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# Rules and Regulations

## Title 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

#### SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instructions 442.1, 442.2, 442.4, 443.1, 444.4]

### PART 310—INTEREST, ANNUAL CHARGE, AND REPURCHASE AGREEMENT FOR INSURED LOANS

#### Change in Period of Repurchase Agreement

Section 310.3, Title 6, Code of Federal Regulations (29 F.R. 6435, 6671), is revised to change the 6-year fixed period to a 5-year fixed period effective for loans closed on and after July 13, 1964, and to read as follows:

§ 310.3 Farm Ownership, Labor Housing, and Soil and Water loans made by lenders other than the United States to applicants other than public bodies.

Farm Ownership, Labor Housing, and Soil and Water loans made with funds advanced by lenders other than the United States to applicants other than organizations which are public bodies will be insured at the time of loan closing. The interest rate to the borrower will be 5 percent per year on the unpaid principal balance of the loan. The interest rate to the lender will be either 4¼ percent with a 3-year repurchase agreement or, at the lender's option, 4½ percent with a 5-year repurchase agreement.

(Sec. 514, 75 Stat. 186, secs. 307, 308, 75 Stat. 308; 42 U.S.C. 1484, 7 U.S.C. 1927, 1928)

Dated: July 15, 1964.

HOWARD BERTSCH,  
Administrator,  
Farmers Home Administration.

[F.R. Doc. 64-7248; Filed, July 21, 1964; 8:46 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER H—VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

### PART 155—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA; INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY AND CONDITION

#### Miscellaneous Amendments

On April 22, 1964, there was published in the FEDERAL REGISTER (29 F.R. 5395)

a notice with respect to proposed amendments to the regulations for inspection and certification of products for dogs, cats, and other carnivora (9 CFR Part 155). After due consideration of all relevant material submitted in connection with such notice and pursuant to the provisions of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the regulations for inspection and certification of products for dogs, cats, and other carnivora are hereby amended in the following respects:

1. Subparagraphs (1) and (2) of paragraph (a) of § 155.29 are amended to read, respectively:

§ 155.29 Composition of certified products for dogs, cats, and other carnivora.

(a) Composition of canned or semi-moist certified maintenance food. (1) Only ingredients which are normal to canned or semi-moist food for dogs, cats, and other carnivora, which are favorable to adequate nutrition, and which are classed by the Director of the Division as conforming with requirements contained in this part shall be used in the preparation of certified maintenance food.

(2) Not less than 30 percent of meat or animal food meat by-product or both, or of horse meat or animal food horse meat by-product or both, or of mule meat or animal food mule meat by-product or both, shall be used in the preparation of canned or semi-moist certified maintenance food. Upon specific approval of the Director of the Division, combinations of the above specified ingredients may be used. The uncooked weight of the meat or animal food meat by-product or both, or of the horse meat or animal food horse meat by-product or both, or of the mule meat or animal food mule meat by-product or both, or combinations thereof, shall be used in the calculation, and the percentage shall be obtained by relating this weight to the total weight of the certified maintenance food.

2. Subparagraphs (3), (4), (5) and (6) of paragraph (a) of § 155.29 are amended by adding the word "certified" before the word "maintenance" wherever the latter occurs in those subparagraphs.

3. A new subparagraph (7) is added to paragraph (a) of § 155.29 to read:

(7) Semi-moist certified maintenance food shall have a soft granular consistency, shall be shelf stable, and shall be processed so that the moisture content thereof does not exceed 27 percent of the net weight of such food.

4. Section 155.32 is amended by adding the words "and certified" before the word "product" in the first paragraph of that section.

5. Subparagraph (1) and the sentence preceding the reproduction of the inspection legend in subparagraph (4), of paragraph (a) of § 155.32 are amended to read, respectively:

§ 155.32 Labeling required.

(a) \* \* \*

(1) The name of the canned or semi-moist certified food shall include words such as "dog food," "cat food," "dog and cat food," or "fox food," accompanied with such references to optional ingredients as may be required by the Director of the Division under this part. Product names shall not be misleading in regard to class of canned or semi-moist certified food for which label is intended.

(4) The inspection legend for canned, semi-moist or frozen certified animal food shall appear on the label in the form shown herewith, except that the plant number need not appear with the legend when such number is embossed on the sealed metal container as provided in § 155.33.

The amendments broaden the scope of the voluntary animal food certification program by qualifying animal food generally known in the trade as "semi-moist" for certification under said program when such animal food meets the requirements of the regulations. Under the amendments, semi-moist animal food must have a soft granular consistency, must meet the nutritional requirements applicable to certified canned maintenance animal food, must be shelf stable and must be processed to reduce the moisture content to 27 percent or less of the net weight in order to qualify for certification.

The amendments are the same as the proposals set forth in the notice of rule making except for minor nonsubstantive changes in the wording of § 155.29(a) (7) which were made for clarity and consistency of format.

Inasmuch as the amendments permit the certification of animal food heretofore ineligible for such service under the voluntary animal food certification program, they should be made effective as soon as possible in order to be of maximum benefit to persons desiring to avail themselves of the service.

Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that further notice and public rule making procedure respecting the amendments are unnecessary and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of July 1964.

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

[F.R. Doc. 64-7290; Filed, July 21, 1964;  
8:49 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

#### SUBCHAPTER E—AIRSPACE [NEW]

[Airspace Docket No. 64-WA-41]

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

#### Extension of Federal Airway

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to designate a segment of VOR Federal airway No. 320 from Peck, Mich., to the international border on a direct radial to the Toronto, Ontario, Canada VOR.

In Airspace Docket No. 64-WA-35, published in the FEDERAL REGISTER (29 F.R. 7145, 7596), the Federal Aviation Agency, at the request of the Canadian Department of Transport, realigned the United States portion of VOR Federal airway No. 216 from Peck direct to the new Kleinburg, Ontario, Canada VOR. The Department of Transport has requested the Agency to reinstate an airway via the former alignment of Victor 216 (Peck to Toronto). They requested that this action be made effective September 10, 1964. This airway segment would be designated to facilitate the movement of aircraft under the jurisdiction of Canada. Only a small segment of the airway would be within the United States.

Since this action is minor in nature and imposes no undue burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 10, 1964, as hereinafter set forth.

In § 71.123 (29 F.R. 1009) V-320 is added as follows:

V-320 From Peck, Mich., to Toronto, Ontario, Canada, excluding the portion within Canada.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 15, 1964.

DANIEL E. BARROW,  
Chief, Airspace Regulations  
and Procedures Division.

[F.R. Doc. 64-7230; Filed, July 21, 1964;  
8:45 a.m.]

[Airspace Docket No. 64-SW-11]

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

#### Designation of Federal Airway Segment

On April 2, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 4741) stating that the Federal Aviation Agency proposed to designate a north alternate segment to VOR Federal airway No. 74 from Little Rock, Ark., to Pine Bluff, Ark.

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

The substance of the proposed amendment having been published and for the reason stated in the notice, § 71.123 (29 F.R. 1009, 5317) is amended as follows:

In V-74, "to Pine Bluff, Ark." is deleted and "to Pine Bluff, Ark., including a N alternate via INT of Little Rock 137° and Pine Bluff 006° radials." is substituted therefor.

This amendment shall become effective 0001 e.s.t., September 17, 1964.

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

Issued in Washington, D.C., on July 15, 1964.

DANIEL E. BARROW,  
Chief, Airspace Regulations  
and Procedures Division.

[F.R. Doc. 64-7229; Filed, July 21, 1964;  
8:45 a.m.]

[Airspace Docket No. 63-AL-24]

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

#### Alteration of Federal Airway and Controlled Airspace

On March 24, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 3673) stating that the Federal Aviation Agency (FAA) proposed to alter the segment of Alaskan VOR Federal airway No. 440 and Control 1310 from Middleton Island, Alaska, to Anchorage, Alaska.

Interested person were afforded an opportunity to participate in the rule making through submission of comments, but no comments were received.

The notice of proposed rule making contemplated expanding V-440 and Control 1310 to compensate for the standard systems accuracy factor for aircraft operating along this airway and control area at a distance greater than 45 nautical miles from the Anchorage and Middleton Island VORs. Subsequent to this notice, a standard widening formula was incorporated into § 71.5 of the Federal Aviation Regulations (29 F.R. 8471) which applies to all Federal airways. Therefore, action is taken herein to alter the alignment of V-440 and Control 1310 as proposed in the notice in accordance with the standard widening formula.

Although not mentioned in the notice, the Alaskan low and high altitude report-

ing points associated with the segment of Control 1310 between Middleton Island and Sandspit, B.C., Canada, will be slightly displaced from their designated positions by use of the Middleton Island VOR. Therefore, action is taken herein to alter the geographical coordinates of the Domestic Annette INT; Domestic Gustavus INT; Domestic Sitka INT; and Domestic Yakutat INT, Alaskan low altitude reporting points and the Domestic Sitka INT; and Domestic Yakutat INT, Alaskan high altitude reporting points.

Since this action is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

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

1. Section 71.125 (29 F.R. 1046) is amended as follows:

In V-440 "INT Middleton Island 320° and Anchorage, Alaska, 118° radials; Anchorage," is deleted and "Anchorage, Alaska," is substituted therefor.

2. In § 71.163 (29 F.R. 1068) Control 1310 is amended to read as follows:

#### Control 1310

That airspace within 4 nautical miles each side of a direct line extending from the Anchorage, Alaska, VOR to the Middleton Island, Alaska, VOR, including the additional airspace between lines diverging at 45° angles from the centerline, extending SE from the Anchorage VOR and NW from the Middleton Island VOR and which terminate at the intersecting points midway between Anchorage and Middleton Island; thence within 16 miles each side of a line extending from the Middleton Island VOR to the Sandspit, B.C., Canada, RR; including that airspace between lines diverging at 5° angles from the centerline, extending SE from the Middleton Island VOR and NW from the Sandspit RR, and which terminate at the intersecting points midway between Middleton Island and Sandspit, excluding the portion within Canada and W-533.

3. Section 71.211 (29 F.R. 1228) is amended as follows:

a. In Domestic Annette INT: "Lat. 54° 15' N., Long. 133° 39' W." is deleted and "Lat. 54° 14' N., Long. 133° 40' W." is substituted therefor.

b. In Domestic Gustavus INT: "Lat. 56° 58' N., Long. 139° 24' W." is deleted and "Lat. 56° 57' N., Long. 139° 26' W." is substituted therefor.

c. In Domestic Sitka INT: "Lat. 55° 43' N., Long. 136° 34' W." is deleted and "Lat. 55° 42' N., Long. 136° 36' W." is substituted therefor.

d. In Domestic Yakutat INT: "Lat. 57° 54' N., Long. 141° 44' W." is deleted and "Lat. 57° 52' N., Long. 141° 46' W." is substituted therefor.

4. Section 71.213 (29 F.R. 1229) is amended as follows:

a. In Domestic Sitka INT: "Lat. 55° 43' N., Long. 136° 34' W." is deleted and "Lat. 55° 42' N., Long. 136° 36' W." is substituted therefor.

b. In Domestic Yakutat INT: "Lat. 57° 54' N., Long. 141° 44' W." is deleted and "Lat. 57° 52' N., Long. 141° 46' W." is substituted therefor.

These amendments shall become effective 0001 e.s.t., September 17, 1964.

(Secs. 307(a), and 1110, 72 Stat. 749 and 800; 49 U.S.C. 1348 and 1510, and Executive Order 10854, 24 F.R. 9565)

Issued in Washington, D.C., on July 15, 1964.

