the Board of Health initiated, in 1958, a program of physical inspection and consultation aimed at reducing exposure to the public (as well as the user) from diagnostic and other uses of X-rays. To date, roughly 80 percent of the approximately 3,000 dental, 50 percent of the approximately 3,500 medical, and a number of industrial X-ray installations have been visited. During 1961–63, the Board of Health conducted a research project in an effort to improve this program. One of the outstanding features of this study was a demonstration of the importance of repeated visits. Another research program, currently under way, is designed to establish radiation background levels in various parts of the state and to determine the components of this radiation. These two projects have been supported by the U.S. Public Health Service at approximately $76,000.00 per annum.

On December 1, 1955, the Honorable Leroy Collins, Governor of Florida, by executive order, created the Florida Nuclear Development Commission to assist the Governor in the promotion of nuclear development within the State of Florida and in cooperation with the other southern states and the Atomic Energy Commission. The Commission consists of nine members to serve at the pleasure of the Governor and without compensation.

In 1957, the legislature enacted chapter 57–178 which created the Florida Nuclear Development Commission as a permanent agency of the State for the development and application of nuclear energy with all its attendant benefits, thus placing the coordination of all nuclear development within the State on a statutory basis. The Act has subsequently been amended (1961, chapter 61–262) clarifying and broadening the duties of the Commission.

In September of 1959, the Congress of the United States enacted Public Law 86–373, which amended the Atomic Energy Act of 1954, and provided for the transfer of certain regulatory powers from the Atomic Energy Commission to qualified States in accordance with negotiated agreements. This transfer of authority applies to the control of certain categories of radioactive materials and becomes effective when appropriate State legislation has been enacted; and, an agreement has been signed by the Atomic Energy Commission and the Governor of the respective State.

In May of 1960, the Florida Nuclear Development Commission, in recognition of the inevitable and urgent need for the control of radiation by the State launched a drive for an extensive analysis of Public Law 86–373 and its application to the specific needs of this State. It called first on the School of Law at the University of Florida to conduct a study of the many implications connected with the assumption of control of radiation sources by the State. On September 30, 1960, the results of that study were presented to the State Legislative Council, after which many other meetings with various agencies were sponsored by the Florida Nuclear Development Commission to consider the various aspects of such a program.

Inasmuch as State policy and courses of action with respect to atomic energy development and radiation protection have been the subject of legislative consideration in Florida for a number of years, the Legislative Council's Select Committee on Nuclear Legislation conducted public hearings on this subject in 1960 and 1961, with a view toward appraising the desirability or necessity for a broad system of radiation control, including assumption of authority from the Atomic Energy Commission and a licensing or registration program designed to obtain a maximum of information regarding radiation use in Florida.

After such public hearings by the Legislative Council's Select Committee on Nuclear Legislation and consultations with interested governmental agencies, representatives of industry and professional groups that use atomic energy and radiation, it concluded that a comprehensive legislative program for radiation control should be enacted.

Consequently, chapter 61–262 was introduced in the 1961 session of the legislature, which provided the framework for such a program. The bill was derived in large measure from suggested legislation of the Council of State Governments. It was widely circulated and critically reviewed by a number of interested and affected persons and groups, and was revised to take into account appropriate comments. After extensive consideration by committees of the legislature, including several public hearings at which all interested parties were afforded opportunity to be heard, the measure was enacted as the Florida Nuclear Code (chapter 290, part I, Florida Statutes, 1961). At the same legislative session, chapter 61–227 (part 2 of chapter 290, Florida Statutes, 1961) was enacted, which made Florida a party to the Southern Inter-State Nuclear Compact.

The enactment of the Florida Nuclear Code strengthend the framework for the control of radiation activities within the State as follows:

1. Established the Florida Nuclear Commission headed by a director responsible to the Commission. With respect to administrative and regulatory responsibilities, the duties of the Commission are to promote and support a comprehensive program of education and research relative to nuclear development in the field of education, science, agriculture, industry, transportation, medicine, and all other fields of endeavor which may aid in or be benefited by nuclear development and nuclear science and engineering; to promote the industrial development of Florida (in cooperation with the Florida Development Commission) by attracting new industry based on nuclear science and engineering; to coordinate development and regulatory activities of the State, other States and the Federal Government; to convene a coordinating council consisting of representatives of appropriate State agencies to coordinate action in any matter bearing of the State's nuclear program; and to collect and disseminate information relative to nuclear developments and their effect; and

2. Empowered the Governor of the State to sign an agreement with the Atomic Energy Commission which would transfer to the State control over certain radioactive materials in accordance with Public Law 86–373; and

3. Authorized the Governor of the State to designate a State agency as the regulatory agency to adopt regulations for effectuating the purposes of this legislation, including regulations for the licensing or registration of all radiation sources.

On July 11, 1961, to achieve the objectives of the Florida Nuclear Code (section 290.06) the Florida Nuclear Commission appointed a Coordinating Council and three technical committees. The technical committees include representation from industry, labor, medicine, dentistry, medical physics, health departments, universities, and the legislature. To insure that the many State agencies which have any degree of official concern with nuclear matters are properly represented, the Coordinating Council is composed of the directors (or their designated representatives) of such interested agencies as: Attorney General, State Board of Conservation, State Board of Control, Nuclear Coordinator of Florida State University, Director of Nuclear Activities of University of Florida, Florida State Board of Health, Commissioner of Agriculture, Superintendent of Public Instruction, Department of Public Safety, Department of Water Resources, Florida Development Commission, State Fire Marshal, State Insurance Commissioner, Florida Geological Survey, Florida Industrial Commission, Legislative Reference Bureau, Railroad and Public Utilities Commission, and the Secretary of State.

Prior to the enactment of chapter 61–262 supra in June, 1961, the Florida State Board of Health, in March, 1961, in order to protect the people of the State from the hazardous effects of ionizing radiation, and acting under the authority of the General Public Law (Chapter 381, Florida Statutes) adopted a comprehensive set of regulations pertaining to radiological health, as chapter 34 of the Sanitary Code of the State. To insure the maximum safety of all persons during the manufacture, use, storage, transportation and disposal of radiation sources, the regulations applied to all sources of ionizing radiation and required the registration of all radiation producing machines and radioactive substances; set limits of radiation exposure; defined the reponsibilities of users of radiation to radiation workers and to the general public and provided for inspection and enforcement of such regulations.

On February 21, 1962, pursuant to the provisions of chapter 290, Florida Statutes, and the recommendations of the Florida Nuclear Commission, the Honorable C. Farris Bryant, Governor of Florida, designated the Florida State Board of Health (hereinafter referred to as the Board) as the regulatory agency for nuclear control and licensing as contemplated by section 290.10, Florida Statutes.

To implement certain provisions of the Florida Nuclear Code and to insure compatibility with Federal regulations and reciprocity with other agreement States, the Board

of Health revised its 1961 regulations. They now constitute chapters 170J–1 through –4 of the Florida Administrative Code. A copy of these regulations is included in this presentation as "Attachment C".

In redrafting the regulations, language was drawn largely from models developed jointly by the Atomic Energy Commission, the U.S. Public Health Service and the Council of State Governments; and from recommendations of the National Committee on Radiation Protection and Measurement, and Reports of the Federal Radiation Council.

Assistance in drafting the regulations was obtained from a number of individual, agencies and groups, including representatives of the Atomic Energy Commission, the U.S. Public Health Service, the Florida Nuclear Commission, Florida Governmental Agencies, professional associations and industrial groups.

III. *The Radiation Control Program*—A. *Regulations.* The principal elements of the program for the control of radiation hazards in the State of Florida are the Florida Nuclear Code (Chapter 290, Florida Statutes) and applicable rules of the State Board of Health.

The radiation regulations of the State Board of Health have been modified in order to achieve:

(1) A comprehensive program covering not only activities over which the State agency has exercised exclusive jurisdiction (e.g., X-rays and radium), but also activities over which authority will be discontinued by the Atomic Energy Commission (byproduct material, source material and special nuclear material in quantities not sufficient to form a critical mass); and

(2) Compatibility between the State's radiation control program and the Atomic Energy Commission's program for the regulation of like radioactive materials as required by § 274.D(2) of the Atomic Energy Act of 1954 as amended.

In developing the regulations to achieve the foregoing objectives, the Board of Health predicated the substantial content of the program, i.e., the radiation protection standards, regulation relating to permissible doses, levels and concentrations, on the guides of the Federal Radiation Council, as approved by the President, and pertinent recommendations of the National Committee on Radiation Protection Measurements.

With respect to other substantive matters such as licensing and precautionary procedures, e.g., surveys, posting, labeling, existing Atomic Energy Regulations and the suggested regulations issued by the Council of State Governments were used as models.

The Board's regulations with regard to burial are more stringent than those of the suggested regulations. This stringency is held as being necessary in the interest of the public health because of the particular and somewhat peculiar geology and hydrology of the State of Florida which necessitates individual appraisal of each proposed site to minimize the probability of underground contamination.

Modification of the laws and regulations has resulted in a State program which is compatible with the Commission's program and those of "agreement States" but which differs from the Commission's program in several respects. This difference is primarily in that the State's comprehensive program covers all radiation sources, including those whose possession and use is subject to registration rather than licensing.

B. *Program administration*—1. *Licensing and registration.* Licenses are required for the possession of radioactive materials above exempt amounts of concentrations, regardless of the mode of formation of such materials. Licenses for radioactive materials are of two types, general licenses effective without the filing of applications or the issuance of licensing documents, and specific licenses issued upon application. Registration is required for radiation producing machines.

It is planned to make prelicensing inspection a part of the evaluation procedure when such prelicensing is deemed to be necessary and practicable. In connection with licensing procedures, provision is made to give opportunity for all interested persons to be heard.

With respect to human use the State Health Officer has appointed highly qualified medical consultants knowledgeable in the clinical use of isotopes and other sources of ionizing radiation to assist in the development of policies, the establishment of criteria and the evaluation of unusual applications for license to apply radioactive substances to humans.

Although the Florida Nuclear Code permits the enactment of municipal ordinances and regulations that are not inconsistent with the code and regulations adopted thereunder, the agency charged with the responsibility of promulgating regulations and issuing licenses is the Florida State Board of Health.

2. *Inspection.* Inspection for compliance with regulations and with license conditions will be carried on by the State Board of Health and its duly authorized representatives.

The local health departments, under the direction of the Florida State Board of Health, will participate in inspection activities as they develop a radiological health program and demonstrate their capability.

As a part of the preparation for the assumption of regulatory authority from the AEC, State radiological health program personnel have accompanied AEC inspectors on almost all of their license inspections in the State since September, 1959. There are approximately 200 licensees in the State.

Based upon the number and kind of licenses and registrations, a priority system will be established under which inspection of the most hazardous activities will be scheduled at least once each six months, and the remainder on a less frequent basis. Initial priorities will be established on the basis of the prelicensing evaluation and may be modified in accordance with subsequent inspections. It is expected that all licensed activities will be inspected at least once in two years.

Most inspections will be scheduled visits; a significant number may be on an unscheduled basis. A review of the structure of the organization of the establishment and of pertinent operational procedures will be made, especially if changes have occurred since the license was issued or the registration accomplished. Specific responsibilities will be ascertained or confirmed. Inspection visits will usually entail a comprehensive review by the inspector of equipment, facilities and procedures for handling and storage of radioactive material, and an interview with key personnel directly involved. The inspector will review the survey methods and results of personnel monitoring, the posting of signs and labeling, instruction of personnel; and the methods and apparent effectiveness of maintaining control of people in controlled areas. He will review the records of receipts, transfers and inventory of licensed or registered material. He may physically check the inventory. He will examine records concerning disposal to the sewerage system and burial in the soil, if pertinent. He may take measurements of radiation levels. He will meet with management to discuss the results of his inspection. During this meeting, he will discuss questions concerning the regulatory program.

The inspector will prepare a report in sufficient detail to describe the facts and circumstances observed during the inspection. These reports will provide the basis for any necessary enforcement action. The Board will review the operation of this system to insure that timely and adequate inspections are performed and that appropriate actions are taken.

In addition, there will be investigations of incidents and complaints involving radiation sources to determine the cause, the steps taken by the licensee or registrant to cope with the incident, whether or not there was non-compliance with a regulation, and the steps taken to avoid recurrence of the incident.

The licensee or registrant will be informed of the results of all inspections, orally at the time of the inspection, and by letter or notice from the Board.

3. *Enforcement.* Reports of inspections will be evaluated by the State Board of Health to determine the status of compliance with license conditions and regulations. If no item of noncompliance is observed, licensee or registrant will be so informed. If only minor matters of noncompliance, such as improper signs, failure to label, etc., are involved, which at the time of the inspection the licensee or registrant agrees to correct, he will be informed in writing of these matters and that corrective action will be reviewed during the next inspection. If the inspection reveals a noncompliance of a more serious nature, the licensee or registrant will be required to inform the inspecting agency in writing, usually within 15 to 30 days, as to corrective action taken and the date completed. In these cases, the Board will either conduct a prompt follow-up inspection or the matter will be reviewed during a regular inspection to insure that corrective action has, in fact, been accomplished. If the reply does not satisfactorily explain the noncompliance and assure that further violations will be prevented, the Board will take such administrative actions as are available, such as holding a hearing in accordance with section 290.15, Florida Statutes, which also provides for judicial review of the final order resulting from such hearing. There is provision for emergency action without notice or hearing, but such emergency action shall be subject to a prompt hearing afforded the licensee or registrant. Among the enforcement procedures available to the Board are modification, suspension, or revocation of licenses, or injunctive relief, and criminal sanctions afforded in the courts. (Sections 290.15, 290.16, 290.17 and 290.19, Florida Statutes.)

Upon failure to secure administrative relief where applicable, the Board will prepare proper charges against alleged nonlicensed operators or those persons failing to comply with Board orders, for presentment to State Attorneys or local county prosecuting attorneys; accompanying the said charge shall be a request for prosecution together with a trial memorandum setting forth the names of the witnesses and the testimony that may be adduced from the individual witness, and an outline showing the chain of custody on the tangible evidence expected to be introduced at the trial.

C. *Emergency planning and capabilities.* 1. Under the general coordination of the Florida Nuclear and Space Commission a radiological assistance organization and plan of action have been developed. The State Highway Patrol has assumed the responsibility for alerting, communications and team transportation or escort. Local law enforcement officials will control any possible crowd development. Radiological assistance technical teams, including physicians have been developed at public health and university centers. There are six such teams so located that no point in the State (except Key West) is more than 100 miles from a team. Emphasis at this time is on training, rehearsal and more completely equipping the teams. Personnel of the AEC Savannah Operations Office and of the AEC Pinellas Area Office have assisted in this development.

2. Stimulated by the I^{131} levels in Utah and certain other States the Florida State Board of Health convened a meeting of representatives from the Department of Agriculture, milk producer and distributor associations, cattle feed industry, and the University of Florida to discuss possible action programs for the State of Florida. An ad hoc committee has formed with the Department of Agriculture representative as chairman. This committee held several meetings during which a detailed plan of action based on the use of aged feed was drawn up. Specific responsibilities were assigned and lines of communication were established.

D. *Laboratory support.* The radiological laboratory of the State Board of Health is administratively a unit of the Bureau of Laboratories. Technical assistance and direction is supplied by the Division of Radiological and Occupational Health. The laboratory is manned by two radiological chemists and two technicians with part-time clerical assistance. It is located in a new building and was designed specifically for radiological work. Equipment includes: a two detector low beta counting system, windowless proportional counters, one single channel gamma scintillation spectrometer and a 512 channel gamma scintillation spectrometer, beta and alpha scintillation detectors, and an eleven cubic foot muffle furnace. The sample preparation section is complete with full chemical analytical capability.

IV. Organization and personnel. The radiation control program is established in the Division of Raliological and Occupational Health, an existing organizational unit of the Florida State Board of Health. There is no absolute line of cleavage between the radiological and occupational health programs, but for clarity of this presentation, they are being considered as separate and distinct. With regard to the Radiological Health Program, Division philosophy requires that there be as much interplay between programs as possible. The reason for this is that we need sufficient breadth of capabilities so that no program will be seriously interfered with by routine absences or emergency situations. A further but perhaps no less serious reason is that some activities in each of the programs are of a routine nature and carry little, if any, psychological challenge or job satisfaction if they constitute the sole function of any one person for extended periods of time. As a further measure of providing broader training and experience, employees are encouraged to avail themselves of general and categorical orientation courses given by the State Board of Health, the U.S. Public Health Service, and the AEC.

The minimum educational and experience requirements for the position categories directly related to the regulatory program as set forth in the Florida Merit System job descriptions (with salaries) are attached in Attachment A. Presented in Attachment B is biographical material for personnel presently employed.

A brief description of the various positions follows:

Director, Division of Radiological and Occupational Health (Health Officer IV). This individual is Director of the Division, being administratively responsible for the combined radiological and occupational health program of the State Board of Health. This person is an M.D. and, in addition to administrative duties, will assist by providing staff medical advice when needed.

Public Health Physicist IV. The person in this position has major technical administrative responsibility for all the radiological health programs of the Division, including the source control program, emergency programs, and environmental surveillance and studies. He will provide direct assistance in the regulatory program as required. (During the initial phase of the program incident to the transfer of authority from the AEC and pending the addition of personnel he will be responsible for licensing and the review of regulations.)

Public Health Physicist III. There are proposed two positions at this level. One is primarily responsible for licensing and for the development and constant review of regulations. The other, now on duty, will be responsible for the survey and consultation with the user aspects of the program. This concept differs from the AEC inspection and enforcement program only in that, in addition to the detailed inspection and rigid enforcement, we feel a responsibility and will exert considerable effort in assisting the user in improving his physical facilities and his procedures in an attempt to arrive at the least practical exposure to humans to ionizing radiation.

Public Health Physicist II. It is planned that the program will begin with at least two individuals at this level. Each will be responsible for a given area of the State, and will be responsible for prelicensing visits, inspections, as well as preliminary processing of registration forms, making X-ray surveys, and performing other radiological health program work as required in his area.

Upon consummation of an agreement with the Atomic Energy Commission, additional personnel will be employed, as available and necessary to perform license evaluations and to provide supervision over the inspection program.

Requirements as to qualifications and proficiencies of local health department personnel performing Radiological Health duties will be at least as high as for State personnel performing similar duties.

V. Coordination. Coordination of the State program for the control of radiation is facilitated through the functions of the Florida Nuclear and Space Commission. All agencies and political subdivisions of the State are required to keep the Commission fully and currently informed as to their activities.

The Coordinating Council of the Florida Nuclear Commission was established early in the development of the radiation control program and its functions and recommendations have been instrumental in developing the present program.

The Florida Nuclear Code provides that any rule, regulation or ordinance, or amendment thereto or repeal thereof primarily or directly relating to Atomic Energy proposed by any department, division, commission or agency of the State of any political subdivision thereof, shall not become effective until 90 days after it has been submitted to the Commission, unless the Commission or the Governor waives such waiting period. If, after consultation with the Commission, the Governor finds any of either the proposed or existing rules to be inconsistent, he may direct the appropriate agency to amend or repeal such rules to achieve consistency (Section 290.09, Florida Statutes).

[F.R. Doc. 64-3744; Filed, Apr. 14, 1964; 8:50 a.m.]

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 64-24]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Notice of Approval

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document, during the period from May 13, 1963 to March 24, 1964 (List No. 5-64). These actions were taken in accordance with procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in section 632 of Title 14, U.S. Code, and in Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167-14 dated November 26, 1954 (19 F.R. 8026), 167-15 dated January 3, 1955 (20 F.R. 840), 167-20 dated June 18, 1956 (21 F.R. 4894), CGFR 56-28 dated July 24, 1956 (21 F.R. 5659), or 167-38 dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in

effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 3 AND 5

Approval No. 160.002/84/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by The Safegard Corp., Box 14037, P.O. Annex, Cincinnati, Ohio, for Life Products Co., 930 York Street, Cincinnati 22, Ohio, effective March 12, 1964. (It is an extension of Approval No. 160.002/84/0 dated March 14, 1959, and change of address of manufacturer.)

Approval No. 160.002/85/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, manufactured by The Safegard Corp., Box 14037, P.O. Annex, Cincinnati, Ohio, for Life Products Co., 930 York Street, Cincinnati 22, Ohio, effective March 12, 1964. (It is an extension of Approval No. 160.002/85/0 dated March 14, 1959, and change of address of manufacturer.)

LIFEBOATS

Approval No. 160.035/22/3, 24.0' x 8.0' x 3.25' steel, oar-propelled lifeboat, 40-person capacity, identified by general arrangement dwg. No. G–2440–T dated June 4, 1952, and revised December 11, 1958, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, New York, effective March 12, 1964. (It is an extension of Approval No. 160.035/22/3 dated March 14, 1959.)

Approval No. 160.035/90/2, 18.0' x 6.0' x 2.4' steel, oar-propelled lifeboat, 15-person capacity, identified by general arrangement dwg. No. 49R–1812 dated October 17, 1950, and revised October 18, 1957, manufactured by Lane Lifeboat & Davit Corp., 8920 26th Avenue, Brooklyn 14, New York, effective March 12, 1964. (It is an extension of Approval No. 160.035/90/2 dated March 14, 1959.)

Approval No. 160.035/179/2, 20.0' x 6.5' x 2.67' steel, oar-propelled lifeboat, 20-person capacity, identified by construction and arrangement dwg. No. 3180 dated December 10, 1952, and revised December 5, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective March 12, 1964. (It is an extension of Approval No. 160.035/179/2 dated March 14, 1959.)

Approval No. 160.035/183/2, 22.0' x 6.75' x 2.92' steel, oar-propelled lifeboat, 25-person capacity, identified by construction and arrangement dwg. No. 3181 dated July 22, 1953, and revised December 6, 1958, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, New Jersey, effective March 12, 1964. (It is an extension of Approval No. 160.035/183/2 dated March 14, 1959.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/144/0, special approval for 15" x 15" x 2" rectangular kapok buoyant cushion, 20-oz. kapok, U.S.C.G. Specification Subpart 160.048, manufactured by Miltco Products Corp., 139 Emerson Place, Brooklyn 5, New York, effective March 14, 1964. (It is an extension of Approval No. 160.048/144/0 dated March 14, 1959.)

Approval No. 160.048/145/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Elvin Salow Co., 273–285 Congress Street, Boston 10, Mass., for Wallace Manufacturing Co., 273–285 Congress Street, Boston 10, Massachusetts, effective March 12, 1964. (It is an extension of Approval No. 160.048/145/0 dated March 14, 1959.)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/12/2, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Co. dwgs. No. 175–LA–3 revised December 19, 1963, or No. 175–LA–4 revised December 26, 1963, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, Louisiana 70117, effective February 6, 1964. (Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Connecticut.) (It supersedes Approval No. 160.050/12/1 dated April 26, 1963, to show change of construction.)

Approval No. 160.050/13/2, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Co. dwgs. No. 175–LA–3 revised December 19, 1963, or No. 175–LA–4 revised December 26, 1963, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, Louisiana 70117, effective February 6, 1964. (Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Connecticut.) (It supersedes Approval No. 160.050/13/2 dated April 26, 1963, to show change of construction.)

Approval No. 160.050/14/2, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Co. dwgs. No. 175–LA–3 revised December 19, 1963, or No. 175–LA–4 revised December 26, 1963, manufactured by The American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, Louisiana 70117, effective February 6, 1964. (Buoy bodies are made by B. F. Goodrich Co., Sponge Products Division, Shelton, Connecticut.) (It supersedes Approval No. 160.050/14/2 dated April 26, 1963, to show change of construction.)

INFLATABLE LIFE RAFTS

Approval No. 160.051/18/0, inflatable life raft, 15-person capacity, identified by general arrangement dwg. SPC–MM–15002 (Rev. 2), dated Nov. 1, 1963, and Master Record Index S.P.C. M.M./15 (Rev. 5), dated March 10, 1964, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton 7, New Jersey, effective March 10, 1964.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/40/0, Type I, Model AP, adult unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The Safegard Corp., Box 14037, P.O. Annex, Cincinnati, Ohio, for Lifo Products Co., 930 York Street, Cincinnati 22, Ohio, effective March 12, 1964. (It is an extension of Approval No. 160.052/40/0 dated March 14, 1959, and change of address of manufacturer.)

Approval No. 160.052/41/0, Type I Model CPM, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The Safegard Corp., Box 14037, P.O. Annex, Cincinnati, Ohio, for Lifo Products Co., 930 York Street, Cincinnati 22, Ohio, effective March 12, 1964. (It is an extension of Approval No. 160.052/41/0 dated March 14, 1959, and change of address of manufacturer.)

Approval No. 160.052/42/0, Type I, Model CPS, child unicellular plastic foam buoyant vest, U.S.C.G. Specification Subpart 160.052, manufactured by The Safegard Corp., Box 14037, P.O. Annex, Cincinnati, Ohio, for Lifo Products Co., 930 York Street, Cincinnati 22, Ohio, effective March 12, 1964. (It is an extension of Approval No. 160.052/42/0 dated March 14, 1959, and change of address of manufacturer.)

Approval No. 160.052/157/1, Type II, Model 502–U–11, Sea Scamp, child medium unicellular plastic foam buoyant vest, dwg. list 63F1106 and Bill of Materials, Rev. 1 dated March 9, 1964, manufactured by Gentex Corporation, Carbondale, Pennsylvania, effective March 10, 1964. (It supersedes Approval No. 160.052/157/0 dated February 15, 1963, to show change in construction.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/64/2, Type Series 1515B, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 750°F., dwg. No. 3VH953, revised November 10, 1953, approved for the following sizes and type numbers:

Size	*Type No.*
1½"	1515HB
2"	1515JB
2½"	1515KB
3"	1515LB

manufactured by Manning, Maxwell & Moore, Inc., Valve Division, Alexandria, Louisiana, effective March 24, 1964. (It is an extension of Approval No. 162.001/64/2 dated March 25, 1959, and change of address of manufacturer.)

Approval No. 162.001/65/2, Type Series 1515C, alloy steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 900° F., dwg. No. 3VH953, revised November 10, 1953, approved for the following sizes and type numbers:

Size	*Type No.*
1½"	1515HC
2"	1515JC
2½"	1515KC
3"	1515LC

manufactured by Manning, Maxwell & Moore, Inc., Valve Division, Alexandria, Louisiana, effective March 24, 1964. (It is an extension of Approval No. 162.001/

65/2 dated March 25, 1959, and change of address of manufacturer.)

Approval No. 162.001/66/2, Type Series 1515A, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 650° F., dwg. No. 3VH953, revised November 10, 1953, approved for the following sizes and type numbers:

Size	Type No.
1½"	1515HA
2"	1515JA
2½"	1515KA
3"	1515LA

manufactured by Manning, Maxwell & Moore, Inc., Valve Division, Alexandria, Louisiana, effective March 24, 1964. (It is an extension of Approval No. 162.001/66/2 dated March 25, 1959, and change of address of manufacturer.)

Approval No. 162.001/141/1, Type Series 1415A, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 650° F., dwg. No. 3VA953, revised November 10, 1953, approved for the following sizes and type numbers:

Size	Type No.
1½"	1415FA
1½"	1415GA
1½"	1415HA
2"	1415HA
2½"	1415JA
3"	1415KA
4"	1415LA
4"	**1415NA

manufactured by Manning, Maxwell & Moore, Inc., Valve Division, Alexandria, Louisiana, effective March 24, 1964. (**Maximum pressure limited to 450 p.s.i. for size 4", Type 1415NA.) (It is an extension of Approval No. 162.001/141/1 dated March 25, 1959, and change of address of manufacturer.)

Approval No. 162.001/142/1, Type Series 1415B, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 750° F., dwg. No. 3VA953, revised November 10, 1953, approved for the following sizes and type numbers:

Size	Type No.
1½"	1415FB
1½"	1415GB
1½"	1415HB
2"	1415HB
2½"	1415JB
3"	1415KB
4"	1415LB
4"	**1415NB

manufactured by Manning, Maxwell & Moore, Inc., Valve Division, Alexandria, Louisiana, effective March 24, 1964. (**Maximum pressure limited to 450 p.s.i. for size 4", Type 1415NB.) (It is an extension of Approval No. 162.001/142/1 dated March 25, 1959, and change of address of manufacturer.)

Approval No. 162.001/143/1, Type Series 1415C, alloy steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 900° F., dwg. No. 3VA953, revised November 10, 1953, approved for the following sizes and type numbers:

Size	Type No.
1½"	1415FC
1½"	1415GC
1½"	1415HC
2"	1415HC
2½"	1415JC
3"	1415KC
4"	1415LC
4"	**1415NC

manufactured by Manning, Maxwell & Moore, Inc., Valve Division, Alexandria, Louisiana, effective March 24, 1964. (**Maximum pressure limited to 450 p.s.i. for size 4", Type 1415NC.) (It is an extension of Approval No. 162.001/143/1 dated March 25, 1959, and change of address of manufacturer.)

Approval No. 162.001/153/1, Type Series 1555A, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 650° F., dwg. No. 3VD953, revised November 10, 1953, approved for the following sizes and type numbers:

Size	Type No.
1½"	1555HA
2"	1555JA
2½"	1555KA
3"	1555LA

manufactured by Manning, Maxwell & Moore, Inc., Valve Division, Alexandria, Louisiana, effective March 24, 1964. (It is an extension of Approval No. 162.001/153/1 dated March 25, 1959, and change of address of manufacturer.)

Approval No. 162.001/154/1, Type Series 1555B, carbon steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 750° F., dwg. No. 3VD953, revised November 10, 1953, approved for the following sizes and type numbers:

Size	Type No.
1½"	1555HB
2"	1555JB
2½"	1555KB
3"	1555LB

manufactured by Manning, Maxwell & Moore, Inc., Valve Division, Alexandria, Louisiana, effective March 24, 1964. (It is an extension of Approval No. 162.001/154/1 dated March 25, 1959, and change of address of manufacturer.)

Approval No. 162.001/155/1, Type Series 1555C, alloy steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 900° F., dwg. No. 3VD953, revised November 10, 1953, approved for the following sizes and type numbers:

Size	Type No.
1½"	1555HC
2"	1555JC
2½"	1555KC
3"	1555LC

manufactured by Manning, Maxwell & Moore, Inc., Valve Division, Alexandria, Louisiana, effective March 24, 1964. (It is an extension of Approval No. 162.001/155/1 dated March 25, 1959, and change of address of manufacturer.)

Approval No. 162.001/156/1, Type Series 1555D, alloy steel body pop safety valve, exposed spring, maximum pressure 600 p.s.i., maximum temperature 1,000° F., dwg. No. 3VD953, revised November 10, 1953, approved for the following sizes and type numbers:

Size	Type No.
1½"	1555HD
2"	1555JD
2½"	1555KD
3"	1555LD

manufactured by Manning, Maxwell & Moore, Inc., Valve Division, Alexandria, Louisiana, effective March 24, 1964. (It is an extension of Approval No. 162.001/156/1 dated March 25, 1959, and change of address of manufacturer.)

Approval No. 162.001/158/1, Type Series 1556A, carbon steel body pop safety valve, exposed spring, maximum pressure 900 p.s.i., maximum temperature 650° F., dwg. No. 3VG953, revised November 10, 1953, approved for the following sizes and type numbers:

Size	Type No.
1½"	1556HA
2"	1556JA
2½"	1556KA
3"	1556LA

manufactured by Manning, Maxwell & Moore, Inc., Valve Division, Alexandria, Louisiana, effective March 24, 1964. (It is an extension of Approval No. 162.001/158/1 dated March 25, 1959, and change of address of manufacturer.)

Approval No. 162.001/160/1, Type Series 1556B, carbon steel body pop safety valve, exposed spring, maximum pressure 900 p.s.i., maximum temperature 750° F., dwg. No. 3VG953, revised November 10, 1953, approved for the following sizes and type numbers:

Size	Type No.
1½"	1556HB
2"	1556JB
2½"	1556KB
3"	1556LB

manufactured by Manning, Maxwell & Moore, Inc., Valve Division, Alexandria, Louisiana, effective March 24, 1964. (It is an extension of Approval No. 162.001/160/1 dated March 25, 1959, and change of address of manufacturer.)

Approval No. 162.001/162/1, Type Series 1556C, alloy steel body pop safety valve, exposed spring, maximum pressure 900 p.s.i., maximum temperature 900° F., dwg. No. 3VG953, revised November 10, 1953, approved for the following sizes and type numbers:

Size	Type No.
1½"	1556HC
2"	1556JC
2½"	1556KC
3"	1556LC

manufactured by Manning, Maxwell & Moore, Inc., Valve Division, Alexandria, Louisiana, effective March 24, 1964. (It is an extension of Approval No. 162.001/162/1 dated March 25, 1959, and change of address of manufacturer.)

Approval No. 162.001/164/1, Type Series 1556D, alloy steel body pop safety valve, exposed spring, maximum pressure 900 p.s.i., maximum temperature 1,000° F., dwg. No. 3VG953, revised November 10, 1953, approved for the following sizes and type numbers:

Size	Type No.
1½"	1556HD
2"	1556JD
2½"	1556KD
3"	1556LD

manufactured by Manning, Maxwell & Moore, Inc., Valve Division, Alexandria, Louisiana, effective March 24, 1964. (It is an extension of Approval No. 162.001/164/1 dated March 25, 1959, and change of address of manufacturer.)

Approval No. 162.001/169/1, Type Series 1557A, carbon steel body pop safety

valve, exposed spring, maximum pressures 1,200 p.s.i. and 1,500 p.s.i., maximum temperature 650° F., dwg. Nos. 3VE953 and 3VF953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	Type No.	
	1,200 p.s.i.	1,500 p.s.i.
1½		1557FA
2	1557HA	1557GA
2½	1557JA	1557HA
3	1557KA	1557JA
4	1557LA	

manufactured by Manning, Maxwell & Moore, Inc., Valve Division, Alexandria, Louisiana, effective March 24, 1964. (It is an extension of Approval No. 162.001/169/1 dated March 25, 1959, and change of address of manufacturer.)

Approval No. 162.001/171/1, Type Series 1557B, carbon steel body pop safety valve, exposed spring, maximum pressures 1,200 p.s.i. and 1,500 p.s.i. maximum temperature 750° F., dwg. Nos. 3VE953 and 3VF953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	Type No.	
	1,200 p.s.i.	1,500 p.s.i.
1½		1557FB
2	1557HB	1557GB
2½	1557JB	1557HB
3	1557KB	1557JB
4	1557LB	

manufactured by Manning, Maxwell & Moore, Inc., Valve Division, Alexandria, Louisiana, effective March 24, 1964. (It is an extension of Approval No. 162.001/171/1 dated March 25, 1959, and change of address of manufacturer.)

Approval No. 162.001/173/1, Type Series 1557C, alloy steel body pop safety valve, exposed spring, maximum pressures 1,200 p.s.i. and 1,500 p.s.i., maximum temperature 900°F., dwg. Nos. 3VE953 and 3VF953, revised November 10, 1953, approved for the following sizes and type numbers:

Size inches	Type No.	
	1,200 p.s.i.	1,500 p.s.i.
1½		1557FC
2	1557HC	1557GC
2½	1557JC	1557HC
3	1557KC	1557JC
4	1557LC	

manufactured by Manning, Maxwell & Moore, Inc., Valve Division, Alexandria, Louisiana, effective March 24, 1964. (It is an extension of Approval No. 162.001/173/1 dated March 25, 1959, and change of address of manufacturer.)

Approval No. 162.001/175/1, Type Series 1557D, alloy steel body pop safety valve, exposed spring, maximum pressures 1,200 p.s.i. and 1,500 p.s.i., maximum temperature 1,000° F., dwg. Nos. 3VE953 and 3VF953, revised November 10, 1953, approved for the following sizes and type numbers:

Size (inches)	Type No.	
	1,200 p.s.i.	1,500 p.s.i.
1½		1557FD
2	1557HD	1557GD
2½	1557JD	1557HD
3	1557KD	1557JD
4	1557LD	

manufactured by Manning, Maxwell & Moore, Inc., Valve Division, Alexandria, Louisiana, effective March 24, 1964. (It is an extension of Approval No. 162.001/175/1 dated March 25, 1959, and change of address of manufacturer.)

Approval No. 162.001/241/0, Style HS–MS–35 carbon steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 775 p.s.i. primary service pressure rating, 650° F., maximum temperature, dwg. No. HV–35–MS revised 15 April 1963, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Massachusetts, effective May 11, 1963. (It supersedes Approval No. 162.001/241/0 dated May 8, 1963, to show change in effective date.)

BOILERS (HEATING)

Approval No. 162.003/78/1, Model 523C, horizontal water tube steam heating boiler, 1,075 pounds per hour, dwg. No. 38–8186–2, Rev. 2 dated December 8, 1953, maximum design pressure 30 p.s.i., approval limited to bare boiler, manufactured by The International Boiler Works Co., 1 Birch Street, East Stroudsburg, Pa., effective March 24, 1964. (It is an extension of Approval No. 162.003/78/1 dated March 25, 1959).

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Approval No. 162.025/63/0, Model No. E1500 Reliance Eye-Hye secondary type boiler water level indicator, remote reading, 1,500 p.s.i. maximum pressure, dwg. No. B–6616–2 dated March 1, 1949, manufactured by The Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, Ohio, 44135, effective March 6, 1964. (It is an extension of Approval No.162.025/63/0 dated March 25, 1959, and change of name and address of manufacturer.)

Approval No. 162.025/64/0, Model No. E1500–A Reliance Eye-Hye secondary type boiler water level indicator, remote reading, 1,500 p.s.i. maximum pressure, dwg. No. B–6616–2 dated March 1, 1949, manufactured by The Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, Ohio, 44135, effective March 6, 1964. (It is an extension of Approval No. 162.025/64/0 dated March 25, 1959, and change of name and address of manufacturer.)

Approval No. 162.025/65/0, Model No. E1500–B Reliance Eye-Hye secondary type boiler water level indicator, remote reading, 1,500 p.s.i. maximum pressure, dwg. No. B–6616–2 dated March 1, 1949, manufactured by The Clark-Reliance Corp., 15901 Industrial Parkway, Cleveland, Ohio 44135, effective March 6, 1964. (It is an extension of Approval No. 162.025/65/0 dated March 25, 1959, and change of name and address of manufacturer.)

Approval No. 162.025/90/0, Model 3 Truscale boiler water level indicator, remote reading, 1,500 p.s.i. maximum pressure, dwg. No. T–70, Rev. A dated November 17, 1958; dwg. No. T–5, Rev. D dated July 12, 1956; and dwg. No. GD–1102, Alt. 3 dated February 1, 1957, manufactured by Jerguson Gage & Valve Co., Adams Street, Burlington, Massachusetts, effective March 6, 1964. (It is an extension of Approval No. 162.025/90/0 dated March 14, 1959.)

BULKHEAD PANELS

Approval No. 164.008/24/1, "KAYLO" inorganic composition board type bulkhead panel with a suitable veneer on both sides identical to that described in National Bureau of Standards Test Report No. TG10230–7:FP2635 dated July 22, 1948, approved as meeting Class B–15 requirements in a ⅞-inch thickness, exclusive of the veneer, manufactured by United States Plywood Corp., 55 West 44th Street, New York 36, New York, effective March 12, 1964. (It is an extension of Approval No. 164.008/24/1 dated March 25, 1959.)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/56/0, "Isoflex-K20" glass fibrous insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–2037:FP3485 dated January 27, 1959, approved in a density of 0.75 pounds per cubic foot, manufactured by Isoflex Sales Company, 1564 Rollins Road, Burlingame, California, effective March 12, 1964. (It is an extension of Approval No. 164.009/56/0 dated March 14, 1959.)

Dated: April 30, 1964.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 64–4532; Filed, May 5, 1964; 8:51 a.m.]

Office of the Secretary

[Dept. Circular Public Debt Series—No. 6–64]

4 PERCENT TREASURY NOTES OF SERIES E–1965

Offering of Notes

APRIL 30, 1964.

I. *Offering of Notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at 99.875 percent of their face value, from the people of the United States for notes of the United States, designated 4 percent Treasury Notes of Series E–1965, in exchange for the following securities maturing May 15, 1964:

3¼ percent Treasury Certificates of Indebtedness of Series B–1964;
4¾ percent Treasury Notes of Series A–1964; or
3¾ percent Treasury Notes of Series D–1964.

The cash payment due subscribers on account of the issue price of the notes will be made as set forth in Section IV hereof. The amount of the offering under this circular will be limited to the amount of eligible securities tendered in exchange

and accepted. The books will be open only on May 4 through May 6, 1964, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the securities enumerated in paragraph 1 of this section are offered the privilege of exchanging all or any part of such securities for 4¼ percent Treasury Bonds of 1974, which offering is set forth in Department Circular, Public Debt Series—No. 7–64, issued simultaneously with this circular.

II. *Description of Notes.* 1. The notes will be dated May 15, 1964, and will bear interest from that date at the rate of 4 percent per annum, payable semiannually on November 15, 1964, and on May 15 and November 15, 1965. They will mature November 15, 1965, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000, and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C., 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. All subscribers requesting registered notes will be required to furnish appropriate identifying-numbers as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security number or an employer identification number.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder must be made on or before May 15, 1964, or on later allotment, and may be made only in securities of the three issues enumerated in paragraph 1 of section I hereof, which will be accepted at par, and should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number, as required by paragraph 2 of section III hereof, has not been furnished; provided, however, if a subscriber has applied for but is unable to furnish the identifying number by the payment date only because it has not been issued, he may elect to receive, pending the furnishing of the identifying number, interim receipts and in this case payment will be deemed to have been completed. Coupons dated May 15, 1964, should be detached from the certificates and notes in bearer form and cashed when due. The cash payment of $1.25 per $1,000 on account of the issue price of the notes will be made to subscribers, in the case of bearer securities following acceptance of the securities, and in the case of registered notes following discharge of registration. In the case of registered notes, the final interest due on May 15, 1964, together with the cash payment of $1.25 per $1,000 due subscribers, will be paid by check drawn in accordance with the assignments on the notes surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of Registered Notes.* 1. Treasury Notes of Series A–1964 and Series D–1964 in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C., 20220. The maturing notes must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Notes of Series E–1965"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Notes of Series E–1965 in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Notes of Series E–1965 in coupon form to be delivered to _____".

VI. *General Provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT V. ROOSA,
Acting Secretary of the Treasury.

[F.R. Doc. 64–4533; Filed, May 5, 1964; 8:51 a.m.]

[Dept. Circular, Public Debt Series—No. 7–64]

4¼ PERCENT TREASURY BONDS OF 1974

Offering of Bonds

APRIL 30, 1964.

I. *Offering of Bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for bonds of the United States, designated 4¼ percent Treasury Bonds of 1974, in exchange for the following securities maturing May 15, 1964:

3¼ percent Treasury Certificates of Indebtedness of Series B–1964;
4¾ percent Treasury Notes of Series A–1964; or
3¾ percent Treasury Notes of Series D–1964.

The amount of the offering under this circular will be limited to the amount of eligible securities tendered in exchange and accepted. The books will be open only on May 4 through May 6, 1964, for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the securities enumerated in paragraph 1 of this section are offered the privilege of exchanging all or any part of such securities for 4 percent Treasury Notes of Series E–1965, which offering is set forth in Department Circular, Public Debt Series—No. 6–64, issued simultaneously with this circular.

II. *Description of Bonds.* 1. The bonds will be dated May 15, 1964, and will bear interest from that date at the rate of 4¼ percent per annum, payable semiannually on November 15, 1964, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1974, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to prin-

cipal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. Any bonds issued hereunder which are owned by a decedent at the time of his death and thereupon constitute a part of his estate will be redeemed at par and accrued interest prior to maturity, provided the Secretary of the Treasury is authorized by the representative of the estate to apply the entire proceeds of redemption to payment of the decedent's Federal estate taxes.

6. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C., 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. All subscribers requesting registered bonds will be required to furnish appropriate identifying numbers as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security number or an employer identification number.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before May 15, 1964, or on later allotment, and may be made only in securities of the three issues enumerated in paragraph 1 of section I hereof, which will be accepted at par, and should accompany the subscription. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number, as required by paragraph 2 of section III hereof, has not been furnished; provided, however, if a subscriber has applied for but is unable to furnish the identifying number by the payment date only because it has not been issued, he may elect to receive, pending the furnishing of the identifying number, interim receipts and in this case payment will be deemed to have been completed. Coupons dated May 15, 1964, should be detached from the certificates and notes in bearer form and cashed when due. In the case of registered notes, the final interest due on May 15, 1964, will be paid by check drawn in accordance with the assignments on the notes surrendered, or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District.

V. *Assignment of registered notes.* 1. Treasury Notes of Series A–1964 and Series D–1964 in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C., 20220. The notes must be delivered at the expense and risk of the holder. If the bonds are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 4¼ percent Treasury Bonds of 1974"; if the bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 4¼ percent Treasury Bonds of 1974 in the name of _____"; if bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange, for 4¼ percent Treasury Bonds of 1974 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] ROBERT V. ROOSA,
Acting Secretary of the Treasury.

[F.R. Doc. 64-4534; Filed, May 5, 1964; 8:52 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

TURTLE MOUNTAIN RESERVATION, TURTLE MOUNTAIN OFF RESERVATION LANDS AND TURTLE MOUNTAIN PUBLIC DOMAIN ALLOTMENTS

Transfer of Land Records to Custody of Aberdeen and Billings Area Officers

In accordance with 25 CFR Part 120 and pursuant to authority delegated by Amendment No. 49 to Secretarial Order 2508 (26 F.R. 11395), notice is hereby given that all source title documents and land records pertaining to trust or restricted Indian-owned lands as listed below have been transferred from the City of Washington, D.C. to (1) the Aberdeen Area Office, Bureau of Indian Affairs, 820 South Main Street, Aberdeen, South Dakota and, (2) the Billings Area Office, Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana.

1. Effective May 1, 1964, the Aberdeen Area Office will be the office for the maintenance of records for all trust or restricted lands on the Turtle Mountain Reservation in the State of North Dakota and for the Turtle Mountain Off Reservation Lands in the States of North and South Dakota administered through the Turtle Mountain Agency, the Fort Berthold Agency, and the Cheyenne River Agency.

2. Effective May 1, 1964, the Billings Area Office will be the office for the maintenance of records for all trust or restricted land included within the Turtle Mountain Public Domain Allotments in the States of Montana and North Dakota administered through the Fort Belknap Consolidated Agency, the Fort Peck Agency and the Northern Cheyenne Agency.

Dated: April 24, 1964.

JOHN O. CROW,
Deputy Commissioner.

[F.R. Doc. 64-4489; Filed, May 5, 1964; 8:46 a.m.]

Bureau of Land Management

[Colorado 0101352]

COLORADO

Order Providing for Opening of Public Lands

APRIL 28, 1964.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended by the Act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO
T. 47 N., R. 16 W.,
Sec. 1, SW¼SE¼;
Sec. 12, NW¼NE¼, and E½NW¼.

160 acres.

2. All of the lands are located in Montrose County, approximately six miles north of Nucla, Colorado. The land is rolling, with sandy loam soil supporting pinon-juniper, sagebrush vegetation.

3. No application for these lands will be allowed under the homestead, desert land, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application or shall be so classified upon consideration of a petition-application. Any petition-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 the filing of petition-applications, selections, and locations in accordance with the following:

(a) Petition-applications and selections under the nonmineral public land laws, except applications under the Small Tract Act, may be presented to the Manager mentioned below, beginning on the date of this order. Such petition-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 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 petition-applications and selections under the nonmineral public land laws presented prior to 10 a.m., June 3, 1964, will be considered as simultaneously filed at that hour. Rights under such petition-applications and selections filed after that hour will be governed by the time of filing.

(b) The mineral rights in the lands described in paragraph 1 have been retained by the previous owner, as provided for in section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended.

5. Persons claiming preference rights 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 petition-applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries concerning these lands should be addressed to the Land Office Manager, Colorado Land Office, Insurance Exchange Building, 910 15th Street, Denver, Colorado, 80202.

J. ELLIOTT HALL,
Chief, Lands and Minerals.

[F.R. Doc. 64-4490; Filed, May 5, 1964; 8:46 a.m.]

Office of the Secretary

[Order 2508, Amdt. 59]

COMMISSION OF INDIAN AFFAIRS

Delegation of Authority Regarding Issuance of Deputy Special Officers' Commissions

Section 10(h) of Order 2508 (16 F.R. 11620), is amended to read as follows:

SEC. 10. *Health and Welfare Matters.* The Commissioner may exercise the authority of the Secretary in relation to the following classes of matters:

* * * * *

(h) The issuance of deputy special officers' commissions to persons working in law enforcement for the maintenance of law and order on Indian reservations.

Dated: April 28, 1964.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 64-4491; Filed, May 5, 1964; 8:46 a.m.]

DEPARTMENT OF STATE

[Public Notice 231; Delegation of Authority 105-3]

ASSISTANT SECRETARY OF STATE FOR EDUCATIONAL AND CULTURAL AFFAIRS

Delegation of Certain Functions With Respect to Educational and Cultural Affairs

By virtue of the authority vested in me by section 4 of the Act of May 26, 1949 (63 Stat. 111), it is ordered as follows:

SECTION 1. *Functions of the Assistant Secretary of State for Educational and Cultural Affairs.* The following functions are hereby delegated to the Assistant Secretary of State for Educational and Cultural Affairs:

(a) The functions conferred upon the Secretary of State by section 514 of the Mutual Security Act of 1954 (22 U.S.C. § 1766).

(b) The functions conferred upon the Secretary of State by section 104(h) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. § 1704 (h)).

SEC. 2. *General provisions.* (a) Any reference in this delegation of authority to any officer shall be deemed to be a reference also to any person legally designated to act for him during his absence or incapacity, or to fill his office temporarily following its vocation by death, resignation, reassignment, or otherwise.

(b) Any reference in this delegation of authority to any Act shall be deemed to be a reference to such Act as amended from time to time.

(c) The functions delegated by this delegation of authority may not be redelegated or reassigned.

(d) Notwithstanding any provision of this delegation of authority, the Secretary of State may at any time exercise any function delegated by this Delegation of Authority.

(e) All determinations, requests, certifications, reservations and other actions taken, made or issued with respect to any function affected by this delegation of authority, and not revoked, superseded, or otherwise made inapplicable before the effective date of this delegation of authority shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

(f) This delegation of authority shall be effective immediately.