DANIEL E. BARROW,  
Chief, Airspace Regulations  
and Procedures Division.

[F.R. Doc. 64-7228; Filed, July 21, 1964;  
8:45 a.m.]

[Airspace Docket No. 64-EA-10]

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

**PART 73—SPECIAL USE AIRSPACE [NEW]**

**Alteration of Restricted Area and Federal Airways**

On May 5, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 5908) and stated that the Federal Aviation Agency was considering an amendment to §§ 71.123 and 73.66 of the Federal Aviation Regulations which would alter the boundaries of the Camp Hill, Va., Restricted Area R-6601 and change the description of VOR Federal airways Nos. 157W and 222 to exclude the airspace within R-6601.

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

In consideration of the foregoing, Parts 71 and 73 [New] of the Federal Aviation Regulations are amended as hereinafter set forth.

1. In § 73.66 (29 F.R. 1280) R-6601 Camp Hill, Va., is amended to read:

R-6601 Camp A. P. Hill, Va.

*Boundaries.* Beginning at latitude 38°06'50" N., longitude 77°10'34" W.; to latitude 38°05'30" N., longitude 77°09'06" W.; to latitude 38°04'40" N., longitude 77°10'20" W.; to latitude 38°03'12" N., longitude 77°09'35" W.; to latitude 38°02'22" N., longitude 77°11'40" W.; to latitude 38°02'30" N., longitude 77°14'40" W.; to latitude 38°01'50" N., longitude 77°16'08" W.; to latitude 38°02'15" N., longitude 77°18'04" W.; to latitude 38°03'40" N., longitude 77°18'45" W.; to latitude 38°04'30" N., longitude 77°18'45" W.; to latitude 38°05'35" N., longitude 77°17'32" W.; to latitude 38°05'35" N., longitude 77°17'02" W.; to latitude 38°08'01" N., longitude 77°14'04" W.; to latitude 38°07'53" N., longitude 77°13'40" W.; to latitude 38°06'48" N., longitude 77°12'21" W.; thence to the point of beginning.

*Designated altitudes.* Surface to 5,000 feet MSL.

*Time of designation.* 0700 to 2300 e.s.t., June 1 through September 8.

*Controlling agency.* Federal Aviation Agency, Washington AETC Center.

*Using agency.* Commanding General, Second United States Army, Fort George G. Meade, Maryland.

2. In § 71.123 (29 F.R. 1009, 1561, 5456, 6436, 6945), V-222 is amended by deleting "The airspace within R-6612 is excluded." and substituting "The airspace within R-6601 and R-6612 is excluded." therefor.

3. In § 71.123 (28 F.R. 11533, 29 F.R. 3000, 6246), V-222 is amended by deleting "The airspace within R-6602 and R-6612 is excluded." and substituting "The airspace within R-6601, R-6602 and R-6612 is excluded." therefor.

These amendments shall become effective 0001 e.s.t., October 15, 1964.

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

Issued in Washington, D.C., on July 15, 1964.

LEE E. WARREN,  
Director,  
Air Traffic Service.

[F.R. Doc. 64-7231; Filed, July 21, 1964;  
8:45 a.m.]

[Airspace Docket No. 63-EA-49]

**PART 73—SPECIAL USE AIRSPACE [NEW]**

**Alteration of Restricted Area/Military Climb Corridor**

On April 10, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 5009) stating that the Federal Aviation Agency proposed to alter the Limestone, Maine (Loring AFB), Restricted Area/Military Climb Corridor.

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

In consideration of the foregoing, Part 73 [New] of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 17, 1964, as hereinafter set forth.

In § 73.39 (29 F.R. 1254), the Limestone, Maine (Loring AFB), Restricted Area/Military Climb Corridor is amended to read:

*Boundaries.* The area centered on a line beginning at latitude 47°00'00" N., longitude 67°54'10" W. (2 nmi north of the north end of Runway 1), and extending via a True bearing therefrom of 354° to a point 30 nmi north, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity, excluding the portion which lies outside the United States.

*Designated altitudes:*  
Surface to flight level 240 from point of beginning to 3 nmi north.

2,000 feet MSL to flight level 240 from 3 to 6 nmi north of the point of beginning.

5,000 feet MSL to flight level 240 from 6 to 11 nmi north of the point of beginning, excluding the portion which lies outside the United States.

10,000 feet MSL to flight level 240 from 11 to 15 nmi north of the point of beginning, excluding the portion which lies outside the United States.

*Time of designation.* Continuous.  
*Using agency.* Loring AFB Approach Control.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 15, 1964.

LEE E. WARREN,  
Director, Air Traffic Service.

[F.R. Doc. 64-7232; Filed, July 21, 1964;  
8:45 a.m.]

**Chapter II—Civil Aeronautics Board**

**SUBCHAPTER A—ECONOMIC REGULATIONS**

[Reg. ER-411]

**PART 231—TRANSPORTATION OF MAIL: MAIL SCHEDULES**

**Changes in Schedules**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of July 1964.

Incident to the proposed revision and reissuance of Part 292 of the Economic Regulations, the Board, on January 20, 1964, issued a notice of proposed rule making, EDR-64, Docket 14979 (29 F.R. 612, January 24, 1964) proposing to amend Part 231 of the Economic Regulations (14 CFR Part 231) by adding a footnote to § 231.5(b) cross-referencing it to Part 292.

In the light of the comments received and for the reasons given in the preamble to Regulation ER-410 published simultaneously herewith, the Civil Aeronautics Board hereby amends Part 231 of the Economic Regulations (14 CFR Part 231) by adding a note after § 231.5(b) effective August 20, 1964 to read as follows:

*NOTE:* For related provisions applicable to Alaskan air carriers, see § 292.4 of this subchapter.

(Sec. 204(a) of the Federal Aviation Act of 1958, 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 405, 72 Stat. 760; 49 U.S.C. 1375)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,  
Acting Secretary.

[F.R. Doc. 64-7293; Filed, July 21, 1964;  
8:50 a.m.]

[Reg. ER-410]

**PART 292—CLASSIFICATION AND EXEMPTION OF ALASKAN AIR CARRIERS**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of July 1964.

On January 20, 1964, the Board issued a notice of proposed rule making, EDR-64, PDR-23, Docket 14979 (29 F.R. 612) proposing (1) to revise Part 292 of its Economic Regulations (14 CFR Part 292); (2) to amend Part 231 of its Economic Regulations (14 CFR Part 231) by adding a footnote to § 231.5(b) cross-referencing it to Part 292 and (3) to amend Part 302 of its Procedural Regulations (14 CFR Part 302) by amending § 302.1(a)(1) to clarify the applicability of Part 302 to Alaskan air carriers. Comments were submitted by three Alaskan air carriers and by the Chamber of Commerce of the City of Soldotna, Alaska. After consideration of these comments, the Board has decided to amend and reissue Part 292 as proposed, but with the following modifications:<sup>1</sup>

1. Two of the Alaskan carriers questioned the propriety of redefining the

<sup>1</sup> The Board is simultaneously adopting the proposed amendments to Parts 231 and 302 without change.

25-mile off-route authority by a rule-making proceeding. They and the Soldotna Chamber of Commerce also contended that the proposed change would prevent the carriers from serving certain points which they are now serving. It was not the Board's intention to suspend any existing services by the proposed rule. What was intended was to define the 25-mile clause with greater particularity. However, in view of the problems raised it has been decided not to adopt the proposed definition. Accordingly, § 292.4(c), the proposed definition of "airline course," is being deleted. Also, the wording of § 292.8 in the current version of Part 292 will be retained, without change, in § 292.2 of the revision. While the proposed change would have had the advantage of greater geographical precision, the Board will have time adequately to assess any proposal for a new point in a carrier's schedule and to appraise the need for service at such new point in the 30-day period now provided for in the revised regulation.

2. Provision has been made in § 292.4 (a) for the filing of schedules establishing new off-route points upon less than 30 days' notice when the public interest so requires, and it has been made clear that the 30-day notice requirement applies only to the scheduling of new off-route points.

One of the respondent carriers protested that the new requirement in § 292.4 that a schedule establishing a new off-route point should be accompanied by economic data bearing upon the need for such service is an undue interference with the prerogatives of management. The Board does not so view it. Such data will enable the Board better to appraise the need for off-route services.

In consideration of the foregoing, the Board hereby amends and reissues Part 292 of the Economic Regulations (14 CFR Part 292), effective August 20, 1964, as set forth below.

By the Civil Aeronautics Board.

[SEAL]

MABEL McCART,  
Acting Secretary.

Sec.

- 292.1 Classification.  
292.2 Charter trips and special services.  
292.3 Procedural requirements.  
292.4 Off-route schedules; filing requirements and effect thereof.

**AUTHORITY:** The provisions of this Part 292 issued under § 204(a) of the Federal Aviation Act of 1958, 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 401, 416, 72 Stat. 754, 771; 49 U.S.C. 1371 and 1386.

§ 292.1 Classification.

There is hereby established, within the meaning of section 416(a) of the Federal Aviation Act of 1958, a classification of air carriers which engage in air transportation (a) solely between points within the State of Alaska or (b) solely between points within the State of Alaska and between points within the State of Alaska and points in Canada, said classification to be designated as Alaskan air carriers.

§ 292.2 Charter trips and special services.

An Alaskan air carrier which holds a certificate of public convenience and necessity issued by the Board may make charter trips and render other special services between points on routes which it is authorized by its certificate to serve. Charter trips and other special services may also be rendered to or from any other point within or without Alaska: *Provided, however,* That such trips originate at or are destined to a point in Alaska which is named in the carrier's certificate or which is located within 25 miles of the airline course over the carrier's regular route and is actually being served by the carrier as an intermediate point pursuant to a schedule on file with the Board under section 405(b) of the Act; *And provided further,* That all such trips to and from points outside of Alaska are casual, occasional, or infrequent, and are not made in such manner as to result in establishing a regular or scheduled service.

§ 292.3 Procedural requirements.

Notwithstanding the requirements of any other regulation, order or rule of the Board, the following special provisions shall apply in the case of Alaskan air carriers:

(a) *Filing of documents with Alaska Liaison Office.* A true copy of every application, motion, petition or complaint filed with the Board by or in behalf of any Alaskan air carrier or in connection with air transportation performed or sought to be performed by such air carrier shall be sent simultaneously by air mail to the Board's Alaska Liaison Office, Anchorage, Alaska. Such copy need not bear original signatures.

(b) *Posting and preservation of documents.* The Alaska Office copies of all documents subject to this part which are required by the Act, or by the regulations, orders, or rules of the Board thereunder to be posted in the offices of the Board in Washington, D.C., shall be posted in the office of the authorized representative of the Board in the Alaska Liaison Office; and the Alaska Office copies of documents which are required by section 1103 of the Act to be preserved as public records in the custody of the Secretary of the Board shall be preserved as public records in the custody of the authorized representative of the Board in the Alaska Liaison Office under such reasonable arrangements as he may make for public inspection thereof. Such posting and preservation as public records shall be in addition to those in the Board's offices in Washington, D.C.

§ 292.4 Off-route schedules; filing requirements and effect thereof.