Dated: April 23, 1964.

[SEAL] DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-4497; Filed, May 5, 1964; 8:46 a.m.]

[Public Notice 232; Delegation of Authority 105-4]

MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961

Amendment of Delegation of Functions

Delegation of Authority No. 105 dated August 14, 1962, "Subject: Delegation of Functions under the Mutual Educational and Cultural Exchange Act of 1961", is hereby amended—

(a) By deleting subsection (b) of section 3 thereof and redesignating subsection (c) as subsection "(b)"; and

(b) By inserting at the end of section 4(a) thereof the following new paragraph:

(6) The functions conferred upon the President by section 105(d)(1) of the Act.

Dated: April 23, 1964.

[SEAL] DEAN RUSK,
Secretary of State.

[F.R. Doc. 64-4498; Filed, May 5, 1964; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

VOYAGE CHARTER RATE GUIDELINES; CHITTAGONG, PAKISTAN

Suspension

The Maritime Administrator has received a complaint claiming that the minus 20 percent guideline rates applicable to the carriage of bulk grain in full shipload lots in U.S.-flag vessels to Chittagong, Pakistan is non-compensatory.

This complaint has been investigated and the Maritime Administrator has found that such guideline rates are, in fact, non-compensatory and should be adjusted. Accordingly, the minus 20 percent guideline rates for bulk grain moving in full shipload lots in U.S.-flag vessels to Chittagong, Pakistan will be suspended five days from the date of publication of this notice, pending comments received during that time. The guideline rates established and issued on August 8, 1957, will thereafter apply.

The active suspension of the guideline rates as set forth above is being withheld for five days from the date of publication of this notice in order to give any interested parties the opportunity to protest this suspension or otherwise present their views.

Objections may be filed with the Secretary, Maritime Administration, Washington, D.C., 20235. The Maritime Administrator will give full consideration to any objections and take such action as in his discretion is deemed warranted.

Dated: April 30, 1964.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.
Secretary.

[F.D. Doc. 64-4554; Filed, May 5, 1964; 8:53 a.m.]

[Trade Route No. 18]

U.S. ATLANTIC AND GULF/INDIA PERSIAN GULF AND RED SEA TRADE ROUTE

Notice of Conclusions and Determinations Regarding the Essentiality and United States Flag Service Requirements

Notice is hereby given that on April 30, 1964, the Acting Maritime Administrator,

acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 18 and ordered that the following conclusions and determinations reached by the Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER:

1. Trade Route No. 18 as described below is affirmed as an essential foreign trade route of the United States:

Trade Route No. 18—U.S. Atlantic and Gulf/India Persian Gulf and Red Sea—Between U.S. Atlantic and Gulf Ports (Maine–Texas, inclusive) and ports in Southwest Asia from Suez to Burma, inclusive, and in Africa on the Red Sea and Gulf of Aden.

2. United States flag sailing requirements for liner service on Trade Route No. 18 are approximately 13 sailings per month with freight ships serving the route exclusively or predominantly, with some additional U.S. flag sailings serving the route in conjunction with other services.

3. Existing C–3, C–2 and Victory type ships continue to be suitable for operation on Trade Route No. 18 pending their replacement with freight ships superior in speed and with somewhat greater cargo carrying capacity.

Dated: April 30, 1964.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64–4555; Filed, May 5, 1964; 8:53 a.m.]

FEDERAL MARITIME COMMISSION

SHIPPING CORPORATION OF INDIA, LTD., AND SEATRAIN LINES, INC.

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 9223–1, between the Shipping Corporation of India, Ltd. (SCI Line) and Seatrain Lines, Inc., modifies the approved transhipment agreement to provide that Seatrain Lines' proportion of the through rates shall be subject to a new net minimum as set forth therein and by adding a new Article pertaining to the approval of subject agreement.

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: April 30, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–4531; Filed, May 5, 1964; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14813, etc.; Order E–20768]

FAMILY FARE CASE ET AL.

Order of Severance

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of April 1964.

Family Fare Case, Docket 14813; first-class fares revisions, proposed by Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Docket 15222.

By Order E–20651, April 6, 1964, the Board consolidated into the Family Fare Case, Docket 14813, among other things, certain first-class fare modifications described in the attached Appendix [1] applicable in the following markets: Amarillo-New York; Lubbock-New York; Atlanta-Las Vegas; Birmingham-Las Vegas; Los Angeles-St. Louis and Springfield; and San Diego-St. Louis and Springfield.

In view of the Board's determination that the lawfulness of the first-class fare reductions which a number of the carriers have recently initiated should be processed separately from the proceeding in Docket 14813, which deals with the lawfulness of various family fare plans, the above-indicated first-class matters will be severed from Docket 14813.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), and 1001 thereof,

It is ordered That:

1. The issues relating to the fares described in the attached Appendix,[1] incorporated herein and made a part hereof, which fares were ordered suspended and investigated by Order E–20651, April 6, 1964, in Docket 14813, and the complaint of American in Docket 15102 insofar as it relates thereto, are severed from Docket 14813;

2. The matters severed from Docket 14813 by ordering paragraph 1 above are assigned Docket 15222;

3. The investigation in Docket 15222 be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated;

4. American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., and Eastern Air Lines, Inc., are made parties to the proceeding in Docket 15222; and

5. A copy of this order be filed with the tariffs indicated in the attached Appendix,[1] and be served upon American Airlines, Inc, Braniff Airways, Inc., Delta Air Lines, Inc., and Eastern Air Lines, Inc., and upon all other parties in Docket 14813.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–4500; Filed, May 5, 1964; 8:47 a.m.]

[1] Filed as part of the original document.

[Docket No. 14987]

PACIFIC RENEWAL OF SEGMENT 1(b)

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference is assigned to be held in the above-entitled matter on May 26, 1964, at 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., April 29, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64–4501; Filed, May 5, 1964; 8:47 a.m.]

[Docket No. 15035]

AIR GASPE, INC.

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding heretofore assigned to be held on May 6, 1964, is postponed to May 19, 1964, at 9:30 a.m., e.d.s.t., in Room 701, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., April 30, 1964.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 64–4535; Filed, May 5, 1964; 8:50 a.m.]

[Docket No. 14493]

EASTERN AIR LINES, INC.

Notice of Postponement of Prehearing Conference; Redesignation of Philadelphia, Pa.-Wilmington, Del.

On April 27, 1964, the New Castle County Airport Commission requested a postponement of the prehearing conference now assigned to be held in the above-entitled proceeding on May 5, 1964, for a period of one week or until May 12, 1964. Upon consideration of the matters set forth in the request of New Castle County and Eastern Air Lines' telegraphic reply of April 29, 1964, opposing the proposed postponement, it is concluded that the request of New Castle County should be granted.

Accordingly, notice is given that the prehearing conference herein is hereby postponed for a period of one week, and is now assigned to be held before the undersigned Examiner on May 12, 1964

at 10:00 a.m. e.d.t. in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., April 30, 1964.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 64-4536; Filed, May 5, 1964; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GENERAL MILLS, INC.

Enriched Flour Deviating From Identity Standard; Extension of Temporary Permit To Cover Market Testing

Pursuant to § 10.5(j) of Title 21, Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that the expiration date of the temporary permit issued to General Mills, Inc., 9200 Wayzata Boulevard, Minneapolis, Minnesota, to cover interstate marketing tests of enriched flour deviating from the requirements of the standard of identity for that food (21 CFR 15.10) has been extended to November 30, 1964. The product has been subjected to an "instantizing" process with the result that it no longer meets the granulation specification of the standard. The product is labeled "Instantized enriched flour."

Dated: April 30, 1964.

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

[F.R. Doc. 64-4529; Filed, May 5, 1964; 8:51 a.m.]

REALEMON CO.

Notice of Issuance of Temporary Permit to Cover Market Testing of Frozen Concentrate for Artificially Sweetened Lemonade

Pursuant to § 10.5(j) of Title 21, Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to the ReaLemon Company, Chicago, Illinois, a division of The Borden Company, New York, New York, to cover interstate marketing tests of frozen concentrate for artificially sweetened lemonade deviating from the requirements of the standard of identity for frozen concentrate for lemonade (21 CFR 27.101). Nonnutritive artificial sweeteners (calcium cyclamate and calcium saccharin) and a nonnutritive thickener (propylene glycol alginate) will replace the nutritive sweeteners specified in § 27.101. The product is to be named "Frozen concentrate for artificially sweetened lemonade," and this name and the names of the ingredients are to be prominently and conspicuously displayed on the label. The letters in the words "artificially sweetened" are to be of the same style and size as the letters in the word "lemonade."

This permit expires May 1, 1965.

Dated: April 30, 1964.

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

[F.R. Doc. 64-4528; Filed, May 5, 1964; 8:51 a.m.]

ROHM AND HAAS CO.

Notice of Extension of Temporary Tolerances for Pesticide Chemicals Nickel Sulfate and Maneb

Notice is given that the Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), has at the request of the Rohm and Haas Company, 222 West Washington Square, Philadelphia 5, Pennsylvania, extended a temporary tolerance of 45 parts per million for residues of the fungicide nickel sulfate (calculated as Ni) and a temporary tolerance of 2 parts per million for residues of the fungicide maneb in or on the raw agricultural commodities grain and straw of oats and wheat. Conditions under which these temporary tolerances are extended include the following:

1. The fungicides will not be marketed for general sale but will be supplied to qualified persons as permitted in the experimental permit issued by the U.S. Department of Agriculture for bona fide experimental use.

2. The total amount of the finished product containing 19 percent anhydrous nickel sulfate and 53 percent maneb to be used under the experimental permit will not exceed 25,000 pounds.

3. The Rohm and Haas Company will immediately advise the Food and Drug Administration of any reports on findings from the experimental use that have a bearing on safety. The firm will keep records relating to manufacture, distribution, and performance, and on request make these records available to any authorized officer or employee of the Food and Drug Administration.

These temporary tolerances expire April 6, 1965, or on the date of publication of tolerances under section 408(d) of the Federal Food, Drug, and Cosmetic Act, whichever occurs first.

Dated: April 29, 1964.

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

[F.R. Doc. 64-4527; Filed, May 5, 1964; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14832; FCC 64M-367]

BIGBEE BROADCASTING CO.

Order Scheduling Prehearing Conference

In re application of Paul D. Nichols, William C. Reid, and Houston L. Pearce d/b as Bigbee Broadcasting Co., Demopolis, Alabama, Docket No. 14832, File No. BP-13976; for construction permit.

On the Examiner's own motion: *It is ordered,* This 29th day of April 1964, that a further prehearing conference in the above-entitled matter, be, and the same is, hereby scheduled for May 6, 1964, at 10:00 a.m. in the Offices of the Commission in Washington, D.C.

Released: April 30, 1964.

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

[F.R. Doc. 64-4539; Filed, May 5, 1964; 8:52 a.m.]

[Docket Nos. 13931, 13933; FCC 64-373]

BURLINGTON BROADCASTING CO. AND MOUNT HOLLY-BURLINGTON BROADCASTING CO., INC.

Memorandum Opinion and Order

In re applications of William S. Halpern and Louis N. Seltzer, d/b as Burlington Broadcasting Company, Burlington, New Jersey, Docket No. 13931, File No. BP-12580; Mount Holly-Burlington Broadcasting Company, Inc., Mount Holly, New Jersey, Docket No. 13933, File No. BP-13952; for construction permit.

1. The Commission has for consideration the opinion of March 19, 1964, of the U.S. Court of Appeals for the District of Columbia Circuit, in William S. Halpern and Louis N. Seltzer d/b as Burlington Broadcasting Company v. Federal Communications Commission, —— U.S. App. D.C. ——, —— F. 2d ——, —— R.R. 2d —— (Case No. 17988), wherein the above-captioned matter was remanded for further proceedings on a reopened record.[1]

2. In compliance with and consistent with the Court's opinion, the Commission is remanding the case to the Hearing Examiner for further proceedings on a reopened record and the issuance of an

[1] The Commission's decision (34 F.C.C. 1135, 25 R.R. 633) granted the application of John J. Farina and denied competing applications filed by Halpern and Seltzer and Burlington County Broadcasting Company. The latter sought neither reconsideration of the decision nor judicial review thereof, and it is no longer involved in the proceeding. Subsequent to the decision, Farina effected an assignment of his construction permit to Mount Holly-Burlington Broadcasting Company, Inc., a corporation of which Farina holds all the stock save single qualifying shares held by two members of his family. The corporate name has been substituted in the caption of this proceeding.

Initial Report and Recommendation[2] based on the following issues:

(a) To determine whether, at the time of Farina's original application and thereafter, there were available to Farina the $54,000 claimed by him as Existing Capital in answer to Question 3, section 3 of the application form (FCC Form 301).

(b) To determine the custody, location and control of the various sums comprising the above $54,000; the exact details and arrangements with respect thereto, including those relating to the ownership of such sums, and those relating to the conditions and restrictions pertaining to Farina's rights and privileges to withdraw or take possession thereof; and whether persons other than Farina had any right, title or interest in such sums at the time of Farina's original application and thereafter.

(c) To determine why, and upon whose judgment or advice, (1) the answers to the above Question 3 were stated in the terms set forth in Farina's original application and amendments thereto; and (2) precise information was not provided in the application as to the $53,000 later claimed by Farina to have been contained in a receptacle in his parents' home.

(d) To determine the details of (1) any and all revisions of Farina's original plans for financing the station proposed by him, and the reasons for such revisions; (2) the incorporation by Farina and members of his family into Mount Holly-Burlington Broadcasting Company, Inc., the reasons therefor, and the financial expenditures (and sources thereof) in connection therewith; (3) the financial expenditures (and sources thereof) by Farina and Mount Holly-Burlington Broadcasting Company, Inc. in prosecuting the Farina application, and in constructing, equipping, staffing and operating the station to the point (December 13, 1963) when program test authority was extended by the Commission to the permittee; and (4) the permittee's financial arrangements and plans for operating the station after the latter date.

(e) To determine whether misrepresentations or other inaccuracies appear in any financial statement, affidavit or presentation submitted by Farina or Mount Holly-Burlington Broadcasting Company, Inc. to the Commission or the U.S. Court of Appeals for the District of Columbia Circuit subsequent to the Commission's decision in this proceeding, and the circumstances surrounding any such misrepresentations or inaccuracies.

(f) To determine whether the interviews claimed by Farina in connection with his surveys as to community needs were in fact conducted substantially as alleged.

In connection with the above, the Examiner should take note of the Court's concern that in appropriate areas, determinations should not be rested on Farina's uncorroborated testimony. In the interest of expedition, relevant testimony already contained in the record need not be taken anew.

[2] The Court retained jurisdiction over the case.

Accordingly, it is ordered, This 29th day of April 1964, that the record in the above-captioned matter is reopened, and that said matter is remanded to the Hearing Examiner for an Initial Report and Recommendation based on the issues specified above.

Released: May 1, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4540; Filed, May 5, 1964; 8:52 a.m.]

[Docket Nos. 15431, 15432; FCC 64M-363]

ORANGE COUNTY RADIOTELEPHONE SERVICE, INC. AND ITT MOBILE TELEPHONE, INC.

Order Scheduling Hearing

In re applications of Orange County Radiotelephone Service, Inc., Docket No. 15431, File No. 4273-C2-P-63, for a construction permit to modify the facilities of Station KMB304 in the Domestic Public Land Mobile Radio Service, near Los Angeles, California; ITT Mobile Telephone, Inc., Docket No. 15432, File No. 4342-C2-P-61; for a construction permit to modify the facilities of station KMA200 in the Domestic Public Land Mobile Radio Service, near Los Angeles, California.

It is ordered, This 29th day of April 1964, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 6, 1964, in Washington, D.C.: *And, it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., May 25, 1964.

Released: April 29, 1964.

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

[F.R. Doc. 64-4541; Filed, May 5, 1964; 8:52 a.m.]

[Docket No. 14974; FCC 64M-365]

SALEM BROADCASTING CO.

Order Regarding Procedural Dates

In re application of Salem Broadcasting Company, Salem, Ohio, Docket No. 14974, File No. BP-13950; for construction permit.

The Hearing Examiner having under consideration petition filed April 28, 1964 in behalf of the applicant, requesting a change of certain procedural and hearing dates heretofore scheduled;

It appearing, that good cause exists why said petition should be granted and petitioner pleads that the other parties herein have no objection to said petition:

Accordingly, it is ordered, This 29th day of April 1964, that the petition is granted and that the final exchange of engineering material shall be accomplished on or before May 13, 1964, in lieu of April 28, 1964; that the notification of witnesses desired for cross-examination shall be made on or before May 15, 1964 in lieu of April 30, 1964, and that the hearing herein shall be held on May 18, 1964, 10:00 a.m., in the Commission's Offices, Washington, D.C., in lieu of May 4, 1964.

Released: April 30, 1964.

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

[F.R. Doc. 64-4542; Filed, May 5, 1964; 8:52 a.m.]

[3] Commissioner Lee absent; Commissioners Cox and Loevinger not participating.

[Docket Nos. 13243, 13248; FCC 64-355]

TIDEWATER BROADCASTING CO., INC., AND EDWIN R. FISCHER

Order Amending Issues

In re applications of The Tidewater Broadcasting Company, Inc., Smithfield, Virginia, Docket No. 13243, File No. BP-12814; Edwin R. Fischer, Newport News, Virginia, Docket No. 13248, File No. BP-13114; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 22d day of April 1964;

The Commission having under consideration a petition to reopen the record and enlarge the issues filed March 16, 1964 by The Tidewater Broadcasting Company, Incorporated, comments thereon of the Chief, Broadcast Bureau, filed March 31, 1964, and other matters of record herein;

It appearing, that because of a common ownership interest in The Tidewater Broadcasting Company, Incorporated and The Accomack-Northampton Broadcasting Company, Incorporated, licensee of Station WESR, Tasley, Virginia, a question arises whether grant of the proposal of the former would contravene the provisions of § 73.35(a) of the Commission's rules;

It appearing, that it is appropriate to grant the relief requested, but that any evidentiary hearing on the added issue should be held in abeyance so long as the stay (imposed by order released August 3, 1961, FCC 61-935) of the effective date of the Initial Decision in the above-captioned proceeding remains in effect:

It is ordered, That the petition to reopen the record and enlarge the issues filed March 16, 1964, by The Tidewater Broadcasting Company, Incorporated is granted:

It is further ordered, That the record in the above-captioned proceeding is reopened for the purpose of enlarging the issues to include the following issue: "To determine whether a grant of the proposal of the Tidewater Broadcasting Company, Incorporated, would be in contravention of the provisions of § 73.35(a) of the Commission's rules with respect to multiple ownership of standard broadcast stations, and, if so, whether circumstances exist which would justify waiver of the rule."

It is further ordered, That the stay is to remain in effect until further order of the Commission.

Released: April 30, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4543; Filed, May 5, 1964; 8:52 a.m.]

[Docket Nos. 15254, 15255; FCC 64M-369]

ULTRAVISION BROADCASTING CO. AND WEBR, INC.

Order for Conduct of Hearing

In re applications of Florian R. Burczynski, Stanley J. Jasinski and Roger K. Lund, d/b as Ultravision Broadcasting Company, Buffalo, New York, Docket No. 15254, File No. BPCT-3200; WEBR, Inc., Buffalo, New York, Docket No. 15255, File No. BPCT-3211; for construction permits for new television broadcast stations.

1. The Commission, by order dated December 27, 1963, released December 31, 1963, designated the above two applications for hearing in a consolidated proceeding. Both applicants seek a permit to construct a UHF television station to operate on Channel 29 at Buffalo, New York. The two proposals are mutually exclusive.

2. By Order dated January 22, 1964, released January 23, 1964, the present Hearing Examiner was designated to preside at the comparative hearing. By order dated and released January 24, 1964, the Hearing Examiner listed several matters to be discussed at the prehearing conference to be held February 5, 1964. Despite the fact that several prehearing conferences have been held, no stipulations have been proposed, and none agreed to, and no data relating to any part of the comparative showing to be made by either applicant has been exchanged with other parties or made known to the Hearing Examiner.

3. Due to the lack of progress, the Hearing Examiner deems it necessary to establish the following schedule for the further conduct of this proceeding.

4. A further prehearing conference will be held Monday, June 1, 1964, at which conference each applicant will exchange a draft of each and every exhibit which said applicant intends to offer in evidence in support of its affirmative showing. These drafts will be in sufficient detail as to put the other parties on notice of entire showing which the applicant intends to make at the evidentiary hearing.

5. The evidentiary hearing will begin Monday, June 22, 1964, on which date each applicant will identify and offer in evidence all written exhibits which that applicant proposes to offer in evidence in support of its affirmative showing. Such stipulations as may have been agreed to will also be offered in evidence.

6. Oral testimony of witnesses for Ultravision Broadcasting Company will begin Tuesday, June 23, 1964. Oral testimony of witnesses for WEBR, Inc., will begin Monday, June 29, 1964. Cross examination will follow the direct examination. Each applicant will make available for cross examination such witnesses as may be requested by counsel for other parties, and specified by the Hearing Examiner.

7. Rebuttal evidence may be offered at a further hearing which will be scheduled to begin Monday, July 20, 1964.

8. If counsel for either applicant or for the Chief, Broadcast Bureau request another prehearing conference prior to the conference to be held June 1, 1964, for the purpose of (a) requesting a clarification or amendment of this order; (b) approval of proposed stipulations; (c) agreement of applicants to put all of the affirmative showing in writing; or, (d) to discuss any other matter which may lead to the expeditious handling of this proceeding, such additional prehearing conference will be called by the Hearing Examiner.

9. All parties to this proceeding should endeavor to so schedule their activities as to assure that all facts necessary to the proper resolution of this proceeding will have been offered in evidence and the record closed on or before Friday, July 31, 1964.

It is so ordered, This, the 30th day of April 1964.

Released: April 30, 1964.

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

[F.R. Doc. 64-4544; Filed, May 5, 1964; 8:52 a.m.]

[Docket Nos. 15254, 15255; FCC 64M-370]

ULTRAVISION BROADCASTING CO. AND WEBR, INC.

Order Continuing Prehearing Conference

In re applications of Florian R. Burczynski, Stanley J. Jasinski, and Roger K. Lund, d/b as Ultravision Broadcasting Company, Buffalo, New York, Docket No. 15254, File No. BPCT-3200; WEBR, Inc., Buffalo, New York, Docket No. 15255, File No. BPCT-3211; for construction permits for new television broadcast stations.

The Hearing Examiner has under consideration (a) a motion filed April 24, 1964, by Ultravision Broadcasting Company requesting that the time within which to reply to the WEBR "Motion to Add 'Evansville Issue'" be extended to May 1, 1964, and (2) a Joint Motion filed April 27, 1964, on behalf of each of the above applicants requesting that the further prehearing conference scheduled for April 28, 1964, be continued to a later date.

The Ultravision Motion to extend time flows in part from the fact that counsel has been ill. The Joint Motion to postpone prehearing conference is based in part on the fact that the Reply to the WEBR Motion for the "Evansville Issue" will not be filed prior to April 28, 1964.

All counsel are agreeable to the immediate favorable consideration of both motions and good cause for granting the same has been shown.

It is ordered, This the 28th day of April 1964, that the Motion to Extend Time filed by Ultravision is granted and the time for filing opposition to the WEBR request for an "Evansville Issue" is extended to May 1, 1964.

It is further ordered, That the Joint Motion to postpone the further prehearing conference is granted and the prehearing conference scheduled for April 28, 1964, is continued from April 28, 1964, to a date to be announced.

Released: April 30, 1964.

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

[F.R. Doc. 64-4545; Filed, May 5, 1964; 8:53 a.m.]

[Docket No. 15426; FCC 64-339]

PENDING ESTABLISHMENT OF OCEAN DATA SERVICE AND ALLOCATION OF FREQUENCIES

Notice of Inquiry

1. The United States, along with other interested administrations, was requested by the International Frequency Registration Board of the International Telecommunication Union (ITU) on November 16, 1962, to consider the possibility of allocating radio channels for oceanographic purposes. The potential requirement evolved from a resolution adopted at a meeting of the Intergovernmental Oceanographic Commission (IOC) (a subordinate activity of the United Nations Educational Scientific and Cultural Organization) early in 1962, and transmitted to the IFRB relative to the need for an international allocation of certain portions of the radio spectrum to permit oceanographic and meteorological research and survey projects.

2. Within the allocations desired, it was proposed to employ the radio channels on oceanographic stations located on unmanned, anchored buoys, platforms, etc., located in prearranged patterns throughout the oceans of the world. The frequencies would be used for the transmission of data concerning changes in the ocean circulation, the distribution of ocean properties and phenomena, atmospheric data such as barometric pressure, wind direction and velocity, solar radiation and sea data including temperatures, current direction and velocity, transparency, salinity and oxygen and biological content. Criteria for their operation would include: 300 bit capacity message; transmission at the rate of 100 bits per second; a 300 cycle maximum bandwidth per message channel; and a limitation of 100 watts antenna input power.

3. To meet these requirements on a world-wide basis, the IOC proposed that a band 3.5 kilocycles wide in each of the maritime mobile bands between 4063 and 22,720 kc/s be allocated on an exclusive basis. Each 3.5 kc/s channel could be subdivided into ten 300 c/s data subchan-

[1] Commissioners Hyde and Lee absent, Commissioner Cox not participating.

nels, or could be used in its entirety for telephone, facsimile, CW, etc., transmissions. To ensure adequate coverage in the polar regions it may also be necessary to add an assignment in the medium frequency portion of the spectrum with the precise frequency and bandwidth requirements to be agreed on a local area basis.

4. Subsequent to receipt of the request of November 1962 from the IFRB, the Commission has met with representatives of United States oceanographic and scientific entities and with representatives of appropriate and interested Government agencies to develop a United States position on the matter. It has been generally determined that the IOC proposal has a great deal of merit and in view of the foreseeable benefits which could be derived from the oceanographic studies, is of sufficient importance to the world community that the proposals should be supported. Further, because of the close affinity which the proposed operation has with maritime operations; because of the need for a complement of frequencies in the high frequency portion of the spectrum; and because the maritime mobile bands are not as heavily loaded as some other bands in this part of the spectrum; it is believed that accommodation should be sought from within the bands now allocated under the Geneva Radio Regulations (1959) to the Maritime Mobile Service as was proposed by the IOC.

5. Initial examination of spectrum requirements for an ocean data service suggests that it might be accommodated, on a shared basis with present occupants, in the wide-band high capacity channels designated for special transmission systems in Appendix 15, section A of the Radio Regulations (Geneva, 1959). However, due to the disparity in power between the proposed ocean data stations and the existing stations in those bands, and due also to the extent of present occupancy, it is virtually certain that the ocean data service would be subjected to an unacceptable amount of interference if required to use these frequencies.

6. It was concluded, therefore, that certain of the ship radio-telephone frequencies shown in section B of the aforementioned Article 15 should be recommended to the IFRB by the United States for international consideration. Specifically, the channels 4133–4136.5 kc/s; 6200.5–6204 kc/s; 8265–8268.5 kc/s; 12,400–12,403.5 kc/s; 16,530–16,533.5 kc/s; and 22,070–22,073.5 kc/s were advocated. Thus, use would be made of the lower sideband of the presently allocated double sideband calling frequencies in the 8, 12, 16 and 22 Mc/s bands, but would, of necessity, utilize one of the single sideband channels in each of the 4 and 6 Mc/s bands. Such an allocation has the advantage of using presently unassigned frequencies (so far as the U.S. and most other North and South American countries are concerned) thereby precluding the need to transfer any existing licensees. Accordingly, that recommendation was forwarded to the IFRB as the United States position in March 1963.

7. At this time, it might be of interest to consider the status of those channels. The double sideband calling frequencies were an outgrowth of the Geneva Radio Conference in 1959 and were primarily in deference to the desires of other nations. Except for limited use by a small number of other countries, these frequencies remain unused. The single sideband frequencies have no direct relationship or link to the double sideband channels and were established to encourage single sideband operation by the various categories of ships. No provision was made for new coast station frequencies to correspond with the single sideband channels.

8. The frequencies suggested in the United States' reply to the IFRB and IOC have lain fallow for a number of years. Shortly after the 1959 Administrative Radio Conference established the single sideband ship frequencies and double sideband calling frequencies referred to above, a determined but unsuccessful effort was made to find some application for them within the U.S. maritime community. In July 1962, the Radio Technical Committee for Marine Services (RTCM) established Subcommittee 47 specifically to deal with this subject. That group commented upon the single and double sideband frequencies as follows: "With the possible exception of intership communications, the Committee can foresee no immediate use of these channels in the United States without derogation to some extent in order to accommodate new radiotelephone coast station assignments. However, vessels of U.S. registry may have a need for these channels to call foreign coast stations. Therefore, if a bona fide maritime mobile requirement develops, the Committee recommends that the United States derogate to the extent necessary to gainfully use these frequencies". The Committee further cautioned, "If these calling and working frequencies are unused they may be lost by default to other than maritime mobile services at a future ITU conference."

In view of these factors, the frequencies recommended by the United States appeared particularly appropriate to accommodate an ocean data service. Thus, the predictions of SC47 appear to be coming to fruition, for it should be noted that a proposal to establish limited coast station single sideband assignments from those available in Appendix 15, section B, in derogation thereof, is currently outstanding in Docket No. 15068, wherein the Commission also pointed out the possible future need to accommodate oceanographic requirements in this portion of the spectrum.

9. A meeting of experts on telecommunications, oceanography and meteorology was convened in Paris in September, 1963, by the IOC to further consider oceanographic radiocommunication requirements and to consider the reactions and/or recommendations of the interested administrations to the original proposal. A copy of the Recommendation developed by that group and approved by the consultative Committee of the IOC in an October 1963 meeting has been distributed to all member countries of the ITU by IFRB Circular Letter No. 88 for comment. A copy of that Recommendation is found in Attachment 1 hereto.[1] The Report of the Chairman of the meeting wherein that Recommendation was developed was subsequently sent to all member countries of the ITU in IFRB Circular Letter No. 91. That Report is reproduced as Attachment 2.[1] The replies of the United States to Circular Letter No. 88 and No. 91 are contained in Attachments 3 and 4,[1] respectively.

10. In summary, the IFRB has been advised that the United States:

(a) Favors an interim arrangement to accommodate an "ocean data service" on frequencies between 4 and 23 Mc/s now allocated exclusively to the maritime mobile service, pending action by an appropriate Administrative Radio Conference of the ITU to establish such a service on a formal basis;

(b) Can not support the use of frequencies from Appendix 15, section A, to the Radio Regulations (i.e., 4140–4143.5 kc/s, 6211–6214, 5 kc/s, etc.), and is only slightly more favorably disposed to those from section B set forth in the IOC Recommendation (i.e., 4136.5–4140 kc/s, 6207.5–6211 kc/s, etc.), and

(c) Favors the frequency bands suggested in its initial response to the IFRB on this subject, namely: 4133–4136.5 kc/s; 6200.5–6204 kc/s; 8265–8268.5 kc/s; 12,400–12,503.5 kc/s; 16,530–16533.5 kc/s; and 22,070–22,073.5 kc/s.

11. Following correlation of all comments received by the IFRB and general agreement upon the most appropriate frequencies, the Intergovernmental Oceanographic Commission, in collaboration with the World Meteorological Organization (WMO) and other interested organizations, will formulate an appropriate plan for utilization of the frequencies selected for the ocean data service.

12. Because of the vagaries and uncertainties concerning the proposed service displayed by a number of administrations during the early considerations of an ocean data service, the Commission did not consider it necessary or appropriate to issue an informative statement on this matter earlier, particularly since operation of such a service requires the cooperation of the international community. Because establishment of the proposed service now appears to be approaching a reality, the above information is being presented to apprise the general public of a pending demand upon the high frequency portion of the spectrum. Initiation of rule making procedures looking toward establishment of the proposed ocean data service will not be undertaken, however, until such time as there is a general international agreement regarding its implementation and choice of assignable frequencies.

13. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on this matter on or before May 27, 1964, and reply comments on or before June 8, 1964.

14. In accordance with the provisions of § 1.419 of the Commission's rules, an

[1] Filed as part of the original document.

original and 14 copies of all statements, briefs of comments filed shall be furnished the Commission.

Adopted: April 22, 1964.

Released: April 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-4546; Filed, May 5, 1964; 8:53 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP64-182]

COLORADO INTERSTATE GAS CO.

Notice of Application

MAY 1, 1964.

Take notice that on February 17, 1964, Colorado Interstate Gas Company (Applicant), Colorado Springs National Bank Building, Colorado Springs, Colorado, filed in Docket No. CP64-182 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing meter facilities and the exchange of natural gas, on an equal volume basis, with Natural Gas Pipeline Company of America (Natural), during the calendar year 1964, in order to enable Applicant to sell natural gas to Cabot Corporation (Cabot), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to deliver a maximum of 10,000 Mcf per day and a maximum daily average of 5,000 Mcf to Natural; the latter will redeliver gas to Cabot for the account of Applicant, all in the state of Texas. Cabot will utilize the gas in its carbon black plant in Carson County, Texas. Deliveries and receipts of gas are subject to curtailment by Applicant on a day-to-day basis as necessary to accommodate Applicant's firm obligations. The sale of gas to Cabot will be at a rate of 14.0 cents per Mcf.

Applicant and Natural have entered into an agreement dated January 17, 1964, providing for the proposed exchange of gas.

Applicant will reimburse Natural an estimated $500 for Natural's cost of providing the required tap and valve on its pipeline at the delivery point to Cabot.

Applicant states that it has a supply of gas temporarily in excess of its current market requirements and that, therefore, it is continually attempting to make short-term sales pending future disposition of gas on a long-term basis. Further, Applicant states that the proposed short-term sale will assist in reducing the possibility of having to pay for gas not taken or of having to make gas supply prepayments and in minimizing possible liability under its leases.

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

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 22, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-4503; Filed, May 5, 1964; 8:47 a.m.]

[Docket No. CP63-143 etc.]

COLORADO INTERSTATE GAS CO. ET AL.

Notice of Applications To Amend

MAY 1, 1964.

Colorado Interstate Gas Company, Docket No. CP61-143; Natural Gas Pipeline Company of America, Docket No. CP61-149; Arkansas Louisiana Gas Company, Docket No. CP61-163.

Take notice that on March 23, 1964, Colorado Interstate Gas Company (Colorado), Colorado Springs, Colorado, in Docket No. CP 61-143, and on March 30, 1964, Natural Gas Pipeline Company of American (Natural), Chicago, Illinois, in Docket No. CP61-149, and Arkansas Louisiana Gas Company (Arkansas Louisiana), Shreveport, Louisiana, in Docket No. CP61-163, filed applications to amend further the Commission's order issued January 3, 1963, in Docket No. CP61-143, et al., as amended, to authorize the extension of the duration of the certificates of public convenience and necessity, issued by said order, as amended, until May 1, 1965, all as more fully set forth in the respective applications to amend further on file with the Commission and open to public inspection.

The order of January 3, 1963, as amended, issued certificates authorizing Colorado to sell up to 25,000 Mcf of natural gas per day at 14.5 cents per Mcf to Arkansas Louisiana and authorizing the exchange of natural gas among Colorado, Arkansas Louisiana and Natural in order to effect said sale of gas. Said certificates originally were limited in duration to a period extending through December 31, 1963; by order issued December 30, 1963, this period was extended to May 1, 1964.

The gas sold by Colorado is delivered to Arkansas Louisiana by Natural in Grady County, Oklahoma; Colorado delivers equivalent volumes to Natural at an interconnecting point between their two systems in the Mocane field, Oklahoma. Colorado states that it has a supply of gas temporarily in excess of its current market requirements and that, therefore, it is continually attempting to make short-term sales pending future disposition of gas on a long-term basis. Further, Applicant states that the proposed short-term sale will assist in reducing the possibility of having to pay for gas not taken or of having to make gas supply prepayments and in minimizing possible liability under its leases.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 22, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-4504; Filed, May 5, 1964; 8:47 a.m.]

[Docket No. CP64-209]

EL PASO NATURAL GAS CO.

Notice of Application

APRIL 30, 1964.

Take notice that El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas, 79999, filed in Docket No. CP64-209, an application on March 23, 1964, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities, the acquisition of other facilities from Southern Union Gas Company (Southern Union), the transportation of natural gas, and the sale and delivery of natural gas in interstate commerce to Southern Union for resale in the area of Mineral Park, Mohave County, Arizona, all as more fully set forth in the application on file with the Commission, and open to public inspection.

The application reflects that El Paso proposes (1) to construct and operate a dual 4½-inch O.D. orifice-type measuring station, and necessary appurtenances adjacent to its Juan Mainline in the SE/4 of Section 13, Township 21 North, Range 16 West, G.&S.R.M., Mohave County, Arizona, (2) acquire from Southern Union and operate approximately 5.34 miles of 6⅝-inch and 7.05 miles of 4½-inch pipeline out of a total of approximately 21.5 miles of 6⅝-inch and 4½-inch pipeline proposed to be constructed by Southern Union, and extending from El Paso's measuring station to the Mineral Park area of Mohave County, Arizona, (3) transport, and sell natural gas in interstate commerce to Southern Union for further transportation and sale to Citizens Utilities Company (Citizens) and the Duval Corporation (Duval) for electric generation and processing purposes, respectively. Deliveries of natural gas by El Paso to

[2] Commissioner Lee absent.

Southern Union will be made at the terminus of the pipeline segment to be acquired by El Paso. The maximum daily and annual natural gas requirements of Southern Union for the Citizens and Duval service are estimated to be 2200 Mcf and 800,000 Mcf and 260 100,000 Mcf, respectively.

The application further states El Paso and Southern Union have undertaken the project leading to the introduction of natural gas into the Mineral Park area, at a cost of approximately $200,000 to El Paso, to be defrayed from El Paso's current funds or short-term bank loan if necessary and $116,500 to Southern Union.

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

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 25, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-4505; Filed, May 5, 1964; 8:47 a.m.]

[Docket No. G-17123]

F. JULIUS FOHS ET AL.

Order Accepting Offer of Settlement, Requiring Filing of Notice of Change and Contract Amendment, and Terminating Proceeding

APRIL 30, 1964.

On March 17, 1964, F. Julius Fohs (Operator), et al. (Fohs) submitted an offer of settlement in these proceedings pursuant to § 1.18(e) of the Commission's rules of practice and procedure. The offer involves a proposed increased rate for a sale of natural gas made to Tennessee Gas Transmission Company (TGT) by Fohs. The offer relates to a sale made under Supplement No. 1 to Fohs' FPC Gas Rate Schedule No. 5 in La Voca County, Texas (Texas R.R. Com. District No. 2). The proposed increased rate of 15.3333 cents was suspended by order of the Commission for the statutory period, and was made effective by Fohs on June 1, 1959.

Under the terms of the offer, Fohs proposes to eliminate the favored-nation, price redetermination and the periodic escalation provisions from the rate schedule and to establish a 15 cents per Mcf rate for the subject sale. Fohs' annual revenues will be decreased about $360 from the presently effective rate. No protests or objections have been filed to the offer.

Fohs, in its offer, proposes to refund all amounts collected, subject to refund, for sales of natural gas to TGT under the subject rate schedule in excess of the settlement rate.[1] The estimated total dollars to be refunded approximates $2,000, exclusive of interest.

The proposed settlement is consistent with the provisions of the Second Amendment to the Commission's Statement of General Policy No. 61-1, issued December 20, 1960, 24 F.P.C. 1107, as amended by Order No. 264, issued March 27, 1963, 29 F.P.C. 589, and its acceptance would serve the public interest.

However, we desire to make it clear that acceptance of Fohs' offer of settlement shall not be construed as approval of any future increased rate filed in accordance with its reservations of the right to file increases to cover future tax increases. Nor, may our action herein be construed as constituting approval of any future rate increase that may be filed under the subject rate schedule, and is without prejudice to any findings or order of the Commission in any future proceedings, including area rate or other similar proceedings, involving Fohs' rate and rate schedule.

The Commission finds: The proposed settlement of the above-designated proceeding, on the basis described herein, as more fully set forth in the offer of settlement filed with the Commission by Fohs on March 17, 1964, is in the public interest and appropriate to carry out the provisions of the Natural Gas Act and should be approved and made effective as hereinafter ordered.

The Commission orders:

(A) The offer of settlement filed with the Commission by Fohs on March 17, 1964, is hereby approved in accordance with the provisions of this order.

(B) Fohs shall file, within 30 days from the date of issuance of this order, notice of change in rate providing for the 15 cents per Mcf rate specified in its offer of settlement, and an executed contractual amendment to its FPC Gas Rate Schedule No. 5 eliminating the favored-nation, price redetermination, and the periodic escalation provisions therefrom. The notice of change and the contractual amendment shall be submitted in accordance with Part 154 of the Commission's regulations under the Natural Gas Act.

(C) Fohs shall refund to TGT to the date of issuance of this order the difference between the rates collected subject to refund under the rate schedule herein and the settlement rate, with simple interest at the applicable rate, making account for proper charges, and shall report to the Commission, in writing, within 30 days from the date of issuance of this order, the amount of such refund, showing separately the amount of principal and interest, and the bases used for such determination, together with a release from TGT.

(D) Upon notification by the Secretary of the Commission that Fohs has complied with the terms and conditions of this order, the rate and charge of 15 cents per Mcf at 14.65 psia, specified in its offer of settlement, subject to any applicable contract deductions, shall be effective as of the date of issuance of this order, the above designated proceeding shall be deemed terminated, and severed from the consolidated area rate proceeding (Texas Gulf Coast Area) in Docket No. AR64-2 without further order of the Commission.

(E) The acceptance by the Commission of Fohs' offer of settlement is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against Fohs, including area rate or other similar proceedings.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] Fohs' FPC Gas Rate Schedule No. 5 is subject to a dehydration charge by TGT, for which allowance must be made in computing the refund.

[F.R. Doc. 64-4506; Filed, May 5, 1964; 8:47 a.m.]

[Docket No. CP64-208]

LONE STAR GAS CO.

Notice of Application

APRIL 30, 1964.

Take notice that on March 19, 1964, Lone Star Gas Company, a Texas corporation, having its principal place of business at 301 South Harwood Street, Dallas 1, Texas, filed in Docket No. CP64-208 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of the following facilities:

Approximately 13.0 miles of 6-inch diameter transmission pipeline extending from a point in Harmon County, Oklahoma on 6-inch Line A-26 in a northeasterly direction to the wallboard manufacturing plant owned by Republic Gypsum Company near Duke in Jackson County, Oklahoma, together with appurtenant metering and regulating facilities, said pipeline to be designated Line A-26-2; all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant states that the facilities will be used to transport natural gas to supply the requirements of a wallboard manufacturing plant to be owned and operated by Republic Gypsum Company. Applicant asserts that this customer has elected to use natural gas equipment because the use of natural gas enables better product control, and affords greater flexibility in processing and operating conditions, thus increasing the efficiency of the manufacturing operation and

making natural gas particularly suitable as a fuel for use in this operation. Applicant estimates the natural gas requirements of the plant to be 498,000 Mcf annually with no plant enlargement contemplated at this time.

The estimated cost of facilities is $181,520.

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

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 18, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-4507; Filed, May 5, 1964; 8:47 a.m.]

[Docket No. RI64-712 etc.]

FOREST OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

APRIL 30, 1964.

Forest Oil Corporation (and other Respondents listed herein), Docket Nos. RI64-712 et al.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 15, 1964.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket nos.
RI64-712	Forest Oil Corp., National Bank of Commerce Bldg., San Antonio, Tex.	18	1	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.) (Oklahoma Panhandle Area).	$1,163	[2] 3-30-64	[3] 5-10-64	10-10-64	17.0	[4] [5] 19.5	
	do	21	1	do	6,314	[2] 3-30-64	[3] 5-10-64	10-10-64	17.0	[4] [5] 19.5	
RI64-713	Phillips Petroleum Co., Bartlesville, Okla.	57	3	Colorado Interstate Gas Co. (Keyes Field, Texas County, Okla.) (Oklahoma Panhandle Area).	370	4- 6-64	[3] 5- 7-64	10- 7-64	[6] 16.0	[7] [8] 17.0	G-18215.
RI64-714	Phillips Petroleum Co. (Operator), et al.	240	5	do	580	4- 6-64	[3] 5- 7-64	10- 7-64	[6] 16.0	[7] [9] 17.0	G-17783.
RI64-715	Superior Oil Co., 909 R.C.A. Bldg., Washington, D.C.	81	4	United Gas Pipe Line Co. (Sunrise Field, Terrebonne Parish, La.).	36,206	4- 8-64	[3] 5- 9-64	10- 9-64	[11] 22.05	[4] [10] [11] 23.05	

[2] Filing completed Apr. 7, 1964.
[3] The stated effective date is the effective date requested by respondent.
[4] Periodic rate increase.
[5] Pressure base is 14.65 psia.
[6] Subject to upward B.t.u. adjustment.
[7] Renegotiated rate increase.
[8] Subject to downward and upward B.t.u. adjustment based on 1,000 B.t.u. (net rate is 15.408 cents per Mcf before increase and 16.371 cents per Mcf after increase for 963 B.t.u. gas shown in filing).
[9] Subject to downward and upward B.t.u. adjustment based on 1,000 B.t.u. (net rate is 13.376 cents per Mcf before increase and 14.212 cents per Mcf after increase for 836 B.t.u. gas shown in filing).
[10] Pressure base is 15.025 psia.
[11] Inclusive of 2.05 cents per Mcf tax reimbursement.

All of the proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

[F.R. Doc. 64-4484; Filed, May 5, 1964; 8:45 a.m.]

[Docket No. G-19455]

DILLARD & WALTERMIRE DRILLING CO.

Order Accepting Offer of Settlement, Requiring Refunds, and Terminating Proceedings

APRIL 30, 1964.

On March 23, 1964, Dillard & Waltermire Drilling Company (D&W) submitted an offer of settlement in these proceedings pursuant to § 1.18(e) of the Commission's rules of practice and procedure. The offer involves a proposed increased rate for a sale of natural gas made to Tennessee Gas Transmission Company (TGT) by D&W. The offer relates to a sale made under Supplement No. 2 to D&W's FPC Gas Rate Schedule No. 1 in Willacy County, Texas (Texas R.R. Com. District No. 4). The proposed increased rate of 15.0952 cents was suspended by order of the Commission for the statutory period, and was made effective by D&W on April 1, 1960.

Under the terms of the offer, D&W proposes to establish a 14 cent per Mcf rate for the subject sale, and to refund all amounts collected, subject to refund, for sales of natural gas to TGT under the subject rate schedule in excess of the settlement rate.[2] The estimated total dollars to be refunded approximates $1,500, exclusive of interest. No protests or objections have been filed to the offer.

The proposed settlement is consistent with the provisions of the Commission's Statement of General Policy No. 61-1, issued December 20, 1960, 24 F.P.C. 1107, and its acceptance would serve the public interest.

The Commission finds: The proposed settlement of the above-designated pro-

[1] Does not consolidate for hearing or dispose of the several matters herein.

[2] D&W recently filed an application, in Docket No. CI64-1121, for authorization to abandon the subject sale.

ceeding, on the basis described herein, as more fully set forth in the offer of settlement filed with the Commission by D&W on March 23, 1964, is in the public interest and appropriate to carry out the provisions of the Natural Gas Act and should be approved and made effective as hereinafter ordered.

The Commission orders:

(A) The offer of settlement filed with the Commission by D&W March 23, 1964, is hereby approved in accordance with the provisions of this order.

(B) D&W shall refund to TGT to the date of issuance of this order the difference between the rate collected subject to refund under the rate schedule herein and the settlement rate, with simple interest at the applicable rate, and shall report to the Commission, in writing, within 30 days from the date of issuance of this order, the amount of such refund, showing separately the amount of principal and interest, and the bases used for such determination, together with a release from TGT.

(C) Upon notification by the Secretary of the Commission that D&W has complied with the terms and conditions of this order the above designated proceeding shall be deemed terminated, and severed from the consolidated area rate proceeding (Texas Gulf Coast Area) in Docket No. AR64–2 without further order of the Commission.

(D) The acceptance by the Commission of D&W's offer of settlement is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against D&W, including area rate or other similar proceedings.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–4483; Filed, May 5, 1964; 8:45 a.m.]

[Docket No. CP61–120]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

APRIL 30, 1964.

Take notice that on October 17, 1960, as supplemented on November 14, 1960, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago 3, Illinois, filed in Docket No. CP61–120 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 33 miles of 10-inch supply lateral pipeline and a purchase meter station to enable Applicant to purchase and receive natural gas into its existing pipeline system, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

The subject gas will be produced in the Normana Area, Bee County, Texas, and sold by Mrs. J. R. Dougherty, et al. (Dougherty, et al.) and W. A. Stockard, et al. (Stockard, et al.).[1]

The subject lateral line is to extend from a point of connection with Applicant's existing 26-inch pipeline in Refugio County, Texas, to a point in the Normana Area. The application shows the estimated cost of the proposed facilities to be $1,128,000, which cost will be financed from funds on hand.

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

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 25, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–4485; Filed, May 5, 1964; 8:45 a.m.]

[1] By letters dated December 1, 1960, Dougherty, et al., in Docket No. CI61–619 and Stockard, et al., in Docket No. CI61–751 were issued temporary certificates authorizing the subject sale of gas at a total initial price of 18.0 cents per Mcf at 14.65 psia.

[Docket No. RP64–36]

TEXAS EASTERN TRANSMISSION CORPORATION

Notice of Proposed Changes in Rates and Charges

APRIL 30, 1964.

Take notice that on April 24, 1964, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing proposed changes in its FPC Gas Tariff Second Revised Volume No. 1 and Original Volume No. 2, to become effective as of January 1, 1964.

The proposed changes reflect decreases in rates and charges in its Rate Schedules DCQ–A, E–A, I–A, DCQ–B, GS–B, SGS–B, E–B, I–B, DCQ–C, GS–C, SGS–C, E–C, I–C, DCQ–D, GS–D, SGS–D, E–D, I–D, ACQ–C, WS, X–28, and X–43.

The annual decrease in rate level is approximately $2,365,000 based upon sales for the year 1963, and reflects the recent reduction in the Federal income tax rate for corporations from 52 percent to 50 percent, the reduction in its purchase gas costs resulting from rate reductions by Texas Gas Transmission Corporation and Southern Natural Gas Company reflecting the reduction of Federal income tax rates, a reduction in Texas Eastern's tax liability to the State of Texas by reason of the unconstitutionality of the Texas Dedicated Reserve Gas Tax and reduction in rates of certain of Texas Eastern's gas suppliers.