(a) An Alaskan air carrier which desires to include in schedules which it files under section 405(b) of the Act any new off-route point, pursuant to a provision in its certificate of public convenience and necessity authorizing it to

serve as an intermediate point any point not more than 25 miles off the airline course over its regular route, shall file such schedule not later than 30 days prior to the desired effective date. The schedule shall be accompanied by a statement setting out all applicable economic data bearing on the need for the proposed service: *Provided,* That the Board may permit the filing of such schedules within less than 30 days prior to the desired effective date upon a showing that the public interest will thereby be served.

(b) A flight schedule filed pursuant to this section may be operated according to its terms unless, at least five days prior to the effective date thereof, the Board notifies the carrier that inauguration of such service shall be deferred. Nothing herein contained shall alter the provision in an Alaskan air carrier's certificate whereby the Board may require the holder, without advance notice and without hearing, to suspend indefinitely, or for some other period, further operation of any such service which may have been inaugurated.

[F.R. Doc. 64-7294; Filed, July 21, 1964; 8:50 a.m.]

SUBCHAPTER B—PROCEDURAL REGULATIONS  
[Reg. PR-91]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS INVOLVING ALASKAN AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of July 1964.

Incident to the Proposed revision and reissuance of Part 292 of the Economic Regulations, the Board on January 20, 1964, issued a Notice of Proposed Rule Making, PDR-23, Docket 14979 (29 F.R. 612, January 24, 1964) proposing to amend Part 302 of the Procedural Regulations by revising § 302.1(a)(1) so as to clarify the applicability of Part 302 to Alaskan air carriers.

In the light of the comments received and for the reasons given in the preamble to Regulation ER-410 published simultaneously herewith, the Civil Aeronautics Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302) by revising § 302.1(a)(1) effective August 20, 1964 to read:

§ 302.1 Applicability and description of part.

(a) \* \* \*

(1) Proceedings involving "Alaskan air carriers" are governed by the rules in this part, except as modified by Part 292 of this chapter.

\* \* \* \* \*  
(Sec. 204(a) of the Federal Aviation Act of 1958, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL]

MABEL McCART,  
Acting Secretary.

[F.R. Doc. 64-7295; Filed, July 21, 1964; 8:50 a.m.]

**SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]**

[Reg. Docket No. 2013; Amdt. No. 91-8]

**PART 91—GENERAL OPERATING AND FLIGHT RULES [NEW]**

**Use of Parachutes During Acrobatics**

The purpose of this amendment is to relieve the requirement for wearing parachutes during certain acrobatic flight. This action was published as a notice of proposed rule making and circulated as Federal Aviation Agency Notice No. 63-40 (28 F.R. 11075).

Section 91.71(b) of the Federal Aviation Regulations prohibits intentional acrobatic flight in an aircraft carrying a person other than a crewmember unless all occupants are equipped with approved parachutes. For the purposes of that section a student pilot has been interpreted as being a passenger, not a crewmember; therefore, a student pilot as well as his flight instructor is required to wear a parachute when the flight instructor is giving the student acrobatic instruction as defined by § 91.71(b) (1) and (2).

It was proposed in Notice No. 63-40 to permit flight instruction required by the regulations, without the wearing of parachutes, when that instruction is given by a certificated flight instructor. The permission would also, under the proposal, apply to flight tests for pilot certification or rating. A certificated flight instructor is properly presumed to have the skill necessary to safely give acrobatic instruction required by the pilot regulations within the operating limitations of the aircraft without the necessity of his or his student's wearing a parachute. Moreover, complaints from the field indicate that wearing parachutes in some aircraft may be a hazard to training since the bulk of the parachute may, due to the configuration and size of the pilot seat, reduce the pilot's visibility and hamper his handling of the controls.

Notice 63-40 referred to "training required by the regulations." Comments to the proposal indicated that there is doubt as to what maneuvers would be permitted without wearing parachutes. Therefore, the amendatory language has been rewritten to make it clear that, regardless of what certificate or rating the applicant is seeking, an acrobatic maneuver required for any pilot certificate or rating (even one not presently sought by the applicant) may be performed without parachutes when done by, or at the direction of, a certificated flight instructor. For example, a student pilot is not required to have flight instruction in spins; however, his flight instructor, if he considers this training necessary, may give the student this training without parachutes since spin instruction is required for certain other certificates or ratings.

Although the notice referred only to certificated flight instructors, the exception to the applicability of § 91.71(b) has been rewritten to make it clear that an airline transport pilot may give certain instruction in air transportation service without the use of a parachute since an

airline transport pilot instructing under § 61.163 is, for the purposes of § 91.71, a certificated flight instructor.

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 Agency appreciates the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing, Part 91 [New] of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective Aug. 21, 1964, by adding a new paragraph (c) to § 91.71 to read as follows:

**§ 91.71 Acrobatic flight.**

(c) Paragraph (b) of this section does not apply to—

(1) Flight tests for pilot certification or rating; or

(2) Spins and other flight maneuvers required by the regulations for any certificate or rating when given by—

- (i) A certificated flight instructor; or
- (ii) An airline transport pilot instructing in accordance with § 61.163.

(Secs. 313(a), 601, and 602 of the Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on July 15, 1964.

HAROLD W. GRANT,  
*Acting Administrator.*

[F.R. Doc. 64-7235; Filed, July 21, 1964; 8:46 a.m.]

**Chapter III—Federal Aviation Agency**

**SUBCHAPTER C—AIRCRAFT REGULATIONS**

[Reg. Docket No. 6085; Amdt. 769]

**PART 507—AIRWORTHINESS DIRECTIVES**

**Piper Model PA-30 Aircraft**

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on July 2, 1964, and made effective immediately as to all known United States operators of Piper Model PA-30 aircraft. The directive requires the installation of a placard which restricts the airspeed limits.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Piper Model PA-30 aircraft by individual telegrams dated July 2, 1964. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER, as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons.

PIPER. Applies to all Model PA-30 aircraft. Compliance required within 10 hours' time in service after the effective date of this AD, unless already accomplished.

As a result of instances of progressively stronger stabilator vibration, accomplish the following:

(a) Attach the following placard to the airspeed indicator in full view of the pilot: "Do not exceed 205 m.p.h. IAS."

(b) When a modification approved by the Engineering and Manufacturing Branch, FAA Eastern Region, is incorporated, compliance with (a) is no longer required.

(Piper Service Letter No. 428 dated June 30, 1964, pertains to this subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated July 2, 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 July 16, 1964.

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

[F.R. Doc. 64-7233; Filed, July 21, 1964; 8:46 a.m.]

[Reg. Docket No. 6085; Amdt. 770]

**PART 507—AIRWORTHINESS DIRECTIVES**

**Piper Model PA-30 Aircraft**

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on July 2, 1964, and made effective immediately as to all known United States operators of Piper Model PA-30 aircraft. The directive requires replacement of the propeller governor pressure relief valve spring.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Piper Model PA-30 aircraft by individual telegrams dated July 2, 1964. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 507.10(a) of Part 507 (14 CFR Part 507), to make it effective as to all persons.

PIPER. Applies to all Model PA-30 aircraft. Compliance required within 10 hours' time in service after the effective date of this AD, unless already accomplished.

As a result of instances of inadvertent propeller feathering, accomplish the following: Replace the propeller governor pressure relief valve spring and check the propeller dome pressure per Hartzell Service Bulletin No. 88 dated July 2, 1964.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated July 2, 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 July 16, 1964.

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

[F.R. Doc. 64-7234; Filed, July 21, 1964; 8:46 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket No. C-781]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Beckman Bros., Inc., and Alben Hoen

Subpart—Concealing, obliterating or removing law-required and informative marking: § 13.512 *Fur products tags or identification*. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*; § 13.1108-45 *Fur Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*; § 13.1845-30 *Fur Products Labeling Act*; § 13.1852 *Formal regulatory and statutory requirements*; § 13.1852-35 *Fur Products Labeling Act*; § 13.1865 *Manufacture or preparation*; § 13.1865-40 *Fur Products Labeling Act*; § 13.1886 *Quality, grade or type*; § 13.1900 *Source or origin*; § 13.1900-40 *Fur Products Labeling Act*; § 13.1900-40(b) *Place*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Beckman Bros., Inc., et al., Great Falls, Mont., Docket C-781, June 30, 1964]

*In the Matter of Beckman Bros., Inc., a Corporation, and Alben Hoen, Individually and as an Officer of Said Corporation*

Consent order requiring Great Falls, Mont., retail furriers to cease violating the Fur Products Labeling Act by failing, in invoicing and labeling fur products, to show the true animal name of the fur used and when the product contained cheap or waste fur; failing to show on invoices when fur was artificially colored and the country of origin of imported furs; failing to use the terms "Dyed Mouton Lamb" and "natural" as and where required on invoices, and using the term "blended" improperly, thereon; failing to maintain adequate records as a basis for pricing claims; substituting non-conforming labels for those originally affixed to fur products; and failing in other respects to comply with requirements of the Act.

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

*It is ordered*, That respondent Beckman Bros., Inc., a corporation, and its officers, and Alben Hoen, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; as the terms "commerce", "fur" and "fur product" are defined in the Fur

Products Labeling Act, do forthwith cease and desist from:

- A. Misbranding fur products by:
1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.
  2. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.
  3. Failing to set forth separately on labels attached to fur products composed of two or more sections containing different animal fur the information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder with respect to the fur comprising each section.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices as the term "invoice" is defined in the Fur Products Labeling Act showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.
2. Setting forth information required under section 5(b) (1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.
3. Failing to set forth the term "Dyed Mouton Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".
4. Setting forth the term "Blended" or any term of like import as part of the information required under section 5 (b) (1) of the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe the pointing, bleaching, dyeing, tip-dyeing or otherwise artificial coloring of furs contained in fur products.
5. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

C. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

*It is further ordered*, That Beckman Bros., Inc., a corporation, and its officers and Alben Hoen, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the introduction, sale, advertising or offering for sale, in commerce, or the processing for commerce, of fur products; or in connection with the selling, advertising, offering for sale, or process-

ing of fur products which have been shipped and received in commerce, do forthwith cease and desist from misbranding fur products by substituting for the labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act labels which do not conform to the requirements of the aforesaid Act and the rules and regulations promulgated thereunder.

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

Issued: June 30, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 64-7277; Filed, July 21, 1964; 8:49 a.m.]

[Docket No. 8325 o]

#### PART 13—PROHIBITED TRADE PRACTICES

##### Brite Manufacturing Co. et al.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1900 *Source or origin*; § 13.1900-35 *Foreign product as domestic*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Brite Manufacturing Co. et al., Providence, R.I., Docket 8325, June 18, 1964]

*In the Matter of Brite Manufacturing Co., a Corporation, Brite Industries, Inc., a Corporation, B.M.C. Trading Corp., a Corporation, and Samuel Friedman, and Theodore Levy, Individually and as officers of Said Corporations*

Order requiring Providence, R.I., distributors to jobbers and wholesalers and retail stores, of expansion watchbands many of which were imported from Japan while others contained imported expansion segments which were joined to end pieces made in the United States, to cease selling their said watchbands without disclosing the name of the country of origin, by such practices as attaching them to cardboard strips and to counter display cards on which were printed such words as "Brite, Providence 9, R.I." but nothing to show their foreign origin.

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

*It is ordered*, That respondents Brite Manufacturing Co., a corporation, Brite Industries, Inc., a corporation, and B.M.C. Trading Corp., a corporation, and their officers, and Samuel Friedman and Theodore Levy, individually and as officers of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of expansion watch bands, or any other products, in commerce, as "commerce" is

defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing said products in packages or containers in such a manner that the name of the country or place of origin on the product is concealed without clearly disclosing the country or place of origin of the product in a conspicuous place on the package or container.

2. Offering for sale, selling or distributing said products mounted or affixed to cards in such manner as to conceal the name of the country or place of origin without disclosing on such cards the name of the country or place of origin.

*It is further ordered*, That the hearing examiner's initial decision to the extent it is in conflict with the accompanying opinion be, and it hereby is, modified, and as modified is adopted as the decision of the Commission.

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

Issued: June 18, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 64-7278; Filed, July 21, 1964;  
8:49 a.m.]

[Docket No. 8122 o.]

**PART 13—PROHIBITED TRADE PRACTICES**

**Ekco Products Co.**

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Order of divestiture, Ekco Products Company, Chicago, Ill., Docket 8122, June 30, 1964]

Order requiring the nation's largest producer of baking pans for commercial and industrial use, also one of the largest producers of kitchen tools, tinware and cutlery, with plants in many states and Canada and which, in the ten years 1950 to 1959, inclusive, had more than doubled the size of its operations largely as a result of acquiring the assets and stock of some two dozen operating concerns, to divest itself of assets acquired as a result of its acquisition in 1954 of the McClintock Manufacturing Co.—a relatively small concern which had a monopoly in the production of commercial meat-handling equipment—including (1) trade names and secrets, patents, customer lists, inventories, supply and requirements contracts, tools, patterns, etc., used in the manufacture or sale of commercial meat-handling equipment; (2) all other assets peculiar to such manufacture and sale but excepting assets not peculiar thereto; and (3) all other assets necessary to reconstitute McClintock as a going concern and effective competitor; and for one year to fur-

nish such technical and marketing assistance as might be requested by McClintock; and for 20 years to refrain from acquiring stock or assets of any corporation manufacturing or selling commercial meat-handling equipment without prior approval of the Commission.

The order of divestiture, including further order requiring report of compliance therewith, is as follows:

*It is ordered*, That:

I. Respondent, Ekco Products Company, a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors, and assigns, within one (1) year from the date this order becomes final, shall divest, absolutely and in good faith, the following assets acquired by Ekco Products Company as a result of the acquisition by Ekco Products Company of the McClintock Manufacturing Company, together with all additions thereto and replacements thereof which have been made since the acquisition: (1) The McClintock trade name, and all patents, trademarks, trade secrets, lists of customers and accounts, inventories of goods furnished and in process, distribution agreements, supply and requirements contracts, tools, dies, punches and patterns, that are used in the manufacture or sale of commercial meat-handling equipment; (2) all other assets peculiar to the manufacture or sale of commercial meat-handling equipment, but not leaseholds, stamping machinery, industrial fork-lift trucks and other such assets not peculiar to the manufacture or sale of commercial meat-handling equipment; and (3) all other assets as may be necessary to reconstitute McClintock Manufacturing Company as a going concern and effective competitor in the manufacture and sale of commercial meat-handling equipment.

II. By such divestiture, none of the assets described in paragraph I of this order shall be sold or transferred, directly or indirectly, to any person who at the time of the divestiture is an officer, director, employee, or agent of, or under the control or direction of, respondent or any of respondent's subsidiary or affiliated corporations, or owns or controls, directly or indirectly, more than one (1) percent of the outstanding shares of common stock of Ekco Products Company, or to any purchaser who is not approved in advance by the Federal Trade Commission.

III. For a period of one (1) year following the divestiture required by paragraph I of this order, respondent shall, at its own expense, furnish such technical and marketing information within its possession or control as may be reasonably requested by the purchaser.

IV. For a period of twenty (20) years following the date that this order becomes final, respondent shall not, without the prior approval of the Federal Trade Commission, acquire, directly or indirectly, through subsidiaries or otherwise, the whole or any part of the stock, share capital or assets of any corporation which is engaged in the manufacture or sale of commercial meat-handling equipment.

V. Respondent shall periodically, within sixty (60) days from the date this order becomes final and every ninety (90) days thereafter until divestiture is fully effected, submit to the Commission a detailed written report of its actions, plans, and progress in complying with the provisions of this order and fulfilling its objectives.

Issued: June 30, 1964.

By the Commission, Commissioner Reilly not participating for the reason that he did not hear oral argument.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 64-7279; Filed, July 21, 1964;  
8:49 a.m.]

[Docket No. C-780]

**PART 13—PROHIBITED TRADE PRACTICES**

**Glasco Ltd., Inc., et al.**

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties*; § 13.1053-90 *Wool Products Labeling Act*. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*; § 13.1185-90 *Wool Products Labeling Act*; § 13.1212 *Formal regulatory and statutory requirements*; § 13.1212-90 *Wool Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*; § 13.1845-80 *Wool Products Labeling Act*; § 13.1852 *Formal regulatory and statutory requirements*; § 13.1852-80 *Wool Products Labeling Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Glasco Limited, Inc., et al., Lansdale, Pa., Docket C-780, June 30, 1964]

*In the Matter of Glasco Limited, Inc., a Corporation, and Samuel Glass, Benjamin Greber, Irving Muchnick, and Arthur Goldman, Individually and as Officers of Said Corporation*

Consent order requiring Lansdale, Pa., manufacturers and importers of wool products to cease violating the Wool Products Labeling Act by such practices as labeling as "containing 50% mohair, 43% wool, 7% nylon", sweaters which contained substantially different amounts of fibers than so represented; failing to disclose on labels affixed to sweaters the percentage of the total weight of different fibers contained therein; furnishing false guaranties that certain of their wool products were not misbranded; and using the word "mohair" in lieu of the word "wool" on labels without giving the correct percentage thereof.

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

*It is ordered*, That respondents Glasco Limited, Inc., a corporation, and its officers, and Samuel Glass, Benjamin Greber, Irving Muchnick, and Arthur Goldman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduc-

tion or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution or delivery for shipment, or shipment in commerce, of sweaters or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Using the term "mohair" in lieu of the word "wool" in setting forth the required fiber content information on labels affixed to wool products without setting forth the correct percentage of the mohair present.

*It is further ordered*, That respondents Glasco Limited, Inc., a corporation, and its officers, and Samuel Glass, Benjamin Greber, Irving Muchnick and Arthur Goldman, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any wool product is not misbranded when the respondents have reason to believe that such wool product may be introduced, sold, transported, or distributed in commerce.

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

Issued: June 30, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 64-7280; Filed, July 21, 1964;  
8:49 a.m.]

[Docket No. C-776]

### PART 13—PROHIBITED TRADE PRACTICES

#### Reliable Manufacturing Co. and Charles W. Leigh

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees*; § 13.155 *Prices*; § 13.155-40 *exaggerated as regular and customary*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Reliable Manufacturing Company et al., Franklin Park, Ill., Docket C-776, June 30, 1964]

*In the Matter of Reliable Manufacturing Company, a Corporation, and Charles W. Leigh, Individually and as an Officer of Said Corporation*

Consent order requiring Franklin Park, Ill., manufacturers of electric cooker-

fryers which they sold to wholesalers, stamp redemption firms, catalog and mail order firms, wholesale discounters and retailers for resale, to cease their practice of supplying to their customers catalog sheets, circulars and cartons bearing representations such as \$19.95 Suggested List Price Guaranteed For 2 Years", when such "suggested price" appreciably exceeded the highest price at which substantial sales were made in their trade area and the purported 2 year guarantee was subject to undisclosed conditions.

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

*It is ordered*, That respondents Reliable Manufacturing Company, a corporation, and its officers, and Charles W. Leigh, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of electric cooker-fryers or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising, disseminating or distributing any list, preticketed or suggested retail price that is not established in good faith as an honest estimate of the actual retail price or that appreciably exceeds the highest price at which substantial sales are made in respondents' trade area.

2. Representing that their merchandise is guaranteed unless the nature, extent and conditions of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly set forth in conjunction with the representation of guarantee.

3. Furnishing any distributor, dealer or retailer with any means whereby to deceive the purchasing public in the manner forbidden by the above provisions of this order.

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

Issued: June 30, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 64-7281; Filed, July 21, 1964;  
8:49 a.m.]

[Docket No. C-778]

### PART 13—PROHIBITED TRADE PRACTICES

#### Robert M. Spellman et al.

Subpart—Concealing, obliterating or removing law required and informative marking: § 13.512 *Fur products tags or identification*. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*; § 13.1108-45 *Fur Products Labeling Act*. Subpart—Misbranding or mislabeling: § 13.1212 *Formal*

*regulatory and statutory requirements*; § 13.1212-30 *Fur Products Labeling Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1845 *Composition*; § 13.1845-30 *Fur Products Labeling Act*; § 13.1852 *Formal regulatory and statutory requirements*; § 13.1852-35 *Fur Products Labeling Act*; § 13.1865 *Manufacture or preparation*; § 13.1865-40 *Fur Products Labeling Act*; § 13.1900 *Source or origin*; § 13.1900-40 *Fur Products Labeling Act*; § 13.1900-40 (b); Place.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Robert M. Spellman trading as Bob Spellman Furs et al., Los Angeles, Calif., Docket C-778, June 30, 1964]

#### *In the Matter of Robert M. Spellman Individually and Trading as Bob Spellman Furs, Furs by Bob Spellman and Mordell Furs*

Consent order requiring a retail furrier in Los Angeles to cease violating the Fur Products Labeling Act by failing to use the term "natural" for furs that were not artificially colored, in advertising, invoicing and labeling; failing to set forth the term "Dyed Broadtail-processed Lamb" on labels as required; failing to show the true animal name of fur and the country of origin of imported furs in invoicing; failing to maintain adequate records as a basis for pricing claims; substituting nonconforming labels for those originally affixed to fur products and failing to preserve the records as required; and failing in other respects to comply with requirements of the Act.

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

*It is ordered*, That respondent Robert M. Spellman, individually and trading as Bob Spellman Furs, Furs by Bob Spellman, and Mordell Furs and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to set forth the term "Dyed Broadtail-processed Lamb" on labels in the manner required where an election is made to use that term in lieu of the term "Dyed Lamb".

2. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

3. Failing to set forth information required under section 4(2) of the Fur

Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

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

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

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

3. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

4. Failing to set forth on invoices the item number or mark assigned to fur products.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

D. Making claims and representations of the types covered by subsections (a), (b), (c) and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims and representations are based.

*It is further ordered,* That respondent Robert M. Spellman, individually and trading as Bob Spellman Furs, Furs by Bob Spellman, and Mordell Furs and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising or offering for sale, in commerce, or the processing for commerce, of fur products; or in connection with the selling, advertising, offering for sale, or processing of fur products which have been shipped and received in commerce, do forthwith cease and desist from:

A. Misbranding fur products by substituting for the labels affixed to such fur products pursuant to section 4 of the Fur Products Labeling Act labels which do not conform to the requirements of the aforesaid Act and the rules and regulations promulgated thereunder.

B. Failing to keep and preserve the records required by the Fur Products Labeling Act and the rules and regula-

tions promulgated thereunder in substituting labels as permitted by section 3(e) of the said Act.

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

Issued: June 30, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 64-7282, Filed, July 21, 1964;  
8:49 a.m.]