Copies of the proposed rates have been served by Texas Eastern upon its customers and State Commissions. Comments may be filed on or before May 13, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–4487; Filed, May 5, 1964; 8:46 a.m.]

OFFICE OF EMERGENCY PLANNING

KENTUCKY

Amendment to Notice of Major Disaster

Notice of Major Disaster for the Commonwealth of Kentucky dated March 18, 1964, and published March 25, 1964 (29 F.R. 3717), as amended, dated March 30, 1964, and published April 4, 1964 (29 F.R. 4842), as amended, dated April 10, 1964, and published April 17, 1964 (29 F.R. 5289) is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 17, 1964:

Robertson.

Dated: April 28, 1964.

J. M. CHAMBERS,
Acting Director,
Office of Emergency Planning.

[F.R. Doc. 64–4481; Filed, May 5, 1964; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[Files 7–2373, 7–2374]

AVNET ELECTRONICS CORP. AND HELENE CURTIS INDUSTRIES INC.

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

APRIL 30, 1964.

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

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

Avnet Electronics Corporation... File 7-2373
Helene Curtis Industries Inc.... File 7-2374

Upon receipt of a request, on or before May 16, 1964, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 64-4492; Filed, May 5, 1964; 8:46 a.m.]

[File 70-4209]

LOUISIANA POWER & LIGHT CO.

Notice of Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

APRIL 30, 1964.

Notice is hereby given that Louisiana Power & Light Company ("Louisiana"), 142 Delaronde Street, New Orleans, Louisiana, 70114, a public-utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to said declaration, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

Louisiana proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $25,000,000 principal amount of its First Mortgage Bonds, 2 percent Series due 1994. The interest rate of the new bonds (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Louisiana (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The new bonds will be issued under the Mortgage and Deed of Trust dated as of April 1, 1944, between Louisiana and The Chase Manhattan Bank, Trustee, as heretofore supplemented and as to be further supplemented by a Seventh Supplemental Indenture to be dated as of June 1, 1964.

Louisiana will apply the proceeds from the sale of the new bonds toward the construction of new facilities, the extension and improvement of present facilities, the payment of bank loans in an amount not to exceed $8,500,000, and other corporate purposes. The cost of Louisiana's construction program for 1964 is estimated at $35,900,000.

Fees and expenses to be incurred in connection with the proposed issuance and sale of the new bonds are estimated as follows:

Federal stamp tax	$27,500
Filing fee, this Commission	2,569
Fees of Trustee	11,750
Auditors' fees	4,000
Printing	18,000
Printing and engraving securities	6,000
Fees of counsel:	
Reid & Priest	12,000
Monroe & Lemann	12,000
Ebasco Services Incorporated	1,500
Miscellaneous expenses	9,681
Total	105,000

Fees of counsel for the purchasers are estimated at $7,000 and are to be paid by the successful bidders.

The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 27, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 64-4493; Filed, May 5, 1964; 8:46 a.m.]

TARIFF COMMISSION

CLINICAL THERMOMETERS

Report to the President

MAY 1, 1964.

The U.S. Tariff Commission today submitted to the President a report, under section 351(d)(1) of the Trade Expansion Act of 1962, on developments in the trade in clinical thermometers. Following an escape-clause investigation by the Tariff Commission under section 7 of the Trade Agreements Extension Act of 1951, the President, by proclamation dated April 21, 1958, increased the rate of duty applicable to clinical thermometers, effective after the close of business on May 21, 1958. Section 351(d)(1) of the Trade Expansion Act of 1962 provides that—

> So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, and shall make annual reports to the President concerning such developments.

The report to the President presents statistical data and other information with respect to clinical thermometers, with emphasis on developments that have occurred since those described in the Commission's report in May 1963 under section 351(d). The entire report to the President may not be made public since it contains certain information that would reveal the operations of individual firms. The Commission, therefore, is releasing the report with some portions omitted.

Copies of the Commission's public report (the release of which was authorized by the President) are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., 20436.

[SEAL] DONALD N. BENT, *Secretary.*

[F.R. Doc. 64-4494; Filed, May 5, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 5]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OF REGISTRATION

MAY 1, 1964.

The following applications are filed under section 206(a)(7) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.244, of the Commission's rules of practice published in the FEDERAL REGISTER, issue of December 8, 1962, page 12188, which provides, among other things, that protests to the granting of an application may be filed with the Commission within 30 days after the 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. Protests shall set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. Protests containing general allegations may be rejected. A protest filed under these special rules shall be served upon applicant's representative (or applicant, if no practitioner representing him is named). The original and six copies of the protests shall be filed with the Commission.

The special rules do not provide for publication of the operating authority, but the applications are available at the Commission's office in Washington, D.C., and the field offices.

Applications not included in this publication will be published at a later date.

SOUTH DAKOTA

No. MC 97738 (Sub-No. 3) (REPUBLICATION), filed February 11, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: CHARLES COWAN, doing business as PIERRE TRUCK LINE, 1300 North Euclid, Pierre, S. Dak.; AND AGNES H. RUDE, ARLEN W. RUDE, AND FREEMAN B. RUDE, JR., A MINOR, AGNES H. RUDE, GUARDIAN, doing business as, RUDE TRANSPORTATION COMPANY, 416 East Second Street, Redfield, S. Dak., joint applicants.

NOTE: The purpose of this republication is show Agnes H. Rude, Arlen W. Rude, and Freeman B. Rude, Jr., a Minor, Agnes H. Rude, Guardian, doing business as, Rude Transportation Company, as joint applicant.

TENNESSEE

No. MC 120727 (Sub-No. 1) (REPUBLICATION), filed February 11, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: MRS. SHELBY GREGORY, doing business as GALLATIN-PORTLAND FREIGHT LINES, Post Office Box 124, Gallatin, Tenn.; AND GALLATIN-PORTLAND FREIGHT LINES, INC., Post Office Box 124, Nashville, Tenn., joint applicants. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn.

NOTE: The purpose of this republication is to show Gallatin-Portland Freight Lines, Inc., as joint applicant.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-4509; Filed, May 5, 1964; 8:47 a.m.]

[Notice 303]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 1, 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 32562 (Deviation No. 4), POINT EXPRESS, INC., 3535 Seventh Avenue, Post Office Box 10185, Station C., Charleston, W. Va., filed April 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 Charleston, W. Va., over Interstate Highway 64 to Huntington, W. Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Charleston over U.S. Highway 60 to Huntington, and return over the same route.

No. MC 59852 (Deviation No. 2), ALL STATES FREIGHT, INC., Post Office Box 7036, 1250 Kelly Avenue, Akron 6, Ohio, filed April 23, 1964. Applicant's representative: Walter M. F. Neugebuer, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *general commodities*, with certain exceptions, over a deviation route as follows: from Cambridge, Ohio, over Interstate Highway 70 to Washington, Pa., thence over Interstate Highway 70S to New Stanton, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: from Cambridge, over U.S. Highway 22 to Steubenville, Ohio, thence over Ohio Highway 7 to East Liverpool, Ohio; from East Liverpool, Ohio over U.S. Highway 30 to junction Pennsylvania Highway 60, thence over Pennsylvania Highway 60 to Pittsburgh, Pa.; from Pittsburgh over U.S. Highway 30 to junction Pennsylvania Turnpike east of Irwin, Pa.; from junction Pennsylvania Turnpike and U.S. Highway 30, east of Irwin, over the Pennsylvania Turnpike to New Stanton, Pa., and return over the same routes.

No. MC 78632 (Deviation No. 25), HOOVER MOTOR EXPRESS COMPANY, INC., Polk Ave., Nashville, Tenn., filed April 19, 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 Florence, Ala., over U.S. Highway 72 to Memphis, Tenn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From East St. Louis, over Illinois Highway 3 to Cairo, Ill., thence over U.S. Highway 51 to Fulton, Ky., thence over U.S. Highway 45E to junction U.S. Highway 45, thence over U.S. Highway 45 to Selmer, Tenn., thence over U.S. Highway 64 to Savannah, Tenn., thence over Tennessee Highway 69 to the Tennessee-Alabama State line, thence over Alabama Highway 20 to Florence, thence over Alabama Highway 5 to Birmingham, Ala.; from Florence over U.S. Highway 43 to Sheffield, Ala., thence over unnumbered highway to Listerhill, Ala.; and from Florence over U.S. Highway 72 to junction Wilson Dam Highway, thence over Wilson Dam Highway to junction unnumbered highway, thence over unnumbered highway to Listerhill, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 167), GREYHOUND LINES, INC., 1740 Main Street, Kansas City 8, Mo., filed April 20, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From Oklahoma City, Okla., over Interstate Highway 44 to Tulsa, Okla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 66 via Baxter Springs, Kans., and Commerce and Sapulpa, Okla., to junction unnumbered highway near Edmond, Okla., thence over unnumbered highway to Edmond, thence over Oklahoma Highway 77 to Oklahoma City, Okla., and return over the same route.

No. MC 1515 (Deviation No. 168) (canceling Deviation No. 112), GREYHOUND LINES, INC., 219 East Short St., Lexington, Ky., filed April 22, 1964. Carrier 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 51 and Interstate Highway 55 at Brooks Road in Memphis, Tenn., over Interstate Highway 55 to junction Mississippi Highway 32, thence over Mississippi Highway 32 to junction U.S. Highway 51 near Oakland, Miss.; (B) from Canton, Miss., over Mississippi Highway 22 as an access route to junction Interstate Highway 55, thence over Interstate Highway 55 to junction U.S. Highway 51 at Jackson, Miss., and (C) from junction Interstate Highway 55 and Mississippi Highway 6, over Mississippi Highway 6 to junction U.S. Highway 51 at Batesville, 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 St. Louis, Mo., over U.S. Highway 67 to Mehlville, Mo., thence over U.S. Highway 61 to junction old U.S. Highway 61, approximately 1 mile northeast of Turrell, Ark., thence over old U.S. Highway 61 to Turrell, thence over U.S. Highway 61 via

Clarksdale, Miss., to Vicksburg; from Clarksdale over U.S. Highway 49 to Tutwiler, Miss., thence over U.S. Highway 49E to junction old U.S. Highway 49E, approximately 1.3 miles north of Yazoo City, Miss., thence over old U.S. Highway 49E to Yazoo City, thence over old U.S. Highway 49 to Jackson, Miss., and return over the same routes.

No. MC 1515 (Deviation No. 169), GREYHOUND LINES, INC. (Central Greyhound Lines Division), 1740 Main Street, Kansas City, Mo., filed April 24, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *Passengers and their baggage*, over a deviation route as follows: From Beloit, Wis., over Wisconsin Highway 213 to Evansville, Wis., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From Beloit over U.S. Highway 51 to junction U.S. Highway 14, and thence over U.S. Highway 14 to Evansville, and return over the same route.

No. MC 2353 (Deviation No. 1), MONUMENTAL MOTOR TOURS, INC., 3319 Pulaski Highway, Baltimore 24, Md., filed April 22, 1964. Attorney: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. Carrier proposes to operate as a *common carrier*, of *passengers and their baggage*, over deviation routes as follows: between Baltimore, Md., and junction Interstate Highway 95 and U.S. Highway 40, approximately 3 miles south of Wilmington, Del., over Interstate Highway 95; and also over the following access routes: between junction Interstate Highway 95 and Interstate Highway 695 and junction Interstate Highway 695 and U.S. Highway 40, over Interstate Highway 695; between junction Interstate Highway 95 and White Marsh Interchange Access Route and junction White Marsh Interchange Access Route and U.S. Highway 40, over White Marsh Interchange Access Route; between junction Interstate Highway 95 and Maryland Highway 24 and junction Maryland Highway 24 and U.S. Highway 40 over Maryland Highway 24; between junction Interstate Highway 95 and Maryland Highway 22 and Aberdeen, Md., over Maryland Highway 22; between junction Interstate Highway 95 and Maryland Highway 155 and Havre de Grace, Md., over Maryland Highway 155; between junction Interstate Highway 95 and U.S. Highway 222 and Perryville, Md., over U.S. Highway 222; between junction Interstate Highway 95 and Maryland Highway 272 and junction Maryland Highway 272 and U.S. Highway 40, over Maryland Highway 272; and between junction Maryland Highway 279 and Interstate Highway 95 and Elkton, Md., over Maryland Highway 279, for operating convenience only. The notice that the carrier is presently authorized to transport passengers and their baggage, over a pertinent service route as follows: from Baltimore, Md., over U.S. Highway 40 to Atlantic City, N.J., and return over the same route.

No. MC 110265 (Deviation No. 3), KENTUCKY BUS LINES, INC., 615 North Ninth Street, St. Louis, Mo., filed April 23, 1964. Attorney: B. W. LaTourette, Jr., Suite 1230 Boatmen's Bank Building, St. Louis 3, Mo. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: From junction Interstate Highway 65 (Kentucky Turnpike) and U.S. Highway 62, approximately 2 miles northeast of Elizabethtown, Ky., over Interstate Highway 65 to junction Western Kentucky Parkway, thence over Western Kentucky Parkway to junction Kentucky Highway 259, approximately ½ mile south of Leitchfield, Ky., and also over the following access routes; from junctions Western Kentucky Parkway and U.S. Highway 31W over U.S. Highway 31W to junction U.S. Highway 62; from junction Western Kentucky Parkway and Kentucky Highway 259 over Kentucky Highway 259 to junction U.S. Highway 62, 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 Louisville, Ky., over Kentucky Highway 61 to Boston, Ky., thence over U.S. Highway 62 via Nortonville and Kuttawa, Ky., to Puducah, Ky., and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-4510; Filed, May 5, 1964; 8:47 a.m.]

[Notice 635]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 1, 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 prehearing conferences will be called at 9:30 a.m., United States standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

SECTION A

No. MC 117815 (Sub-No. 20) (REPUBLICATION), filed March 23, 1964, published in FEDERAL REGISTER issue of April 1, 1964, clarification published FEDERAL REGISTER issue of April 22, 1964, and republished this issue. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy cream* and *milk solids; dessert materials; beverage preparations; confectionaries; flour and 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 Iowa, Illinois, Missouri, Kansas, and Nebraska.

NOTE: The application is being republished herein for the purpose of assigning it for hearing.

HEARING: June 24, 1964, at Midland Hotel, Chicago, Ill., before Examiner Wm. N. Culbertson.

SECTION B

No. MC 47142 (Sub-No. 81), filed September 20, 1963. Applicant: C. I. WHITTEN TRANSFER COMPANY, a corporation, 200 19th Street, Huntington, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives*, and *blasting supplies*, between Edwardsville, Ill., and points in Illinois within ten (10) miles of Edwardsville, and Louisville, Ky.

HEARING: June 2, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Joint Board No. 1, or, if the Joint Board waives its right to participate, before Examiner Edith H. Cockrill.

No. MC 48958 (Sub-No. 70), filed December 9, 1963. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo. Applicant's attorney: Morris G. Cobb, 221 Barfield Building, 1300 Grant Street, Amarillo, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities of unusual value, those requiring special equipment, and those injurious or contaminating to other lading), between Canyon, and Plainview, Tex., from Canyon, over U.S. Highway 87 to Plainview, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, and joining at Canyon and Plainview with applicant's authorized regular route authority for the coordination of service between and through the points of joinder of this alternate route.

NOTE: Common control may be involved.

HEARING: June 23, 1964, at the Herrin Hotel, Amarillo, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Edith H. Cockrill.

No. MC 110420 (Sub-No. 346), filed December 1, 1963. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, Burlington, Wis. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Starch, sugar and products of corn*, dry, in bulk, in tank and hopper

vehicles, from Chicago and Pekin, Ill., to points in New Jersey; (2) *corn syrup, sugar and blends and mixtures thereof,* in bulk, in tank and hopper vehicles, (a) from North Kansas City, Mo., to points in Utah, (b) from Roby (Hammond), Ind., to points in Maryland, and (c) from Clinton, Iowa, to points in Arkansas; and (3) *Chocolate and chocolate coating,* in bulk, in tank vehicles, from Chicago, Ill., to points in North Carolina.

NOTE: Common control may be involved.

HEARING: June 10, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William J. O'Brien, Jr.

No. MC 110420 (Sub-No. 347), filed December 1, 1963. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, 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: (1) *Malt syrup,* in bulk, in tank vehicles from Peoria Heights, Ill., to Louisville, Ky., (2) *textile softener,* in bulk, in tank vehicles from Peoria Heights, Ill., to Rock Hill, S.C., (3) *vegetables, animal and fish oils, and blends and products thereof,* in bulk, in tank vehicles from Chicago, Ill., to points in Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and Washington, D.C., (4) *chemicals,* in bulk, in tank vehicles from Janesville, Wis., to Baltimore, Md., New York, N.Y., Boston, Mass., Greenville, S.C., and points in Delaware and New Jersey (5) *resin,* in bulk, in tank vehicles from Chicago, Ill., to Little Rock, Ark., and (6) *adhesives,* in bulk, in tank vehicles from Chicago, Ill., to points in Colorado and Oklahoma.

HEARING: June 8, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William J. O'Brien, Jr.

No. MC 110420 (Sub-No. 348), filed December 1, 1963. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, 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: *Tallow and grease,* in bulk, in tank vehicles, (1) from points in Michigan and those points in Indiana on and north of Indiana Highway 14, to Chicago, Ill., and (2) from points in Wisconsin, Michigan, Iowa, and those points in Indiana on and north of Indiana Highway 14 to points in Aurora Township, Kane County, Ill.

NOTE: Common control may be involved.

HEARING: June 17, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Wm. N. Culbertson.

No. MC 110420 (Sub-No. 349), filed December 1, 1963. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, Burlington, Wis. Applicant's attorney: Charles Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal fats and blends thereof,* in bulk, in tank vehicles, from Cudahy, Wis., to points in Maryland and Pennsylvania, and (2) *liquid and dry commodities,* in bulk, between points in Wisconsin.

NOTE: Applicant states it intends to transport empty containers or other incidental facilities (not specified) used in transporting the above described commodities, on return in (1) and between points in Wisconsin in (2). It is further noted common control may be involved.

HEARING: June 16, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Wm. N. Culbertson.

No. MC 113325 (Sub-No. 19), filed October 3, 1963. Applicant: SLAY TRANSPORTATION CO., INC., 718 South 7th Street, St. Louis, Mo. Applicant's attorney: Thomas F. Kilroy, Suite 1250 Federal Bar Building, 1815 H Street NW., Washington, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Starch and blends* from Granite City, Ill., to points in New York, New Jersey, Delaware, Maryland, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, North Dakota, and South Dakota, and *rejected and returned shipments,* on return.

HEARING: June 15, 1964, at the Midland Hotel, Chicago, Ill., before Examiner Wm. N. Culbertson.

No. MC 123900 (Sub-No. 2) (CORRECTION), filed June 30, 1963, published FEDERAL REGISTER issue August 14, 1963, republished as corrected this issue. Applicant: MARVIN SATENSTEIN AND SAM PRAVDER, 75 Varick Street, New York, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Printed paper, unprinted paper, books and materials and supplies (except in bulk), used in the production of printed paper and books,* between the plant site of American Book-Stratford Press, Inc., Cornwall, N.Y., on the one hand, and, on the other, plant sites of American Book-Stratford Press, Inc., Saddle Brook, N.J., and New York, N.Y., (2) *books,* printed, finished and unfinished, from the plant site of American Book-Stratford Press, Inc., New York, N.Y., to points in Bergen, Passaic, Hudson, Essex, Morris, Union, Middlesex, Somerset, Monmouth, Mercer, and Burlington Counties, N.J., and *rejected and damaged shipments,* of the commodities specified in (2) on return, and (3) *books,* printed, finished and unfinished, from the plant site of American Book-Stratford Press, Inc., Saddle Brook, N.J., to points in Nassau, Suffolk, and Westchester Counties, N.Y., and *rejected and damaged* shipments, of the commodities specified in (3) above, on return.

NOTE: Applicant states the proposed service will be performed under contract with American Book-Stratford Press, Inc., New York, N.Y., the present contracting shipper. The purpose of this republication is to change "Saddle Brook, N.Y." as shown in (1) of the previous publication, to read "Saddle Brook, N.J."

CONTINUED HEARING: June 1, 1964, at the Park Sheraton Hotel, New York, N.Y., before Examiner Armin G. Clement.

No. MC 124673 (Sub-No. 2), filed May 30, 1963. Applicant: IRA E. JOHNSON, 2504 Redwood Street, Amarillo, Tex. Applicant's attorney: Montford Johnson, 4515 North Western Avenue, Oklahoma City 18, Okla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Alfalfa meal and pellets,* from points in Crowley, Otero, Bent, Prowers and Kiowa Counties, Colo., to points in Oklahoma, Texas, New Mexico, Arkansas, and Louisiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: June 22, 1964, at the Herrin Hotel, Amarillo, Tex., before Examiner Edith H. Cockrill.

No. MC 125817, filed November 18, 1963. Applicant: ORA A. FURNISH, doing business as SCHRECKER FREIGHT LINE, Post Office Box 722, Owensboro, Ky. Applicant's attorney: Ben K. Wilmot, Republic Building, Fifth and Walnut Streets, Louisville 2, Ky. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment), (1) from Owensboro, Ky., to Beech Grove, Ky.; from Owensboro over Kentucky Highway 54 to Sorgho, Ky., and thence over Kentucky Highway 56 to Beech Grove, and return over the same route, serving all intermediate points and the off-route points of Curdsville and Delaware, Ky., and (2) from Owensboro, Ky, to Fordsville, Ky.; from Owensboro over Kentucky Highway 54 to Fordsville, and return over the same route, serving all intermediate points.

HEARING: June 2, 1964, at the Kentucky Hotel, Walnut Street at Fifth, Louisville, Ky., before Joint Board No. 155, or, if the Joint Board waives its right to participate, before Examiner Edith H. Cockrill.

NOTICE OF FILING OF PETITIONS

No. MC 111181 (Sub-No. 2) (PETITION FOR MODIFICATION OF PERMIT), filed April 20, 1964. Petitioner: NUCERA BEVERAGE TRANSPORTATION CO., Bordentown Township, Trenton, N.J. Petitioner's attorney: Morton E. Kiel, 140 Cedar Street, New York, N.Y. Petitioner holds a permit authorizing the transportation, over irregular routes, of malt beverages, from points in the New York, N.Y., Commercial Zone as defined by the Commission within which purely local operations may be conducted under the exemption provided by section 203(b)(8) of the Interstate Commerce Act, as limited by the Commission's decision on further hearing in No. MC-C-2, *New York, N.Y., Commercial Zone,* 53 M.C.C. 451, to points in Middlesex, Somerset, Burlington, Hunterdon, and Mercer Counties, N.J.; and from Philadelphia, Pa., to Trenton, N.J.; and, pallets, used in transporting malt beverages, from points in Middlesex, Somerset, Burlington, Hunterdon, and Mercer Counties, N.J., to points in the New York, N.Y., Commercial Zone, as defined by the Commission within which purely local operations may be conducted under the exemption provided

by section 203(b)(8) of the Interstate Commerce Act, as limited by the Commission's decision on further hearing in No. MC-C 2, *New York, N.Y. Commercial Zone*, 53 M.C.C. 451, from Trenton, N.J., to Philadelphia, Pa. The above-described operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with Trenton Beverage Company, of Trenton, N.J. By the instant petition, petitioner requests that Permit MC-111181 (Sub-No. 2) be modified to eliminate as contracting shipper, Trenton Beverage Co., Trenton, N.J., and, in lieu thereof, to substitute Trenton Malt Beverage Company, Trenton, N.J. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication, become a party to this proceeding by filing representations supporting or opposing the relief sought by petitioner.

No. MC 125446 (PETITION FOR WAIVER OF RULE 1.101(e) AND FOR LEAVE TO FILE PETITION FOR AMENDMENT OF PERMIT TO ADD ADDITIONAL CONTRACTING SHIPPERS), filed April 27, 1964. Petitioner: COALBROOK SALES CO., INC., Carbondale, Pa. Petitioner's Representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. Petitioner is authorized in Permit MC 125446 to conduct operations as a motor contract carrier, over irregular routes, to transport coal, from Carbondale, Pa., to points in Albany, Broome, Chenango, Columbia, Delaware, Dutchess, Greene, Nassau, Oneida, Onondago, Orange, Otsego, Putnam, Rensselaer, Rockland, Saratoga, Sullivan, Ulster, Warren, and Westchester Counties, N.Y., New York, N.Y., and points in Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed, under a continuing contract, or contracts, with De Angelis Supreme Anthracite, Inc., of Carbondale, Pa. By the instant petition, petitioner requests that the Commission amend Permit MC 125446 solely with respect to the adding of two more shippers under the authority, as follows: "RESTRICTION: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract or contracts, with Coalbrook Iron and Metal Co., John C. Baumann and Enid Baumann, doing business as John C. Baumann, all of Carbondale, Pa." Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication become a party to this proceeding by filing representations supporting or opposing the relief sought by petitioner.