## Title 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

[Release 33-4709]

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

##### Advertising by Investment Companies Under Rule 134

The Securities and Exchange Commission today made public a letter of the Chief Counsel of its Division of Corporation Finance, dealing with a proposal to amend Rule 134 under the Securities Act of 1933 (§ 230.134 of this chapter). The proposal seeks to expand the scope of information permitted to be included in "tombstone" advertisements of certain mutual funds which charge no sales load and do not utilize salesmen in the distribution of their securities. In recommending against the proposed amendment, the letter sets forth the policy underlying section 2(10)(b) of the Act and Rule 134 thereunder and contains certain specific interpretations which may be of value to mutual funds and other persons desiring to use "tombstone" advertisements.

The text of the letter follows:

JULY 9, 1964.

This will refer to your memorandum to the Commission, as supplemented by subsequent correspondence and conferences with the staff, concerning a proposal to amend Rule 134 of the general rules and regulations under the Securities Act of 1933. You request action by the Commission to expand the scope of "tombstone" advertisements in the case of certain mutual funds which charge no sales load and employ no salesmen. In an appendix to your memorandum you set forth 22 examples of the type of statements you feel should be permitted in tombstone advertisements of no-load funds. These include statements concerning the funds' organization, selling methods, investments and performance.

You submit that mutual funds which do not employ salesmen to distribute their securities operate at a competitive disadvantage and must necessarily rely almost exclusively on tombstone advertisements to attract prospective investors, asserting that

the present restrictions of Rule 134 do not permit these funds to portray adequately to the public the nature of the particular fund and the advantages of its method of selling.

Since it appears that several of the items contained in the appendix are permissible under Rule 134 as presently in effect, it may be appropriate to clarify briefly our interpretation of the scope of tombstone advertising as applied to your examples.

The policy underlying the limitations of Rule 134 was stated in Securities Act Release No. 3535, dated March 10, 1955 (20 F.R. 1610, March 17, 1955), in announcing the proposal to adopt this rule:

"It is clear, however, that such communications are intended to be limited to announcements identifying the existence of a public offering and the availability of a prospectus and they are not to be selling literature of any kind."

In my opinion, section 2(10)(b) and Rule 134 must be interpreted to prevent the inclusion in tombstone advertising of language intended to present a selling argument as opposed to the clear identification of an offering.

In the case of mutual funds, a general indication of the type of fund, the type of its portfolio and the manner in which its securities are offered to the public would appear to be within the purview of the section and the rule. Identification of the fund as a "no-load" fund, reference to the fact that the fund has no loading or sales charge or that it employs no salesmen would fall within the scope of Rule 134. Thus, the statements in the appendix, designed only to identify the nature of the fund and the manner in which its shares are sold, would, if not misleading and if not unduly repetitious or argumentative, comply with the rule:

"Get the facts on a no-load fund."  
"100% of your money is invested—none goes to pay salesmen."  
"All your invested dollars purchase shares. Nothing is subtracted to pay salesmen."  
"No loading charge—no sales charge—no salesmen will call."  
"We have no salesmen. You pay no loading charge or commission."

A brief identification of the fund's policy, such as, "An investment in this fund includes diversification and participation in a broad list of companies, both U.S. and foreign," or "When you invest in this fund, you get investment diversification and professional management for your investment dollars," would be permissible, assuming the accuracy of such statements. However, a listing of the fund's portfolio or the identification of companies whose securities represent the largest holdings in its portfolio would exceed the limitations of Rule 134.

It would be permissible, in my opinion, to present in a tombstone advertisement a listing of the industry components of the fund portfolio, provided such a list is not misleading in the light of the relative amounts of the portfolio investment in such industries. In this regard, it should be emphasized that the use of such a list of industry components is permissible only as a means of fairly identifying the fund's investment policy. The use of larger type or other typographical or printing devices to emphasize some of the components would be inconsistent with the policy underlying Rule 134. The use of photographs is also beyond the scope of Rule 134. There would, however, be no objection to the use of the established trademark of the investment company. Nor will objection be made to a statement as to when the fund started in business or a simple announcement to special groups, such as, "The fund invites the attention of pension and retirement funds."

While the naming of the investment adviser of a mutual fund may be construed

as necessary or proper to a realistic identification of the fund, the naming of the transfer agent or custodian or a statement that assets are held by an independent custodian are beyond the scope of Rule 134. Similarly, statements setting forth the number of fund shareholders or the amount of the total assets of the fund are not permissible.

The remainder of the statements contained in the appendix contains material which can be interpreted only as sales material. These include references to the performance of the fund as compared to the Dow Jones averages, statements as to the present value of past investments in the fund and quotations of various experts concerning industries in which the fund has invested. Such statements are clearly beyond the scope of Rule 134 and the intention of section 2(10)(b) of the Act. In addition, in the form presented, some of these statements appear to be violative of the Commission's Statement of Policy.

Although the Commission has the authority to expand the scope of tombstone advertisements where necessary or appropriate in the public interest and for the protection of investors, such expansion is authorized where necessary as an aspect of identification, rather than sales promotion of the fund which, as you know, is to be achieved under the statute by the means of the prospectus and permissible supplementary sales materials. Accordingly, I have recommended to the Commission that no procedures be undertaken at this time to amend Rule 134 in the manner proposed. I am authorized to state that the Commission concurs in this recommendation.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

JULY 14, 1964.

[F.R. Doc. 64-7237; Filed, July 21, 1964;  
8:46 a.m.]

[Release 33-4708, 34-7366]

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

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

##### Registration of Foreign Offerings by Domestic Issuers; Registration of Underwriters of Foreign Offerings as Broker-Dealers

As part of the program to reduce the United States balance of payments deficit and protect United States gold reserves, a Presidential Task Force on Promoting Increased Foreign Investment in the United States Corporate Securities and Increased Foreign Financing for United States Corporations Operating Abroad was appointed in October 1963. This Task Force was charged with developing programs for the increased foreign marketing of domestic securities, with particular emphasis on the securities of United States companies operating abroad, for a review of governmental and private activities adversely affecting such financing, and for an appraisal of the various barriers to such financing remaining in major foreign capital markets. The report submitted to the President by the Task Force on April 27, 1964, contained a number of specific recommendations for actions by

both the private sector and the Government. Included in the latter were recommendations that the Securities and Exchange Commission publish a release setting forth its position regarding the applicability of the registration requirements of the Securities Act of 1933 to securities offered by domestic issuers to foreign purchasers, including dealers, and the application of the broker-dealer registration requirements of the Securities Exchange Act of 1934 to foreign underwriters participating in distributions of securities exclusively to non-residents of the United States. The Commission is publishing this release to implement these Task Force recommendations.

I. *The Applicability of the Securities Act of 1933 to Offerings of Securities Outside of the United States.* The registration requirements of the Securities Act apply to any offer or sale of a security involving interstate commerce or use of the mails unless an exemption is available. Since "interstate commerce" is defined in section 2(7) of the Act to include "trade or commerce in securities or any transportation or communication relating thereto \* \* \* between any foreign country and any State, Territory, or the District of Columbia," this might be construed to encompass virtually any offering of securities made by a United States corporation to foreign investors. However, the Commission has traditionally taken the position that the registration requirements of section 5 of the Act are primarily intended to protect American investors. Accordingly, the Commission has not taken any action for failure to register securities of United States corporations distributed abroad to foreign nationals, even though use of jurisdictional means may be involved in the offering. It is assumed in these situations that the distribution is to be effected in a manner which will result in the securities coming to rest abroad. On the other hand, a distribution of securities by a United States corporation, through the facilities of Canadian Stock Exchanges may be expected to flow into the hands of American investors and may therefore be subject to registration. Similarly, a public offering specifically directed toward American nationals abroad, including servicemen, would be regarded as subject to registration. Apart from such situations, however, it is immaterial whether the offering originates from within or outside of the United States, whether domestic or foreign broker-dealers are involved and whether the actual mechanics of the distribution are effected within the United States, so long as the offering is made under circumstances reasonably designed to preclude distribution or redistribution of the securities within, or to nationals of, the United States.

Active trading in the United States of the securities subject to the offering during or shortly after the distribution abroad may raise a question whether a portion of the distribution was in fact being made by means of such trading. However, absent such a situation, if a distribution of securities by a United States corporation is made abroad without registration in reliance upon the foregoing

interpretation of the Act, dealers may trade in other securities of the same class in the United States without regard to the time limitations of the dealer's exemption in section 4(1).

The Task Force also suggests that the Commission's statement extend to simultaneous private placements in this country of a security being offered abroad. This specifically concerns the application of the exemption from registration provided by the second clause of section 4(1) of the Act for "transactions by an issuer not involving any public offering," the requirements for which were discussed in detail in Securities Act Release No. 4552 (27 F.R. 11316, November 16, 1962). Generally, transactions otherwise meeting the requirements of this exemption need not be integrated with simultaneous offerings being made abroad and, therefore, are not subject to the registration requirements of the Act solely because a foreign offering is being made concurrently with the American private placement which otherwise meets the standards of the exemption.

II. *The applicability of Section 15(a) of the Securities Exchange Act of 1934 to Foreign Underwriters.* Generally speaking, section 15(a) of the Securities Exchange Act of 1934 makes it unlawful for any broker or dealer to use the mails or instrumentalities of interstate commerce, including commerce between the United States and any foreign country, to engage in securities transactions otherwise than on a national securities exchange unless he is registered with the Commission. However, if a foreign broker-dealer, participating as an underwriter in a distribution of American securities being made abroad, or being made both abroad and in the United States, limits his activities to (1) taking down securities which he sells outside the jurisdiction of the United States to persons other than American nationals, and (2) participating solely through his membership in the underwriting syndicate in activities of the syndicate in the United States such as sales to selling group members, stabilizing, over-allotment, and group sales, which activities are carried out for the syndicate by a managing underwriter or underwriters who are registered with the Commission, then the Commission will generally raise no objection if the foreign broker-dealer performs these limited functions without registration as a broker-dealer under section 15 of the Act.

If a foreign broker-dealer limits his securities activities in areas subject to the jurisdiction of the United States in the manner described above, then he could participate in any number of such distributions, assuming that he does not engage in other activities which require registration. Such other activities would include either selling securities into the United States or purchasing securities in the United States for sale to American investors abroad.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

JULY 9, 1964.

[F.R. Doc. 64-7236; Filed, July 21, 1964;  
8:46 a.m.]

**Title 41—PUBLIC CONTRACTS**

**Chapter 8—Veterans Administration**

**PART 8-6—FOREIGN PURCHASES**

**PART 8-7—CONTRACT CLAUSES**

**PART 8-10—BONDS AND INSURANCE**

**Miscellaneous Amendments**

1. In Part 8-6, a new subpart 8-6.2 is added to read as follows:

**Subpart 8-6.2—Buy American Act—Construction Contracts**

- Sec.
- 8-6.203 Unreasonable cost determination.
- 8-6.203-1 General.
- 8-6.204 Invitation provision.
- 8-6.250 Excepted items—construction materials.

**AUTHORITY:** The provisions of this Subpart 8-6.2 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c).

**§ 8-6.203 Unreasonable cost determination.**

**§ 8-6.203-1 General.**

When a Contracting Officer believes that the purchase of domestic construction material, at a price differential greater than that shown in FPR 1-6.203-1, is neither unreasonable as to cost nor inconsistent with the public interest, authority to execute a contract will be requested. The request, containing all of the facts including a comparison of the bids or offers received and any other pertinent information upon which a determination may be made, will be submitted through channels to the Assistant Administrator for Construction for approval by the Administrator. If approved, a report of the transaction will be prepared and transmitted by the Assistant Administrator for Construction or his designee in accordance with Executive Order 10582, dated December 17, 1954 (19 F.R. 8723, 3 CFR 1954 Supp.)