Applications Under Sections 5 and 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8681 (MASTEN TRANSPORTATION, INC.—CONTROL AND PURCHASE—BINGHAMTON WAREHOUSE & TERMINAL, INC.), published in the March 4, 1964, issue of the Federal Register on page 2974. Amendment filed April 21, 1964, for MASTEN TRANSPORTATION, INC., to control BINGHAMTON WAREHOUSE & TERMINAL, INC., through stock ownership only, and to delete the request for authority to purchase the assets.

No. MC-F-8726 (CORRECTION) (TRAVELERS MOTOR FREIGHT, INC.—CONTROL AND MERGER—M. & J. TRUCKING CO., INC.), published in the April 29, 1964 issue of the Federal Register on page 5711. The principal address of TRAVELERS MOTOR FREIGHT, INC., is 42 38th Street, Wheeling, W. Va., instead of its executive office, located at 1149 Kenmore Boulevard, Akron, Ohio.

No. MC-F-8727. Authority sought for control by ELDON JOHNSTON, Wheatland, Wyo., and CHARLES WILSON BURNETTE, 120 Fifth Avenue, Newcastle, Wyo., of UNIVERSAL TRANSPORT, INC., Post Office Box 268, Rapid City, S. Dak. Applicants' attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. Operating rights sought to be controlled: Authority applied for in No. MC-125909 and Sub-1, covering the transportation of *lime and limestone products*, in bulk, and in sacks, as a *contract carrier* over *irregular routes*, from Rapid City, S. Dak., and points within ten (10) miles thereof, to points in Wyoming, Colorado, and Montana, and points in North Dakota, Nebraska, and Kansas on and west of U.S. Highway 281; *lime and aggregates, their products* and *their byproducts*, between points in Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, and Kansas, restricted to traffic having a prior movement by rail. ELDON JOHNSTON and CHARLES WILSON BURNETTE hold no authority from this Commission. However, they control JOHNSTON'S FUEL LINERS, INC., 808 Birch Street, Newcastle, Wyo., which is authorized to operate as a *common carrier* in Colorado, South Dakota, North Dakota, Montana, Wyoming, and Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8728. Authority sought for purchase by MACHINERY & MATERIALS CORPORATION, 3200 Gibson Transfer Road, Hammond, Ind., of the operating rights of RICHARD REINHOLD, doing business as WING CARTAGE, Route No. 14, Cary, Ill., and for acquisition by JOHN S. GRAY, JR., also of Hammond, Ind., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman, & Steiner, 39 South La Salle Street, Chicago, Ill., 60603, and Joseph M. Scanlan, 111 W. Washington St., Chicago, Ill. Operating rights sought to be transferred: *Inedible salt*, in dump vehicles, as a *common carrier* over irregular routes, from Chicago, Ill., to points in Wisconsin, from Dubuque, Iowa, St. Louis, Mo., and Milwaukee, Wis., to points in Illinois. Vendee is authorized to operate as a *common carrier* in Indiana, Illinois, Michigan, Wisconsin, Iowa, Ohio, Minnesota, Missouri, and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8730. Authority sought for merger into BRANCH MOTOR EXPRESS COMPANY, 300 Maspeth Avenue, Brooklyn 11, N.Y., of the operating rights and property of MORGAN TRUCKING CO., INC., 300 Maspeth Avenue, Brooklyn 11, N.Y., and for acquisition by MARVIN F. BURTEN (EXECUTOR OF THE ESTATE OF EMANUEL BURTEN), and JESS K. BURTEN, both of Brooklyn 11, N.Y., of control of such rights and property through the transaction. Applicants' attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C., 20036. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, from Richmond and Norfolk, Va., Frederick, Md., and points within 15 miles of Frederick, Baltimore, Md., and certain points in Pennsylvania and New Jersey, to points in Rockingham County, N.C.; between Greensboro, N.C., and points in North Carolina within 30 miles of Greensboro, on the one hand, and, on the other, Kingsport, Tenn., Jessups and Baltimore, Md., Greenwood, Del., Philadelphia and East York, Pa., Newark, N.J., New York, N.Y., and points in Virginia, North Carolina, South Carolina, and the District of Columbia. RESTRICTION: Under the authority specified immediately above no service shall be performed in the transportation of iron and steel articles, from Radford, Va., to Greensboro, N.C., and points in North Carolina within 30 miles of Greensboro; from New York, N.Y., and points in Westchester and Nassau Counties, N.Y., and Hudson and Essex Counties, N.J., to Philadelphia, Ambler, and Hatboro, Pa., from Philadelphia, Ambler, and Hatboro, Pa., to certain points in New York, and New Jersey, between Greensboro, N.C., and points within five miles of Greensboro, on the one hand, and, on the other, York, Pa., Baltimore, Md., and Philadelphia, Pa., and points within 20 miles of Philadelphia, between Kingsport, Tenn., and Greenland, Tenn.; *new furniture*, from Bassetts, Va., and Greensboro and Stoneville, N.C., to Augusta, Ga., Baltimore and Annapolis, Md., Philadelphia, Oxford, Reading, Pottsville, Scranton and Olyphant, Pa., Brooklyn, N.Y., Washington, D.C., and points in North Carolina, South Carolina, and Virginia, from Martinsville, Va., to Augusta, Ga., and points in North Carolina, South Carolina, and Virginia, except Norfolk, Va.; *glass bottles*, from Bridgeton, N.J., and Knox and Oil City, Pa., to Reidsville, N.C., from Leaksville, N.C., to Baltimore, Md.; *soap*, from Philadelphia, Pa., to Leaksville, Spray, Draper, and Greensboro, N.C.; *roofing, petroleum products*, in containers, and *asphalt shingles*, from Baltimore, Md., and Norfolk, Va., to Leaksville and Spray, N.C.; *empty steel drums*, from

Leaksville and Spray, N.C., to Baltimore, Md.; *canned goods* and *sugar*, from Baltimore, Md., to Danville, Va.; *metal tubes*, from Wilmington, Del., to Reidsville, N.C.; *alum*, from Marcus Hook, Pa., to Leaksville, N.C.; *wool, wool floss, waste, thread, yarn*, and *clippings*, from Leaksville and Spray, N.C., to Washington, D.C., Baltimore, Md., New York, N.Y., Rahway and Freehold, N.J., and certain points in Pennsylvania, from Philadelphia, Pa., to Elkin, Leaksville, Hickory, and Granite Falls, N.C.; and *new furniture*, including mirrors, panels and parts for furniture, from Martinsville, Va., to Norfolk, Va., points in the District of Columbia, Maryland, Delaware, Pennsylvania, and New Jersey, and certain points in New York. BRANCH MOTOR EXPRESS COMPANY is authorized to operate as a *common carrier* in New York, Maryland, New Jersey, Pennsylvania, Delaware, West Virginia, Ohio, Virginia, Massachusetts, Connecticut, Rhode Island, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE: BRANCH MOTOR EXPRESS COMPANY controls MORGAN TRUCKING CO., INC., through ownership of capital stock, pursuant to authority granted in Docket No. MC-F-7697.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-4511; Filed, May 5, 1964; 8:47 a.m.]

[Notice 636]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 1, 1964.

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

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

APPLICATIONS ASSIGNED FOR ORAL HEARING

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.

SECTION A

No. MC 110698 (Sub-No. 278), filed April 28, 1964. Applicant: RYDER TANK LINE, INC., Post Office Box 8418, Winston-Salem Road, Greensboro, N.C. Applicant's attorney: Francis W. Mc Inerny, 1000 16th Street, NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except chemicals), in bulk, from the pipeline terminals of the Plantation Pipelines located in Virginia to points in Maryland, North Carolina, Tennessee, and West Virginia.

NOTE: Common control may be involved.

HEARING: May 13, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

SECTION B

No. MC 124306 (Sub-No. 3) (AMENDMENT), filed July 21, 1963, published in FEDERAL REGISTER, issue January 29, 1964, republished as amended issue of April 15, 1964, and republished as amended this issue. Applicant: KENAN TRANSPORT COMPANY, a corporation, Post Office Box 2933 West Durham Station, Durham, N.C. Applicant's attorney: W. T. Croft, Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including specifically naphtha*, in bulk, in tank vehicles, from (1) Montvale, Va., to points in Virginia and West Virginia, (2) from the Colonial Pipeline Terminals, at or near Selma, N.C., to points in North Carolina and Virginia, and (3) from the Colonial Pipeline Terminals, at or near Norfolk, Va., to points in Virginia and North Carolina, and *returned or rejected shipments* of the above named commodities, in (1), (2), and (3), on return.

NOTE: Applicant has a pending contract carrier application in MC 124645; therefore dual operations may be involved. The purpose of this republication is to change the territorial descriptions from those previously published to those specified above.

HEARING: Remains as assigned May 25, 1964, at the Federal Building, 400 North Eighth Street, Richmond, Va., before Joint Board No. 292, or, if the Joint Board waives its right to participate, before Examiner Leo M. Pellerzi.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-4512; Filed, May 5, 1964; 8:48 a.m.]

[Notice 637]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MAY 1, 1964.

The following applications are governed by § 1.247[1] 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 3874 (Sub-No. 3), filed April 16, 1964. Applicant: L. C. CORP., Room 735, 89 Broad Street, Boston, Mass. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newspapers, and newspaper inserts, and supplements*, between Boston, Mass., on the one hand, and, on the other, points in Rhode Island, that part of Connecticut east of Alternate U.S. Highway 5, that part of Massachusetts on and north, and

[1] Copies of § 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

west of a line beginning at the western boundary line of Plymouth County, at Massachusetts Bay, thence along the Plymouth County line to junction Massachusetts Highway 24, thence along Massachusetts Highway 24 to junction Massachusetts Highway 138, and thence along Massachusetts Highway 138 to the Massachusetts-Rhode Island State line, points in New Hampshire on U.S. Highway 202 south of East Jaffrey, N.H., and those in New Hampshire on and within fifteen (15) miles of U.S. Highway 3 south of Laconia, N.H.

NOTE: If hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 10761 (Sub-No. 151) (AMENDMENT), filed January 23, 1964, published FEDERAL REGISTER issue of February 12, 1964, amended March 19, 1964, and republished as amended, this issue. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts*, and *dairy products* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Swift and Co. located at or near Grand Island, Nebr., to points in Arkansas, Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia, and Wisconsin, with no tacking privileges, and *returned and rejected shipments*, on return.

NOTE: The purpose of this republication is to broaden the scope of the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 19227 (Sub-No. 84), filed April 20, 1964. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Towers, water cooling with blowers and machine, cooling or freezing, and accessories, attachments or fittings therefor*, when moving in connection with the commodities specified, from the plant site of the Marley Company, located at Louisville, Ky., to points in New York, Pennsylvania, New Jersey, Maryland, Delaware, Illinois, Indiana, Kentucky, West Virginia, Virginia, Mississippi, Alabama, and Georgia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 20783 (Sub-No. 70) (AMENDMENT), filed April 3, 1964, published in FEDERAL REGISTER issue April 15, 1964, amended April 28, 1964, and republished as amended this issue. Applicant: TOMPKINS MOTOR LINES, INC., 638 Langley Place, Decatur, Ga. 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: *Canned fruit and vegetables, and canned fruit and vegetable juices*, from points in Florida to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, Wisconsin, points in that part of Minnesota on and south of Minnesota Highway 28, beginning at the Minnesota-South Dakota State line, thence eastward to the junction of U.S. Highway 52, thence over U.S. Highway 52 to the junction of Minnesota Highway 95, thence over Minnesota Highway 95 to the Minnesota-Wisconsin State line, and points in that part of West Virginia on and west of U.S. Highway 19 beginning at the West Virginia-Virginia State line running northward to the West Virginia-Pennsylvania State line. RESTRICTION: Service to points in West Virginia to be restricted to stop-off in-transit deliveries.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla. The purpose of this republication is to include Wisconsin as a destination State.

No. MC 21170 (Sub-No. 49), filed April 21, 1964. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Applicant's attorney: Jack H. Blanshan, 3½ West Main Street, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by packinghouses*, from the plant site of Swift & Company at or near Grand Island, Nebr., to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Kansas, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 30046 (Sub-No. 7), filed April 20, 1964. Applicant: H. A. SCHARFF, doing business as SCHARFF MOTOR FREIGHT, 2210 East Portland Road, Newberg, Oreg. Applicant's attorney: Norman E. Sutherland, 1200 Jackson Tower, Portland 5, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, shaving, hog fuel, bark and wood waste*, from Gervais, Oreg. to Longview, Wash., and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Portland, Oreg.

No. MC 30727 (Sub-No. 19), filed April 16, 1964. Applicant: THE BILLY BAKER COMPANY, a corporation, 1301 Elm Street, Toledo, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, stone, lime, gravel, dirt, and bituminous concrete*, in bulk, in dump trucks, (1) between points in Paulding County, Ohio, on the one hand, and, on the other, points in Hillsdale County, Mich., and (2) from points in Paulding County, Ohio, to points in Steuben and DeKalb Counties, Ind.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 31600 (Sub-No. 565), filed April 23, 1964. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass., 02154. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea and ammonium nitrate* (other than liquid) in bulk, in pneumatic tank motor vehicles between ports of entry on the International Boundary line between the United States and Canada located on the Niagara, Detroit, or St. Clair Rivers, on the one hand, and, on the other, points in New York, Pennsylvania, New Jersey, Ohio, Indiana, and Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 52458 (Sub-No. 189), filed April 16, 1964. Applicant: T. I. McCORMACK TRUCKING COMPANY, 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 vehicle, over irregular routes, transporting: *Soda ash*, dry, in bulk, in tank and hopper type vehicles, from Solvay, N.Y., to Lyndhurst, N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 59110 (Sub-No. 2), filed April 24, 1964. Applicant: FRANK B. LEZETTE AND RICHARD A. LEZETTE, doing business as LEZETTE EXPRESS, 212 Ulster Avenue, Saugerties, N.Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Chichester, Oliverea, Halcott Center, Lanesville, Saugerties, Woodstock, Lake Hill, Bearsville, and Willow as off-route points, in connection with applicant's presently authorized regular route operations between Kingston, N.Y., and Margaretville, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 59264 (Sub-No. 33), filed April 22, 1964. Applicant: SMITH & SOLOMON TRUCKING COMPANY, a corporation, How Lane, New Brunswick, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium hypochlorite solution*, in containers, in boxes, from Frederick, Md., to Baltimore, Md., and points in the Washington, D.C., commercial zone, and *empty containers or other such incidentals* (not specified) used in transporting the above-described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests that it be held "wherever earliest hearing possible."

No. MC 61396 (Sub-No. 109), filed April 23, 1964. Applicant: HERMAN BROS., INC., P.O. Box 189, Downtown Station, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solution*, in bulk, in tank vehicles, from Clarion, Iowa, to points in Minnesota, and *returned and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 61592 (Sub-No. 19), filed April 20, 1964. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa., 52722. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from Keokuk, Iowa, and points within 25 miles thereof, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 75981 (Sub-No. 6), filed April 21, 1964. Applicant: WATT BROS. INC., 824 Lonsdale Avenue, Central Falls, R.I. Applicant's attorney: John C. Bradley, 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, from Providence, R.I., to points in Rhode Island, Connecticut on and east of U.S. Highway 5, and Massachusetts within 50 miles of Providence, R.I.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I. Common control may be involved.

No. MC 75981 (Sub-No. 7), filed April 21, 1964. Applicant: WATT BROS. INC., 824 Lonsdale Avenue, Central Falls, R.I. Applicant's attorney: John C. Bradley, 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products, lumber, shingles*, and *millwork*, between Providence, R.I., and points within 15 miles thereof, on the one hand, and, on the other, points in Massachusetts, Rhode Island, and Connecticut.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I. Common control may be involved.

No. MC 78687 (Sub-No. 21), filed April 20, 1964. Applicant: RUSSELL LOTT, doing business as LOTT MOTOR LINES, R.D. 4, Tunkhannock, Pa. Applicant's attorney: Daniel H. Jenkins, Suite 309, Mears Building, Scranton, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, from Big Flats, N.Y., to points in Susquehanna, Clinton, Lycoming, Wyoming, Sullivan, Montour, Northumberland, Union, Snyder, Columbia, Luzerne, Potter, Tioga, Bradford, Wayne, and Lackawanna Counties, Pa., and (2) *salt* in packages with *pepper*, from Watkins Glen, N.Y., to points in Susquehanna, Clinton, Lycoming, Wyoming, Sullivan, Montour, Northumberland, Union, Snyder, Columbia, Luzerne, Potter, Tioga, Bradford, Wayne, and Lackawanna Counties, Pa.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 2505; therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa.

No. MC 80289 (Sub-No. 10), filed April 22, 1964. Applicant: HARRY KOVLER, doing business as RED LINE FURNITURE CARRIERS, 1339 Unruh Avenue, Philadelphia 11, Pa. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated, from Haverstraw, N.Y., to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y.

No. MC 92983 (Sub-No. 432), filed April 20, 1964. Applicant: ELDON MILLER, INC., Post Office Drawer 617, 531 Walnut Street, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except those requiring heat in transit to maintain liquid form), in bulk, in tank vehicles, from the plant site of the Great Lakes Pipeline Terminal near Palmyra, Mo., to points in Illinois and Iowa.

NOTE: Applicant states that the authority sought shall be restricted against tacking or interlining. If a hearing is deemed necessary applicant requests it be held at Kansas City, Mo.

No. MC 94635 (Sub-No. 2), filed April 16, 1964. Applicant: INTERSTATE SAND & GRAVEL TRANSPORTATION, INC., Newfield, N.J. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Minerals, including, but not limited to, magnesites, clays, gravels, sands, stones, slags, aggregates* (excluding cement, agricultural lime, and coal), between points in Delaware, Maryland, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Virginia, and the District of Columbia.

NOTE: Applicant states it will also be serving ports of entry on the International Boundary line between the United States and Canada located in New York. If a hearing is deemed necessary applicant requests it be held at Philadelphia, Pa.

No. MC 97457 (Sub-No. 3), filed April 22, 1964. Applicant: JAMES E. WARNER AND IRENE C. WARNER, doing business as, WARNER & SONS TRUCKING CO., 3224 Sand Creek Highway, Adrian, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich., 48226. 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 Company, located approximately 4 miles northeast of Adrian, Mich., as an off-route point in connection with applicant's authorized regular-route operations between points in Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 103378 (Sub.-No. 290), filed April 22, 1964. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry kyanite*, in bulk, from points in Lincoln and Wilkes Counties, Ga., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 107107 (Sub.-No. 303) (AMENDMENT), filed April 13, 1964, published FEDERAL REGISTER issue April 29, 1964, and republished as amended this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 458, Allappattah Station, Miami, Fla.

NOTE: The purpose of this republication is to delete the word "Canned" from the commodity description as previously published and specify further that "no duplicating authority is sought." If a hearing is deemed necessary applicant requests it be held at Orlando or Jacksonville, Fla.

No. MC 107403 (Sub-No. 552), filed April 17, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, between Treichlers, Pa., and Clifton, N.J.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at Washington, D.C.

No. MC 107403 (Sub-No. 553), filed April 20, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar*, from Detroit, Mich., to points in Indiana.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 554), filed April 20, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Aluminum sulphate, in bulk, from Claymont, Del., to points in Pennsylvania.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108053 (Sub-No. 56), filed April 20, 1964. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., Post Office Box 709, Fremont, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Dairy products,* from points in Wisconsin to points in California, Washington, and Oregon, (2) *fresh and frozen meats,* from Eau Claire, Wis., to points in California, Washington, and Oregon, and (3) *dairy products and fresh and frozen meats,* from St. Paul, Minn., to points in California, Washington, and Oregon.

NOTE: Applicant states that the proposed St. Paul Minn., operation is to be restricted to that traffic which is transported in mixed loads with traffic described in (1) and (2) above. Common control may be involved. Applicant does not specify place at which he wishes hearing to be held if one is deemed necessary.

No. MC 108435 (Sub-No. 20) (AMENDMENT), filed April 13, 1964, published FEDERAL REGISTER issue of April 22, 1964, amended April 24, 1964, and republished as amended, this issue. Applicant: OSCAR C. RADKE, doing business as RADKE TRANSIT, Grand Avenue, Schofield, Wis. Applicant's attorney: Claude J. Jasper, Suite 301, Provident Building, 111 South Fairchild Street, Madison, Wis. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Rough and manufactured granite,* and *marble,* between points in Michigan, on the one hand, and, on the other, points in Minnesota and Vermont.

NOTE: The purpose of this republication is to add "marble" to the commodities proposed to be transported. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 109028 (Sub-No. 6), filed April 20, 1964. Applicant: HILLSIDE TRANSIT CO. INC., 3150 North 117th Street, Milwaukee 22, Wis. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Petroleum products, emulsified petroleum sizing,* and *such commodities as are sold by or used in operating retail gasoline service stations* (except commodities in bulk), from Cicero, Ill., to points in Wisconsin and (2) *empty drums* from points in Wisconsin to Chicago, Ill.

NOTE: Applicant states the proposed operations will be under contract with the Mobil Oil Company, 150 East 42d Street, New York 17, N.Y. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 371), filed April 16, 1964. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. Applicant's attorney: Charles 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: *Starch, sugar, and products of corn,* in bulk, in tank or hopper vehicles, from Muscatine, Iowa, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. Common control may be involved.

No. MC 110988 (Sub-No. 84), filed April 23, 1964. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Hydrogen peroxide,* in bulk, in tank vehicles, from Barberton, Ohio, to Niagara, Wis.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 111450 (Sub-No. 18), filed April 16, 1964. Applicant: GRANT TRUCKING, INC., Oak Hill, Ohio. Applicant's attorney: James M. Burtch, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Charcoal,* from points in Elk Township, Vinton County, Ohio, to points in Michigan, West Virginia, Indiana, Pennsylvania, and Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 111485 (Sub-No. 7), filed April 20, 1964. Applicant: PASCHALL TRUCK LINES, INC., Murray, Ky. Applicant's attorney: R. Connor Wiggins, Jr., 710 Sterick Building., Memphis, Tenn. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, and household goods as defined by the Commission), between Murray, Ky., and points within 5 miles thereof, and Memphis, Tenn., from Murray over U.S. Highway 641 to Paris, Tenn., and thence over U.S. Highway 79 to Memphis, and return over the same routes serving Benton, Ky., and points within 5 miles thereof, as off route points, and Hazel, Ky., and Puryear, Tenn., as intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Paducah, Ky.

No. MC 111717 (Sub-No. 22), filed April 22, 1964. Applicant: TRACTOR TRANSPORT, INC., 535 South 84th Street, Milwaukee, Wis. Applicant's attorney: Frank M. Coyne, 1 West Main Street, Madison, Wis., 53703. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Farm harvesters and combines* and *parts* and *accessories* for said machinery, from Independence, Mo., to points in Wisconsin, Illinois, and Minnesota.

NOTE: Applicant states the proposed operations will be under contract with Allis Chalmers Manufacturing Company. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 112520 (Sub-No. 104), filed April 22, 1964. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Turpentine,* in bulk, in tank vehicles, from points in Georgia to Jacksonville, Fla.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 112617 (Sub-No. 176), filed April 22, 1964. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, 600 Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients,* in bulk, from Louisville, Ky., to points in Indiana, Illinois, and Tennessee.

NOTE: If a hearing is deemed necessary applicant requests that it be held at Louisville, Ky.

No. MC 112854 (Sub-No. 21), filed April 20, 1964. Applicant: HOLLEBRAND TRUCKING, INC., Ontario Center-Macedon Road, Ontario, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Post Office Box 25, Webster, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sauerkraut,* in polyethylene bags, in temperature controlled vehicles, from Preble, N.Y., to Atlanta, Ga., and points in Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 112854 (Sub-No. 22), filed April 20, 1964. Applicant: HOLLEBRAND TRUCKING, INC., Ontario Center-Macedon Road, Ontario, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Post Office Box 25, Webster, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sauerkraut,* in polyethylene bags, in temperature controlled vehicles, from Preble, N.Y., to points in Florida.

NOTE: If a hearing is deemed necessary applicant requests it be held at Rochester, N.Y.

No. MC 113362 (Sub-No. 39), filed April 22, 1964. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: Stephen Robinson, 412 Equitable Building, Des Moines, Iowa, 50309. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses,* as described in the appendix to the report in *Descriptions in Motor Carrier Certificates, Packing House Products,*

61 M.C.C. 209 and 766, from the plant site of Swift Company, at or near Grand Island, Nebr., to points in Maine, Connecticut, New Hampshire, Vermont, New York, Rhode Island, New Jersey, Delaware, West Virginia, Virginia, Maryland, Pennsylvania, Massachusetts, and the District of Columbia.

NOTE: Applicant states it does not propose to transport the commodities applied for in bulk in tank vehicles. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 113651 (Sub-No. 72), filed April 20, 1964. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts, dairy products* and *articles distributed by meat packinghouses* as described in Sections A, B, and C of Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Columbus Junction, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, Illinois, New Jersey, New York, Ohio, Pennsylvania, Indiana, Rhode Island, Vermont, Virginia, West Virginia, District of Columbia, South Carolina, North Carolina, Kentucky, and Tennessee.

NOTE: Applicant does not specify where he wishes hearing to be held if one is deemed necessary.