**§ 8-6.204 Invitation provision.**

The provision required by FPR 1-6.204 shall be incorporated in and made a part of each construction contract. Each such contract shall also include the excepted items listed in § 8-6.250.

**§ 8-6.250 Excepted items—construction materials.**

Pursuant to the Buy American Act (41 U.S.C. 10a-10d) the Administrator of Veterans Affairs has determined that the articles, materials and supplies listed in this section may be used in Veterans Administration construction without regard to the country of origin except Soviet controlled areas as provided in subpart 8-6.53.

- Acetylene, black.
- Antimony, as metal or oxide.
- Asbestos, amosite.
- Bismuth.
- Cadmium, ores and flue dust.
- Chalk, English.
- Chlorate Hydrate U.S.P. crystals.
- Chrome ore or Chromite.
- Cobalt, in cathodes, rondelles or other primary forms.

- Cork, wood or bark and waste.
- Dammur gum.
- Fiber, coir, abaca, and agave.
- Flax.
- Graphite, natural, crystalline, crucible grade.
- Hemp.
- Jute and jute burlaps.
- Kaurigum.
- Lac.
- Logs, veneer, and lumber from Alaskan yellow cedar, angelique, balsa, ekki, greenheart, lignum vitae, mahogany, and teak.
- Manganese.
- Mica.
- Nickel, primary in ingots, pigs, shot, cathodes, or similar forms; nickel oxide and nickel salts.
- Nitroguanidine (picrite).
- Rubber, crude and latex.
- Shellac.
- Sisal.
- Tin, in bars, blocks and pigs.
- Tungsten.
- Wax carnauba.

2. In Part 8-7, §§ 8-7.650-2 and 8-7.650-3 are revised to read as follows:

**§ 8-7.650-2 Specifications and drawings.**

(a) The Contractor shall keep on the work a copy of the drawings and specifications as set forth under Clause 2 of the General Provisions (Construction Contract) Standard Form 23A.

(b) The Contracting Officer's interpretation of the drawings and specifications will be final, subject to written appeal by the contractor within (30) days to the Administrator whose decision, or that of his authorized representative, will be final and conclusive upon the parties to the contract, subject to Public Law 356, 83d Congress, approved May 11, 1954, 68 Stat. 81.

(c) Large scale drawings supersede small scale drawings.

(d) Dimensions govern in all cases. Scaling of drawings may be done only for general location and general size of items.

(e) Dimensions shown of existing work and all dimensions required for work that is to connect with existing work, shall be verified by the Contractor by actual measurement of the existing work. Any work, at variance with that specified or shown in the drawings shall not be performed by the Contractor until approved in writing by the Contracting Officer.

**§ 8-7.650-3 Work to be executed by contractor's forces.**

(a) The contractor shall execute on the site, with his forces (exclusive of executive, supervisory and clerical forces), actual contract construction work equivalent to not less than <sup>1</sup> \_\_\_\_ percent of the contract award price.

(b) Construction work shall consist of contract work accomplished on the site by laborers, mechanics, and foremen on the Contractor's payroll and under his direct supervision. Cost of material and equipment installed by such labor may be included in the above percent of work required to be performed by the Contractor.

(c) The Contractor shall submit, simultaneously with schedule of costs required by Payment to Contractor provision of the General Conditions of these specifications, a statement designating the branch or branches of contract work he will perform with his forces. The approved schedule of

<sup>1</sup> The Contracting Officer shall insert one of the following: 20 percent for new building with reinforced concrete frame; 15 percent generally on all other types of construction, except special projects such as boilers, water tanks, elevators, etc. The percent for these projects will be determined by the Assistant Administrator for Construction.

costs will be used in determining value of a branch or branches, or portions thereof, of the work for the purpose of this article.

(d) If, during the progress of work hereunder, the contractor requests a change in the branch or branches of the work to be performed by his forces and the Contracting Officer determines it to be in the best interests of the Government, the Contracting Officer may, at his discretion, authorize a change in such branch or branches of said work. Nothing contained herein shall permit a reduction in the percentage of work to be performed by the contractor with his forces, it being expressly understood that this is a contract requirement without right or privilege of reduction.

(e) In the event the contractor fails or refuses to meet the requirement of paragraph (a) of this section, it is expressly agreed that the contract price will be reduced by 15 percent of the value of that portion of the percentage requirement which is accomplished by others. For the purposes of this provision, it is agreed that 15 percent is an acceptable estimate of the Contractor's overhead and profit, or mark-up, on that portion of the work which he fails or refuses to perform, with his own forces, in accordance with paragraph (a) of this section.

3. Section 8-7.650-4 is revoked.

**§ 8-7.650-4 Rights reserved.**

[Revoked]

4. Section 8-7.650-5 is revised to read as follows:

**§ 8-7.650-5 Inspection and acceptance.**

Clause 10, General Provisions, SF 23A is supplemented as follows:

(a) No inspection of materials and finished articles will be made at place of production, manufacture, or shipment, unless otherwise noted in specifications. Samples must be submitted for approval as hereinafter noted, but inspection of materials, etc., will be made by the Resident Engineer upon delivery at site.

(b) Final inspection and acceptance of work shown by drawings and specifications forming a part of this contract shall not be binding or conclusive upon the United States if it shall be shown (1) that the contractor has willfully or through collusion with persons or firms engaged in the performance of the contract, or with an employee of the Federal Government, supplied inferior materials or workmanship, or (2) that the contractor has otherwise departed from the terms of the contract. The foregoing will not prevent reliance upon any other legal basis for rejection. If defects of any kind should develop during period that guaranties covering such workmanship or materials are in force, the United States shall have the right, notwithstanding such final acceptance and payment, to have the work removed and to cause the work to be properly performed and satisfactory material supplied to such extent as in the opinion of the Contracting Officer may be necessary to complete the work in accordance with the drawings and specifications therefor at the cost and expense of the contractor and the sureties on his bond, and shall have the right to recover against the contractor and his sureties the cost of such work, together with such other damages as the United States may suffer because of default of the contractor in the premises, the same as though such acceptance and final payment had not been made.

(c) Final inspection will not be made until the contract work is ready for beneficial use or occupancy. The Contractor shall notify the Contracting Officer, through the Resident Engineer, fifteen (15) days prior to the date on which the work will be ready for final inspection. Should it develop that the work installed does not justify such inspection at

## RULES AND REGULATIONS

that time, or that the character of material or workmanship is such that reinspection is found necessary, the cost of such reinspection including salary of the inspector(s), his traveling and other expenses, shall be borne by the Contractor and will be deducted from any money due him on his contract.

5. In § 8-7.650-6, paragraph (c) is amended and paragraph (d) is added to read as follows:

§ 8-7.650-6 Guaranty.

(c) Upon the Contractor's failure to comply with the terms of any guaranty under this contract or still running upon work originally executed by other contractors, the Contracting Officer may:

(1) Have such work performed as he deems necessary to fulfill such guaranties, or

(2) Allow such damaged or defective work or portion of buildings or grounds or contents or equipment of building or work disturbed in fulfilling guaranties or guaranteed work, which shows such a condition as to make any such guaranty operative, to remain in such unsatisfactory condition. Provided, that in either event the Contractor shall promptly pay the United States such sums as were (in first instance) expended so as to fulfill such guaranty or as it would have been (in second instance) necessary to expand to fulfill such guaranty.

(d) Unless otherwise specifically prescribed in a particular guaranty, usual wear and tear and the result of accident not chargeable to the Contractor or his agents are excepted from the requirements of this clause. Everything done in fulfillment of any guaranty shall be without additional expense to the United States.

6. Section 8-7.650-7 is revised to read as follows:

§ 8-7.650-7 Correspondence.

All correspondence relative to this contract shall bear Specification Number, Project Number, Veterans Administration Contract Number, title of project and name of station.

7. Section 8-7.650-8 is revoked.

§ 8-7.650-8 Definitions.

[Revoked.]

8. Section 8-7.650-9 is revised to read as follows:

§ 8-7.650-9 Government supervision.

(a) The work will be under the direction of the Veterans Administration Contracting Officer, who may designate another VA employee to act as Resident Engineer at the construction site.

(b) Except as provided below, the Resident Engineer's directions will not conflict with or change contract requirements.

(c) Within the limits of any specific authority delegated to him by the Contracting Officer, the Resident Engineer may by written direction make changes in the work. The Contractor shall be advised of the extent of such authority.

9. Section 8-7.650-10 is revised to read as follows:

§ 8-7.650-10 Daily report of workmen and material.

The contractor shall furnish to the Resident Engineer each day a consolidated report for the preceding work day in which is shown the number of laborers, mechanics, foremen and pieces of heavy equipment used or employed by himself and his subcontractors. The report shall bear the name of the firm, the branch of work which they perform such as concrete, plastering, masonry, plumbing, sheet metal work, etc. Re-

port shall give breakdown of employees by crafts, location where employed, and work performed. The report shall also list materials delivered to the site on the date covered by the report.

10. Section 8-7.650-11 and § 8-7.650-12 are revoked.

§ 8-7.650-11 Inspection.

[Revoked.]

§ 8-7.650-12 Samples.

[Revoked.]

11. In § 8-7.650-13, paragraph (d) is added to read as follows:

§ 8-7.650-13 Subcontracts.

(d) The Government reserves the right to refuse to permit employment on the work or require dismissal from the work of any subcontractor who, by reason of previous unsatisfactory work on Veterans Administration projects or for any other reason, is considered by the Contracting Officer to be incompetent or otherwise objectionable.

12. Section 8-7.650-14 is revised to read as follows:

§ 8-7.650-14 Payments to contractors.

Clause 7, General Provisions SF 23A is amended to include the following:

(a) The Contractor shall submit a schedule of cost to the Contracting Officer for approval. Such schedule will be signed and submitted in quadruplicate. The approved schedule will be the basis of estimating progress payments to the Contractor for work completed and will be a condition precedent to making such payments. This schedule shall show cost by the branches of work for each building or unit of the contract, as instructed by the Resident Engineer.

(1) The branches shall be subdivided into as many subbranches as are necessary to cover all component parts of the contract work.

(2) Costs as shown by this schedule must be true costs and, should the Resident Engineer so desire, he may require the Contractor to submit his original estimate sheets or other information to substantiate detail makeup of schedule.

(3) The sum of subbranches, as applied to each branch, shall equal the total cost of such branch. The total costs of all branches shall equal the contract price.

(4) Bonds, insurance and similar items shall be prorated and included in the cost of each branch of the work.

(b) In addition to this cost schedule, the Contractor shall submit such unit costs as may be specifically requested. The unit costs shall be those used by the Contractor in preparing his bid and will not be binding as pertaining to any contract changes.

(c) The Government reserves the right to withhold payment until samples, shop drawings, Engineer's certificates, additional bonds, payrolls, weekly statements of compliance, nondiscrimination compliance reports, or any other things required by this contract, have been submitted to the satisfaction of the Contracting Officer.

(d) As a part of final settlement of this contract, the Contractor will be required to furnish a Release of Claims to the Government.

13. A new § 8-7.650-15 is added to read as follows:

§ 8-7.650-15 Schedule of work progress.

The contractor shall submit, with the schedule of costs required by § 8-7.650-14, a progress curve indicating anticipated work

progression against lapsed contract time, for approval of the Contracting Officer. Submission shall be in quadruplicate on forms furnished by the Veterans Administration, and shall be signed by the Contractor.

14. Section 8-7.650-16 is revised to read as follows:

§ 8-7.650-16 Supplementary labor standards provisions.

(a) *Davis-Bacon Act.* (1) The wage determination decision of the Secretary of Labor as set forth in Section "General Requirements" is the result of a study of wage conditions in the locality and on the basis of information assembled by the Department of Labor establishes the minimum hourly rates of wages for the described classes of labor in accordance with applicable law.

(2) Expiration of the above-mentioned wage determination after the opening of bids but prior to award shall not require rejection of bids and readvertising. An advisory opinion reflecting wage rates prevailing as of the date of award will be obtained from the Secretary of Labor which shall be incorporated into the contract pursuant to Clause 3 (SF 23A) thereof.

(3) Under the Davis-Bacon Act of August 30, 1935 (Public Law No. 403), as amended, 40 U.S.C. 276a et seq., the Contracting Officer shall require that any class of laborers and mechanics not listed in Secretary's decision, which will be employed on contract, shall be classified or reclassified by the Contractor or subcontractor conformably to the Secretary's decision and a report of the administrative action taken in such cases shall be transmitted by the agency to the Secretary of Labor. In event interested parties cannot agree on the proper classification or reclassification of a particular class of laborers or mechanics to be used, the question accompanied by the recommendation of the Contracting Officer, shall be referred to the Secretary of Labor for final determination.

(4) The wage rates contained in this decision are straight hourly wage rates. In some areas management and labor organizations in construction industry have collectively bargained for health and welfare fund contributions. Such contributions are not included in the wage rates determined by Secretary of Labor for construction projects.

(5) No increase in contract price will be allowed or authorized on account of payment of wage rates in excess of those listed.

(b) *Apprentices.*

The Contractor shall submit, at the time an apprentice's name first appears on his or a subcontractor's weekly payrolls, evidence of registration or approved indenture of such apprentice. Evidence may consist of:

(1) A true or photostatic copy of registered or approved apprenticeship agreement, or

(2) A true or photostatic copy of apprenticeship certificate, showing approval of apprenticeship by appropriate registration agency, or

(3) A list of apprentices approved by appropriate registration agency showing name and trade of each apprentice and date of registration, or

(4) A written statement from a member of joint apprenticeship committee, not a party to project contract, certifying that the named apprentices are employed under supervision of the joint apprenticeship committee, and are registered with the designated state or federal apprenticeship agency.

(5) The Contractor shall also furnish evidence of the apprentices' period of apprenticeship. Working ratio of apprentices to journeymen for a particular trade shall not exceed ratio permitted by controlling apprenticeship agreement. Contractor shall furnish Government's Resident Engineer a copy of such agreement establishing apprenticeship ratio.

(c) *Payroll records and payrolls.* The Contractor shall deliver to the Resident Engineer within seven (7) days after the close of the weekly payroll period copies in duplicate of his and each of his subcontractors payrolls covering all laborers and mechanics working at the site of the work. Said payroll shall show:

- (1) The name and address (only on first listing unless changed) of each laborer and mechanic engaged on covered work;
- (2) The correct classification of each such laborer and mechanic;
- (3) The straight and (where applicable) overtime hourly rate of pay for each such laborer and mechanic;
- (4) The daily and weekly number of hours worked by each such laborer and mechanic on the covered project;
- (5) The deductions made;
- (6) The actual weekly wages paid the employees.

(d) *Copeland (Anti-Kickback) Act—Non-rebate of wages.* The Contractor shall, and shall cause each subcontractor engaged at the site of the work to furnish, with his above mentioned weekly payroll, a statement in duplicate, with regard to the wages paid. The statement shall be executed by the Contractor or subcontractor as appropriate, or by an authorized officer or employee of the Contractor or subcontractor who supervises payment of wages, and shall be in the following form:

*Weekly Statement of Compliance*

Date \_\_\_\_\_  
 I \_\_\_\_\_  
 (Name of signatory party)  
 \_\_\_\_\_  
 (Title)

do hereby state:  
 (1) That I pay or supervise the payment of the persons employed by \_\_\_\_\_

(Contractor or subcontractor)  
 on the \_\_\_\_\_;  
 (Building or work)

that during the payroll period commencing on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and ending the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_; all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said \_\_\_\_\_

(Contractor or subcontractor)  
 from the full weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full weekly wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 CFR Part 3), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 40 U.S.C. 276c), and described below:

(2) That the payrolls submitted for the above period are correct and complete, that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in the wage determination decision of the Secretary of Labor incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That all apprentices employed on the contract during the above payroll period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Federal Committee on Apprenticeship, U.S. Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship, U.S. Department of Labor.

\_\_\_\_\_  
 (Signature and Title)

15. Section 8-7.650-17, and § 8-7.650-18 are revoked.

§ 8-7.650-17 Minimum rates of wages.

§ 8-7.650-18 Technical industry standards.

[Revoked.]

16. Section 8-7.650-19 is revised to read as follows:

§ 8-7.650-19 Workmen's compensation laws.

The Act of June 25, 1936, 49 Stat. 1938 (40 U.S.C. 290) authorizes the constituted authority of the several states to apply their workmen's compensation laws to all lands and premises owned or held by the United States.

17. Section 8-7.650-21 is revised to read as follows:

§ 8-7.650-21 Contract changes.

Clause 3. Changes and Clause 4. Changed Conditions of General Provisions of SF 23A are supplemented as follows:

(a) When requested by the Contracting Officer, the Contractor shall submit proposals for changes in work to the resident engineer. Proposals shall be in legible form, original and five copies with an itemized breakdown that will include material quantities and unit prices, labor costs (separated into trades), construction equipment, etc. (Labor costs are to be identified with specific material placed or operation performed.)

(b) Allowances not to exceed 10% each for overhead and profit for the party performing the work will be based upon the value of labor, material and use of construction equipment required to accomplish the change. As the value of the change increases, a declining scale will be used in negotiating the percentage of overhead and profit.

(c) When the work is done by a subcontractor, the prime contractor's fee will be based upon the net increased cost to the prime contractor. The fee will be negotiated and will follow a declining scale which will not exceed 10% on the first \$10,000 of the change and not exceed 7½% over \$10,000.

(d) Where the contractor or subcontractor's portion of a change involves credit items, such items must be deducted prior to adding overhead and profit for the party performing the work. Where a change involves credit items only, such items will be net, i.e., overhead, profit and fee are excluded. The contractor's fee is limited to the net increase to him of subcontractors' portions computed in accordance herewith.

(e) Cost of Federal Old Age Benefit (Social Security) tax and of Workmen's Compensation and Public Liability Insurance appertaining to changes are allowable. While no percentage will be allowed thereon for overhead or profit, prime contractor's fee will be allowed on such items in subcontractor's proposals.

(f) Overhead and contractor's fee percentages shall be considered to include insurance other than mentioned herein, field and office supervisors and assistants, watchman, use of small tools, incidental job burdens, and general home office expenses, and no separate allowance will be made therefor.

(g) Bond premium adjustment, consequent upon changes ordered, will be made as elsewhere specified at the time of final settlement under the contract and will not be included in the individual change.

18. Section 8-7.650-22 is revised to read as follows:

§ 8-7.650-22 Removal of debris and final cleanup.

Upon completion of the work, the contractor shall leave the premises in a neat and clean condition and do all cleaning and washing required by the several technical

sections of the specifications satisfactory to the Contracting Officer.

19. Section 8-7.651-3 is revised to read as follows:

§ 8-7.651-3 Inspection and acceptance.

Insert Clause contained in § 8-7.650-5. 20. In Part 8-10, paragraph (a) of § 8-10.5001 is amended to read as follows:

§ 8-10.5001 Amount required.

(a) *Performance bonds.*  
 100% of the amount of the contract

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective immediately.

Approved: July 16, 1964.

By direction of the Administrator.

[SEAL] A. H. MONK,  
 Associate Deputy Administrator.

[F.R. Doc. 64-7260; Filed, July 21, 1964; 8:47 a.m.]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER D—GRANTS

PART 52—GRANTS FOR RESEARCH PROJECTS

Continuation of Project by New Grantee

Notice of proposed rule making, public rulemaking procedures and delay in effective date have been omitted in the issuance of the following amendment which relates exclusively to the award of grants. The amendment is intended to authorize approval without Council action of grants for continuation of a project for which a grant was previously made to a different person. The amendment shall become effective immediately upon publication in the FEDERAL REGISTER.

Amend § 52.14 by adding a new paragraph (f) to read as follows:

§ 52.14 Grant awards.

(f) *Award for continuation of project under new grantee.* The Surgeon General, upon application in accordance with the provisions of § 52.12 and without further action by a Council or other body, may make a grant to any institution or other person eligible under § 52.11 for continuation of a currently supported project for which a grant was previously made to another institution or person, provided he finds that the change in the conduct of the project is consonant with the previous evaluation and approval of the project under § 52.13.

(Sec. 215, 58 Stat. 690; 633(a), 60 Stat. 1041; sec. 10(a), 70 Stat. 506; 42 U.S.C. 216, 291k; 33 U.S.C. 466l. Interpret or apply sec. 301, 58 Stat. 691; sec. 303, 70 Stat. 929; sec. 636,

63 Stat. 900; sec. 4(a), 70 Stat. 499; 42 U.S.C. 241, 242a, 291n; 33 U.S.C. 446c)

Dated: July 6, 1964.

[SEAL] LUTHER L. TERRY,  
Surgeon General.

Approved: July 15, 1964.

ANTHONY J. CELEBREZZE,  
Secretary.

[F.R. Doc. 64-7252; Filed, July 21, 1964;  
8:47 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter II—Bureau of Land Management, Department of the Interior

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3423]

[Oregon 014991]

#### OREGON

#### Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental order of August 16, 1905, withdrawing in the first form, lands for use in connection with the Umatilla Project, is hereby revoked so far as it affects the following-described lands:

WILLAMETTE MERIDIAN

T. 5 N., R. 28 E.,  
Sec. 26, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ .

Containing 20 acres.

2. The lands are included in an allowed entry.

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

JULY 16, 1964.

[F.R. Doc. 64-7242; Filed, July 21, 1964;  
8:46 a.m.]

## Title 46—SHIPPING

### Chapter IV—Federal Maritime Commission

#### SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 1148; Tariff Circular No. 3]

#### PART 531—PUBLICATION, POSTING, AND FILING OF FREIGHT AND PASSENGER RATES, FARES, AND CHARGES

##### Terminal Rules, Charges, and Allowances

On October 9, 1963, the Federal Maritime Commission published a notice of proposed rulemaking in the FEDERAL REGISTER (28 F.R. 10825) setting forth a proposed revision of paragraph (c) of § 531.9, 46 CFR (Tariff Circular No. 3) to establish provisions which would clarify the section by (1) restricting the application thereof only to publications filed to reflect actual changes in rates, charges, and provisions of terminal

operators over which the carrier has no control, and (2) requiring that publications issued under authority of the section be filed with the Commission and posted for public inspection not later than 30 days after the actual changes in such terminal operators' rates, charges and provisions. Written comments were invited and received from interested parties.

The Commission has carefully considered the comments submitted in response to the notice. Comments not discussed or reflected herein have been considered and found not justified or not material.

It appears from an examination of the comments received that interested parties view the revision with favor or have no substantial objection to its adoption.