No. MC 113828 (Sub-No. 62), filed April 17, 1964. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in pneumatic tank or hopper type vehicles, from Cambridge, Md., and Chestertown, Md., to points in Maryland, Delaware, and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113843 (Sub-No. 79) (AMENDMENT), filed March 30, 1964, published FEDERAL REGISTER issue April 15, 1964, amended April 24, 1964, and republished as amended this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned, prepared, and preserved foodstuffs* (except commodities in bulk, in tank vehicles), from Bloomsburg, Pa., points in Delaware, and Maryland, and that portion of Virginia, east of the Chesapeake Bay, and south of the Chesapeake and Delaware Canal, to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, West Virginia, Wisconsin, and points in Pennsylvania on and west of U.S. Highway 219.

NOTE: The purpose of this republication is to include as an origin point Bloomsburg, Pa., and the exception in the commodity description, as shown above and not previously published. Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 113908 (Sub-No. 143), filed April 22, 1964. Applicant: ERICKSON TRANSPORT CORPORATION, 706 West Tampa, Post Office Box 706, Springfield, Mo. Applicant's attorney: Turner White III, 805 Woodruff Building, Springfield, Mo., 65806. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Lincoln, Nebr., to points in Iowa.

NOTE: If a hearing is deemed necessary applicant requests it be held at Omaha, Nebr.

No. MC 114004 (Sub-No. 50), filed April 23, 1964. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Sumter, S.C., and points within 5 miles thereof, to points in the United States (except Hawaii).

NOTE: If a hearing is deemed necessary applicant requests that it be held at Columbia, S.C.

No. MC 114045 (Sub-No. 134), filed April 24, 1964. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candies and confectionery products*, from Hackettstown, N.J., to points in Louisiana and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Dallas, Tex.

No. MC 114355 (Sub-No. 5), filed April 20, 1964. Applicant: LOUIS HORNSTEIN, 16 Waverly Avenue, Brooklyn, N.Y. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated, as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from New York, N.Y., to points in Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester Counties, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 114364 (Sub-No. 82), filed April 24, 1964. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 672, Rocky Ford, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526 Denham Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate fertilizer*, in bulk, from Etter, Tex., to points in Wyoming, Idaho, Utah, and points in Nebraska on and west of U.S. Highway 183.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114818 (Sub-No. 8), filed April 15, 1964. Applicant: BARTON TRUCK LINE, INC., 455 West Fourth South, Salt Lake City, Utah. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) *General commodities, including explosives* (but excluding household goods, commodities in bulk, and commodities which because of size or weight require the use of special equipment or special handling), between Salt Lake City, Utah, and Utah-Idaho State line. Regular routes. From Salt Lake City over U.S. Highways 89 and 91 to Logan, Utah, thence over U.S. Highway 91 to the Utah-Idaho State line (also, from junction U.S. Highways 89 and 91 and U.S. Highway 191 at Brigham City, Utah, over U.S. Highway 191 to the Utah-Idaho State line; and, from junction U.S. Highway 191 and U.S. Highway 30S near Tremonton, Utah, over U.S. Highway 30S to the Utah-Idaho State line), and return over the same routes, serving all intermediate points and off-route points in Utah within ten (10) miles of the above specified highways, off-route points in Idaho within three (3) miles of the above specified highways intersecting Utah-Idaho State line, the plant site of Thiokol Chemical Corporation and government installations located on U.S. Highway 83, approximately twenty (20) miles west of Corinne, Utah. (B) *General commodities* (excluding livestock), (1) between Ogden, Utah and Wendover, Utah, from Ogden over U.S. Highways 89 and 91 to Salt Lake City, Utah, thence over U.S. Highway 40 to Lake Point Junction, Utah, thence over U.S. Highways 40 and Alternate 50 to Wendover, and return over the same route, serving all intermediate points and the off-route points of Hill Field, Ogden Arsenal, Wendover Bombing Range and points in the Commercial Zone of Wendover, located in Nevada; (2) between Salt Lake City, Utah, and Vernon, Utah, from Salt Lake City over U.S. Highway 40 to Lake Point Junction, Utah, thence over U.S. Highways 40 and Alternate 50 to Mills Junction, Utah, thence over Utah Highway 36 to Vernon, and return over the same routes, serving intermediate points between Tooele, Utah, and Vernon, Utah, and off-route points of International, West International and Lakeview, Utah; (3) between Salt Lake City, Utah, and Ophir, Utah, from Salt Lake City over routes specified in (2) above to junction Utah Highways 36 and 73, thence over Utah Highway 73 to Ophir, and return over the same route, serving all intermediate points between Tooele, Utah, and Ophir, Utah, and off-route points of Mercur, St. John, Tooele Ordnance Depot, Granite Mountain and the site of Deseret Chemical Depot, Utah; (4) between Salt Lake City, Utah, and Dugway Proving Grounds, Utah, from Salt Lake City over U.S. Highways 40 and Aternate 50 to Timpie, Utah, thence over unnumbered county road through Iosepa, Utah, to Dugway Proving Grounds, serving all intermediate points and off-route points of Orr's Ranch, Flux and Dolomite, Utah, and off-route points within five (5) miles of above specified

highways west of Lake Point Junction, Utah. (C) *Eggs and poultry feed*, between Grantsville, Utah, and Draper, Utah, from Grantsville over U.S. Highway 40 to Salt Lake City, Utah, thence over U.S. Highways Alternate 50 and 91 to Draper, and return over the same route, serving all intermediate points. (D) *Salt*, between Saltair, Utah, and Dolomite, Utah, from Saltair over U.S. Highway 40 to junction unnumbered county road, thence over unnumbered county road to Dolomite, and return over the same route, serving the intermediate points of Royal Crystal Co. plant, Morton Salt Company plant and Grantsville, Utah, and the off-route points of Lake Point, Erda, and Flux, Utah. Irregular routes. (E) *Household goods*, between points in Tooele County, Utah. (F) *General commodities* (except livestock), between Tooele, Utah, and points within ten (10) miles thereof.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 115179 (Sub-No. 12), filed February 17, 1964. Applicant: GLACKEN TRANSPORTATION, INC., 4083 Faries Parkway, Decatur, Ill. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Edible and inedible oils* (not including petroleum or oil with a petroleum base), in bulk, in tank vehicles, from Decatur, Ill., to Tuscumbia, Ala., points in Arkansas and Colorado, Lafayette and Terre Haute, Ind., points in Iowa, Kansas and Kentucky (except points within 10 miles of the Ohio River), Marrero, La., points in the upper peninsula of Michigan and Minnesota, Jackson, and Corinth, Miss., points in Missouri (except St. Louis), Nebraska, Tennessee, and Utah, Institute, W. Va., and points in Wyoming, (2) *resin plasticizer*, in bulk, in tank vehicles, (a) from Decatur, Ill., to points in Arkansas, Colorado, Iowa, Kansas and Minnesota, Corinth, Miss., and points in Nebraska, Tennessee, Utah, and Wyoming, and (b) from Mapleton, Ill., to Tuscumbia, Ala., points in Arkansas, Colorado, Indiana, Iowa, Kansas, and Kentucky, Marrero, La., points in Michigan and Minnesota, Jackson and Corinth, Miss., points in Missouri, Nebraska, Ohio, Pennsylvania, Tennessee, and Utah, Institute, W. Va., and points in Wisconsin and Wyoming, and *damaged and rejected shipments*, on return in (1) and (2) above.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 115322 (Sub-No. 40), filed April 20, 1964. Applicant: BLYTHE MOTOR LINES, INC., Post Office Box 1689, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned animal food and canned goods*, from points in Massachusetts to points in Florida, and (2) *frozen citrus concentrate and other frozen foods*, from points in Florida to points in Massachusetts.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Boston, Mass.

No. MC 115915 (Sub-No. 23), filed April 22, 1964. Applicant: FRED E. HAGEN, doing business as HAGEN TRUCK LINES, 6120 North 16th Street, Omaha, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *contract 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 266 (except commodities in bulk in tank vehicles) from the plant site of Swift and Company located at Grand Island, Nebr., to points in Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, North Dakota, South Dakota, Wisconsin, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116045 (Sub-No. 19), filed April 24, 1964. Applicant: NEUMAN TRANSIT, CO., INC., Post Office Box 38, Rawlins, Wyo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526 Denham Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent sulphuric acid*, (1) from Casper, Wyo., to Fruita, Colo., and points within five miles thereof; and (2) from Sinclair, Wyo., to points in Colorado.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 116063 (Sub-No. 44), filed April 20, 1964. Applicant: WESTERN TRANSPORT CO., INC., 2400 Cold Springs Road, Box 270, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, petroleum and petroleum products, latex, resins*, and *minerals*, in bulk, (1) from points in Louisiana and Texas to points in the United States (except Alaska and Hawaii) and (2) from points in the United States (except Alaska and Hawaii) to points in Louisiana and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 116514 (Sub-No. 24), filed April 20, 1964. Applicant: EDWARDS TRUCKING, INC., Hemingway, S.C. Applicant's attorney: Edward G. Villalon, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting, *Dry fertilizer and dry fertilizer materials* in containers, from Augusta, Ga., and points within ten (10) miles thereof, to points in South Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 116514 (Sub-No. 25), filed April 20, 1964. Applicant: EDWARDS TRUCKING, INC., Hemingway, S.C. Applicant's attorney: Edward G. Villalon, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tobacco hogsheads* and *box shooks* from Mullins, S.C., to points in Georgia, South Carolina, North Carolina, Virginia, Kentucky, and Tennessee and (2) *equipment, materials* and *supplies* used in the manufacture of tobacco hogsheads and box shooks from points in Georgia, South Carolina, North Carolina, Virginia, Kentucky, and Tennessee to Mullins, S.C.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 116544 (Sub-No. 55), filed April 17, 1964. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Florida to points in Mississippi, Louisiana, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Tampa, Fla.

No. MC 117184 (Sub-No. 2), filed April 16, 1964. Applicant: APEX TRUCKING CO., INC., 330 West 42d Street, New York 36, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by manufacturers of duplicating, copying and reproducing machines*, and *materials, supplies, accessories, components and equipment*, used in the distribution, operations, and maintenance of such machines, 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 Westchester, Dutchess, Putnam, Rockland, Orange, Ulster, Sullivan, Nassau, and Suffolk Counties, N.Y.

NOTE: Applicant states the proposed service will be for the account of Xerox Corporation. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117686 (Sub-No. 39), filed April 20, 1964. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's attorney: George Madsen, 1109 Badgerow Building, Sioux City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bags, from New Ulm, and New Prague, Minn., and Davenport, Iowa, to points in Florida, Georgia, Alabama, Mississippi, Tennessee, Kentucky, Louisiana, Arkansas, California, Oregon, Texas, and Washington, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodity specified, on return.

NOTE: Applicant states that the proposed operations will be restricted against tacking and interlining at origin and destination. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118805 (Sub-No. 4), filed April 16, 1964. Applicant: CONTINENTAL VAN LINES, INC., 4501 West Mar-

ginal Way SW., Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, personal effects, new furniture* (uncrated) and *office fixtures* (uncrated), (1) between points in Washington and points in southeastern Alaska, and (2) between points in southeastern Alaska and points in Alaska west of the imaginary line constituting a southward extension of the United States-Canada Boundary line (Alaska-Yukon Territory).

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 119317 (Sub-No. 16), filed April 20, 1964. Applicant: GROSS AND SONS TRANSPORT COMPANY, a corporation, 1706 Arlington Street, Independence, Mo. Applicant's attorney: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City 5, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream mix, frozen dairy products, cottage cheese, milk, butter, cream, chocolate milk, fruit flavored drinks, skim milk, buttermilk, coffee cream, whipping cream, half and half, sour cream, carbonated beverages,* and *frozen fruit concentrates,* from Kansas City, Mo., to points in Kansas, and *spoiled, outdated* and *rejected shipments,* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. Common control may be involved.

No. MC 119641 (Sub-No. 46), filed April 20, 1964. Applicant: RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wall board, building board, and insulating board, asbestos and wood pulp, or fibre board combined,* from Lockport, N.Y., to points in Indiana, Ohio, Illinois, and Michigan, and *damaged and rejected shipments,* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119928 (Sub-No. 5), filed April 22, 1964. Applicant: C & E TRUCKING CORPORATION, 1311 South Olive Street, South Bend 19, Ind. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses,* as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, and *equipment, materials* and *supplies used in the conduct of a meatpacking business,* between the plant site of Agar Packing Company, located at or near Monmouth, Ill., on the one hand, and, on the other, points in Indiana and Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 120143 (Sub-No. 1), filed April 20, 1964. Applicant: JOHN JOSEPH BERNEY, doing business as WARREN'S TRUCK LINE, 1802 Mimosa Drive, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities,* between Enid, Ames, and Okeene, Okla.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 123067 (Sub-No. 25), filed April 22, 1964. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products, including compounded oils or greases having a petroleum base* (but excluding petroleum wax and petroleum naphtha), from Bayonne and Bayway, N.J., and points in New Jersey within ten (10) miles of Bayonne and Bayway, N.J., to points in Florida and Georgia, and *rejected shipments,* of the commodities specified above, on return.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at Washington, D.C.

No. MC 123841 (Sub-No. 1), filed April 16, 1964. Applicant: DAVID TESONE, doing business as DAVID TESONE TRUCKING, Box 35, Wildwood, Pa. Applicant's attorney: H. Ray Pope, Jr., Clarion, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal, limestone, sand and gravel,* in bulk, in dump vehicles, from points in Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Greene, Lawrence, Mercer, Venango, and Washington Counties, Pa., to points in Ohio, and *sand* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 124211 (Sub-No. 20), filed April 22, 1964. Applicant: HILT TRUCK LINE, INC., 1813 Yolande, Post Office Box 824, Lincoln, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers, disks,* and *tops,* and *wooden and fibreboard boxes,* set up and knocked down, from Alton and Streator, Ill., to points in Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124409 (Sub-No. 2), filed April 20, 1964. Applicant: ED RUBRIGHT, doing business as ABC TRAILER TOWING, 2461 Fourth Avenue, Yuma, Ariz. Applicant's attorney: Peter C. Byrne, 152 First Avenue, Yuma, Ariz., 85364. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes in secondary movements,* in truckaway service, between points in California and points in Yuma County, Ariz.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Yuma, Ariz.

No. MC 124809 (Sub-No. 1), filed April 23, 1964. Applicant: DONALD L. WAEHLER, doing business as WAEHLER TRUCKING SERVICE, Route No. 1, Lomira, Wis. Applicant's attorney: Robert W. Smith, 309 Insurance Building, 119 Monona Avenue, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials,* from Waukegan, Ill., to points in Wisconsin, and *damaged or rejected shipments, empty used pallets and containers,* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 125506 (Sub-No. 2), filed April 23, 1964. Applicant: JOSEPH ELETTO TRANSFER, INC., 31 West St. Marks Place, Valley Stream, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores,* between New York, N.Y., on the one hand, and, on the other, points in New Jersey and Connecticut.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 125745 (Sub-No. 1), filed April 20, 1964. Applicant: E. C. SIMMONS, 1203 Hazel Avenue, Carthage, Mo. Applicant's attorney: Stanley P. Clay, 514 First National Bank Building, Post Office Box 576, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed and ground limestone,* in bulk, and in bags, from Carthage, Mo., and Sulphur Springs, Ark., to points in Missouri, Kansas, Arkansas, and Oklahoma, and (2) *chat, chat sand, sand, and asphaltic concrete* (hot-mix and cold mix), in bulk, and in bags, from Webb City, Mo., to points in Illinois, Iowa, Kansas, Oklahoma, Arkansas, and Missouri, and points in Mississippi on and north of U.S. Highway 84, points in Louisiana in and north of the parishes of Vernon, Rapides, and Avoyelles, points in Texas in and north of Winkler, Ector, Midland, Glasscock, Sterling, Coke, Runnels, Coleman, Brown, Mills, Coryell, Falls, Robertson, Madison, Houston, Nacogdoches, San Augustine, and Sabine Counties, La., points in Alabama on and north of U.S. Highway 80, points in Tennessee on and west of U.S. Highway 31–E and U.S. Highway 31, points in Indiana, on and west of U.S. Highway 31, and points in Kentucky on and west of U.S. Highway 31, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Joplin or Kansas City, Mo.

No. MC 125901, filed December 20, 1963. Applicant: JOSEPH A. CROTEAU, doing business as PACIFIC NATIONAL DRIVEAWAYS, 1016 First Avenue South, Seattle, Wash. Applicant's attorney: Carl P. Jensen, 1114 Norton Building, Seattle 4, Wash. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passenger vehicles* (excluding buses), *pickup truck, pickup trucks not exceeding ¾ ton capacity with camper bodies attached*, and *camp trailers not exceeding 20 feet in length*, in secondary movements, in driveaway service, between points in the United States, including Alaska, but excluding Hawaii.

NOTE: Applicant states that service is not intended between two points in any one state, and that he does not desire to transport any vehicles on behalf of manufacturers of trucks and automobiles. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 125999 (Sub-No. 1), filed April 20, 1964. Applicant: JOHN C. HAGGERTY, doing business as FAS TRANSPORTATION CO., 129 99th NE., Bellevue, Wash. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat byproducts*, from Omaha, Nebr., and Storm Lake, Iowa, to Fairbanks and Anchorage, Alaska, and (2) *empty drums and containers*, from points in Alaska, to points in Iowa, and *exempt commodities*, on return in (1) and (2) above.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 126141 (Sub-No. 1), filed April 22, 1964. Applicant: FRANCIS R. DAVIS, Route 3, Box 427A, Berlin, Md. Applicant's attorney: William J. Augello, Jr., 2 West 45th Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Fruitland, Md., to Delaware, N.J., points in Pennsylvania east of the Susquehanna River, and in New York, N.Y., Commercial Zone and Nassau and Suffolk Counties, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126146 (Sub-No. 1), filed April 20, 1964. Applicant: PLUS POULTRY, INC., Siloam Springs, Ark. Applicant's attorney: Louis Tarlowski, Pyramid Life Building, Little Rock, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh pork and beef, lard and sausage*, in mixed truckloads, in mechanically refrigerated equipment, from Omaha, Nebr., to Los Angeles, Calif., (2) *fresh pork, lard and sausage*, in mixed truckloads, in mechanically refrigerated equipment from Siloam Springs, Ark., to Los Angeles, Calif.

NOTE: Applicant states the proposed service as shown in (1) and (2) above, will be under continuing contract with Skaggs Meat Company, Inc., of Los Angeles, Calif. Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Little Rock, Ark.

No. MC 126156, filed March 27, 1964. Applicant: M. D. SIMPSON, Box 2, Temple, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Houston and Texas City, Tex., to points in Cotton County, Okla.

NOTE: Applicant states he proposes to transport exempt commodities, on return. If a hearing is deemed necessary, applicant requests it be held at Temple, Okla.

No. MC 126198, filed April 20, 1964. Applicant: EARL MICHAUD, 133 Birch Street, Kingsford, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from Milwaukee, Wis., to points in Dickinson, Delta, Menominee, Chippewa, Marquette, and Houghton Counties, Mich., (2) from Sheboygan, Wis., to points in Houghton County, Mich., and (3) from Houghton, Mich., to points in Oneida County, Wis., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant holds contract carrier authority in MC 114592 and Subs thereto, and by the instant application requests a change from his present authority permit as a contract carrier to a common carrier. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 126199, filed April 15, 1964. Applicant: SKYLINE DIESEL SALES & SERVICE, INC., Post Office Box 868, Klamath Falls, Oreg. Applicant's attorney: Norman E. Sutherland, 1200 Jackson Tower, Portland 5, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, requiring the use of wrecker equipment, between points in Klamath, Lake, Jackson, and Deschutes Counties, Oreg., on the one hand, and, on the other, points in Modoc, Shasta, Del Norte, Humboldt, Lassen, and Siskiyou Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Klamath Falls, Oreg.

No. MC 126200, filed April 16, 1964. Applicant: GLENN WEAVER, doing business as WEAVER TRUCKING SERVICE, Box 146, Washington, Ill. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sweeping compounds, waxes and soaps*, in packages, and *janitor maintenance supplies*, from Riverdale, Ill., to points in Alabama, California, Colorado, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Nebraska, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Utah, Virginia, West Virginia, Wisconsin, and Wyoming, (2) *fuller's earth*, from points in Florida, to Riverdale, Ill., and (3) *cardboard boxes*, knocked down, *garbage cans*, and *paper bags*, from points in Georgia, Indiana, Kentucky, and Ohio, to Riverdale, Ill., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in (1), (2), and (3) above.

NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 126202, filed April 17, 1964. Applicant: FRANK A. SCHRETLEN, doing business as DIAMOND "S" HOT-SHOT SERVICE, Knowles Road, Hobbs, N. Mex. Applicant's attorney: Paul F. Sullivan, 612 Barr Building, 910 Seventeenth Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil field equipment, machinery, and supplies (except those requiring special equipment)*, between points in Andrews, Bailey, Borden, Cochran, Crane, Culberson, Dawson, Ector, Gaines, Garza, Glasscock, Harris, Hockley, Howard, Lamb, Loving, Lubbock, Lynn, Martin, Midland, Pecos, Reeves, Scurry, Terry, Upton, Ward, Wichita, Winkler, and Yoakum Counties, Tex., and points in Chaves, Curry, Eddy, Harding, Lea, Lincoln, Otero, Roosevelt, and San Juan Counties, N. Mex.

NOTE: Applicant states the proposed service will be restricted to shipments weighing less than 2,000 pounds. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 126205, filed April 27, 1964. Applicant: G & R FREIGHT, INC., 5 Algonquinwood, Glendale, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *REGULAR ROUTES:* (I) *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading). (a) Between points in the Kansas City, Kans.-Kansas City, Mo., Commercial Zone, as defined by the Commission, and points in the St. Louis, Mo., Commercial Zone, as defined by the Commission, serving all intermediate points, and the off-route points of Clarksburg, Elston, Osage City, and Algoa Farms, Mo., subject to the restrictions hereafter stated. (b) From the Kansas City, Kans.-Kansas City, Mo., Commercial Zone over U.S. Highway 50 to junction Missouri Highway 100 near Gray Summit, Mo., thence over Missouri Highway 100 to the St. Louis, Mo., Commercial Zone, and return over the same route. (c) Between Sedalia, Mo., and Warsaw, Mo., serving all intermediate points, and the off-route points of Lincoln, Ionia, and Cole Camp, Mo.: From Sedalia over U.S. Highway 65 to junction Missouri Highway 7 (formerly Missouri Highway 35) thence over Missouri Highway 7 to Warsaw, and return over the same route. (d) Between Warsaw, Mo., and Springfield, Mo., serving all intermediate points, and the off-route points of Hermitage and Wheatland, Mo.: From Warsaw over Missouri Highway 7 (formerly Missouri Highway 35) to junction U.S. Highway 65, thence over U.S. Highway 65 to Springfield, and return over the same route. (e) Between junction U.S. Highway 50 and unnumbered highway at or near Knob Noster, Mo., and Whiteman Air Force Base (formerly shown as Sedalia Glider Base), serving no intermediate points: From junction U.S. Highway 50 and unnumbered highway at or near Knob Noster, Mo., over said un-

numbered highway to Whiteman Air Force Base, and return over the same route. (f) Between junction U.S. Highway 50 and Missouri Highway 5, near Syracuse, Mo., and Boonville, Mo., serving no intermediate points, and restricted to traffic interchanged at Springfield, Mo.: From junction U.S. Highway 50 and Missouri Highway 5 over Missouri Highway 5 to junction U.S. Highway 40, thence over U.S. Highway 40 to Boonville, and return over the same route.

(II) *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 Kansas City, Mo., and Springfield, Mo., serving all points in the Kansas City, Kans.-Kansas City, Mo., Commercial Zone, as defined by the Commission in 31 M.C.C. 5, as intermediate and off-route points: From Kansas City over U.S. Highway 50 to Warrensburg, Mo., thence over Missouri Highway 13 to Springfield, and return over the same route.

(III) *Household goods* as defined by the Commission, and *general commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading). (a) Between Kansas City, Kans., and Clinton, Mo., serving the intermediate points of Kansas City, Warrensburg, Postoak, Shawnee Mound, Calhoun, Lewis Station, Windsor, Cornelia, and Leeton, Mo., in the transportation of the immediately above-specified commodities, and points in the Kansas City, Kans.-Kansas City, Mo., Commercial Zone as defined by the Commission in 31 M.C.C. 5, as intermediate and off-route points, in the transportation of *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), from Kansas City, Kans., over U.S. Highway 50 to Warrensburg, Mo., thence over Missouri Highway 13 to Clinton, and return over the same route. (b) From Kansas City, Kans., over U.S. Highway 50 to Warrensburg, thence over Missouri Highway 13 to junction Missouri Highway 2, thence over Missouri Highway 2 to Windsor, Mo., thence over Missouri Highway 52 to Clinton, and return over the same route.

(IV) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between Bolivar, Mo., and East St. Louis, Ill., serving the intermediate point of St. Louis, Mo., for traffic other than livestock, and intermediate and off-route points within 15 miles of Bolivar, restricted to pick-up and delivery of livestock: From Bolivar over Missouri Highway 32 to Buffalo, Mo., thence over Missouri Highway 73 to junction Missouri Highway 64, thence over Missouri Highway 64 to Lebanon, Mo., thence over U.S. Highway 66 to Gray Summit, Mo., thence over Missouri Highway 100 to St. Louis, Mo., thence across the Mississippi River to East St. Louis, Ill., and return over the same route.

(V) *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). (a) Between Halfway, Mo., and Springfield, Mo., serving the intermediate points of Bolivar, Mo.: From Halfway over Missouri Highway 32 to Bolivar, Mo., thence over Missouri Highway 83 (formerly portion Missouri Highway 13) to junction Missouri Highway 13, thence over Missouri Highway 13 to Springfield, and return over the same route. (b) Between Halfway, Mo., and Springfield, Mo., serving no intermediate points: From Halfway, over Missouri Highway 32 to junction U.S. Highway 65, near Buffalo, Mo., thence over U.S. Highway 65 to Springfield and return over the same route.

(VI) *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving points in Hickory County, Mo. (except Cross Timbers, Hermitage, Preston, Weaubleau, and Wheatland), as off-route points in connection with carrier's regular route operations authorized above.

(VII) *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving ballistic missile and launching sites, and supply points therefor, located in Cedar, Vernon, Bates, Cass, Johnson, Lafayette, Saline, Cooper, Moniteau, Morgan, Benton, Henry, St. Clair, and Pettis Counties, Mo., as intermediate or off-route points in connection with carrier's regular-route operations authorized above.

ALTERNATE ROUTE FOR OPERATING CONVENIENCE ONLY: (I) *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 Springfield, Mo., and Lebanon, Mo., in connection with carrier's regular-route operations authorized herein between East St. Louis, Ill., and Springfield, Mo., serving no intermediate points, and serving Lebanon, Mo., for the purpose of joinder of routes only: From Springfield over U.S. Highway 66 to Lebanon, and return over the same route. (II) *Household goods* as defined by the Commission, and *general commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those of injurious or contaminating to other lading), between Clinton, Mo., and Kansas City, Mo., serving no intermediate points: From Clinton over Missouri Highway 7 (formerly Missouri Highway 35) to junction U.S. Highway 71, thence over U.S. Highway 71 to Kansas City, and return over the same route.

IRREGULAR ROUTES: General commodities (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading): From Sedelia, Mo., to points in Johnson, Henry, Benton, Pettis, Saline, Cooper, Moniteau, Morgan, Miller, and Cole Counties, Mo. RESTRICTIONS: The operations authorized in this certificate are restricted (1) against the transportation of traffic moving between the Kansas City, Kans.-Kansas City, Mo., Commercial Zone, on the one hand, and, on the other, the St. Louis, Mo., Commercial Zone; and (2) the authority granted above shall not be combined or tacked, directly or indirectly with any other authority for the purpose of providing a through service between points in the Kansas City, Kans.-Kansas City, Mo., Commercial Zone and points in the St. Louis, Mo., Commercial Zone. Any duplication of authority granted herein or to the extent that such authority duplicates any heretofore granted to or now held by carrier or hereafter acquired by carrier in MC–FC–66879 shall not be construed as conferring more than one operating right. The purpose of the within application is to seek authority to perform the remainder of the operations within Missouri that are being performed by IML, except for the transportation of commodities between Kansas City, Kans., and points within 15 miles of Kansas City, Mo., on the one hand, and, on the other, St. Louis, Mo., and points within 20 miles of Eades Bridge, St. Louis, Mo. If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 47), filed April 24, 1964. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago, Ill., 60603. Applicant's attorney: Robert J. Bernard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, mail and newspapers* in the same vehicle with passengers, between junction U.S. Highway 30 and U.S. Highway 138, 2 miles north of Big Springs, Nebr., on the one hand, and, on the other, Denver, Colo.: from junction U.S. Highway 30 and U.S. Highway 138 over U.S. Highway 138 to Sterling, Colo., thence over U.S. Highway 6 to junction Interstate Highway 80S, northeast of Brush, Colo., thence over Interstate Highway 80S to Denver, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 57298 (Sub-No. 8), filed March 2, 1964. Applicant: UNION BUS

LINES, INC., 315 Continental Avenue, Dallas, Tex. Applicant's attorney: Warren A. Goff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *newspapers and express*, in the same vehicles with passengers, between San Antonio and Del Rio, Tex.; over U.S. Highway 90, serving no intermediate points.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex.

No. MC 107583 (Sub-No. 23), filed April 20, 1964. Applicant: SALEM TRANSPORTATION CO., INC., doing business as ATLANTIC CITY TRIPS, 113 West 42d Street, New York, N.Y., 10036. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, (1) between Atlantic City, N.J., on the one hand, and, on the other, Philadelphia, Pa., (a) from Atlantic City over U.S. Highway 322 to New Jersey Highway 42, thence over New Jersey Highway 42 to junction of access roads to the Walt Whitman Bridge, thence over Walt Whitman Bridge to Philadelphia, and return over the same route, serving all intermediate points, (b) from Atlantic City over Atlantic City Expressway, when completed, to junction New Jersey Highway 42, thence over New Jersey Highway 42 to access roads to Walt Whitman Bridge, thence over Walt Whitman Bridge to Philadelphia, and return over the same route, serving all intermediate points, (c) from Atlantic City over U.S. Highway 30 to the intersection with New Jersey Highway 73, thence over New Jersey Highway 73 to the Tacony Palmyra Bridge, thence over the Tacony Palmyra Bridge to Philadelphia, and return over the same route, serving all intermediate points, (d) from Atlantic City over U.S. Highway 30 to Camden, thence over city streets to Benjamin Franklin Bridge, thence over Benjamin Franklin Bridge to Philadelphia, and return over the same route, serving all intermediate points, (e) from Atlantic City over U.S. Highway 30 to the intersection with New Jersey Highway 73, thence over New Jersey Highway 73 to the intersection with New Jersey Highway 70, thence over New Jersey 70 to the intersection with New Jersey Highway 38, thence over New Jersey Highway 38 to Camden, thence over city streets to Benjamin Franklin Bridge, thence over Benjamin Franklin Bridge to Philadelphia, and return over the same route, serving all intermediate points, and (2) between Philadelphia, Pa., on the one hand, and, on the other, Wilmington, Del.; from Philadelphia over Pennsylvania Highway 291 (known as the Industrial Highway) to junction of U.S. Highway 13, thence over U.S. Highway 13 to Wilmington, Del., and return over the same route, serving all intermediate points.

NOTE: Applicant states that the proposed operations will be restricted to the transportation of not more than 11 passengers in any one vehicle not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats. Common control may be involved. If a hearing is deemed necessary applicant requests that it be held at Philadelphia, Pa.

No. MC 109736 (Sub-No. 18), filed April 17, 1964. Applicant: CAPITOL BUS COMPANY, a corporation, Fourth and Chestnut Streets, Harrisburg, Pa. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, serving the junction of U.S. Highway 240 and Interstate Highway 495 for joinder purposes only.

NOTE: Applicant is authorized to operate between Gettysburg, Pa., and Washington, D.C., serving no intermediate points over U.S. Highway 15 to Frederick, Md., and over U.S. Highway 240 to Washington. The purpose of this application is to permit applicant to inaugurate through bus service with a connecting carrier from points south of Washington for movement to Harrisburg and beyond. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126201, filed April 16, 1964. Applicant: STANLEY S. BARSTOW, doing business as BARSTOW TRANSPORTATION, Dayville, Conn. Applicant's attorney: Hugh M. Joseloff, 410 Asylum Street, Hartford, Conn. 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 Pascoag, R.I., and Groton, Conn.: From Pascoag over Rhode Island Highway 100 to Chepachet, R.I., thence westerly on U.S. Highway 44 to Putnam, Conn., thence southerly over Connecticut Highway 12 to the plant site of the Electric Boat Company, Division of General Dynamics Corporation, Groton, Conn., and return over the same route, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN ELECTED

MOTOR CARRIERS OF PROPERTY

No. MC 40858 (Sub-No. 54), filed April 23, 1964. Applicant: MASON AND DIXON LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 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, those requiring special equipment, and those injurious or contaminating to other lading), between Crossville, Tenn., and Decatur, Ala., from Crossville, over U.S. Highway 70S to McMinnville, Tenn., thence from McMinnville, over Tennessee Highway 55 to junction of Tennessee Highway 50, located near Lynchburg, Tenn., thence over Tennessee Highway 50, to Fayetteville, Tenn., thence from Fayetteville, over U.S. Highways 231 and 431, to Huntsville, Ala., thence from Huntsville, over Alabama Highway 20 and U.S. Alternate Highway 72, to Decatur, Ala., and return over the same route, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations, serving no intermediate points, and serving Crossville, and Decatur, for the purpose of joinder only.

NOTE: Common control may be involved.

No. MC 40858 (Sub-No. 55), filed April 23, 1964. Applicant: MASON AND DIXON LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: Clifford W. Sanders, 321 East Center Street, Kingsport, Tenn. 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, those requiring special equipment, and those injurious or contaminating to other lading), between Kingsport, Tenn., and Columbus, Ohio, from Kingsport, over U.S. Highway 23, to Ashland, Ky., thence from Ashland, over U.S. Highway 52, to Portsmouth, Ohio, thence from Portsmouth, over U.S. Highway 23, to Columbus, and return over the same route, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations, serving no intermediate points, and serving Kingsport, and Columbus, for the purpose of joinder only.

NOTE: Common control may be involved.

No. MC 69059 (Sub-No. 1), filed March 6, 1964. Applicant: ROGER L. MOSEL, Plainview, Nebr. Applicant's attorney: Wallace W. Huff, 314 Security Building, Sioux City 1, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Livestock, agricultural products and general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between Valentine, Nebr., and Sioux City, Iowa, over U.S. Highway 20, serving the intermediate point of Plainview, Nebr.

NOTE: Applicant holds irregular-route authority between Valentine, Nebr., and Sioux City, Iowa, which it will cancel if and when the regular-route authority is granted. This application is filed pursuant to MC-C-4366, dated April 21, 1964, served April 28, 1964, which provides the special rules for conversion of irregular-route to regular-route motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 73464 (Sub-No. 91), filed March 2, 1964. Applicant: JACK COLE COMPANY, a corporation, 1900 Vanderbilt Road, Birmingham, Ala. 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 commodities requiring special equipment), between Birmingham, Ala., and Memphis, Tenn.: (1) from Birmingham over Interstate Highway 65 and U.S. Highway 31 to Decatur, Ala. (also from Athens, Ala., over U.S. Highway 72 to Florence, Ala., thence over U.S. Highway 43 to junction U.S. Highway 72) thence over U.S. Highway 72 to Memphis and return over the same routes serving no intermediate points, and (2) between Birmingham, Ala., and Memphis, Tenn., over U.S. Highway 78 serving no intermediate points.

NOTE: Applicant states it holds general commodities *irregular route* authority between Memphis, Tenn., and Birmingham, Ala., which applicant offers to cancel if the regular route authority is granted. This application is filed pursuant to MC–C–4366, dated April 21, 1964, served April 28, 1964, which provides the special rules for the conversion of irregular-route to regular-route motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 108453 (Sub-No. 27), filed April 16, 1964. Applicant: G & A TRUCK LINE, INC., 404 West Peck Avenue, White Pigeon, Mich. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington 36, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Belleville, Ill., and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, to Three Rivers and White Pigeon, Mich., and points within 1 mile of each named point.

NOTE: Applicant states that the proposed operation will be conducted under a continuing contract or contracts with Weyerhaeuser Company of Tacoma, Wash.

No. MC 119844 (Sub-No. 1), filed April 9, 1964. Applicant: TONY S. CARUSO, doing business as CARUSO PRODUCE EXPRESS, 930 Southeast Belmont, Portland, Oreg. Applicant's attorney: Frank L. Whitaker, Equitable Building, Portland 4, Oreg. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wines and champagne*, from Almaden Winery located near Los Gatos, Calif., Gallo Winery located at Modesto, Calif., Weibel Mission Winery located at San Jose, Calif., and Krug Winery located at St. Helena, Calif., to points in that part of Oregon on and west of a line beginning at the Oregon-California State line and extending over U.S. Highway 97 to the Oregon-Washington State line, including points on U.S. Highway 30, beginning at junction U.S. Highways 97 and 30 and extending to Astoria, Oreg., including Astoria, and points on U.S. Highway 101 beginning at Astoria, Oreg. and extending to the Oregon-California State line, and *exempt commodities*, on return.

NOTE: Applicant states the above proposed operations will be performed for the New Italian Importing Company.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 45), filed April 20, 1964. Applicant: GREYHOUND LINES, INC., Western Greyhound Lines, 371 Market Street, San Francisco, Calif. Applicant's attorney: W. T. Meinhold (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, 1. *Revision of Arizona Route No. 1 and Establishment of Arizona Route No. 1–A on Certificate Sheet No. 2.* (a) Establish a new regular route of operation over a relocated segment of U.S. Highway 66 between the New Mexico-Arizona State line and Hawthorne Interchange, to be included as a segment of Regular Route No. 1 in lieu of the segment of present Route No. 1 between these points, to read as follows: "1. Between the New Mexico-Arizona State line east of Lupton, and the Arizona-California State line west of Topock: From the point where U.S. Highway 66 intersects the New Mexico-Arizona State line, over U.S. Highway 66 to the point where it intersects the Arizona-California State line (connects with California route 257 and New Mexico route 1)." (b) Reauthorize a segment of present regular Route No. 1 between the New Mexico-Arizona State line and Window Rock Interchange over former U.S. Highway 66 as a separately described regular route to be numbered as Route No. 1–A to read as follows: "1–A. Between the New Mexico-Arizona State line east of Lupton, and Window Rock Interchange: From the point where unnumbered highway intersects the New Mexico-Arizona State line, over unnumbered highway to junction U.S. Highway 66 (Window Rock Interchange) (connects with New Mexico route 1–A)." 2. *Revision of New Mexico Route No. 1 and Establishment of New Mexico Route No. 1–A on Certificate Sheet No. 58.* (a) Establish a new regular route of operation over a relocated segment of U.S. Highway 66 between Dean Kirk Junction and the New Mexico-Arizona State line, to be included as a segment of regular Route No. 1 in lieu of the segment of present Route No. 1 between these points, to read as follows: "1. Between Albuquerque and the New Mexico-Arizona State line west of Gallup: From Albuquerque over U.S. Highway 66 to the point where it intersects the New Mexico-Arizona State line (connects with Arizona route 1)." (b) Reauthorize a segment of present regular Route No. 1 between the New Mexico-Arizona State line and Window Rock Interchange over former U.S. Highway 66 as a separately described regular route to be designated as Route No. 1–A to read as follows: "1–A. Between Dean Kirk Junction and the New Mexico-Arizona State line: From junction U.S. Highway 66 and unnumbered highway (Dean Kirk Junction), over unnumbered highway to the New Mexico-Arizona State line (connects with Arizona route 1–A)", and return over the same routes, serving all intermediate points, subject to the general conditions and orders set forth on First Revised Sheet No. 1A of Certificate No. MC 1501 (Sub-No. 138).

NOTE: The changes in operating authority hereinabove shown and explained are proposed to be incorporated in the designated revised sheets to said Certificate No. 1515 (formerly Docket No. MC 1501 (Sub-No. 138)). Common control may be involved.

No. MC 1515 (Sub-No. 46), filed April 21, 1964. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago, Ill., 60603. Applicant's attorney: William T. Meinhold, 371 Market Street, San Francisco, Calif., 94105. 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. *Revision Utah Route No. 9 on Certificate Sheet No. 67.* Re-route regular Route No. 9 over relocated segments of U.S. Highway 91, also designated Interstate Highway 15, in lieu of the presently authorized segments over former U.S. Highway 91, now unnumbered highways, between the following points: (1) South Sulphurdale Junction and Pine Creek Summit Junction, (2) Wildcat Junction and North Beaver Junction, and (3) Anderson Junction and Leeds, to read as follows: "Between Salt Lake City and the Utah-Arizona State line southwest of St. George: From Salt Lake City over U.S. Highway 91 to junction Interstate Highway 15 (South Sulphurdale Junction), thence over Interstate Highway 15 to junction U.S. Highway 91 (North Beaver Junction), thence over U.S. Highway 91 to junction Interstate Highway 15 (South Kanarraville Junction), thence over Interstate Highway 15 to Leeds, thence over U.S. Highway 91 to the Utah-Arizona State line (connects with Arizona route 17)," and return over the same route, serving all intermediate points, subject to the general conditions and orders set forth on First Revised Sheet No. 1A of Certificate No. MC 1501 (Sub-No. 138).

NOTE: Applicant states the changes in operating authority shown and explained hereinabove are proposed to be incorporated in the designated revised sheet to said Certificate No. MC 1501 (Sub-No. 138), now MC 1515. Common control may be involved.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–4513; Filed, May 5, 1964; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 1, 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. MT-3180, filed April 3, 1964. Applicant: HERBERT DEAN, R.D. No. 2, Glens Falls, N.Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *express*, namely articles moving under the terms and conditions set forth in the Uniform Express Receipt or Livestock Contract and subject to rates and charges established by applicable classifications and tariff of Railway Express Agency, Incorporated, between the following named express stations as specified in Railway Express Agency, Incorporated, Tariff PSC NY-No. 12, supplements thereto and reissues thereof: Between the offices of Railway Express Agency, Incorporated, located (1) on U.S. Highway 9 about two (2) miles south of South Glens Falls, N.Y.; (2) Chestertown, N.Y.; (3) North Creek, N.Y. Between office of Railway Express Agency, Incorporated, at Chestertown, N.Y. and points within a fifteen (15) mile radius thereof (applicant states this part of authority sought is for traffic which goes to camps in said area, and is returned to the Chestertown office of Railway Express Agency, Incorporated at end of season).

HEARING: Date, time and place assigned for hearing application, not specified.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the New York Public Service Commission, 55 Elk Street, Albany, N.Y., 12225, and should not be directed to the Interstate Commerce Commission.

State Docket No. 3693, filed April 16, 1964. Applicant: ROBERT D. KEELER, doing business as ACME TRANSFER & STORAGE COMPANY, 1615 Eighth Street NW., Albuquerque, N. Mex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of new and used uncrated *household goods, personal effects, office furniture, equipment fixtures, equipment and property of stores, museums, institutions, hospitals and other establishments, articles* including *objects of art, displays and exhibits, electrical equipment and component parts* (excepting explosives, commodities in bulk, commodities which because of size or weight require special handling, rigging or equipment, form lumber, brick, tile, concrete, pumice and cinder blocks and heavy machinery and steel), to and from points within the city limits of Albuquerque, N. Mex., and points within ten (10) miles thereof, over irregular routes, under nonscheduled service.

HEARING: June 15, 1964, at 9:30 a.m., in the offices of the New Mexico Motor Carriers' Association, Inc., 1500 Hannett NE., Albuquerque, N. Mex.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the New Mexico Corporation Commission, Motor Transportation Department, Post Office Drawer 1269, Santa Fe, N. Mex., and should not be directed to the Interstate Commerce Commission.

State Docket No. H-4885 (REPUBLICATION) filed March 17, 1964, published in FEDERAL REGISTER issue April 15, 1964, and republished this issue. Applicant: WENDELL HAUPERT, doing business as HAUPERT EXPRESS, Woodbury Building, Marshalltown, Iowa. Applicant's attorney: Robert R. Rydell, 1020 Savings and Loan Building, Des Moines, Iowa. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Interstate Commerce Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Marshalltown, Iowa, and Ogden, Iowa, over U.S. Highway 30, serving all intermediate points. Note: The purpose of this republication is to show the hearing set up under Docket No. H-4885 will be called on April 28, 1964 and immediately continued until June 23, 1964. No testimony will be taken at the April 28th hearing, and, therefore, no one need appear on that date.

HEARING: June 23, 1964, at 10:00 a.m., central standard time (or 10:00 a.m., local daylight saving time if that time is observed), in the office of the Iowa State Commerce Commission, Des Moines, Iowa.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Iowa State Commerce Commission, State Capitol, Des Moines 19, Iowa, and should not be directed to the Interstate Commerce Commission.

State Docket No. 9305, filed April 22, 1964. Applicant: EARL GUILLORY, doing business as OZONE MOTOR LINE, 4552 North Villere, New Orleans, La. Applicant's representative: A. J. Soldani, 8933 Dixon Street, New Orleans, La. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between New Orleans, La., and junction U.S. Highways 61 and 190, over U.S. Highway 61 (closed doors), serving no intermediate points.

HEARING: Date, time and place assigned for hearing, not specified.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Louisiana Public Service Commission, Box 4035, Capitol Station, Baton Rouge, La., and should not be directed to the Interstate Commerce Commission.

State Docket No. M-11538, filed April 2, 1964. Applicant: PLATTE VALLEY TRANSPORT CO., Lexington, Nebr. Applicant's attorney: J. Max Harding, 605 South 14th Street, Box 2028, Lincoln, Nebr. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation, over irregular routes, of (1) *general commodities* (except those requiring special equipment), between points within a twenty (20) mile radius of Loomis, Nebr., and between points within said radial area, on the one hand, and, on the other, points in Nebraska; (2) *general commodities* (except groceries and those requiring special equipment), between points within a fifteen (15) mile radius of Funk, Nebr., and between points within said radial area, on the one hand, and, on the other, points in Nebraska; and, (3) *livestock* from sales pavilions at Oxford and Alma, Nebr., on the one hand, and, on the other, points in Nebraska.

HEARING: May 28, 1964, at 9:00 a.m., in the Commission Hearing Room, Capitol Building, Lincoln, Nebr.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Nebraska Railway Commission, Motor Transportation Department, State Capitol Building, Lincoln 9, Nebr., and should not be directed to the Interstate Commerce Commission.

State Docket No. M-11545, filed April 23, 1964. Applicant: RAY PRICE, INC., R.F.D. No. 1, Peru, Nebr. Applicant's attorney: J. Max Harding, 605 South 14th Street, Box 2028, Lincoln, Nebr. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except those requiring special equipment), over irregular routes, from points within a sixty (60) mile radius of Nebraska City, Nebr., to and from Omaha and Lincoln, Nebr., occasionally to and from Oakland, O'Neill and points generally with a 360 mile radius of Nebraska City, Nebr.

HEARING: Date, time and place assigned for hearing application, not specified.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Nebraska Railway Commission, Motor Transportation Department, State Capitol Building, Lincoln 9, Nebr., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-4514; Filed, May 5, 1964; 8:48 a.m.]

[Notice 978]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 1, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will post-

pone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 66433. By order of April 29, 1964, Division 3, acting as an Appellate Division approved the transfer to E. F. Malkin, Limited, a corporation, New Castle, New Brunswick, Canada, of the operating rights issued by the Commission January 26, 1961, under Certificate in No. MC 119092, to Robert S. Lamkey, Centre Napan, New Brunswick, Canada, authorizing the transportation of: Bananas, and fresh fruit, when transported in mixed shipments with bananas in the same vehicle, from Boston, Mass., to ports of entry in Maine which border the province of New Brunswick, on the United States-Canada Boundary line. James F. Boudreau, 20 Pemberton Square, Boston, Mass., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–4515; Filed, May 5, 1964; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 1, 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. 38992: *Bituminous fine coal to Terrell, N.C.* Filed by O. W. South, Jr., agent (No. A4508), for interested rail carriers. Rates on bituminous fine coal, subject to annual volume movement, all as described in the application, in carloads, from mine origins in Alabama, Kentucky, Tennessee, Virginia, and West Virginia, to Terrell, N.C.

Grounds for relief: Competition with steam electric generating plant located adjacent to origin coal mines.

Tariff: Southern Freight Association, agent, tariff I.C.C. S–451.

FSA No. 38993: *Petroleum products to points in Minnesota and South Dakota.* Filed by Northern Pacific Railway Company (No. 135), for itself and interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain or varnish), petroleum road oil, petroleum wax tailings, distillate fuel oil, not suitable for illuminating purposes, gas oil and petroleum residual fuel oil, in tank-car loads, from Billings, East Billings and Laurel, Mont., to points in Minnesota and South Dakota.

Grounds for relief: Market competition.

Tariff: Supplement 28 to Northern Pacific Railway Company tariff I.C.C. 9977.

FSA No. 38994: *Livestock from and to points in WTL territory.* Filed by Western Trunk Line Committee, agent (No. A–2354), for interested rail carriers. Rates on livestock, as described in the application, in carloads, between points in western trunk-line territory, also between points in western trunk-line territory, on the one hand, and points in southwestern territory, on the other.

Grounds for relief: Grouping.

FSA No. 38995: *Rice and rice products from Mobile, Ala.* Filed by O. W. South, Jr., agent (No. A4509), for interested rail carriers. Rates on rice and rice products, in carloads, from Mobile, Ala., to points in official (including Illinois) and western trunk-line territories.

Grounds for relief: Market competition.

Tariff: Supplement 5 to Southern Freight Association, Agent, tariff I.C.C. S–423.

FSA No. 38996: *Petroleum products from points in Louisiana.* Filed by O. W. South, Jr., agent (No. A4510), for interested rail carriers. Rates on benzene (benzol), toluene (toluol) and xylene (xylol), in tank-car loads, from specified points in Louisiana, to Alton, East St. Louis, Ill., and St. Louis, Mo.

Grounds for relief: Market competition.

Tariff: Supplement 106 to Southern Freight Association, Agent, tariff I.C.C. 446.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–4508; Filed, May 5, 1964; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

FEDERAL REGISTER

Telephone WOrth 3-3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.