Therefore, pursuant to the authority of section 4 of the Administrative Procedure Act (5 U.S.C. § 1003), section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844), and section 43 of the Shipping Act, 1916 (46 U.S.C. 841(a)), paragraph (c) of § 531.9 of 46 C.F.R. is hereby amended to read as follows:

##### § 531.9 Terminal rules, charges, and allowances.

\* \* \* \* \*

(c) Changes in terminal rates, charges, and provisions, based upon changes in rates, charges and provisions of terminal operators over which the carrier has no control, may be posted and filed on not less than 10 days' notice provided that such action is taken by the carrier within 30 days after the effective date of the change made by the terminal. Publications issued under authority of this rule must bear the following notation:

Effective \_\_\_\_\_, 19\_\_\_\_ Issued on not less than 10 days' notice under authority of Rule 9 of Tariff Circular No. 3 of the Federal Maritime Commission.

*Effective date.* The rule herein adopted shall become effective 30 days after date of publication of this notice in the FEDERAL REGISTER.

By order of the Commission.

[SEAL] FRANCIS C. HURNEY,  
Special Assistant  
to the Secretary.

[F.R. Doc. 64-7267; Filed, July 21, 1964;  
8:48 a.m.]

[Docket No. 1146; Tariff Circular No. 3]

#### PART 531—PUBLICATION, POSTING AND FILING OF FREIGHT AND AND PASSENGER RATES, FARES, AND CHARGES

##### Notice Requirements and Rejections

On October 9, 1963, the Federal Maritime Commission published a notice of proposed rulemaking in the FEDERAL REGISTER (28 F.R. 10825) setting forth a proposed revision of paragraph (a) of § 531.13, 46 CFR (Tariff Circular No. 3) to establish provisions which would require a common carrier entering a domestic offshore trade in the first instance to publish, post, and file its initial tariff publication on not less than 30

days' notice to the Commission and the public. Initial tariffs filed on less than 30 days' notice do not afford the opportunity necessary for proper examination and ultimate determination as to whether provisions and rates contained therein are ambiguous or unreasonable, destructive of competition or otherwise contrary to the public interest. Nor is time afforded to interested parties to file their protest against matter contained therein which may be injurious to them.

Written comments in response to the notice were received and carefully considered and are discussed fully below.

Five comments were received with respect to the proposed rule. Two of these support the adoption of the published rule while another does not object to the rule but believes the Commission does not have the statutory authority to impose such a requirement. It suggests amending section 2 of the Intercoastal Shipping Act, 1933, to achieve this purpose. Another supports the rule but requests that it be modified to provide that such initial tariffs be served upon the governor of the state, commonwealth, or territory involved in the trade subject to the tariff. Objection to the proposed rule was raised on the grounds that it is an attempt by the Commission to legislate under the guise of rulemaking.

Tariff Circular No. 3 implements the statutory authority of section 2, Intercoastal Shipping Act, 1933, which states that the Commission "shall by regulations prescribe the form and manner in which the schedules required by this section shall be published, filed and posted;" the rule adopted herein prescribes the manner in which initial tariffs shall be filed and the Commission is of the opinion that it is fully authorized by the statute.

Therefore, pursuant to the authority of section 4 of the Administrative Procedure Act (5 U.S.C. § 1003), section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. 844), and section 43 of the Shipping Act, 1916 (46 U.S.C. 841 (a)), subparagraph (1) of § 531.13 (a), 46 CFR, is hereby amended to read as follows:

##### § 531.13 Notice requirements and rejections.

(a) *Notice required.* (1) Every tariff, supplement, or revised page published, posted and filed, including tariff publications of carriers entering a trade for the first time, shall bear an effective date and except as otherwise provided for by rule, special permission, or order of the Commission, shall give the full statutory notice of thirty (30) days, the time to run from the date the tariff, supplement, or revised page is received by the Commission.

\* \* \* \* \*

*Effective date.* The rule herein adopted shall become effective 30 days after date of publication of this notice in the FEDERAL REGISTER.

By order of the Commission.

[SEAL] FRANCIS C. HURNEY,  
Special Assistant  
to the Secretary.

[F.R. Doc. 64-7265; Filed, July 21, 1964;  
8:48 a.m.]

[Docket No. 1147; Tariff Circular No. 3]

**PART 531—PUBLICATION, POSTING AND FILING OF FREIGHT AND PASSENGER RATES, FARES, AND CHARGES**

**Adoption of Tariffs and Other Documents of Predecessor Carrier**

On October 9, 1963, the Federal Maritime Commission published a notice of proposed rulemaking in the FEDERAL REGISTER (28 F.R. 10825) setting forth a proposed amendment of paragraph (g) of § 531.18, 46 CFR to: (1) require a carrier to cancel its tariffs upon ceasing operations in a domestic offshore trade and (2) require a carrier to amend its tariff when service to or from a particular port is discontinued. The purpose of the proposed amendment is to assure the public that the tariffs on file with the Commission reflect accurately the services that are actually rendered, and the Commission's domestic carrier tariff files would be made less cumbersome. Written comments were invited and received from interested parties.

The Commission has carefully considered the comments submitted in response to the notice. Comments not discussed or reflected herein have been considered and found not justified or not material.

The majority of the comments received were favorable to the amendment although the following modifications were suggested: (1) The rule should not specify any minimum of days' notice upon which a carrier may cancel its tariffs, concurrences and powers of attorney, because the statutes do not empower the Commission to require a carrier to continue in business for 30 days or for any period of time; (2) The word "regularly" preceding "cancelled" in the first sentence of the proposed rule is superfluous and should be deleted; (3) The requirement that tariffs be amended when service to a particular port is discontinued should be stricken because there are many small coastal communities which only require direct vessel calls from time to time; and (4) The proposed rule should be clarified because it may be interpreted to mean that termination of service can be effected by a carrier without prior notice to the Commission.

Objection to the amendment centered on the contention that the Commission has no authority to require service from carriers, and any attempt to acquire such authority through rulemaking would be contrary to the spirit and intent of the governing statutes.

The first sentence of the amendment is subject to widely divergent interpretations, as evidenced by the comments submitted. One construes the amendment to require 30 days' notice before a carrier may discontinue the operation of its business. Another expresses concern because the amendment may have the opposite effect, viz., allowing a carrier to discontinue service without prior notice to the Commission. The Commission has therefore modified the proposed amendment so that the purpose of the amendment, which is to require that a carrier

cancel its tariffs upon ceasing operations in a domestic offshore trade, has been clarified. The Commission is of the opinion, however, that it should be made equally clear that a carrier in a domestic offshore trade may not discontinue service to a particular port listed in its tariff until a tariff change reflecting such discontinuance becomes effective. This requirement is reflected in a new paragraph (h) of the section. In addition, the Commission concurs with the suggestion that the word "regularly" preceding "cancelled" in the first sentence is superfluous and should be deleted.

Therefore, pursuant to the authority of section 4 of the Administrative Procedure Act (5 U.S.C. § 1003), section 2 of the Intercoastal Shipping Act, 1933 (46 U.S.C. § 844), and section 43 of the Shipping Act, 1916 (46 U.S.C. § 341(a)), paragraph (g) of § 531.18 is hereby amended. The present paragraph (h) is hereby redesignated as paragraph (i) and a new paragraph (h) is adopted to read as follows:

**§ 531.18 Adoption of tariffs and other documents of predecessor carrier.**

(g) *Cancellation.* If a carrier ceases operation without having a successor, its tariffs, concurrences, and powers of attorney shall be cancelled within 30 days after cessation of such operation. The cancellation notice shall show that cancellation is made on account of discontinuance of operation.

(h) *List of ports served.* If a carrier intends to cease to hold out service to or from a port or ports listed in its tariff it shall amend the alphabetical list of ports it serves to reflect the termination of service. (See § 531.5(c)). The amendment shall be upon not less than 30 days' notice, except as otherwise authorized by the Commission, and the tariff revision which effects the amendment shall show that the amendment is for the purpose of reflecting a termination of service at the particular port or ports.

*Effective date.* These rules shall become effective 30 days after date of publication of this notice in the FEDERAL REGISTER.

By order of the Commission,

[SEAL] FRANCIS C. HURNEY,  
Special Assistant  
to the Secretary.

[F.R. Doc. 64-7266; Filed, July 21, 1964; 8:48 a.m.]

**Title 47—TELECOMMUNICATION**  
**Chapter I—Federal Communications Commission**

—[Docket No. 15495; FCC 64-646]

**PART 25—SATELLITE COMMUNICATIONS**

**Transfer of Stock by Authorized Carriers**

*Report and Order.* 1. On June 3, 1964, the Commission adopted a notice of pro-

posed rulemaking which would amend subpart H of Part 25 of the Commission's rules and regulations by amending § 25.510 and adding § 25.511 to

(a) Prohibit prior to June 1, 1965, the sale, pledge, transfer, or other disposition of shares of stock of the Communications Satellite Corporation by any communications common carrier authorized by this Commission to acquire such stock to any entity other than another authorized carrier except pursuant to an order of the Commission authorizing such sale, pledge, transfer or other disposition; and

(b) Prohibit the Communications Satellite Corporation from transferring such shares on its books without being in receipt of an order of the Commission authorizing the transaction.

Sections 25.510 and 25.511 are set forth below.

2. The notice of proposed rulemaking stated that the Commission desired " \* \* \* to ascertain whether it would be appropriate to require the approval of the Commission for sale, pledge, or transfer of stock by an authorized carrier to an entity other than another authorized carrier within a relatively short period of time (e.g. until June 1, 1965)." This notice was occasioned by reports which indicated that certain communications common carriers authorized by the Commission to acquire stock of the Communications Satellite Corporation might use their authorization for speculative purposes instead of legitimate investment purposes as contemplated by the Communications Satellite Act of 1962.

3. Two comments were received in response to this notice. Communications Industries, Inc., a communications common carrier authorized by the Commission to acquire stock of the Communications Satellite Corporation, filed comments supporting the adoption of the proposed rules while the comments of the Communications Satellite Corporation opposed their adoption. No other comments were submitted. The objections of the Communications Satellite Corporation are considered below.

4. The Commission has taken into consideration the comments filed in this docket and believes that the proposed rules should be adopted as proposed.

5. The Corporation argues that (a) the Commission does not have the authority to adopt the proposed rules, and (b) if the rules would be adopted as proposed, they would " \* \* \* tend to impair the marketability of the Common Stock of the Corporation to its detriment and the detriment of its stockholders."

6. The Commission believes that its proposed rules are clearly within the authority entrusted to the Commission to promulgate rules to carry out the provisions of the Communications Satellite Act of 1962. The Act, by its terms, permits only those carriers authorized by the Commission to own shares of stock in the Corporation and requires that 50 percent of all stock authorized for issuance at any time by the Corporation shall be reserved for purchase by such authorized carriers. (Section 304(b)(2).) The Act further requires that six of the fifteen members of the Board of Directors of the

Corporation shall be elected annually by the carrier stockholders. (Section 303 (a).) Also, in authorizing any carrier (or group of carriers) to own shares of stock in the Corporation, the Commission is required to find "that such ownership will be consistent with the public interest, convenience, and necessity." (Section 304(b)(1).)

7. Thus, Congress so structured the Corporation as to establish a dichotomy between the carrier stockholders, on the one hand, and the stock-owning members of the public, on the other hand. In so doing, it placed the carriers in a preferred position within the Corporation vis-a-vis the members of the general investing public. Its purpose in doing so was to induce the carriers to invest in the Corporation, and by actively participating in its affairs, to facilitate realization and success of its vital mission. The scheme and intent of Congress in this respect is best presented by the following comments by Senator Pastore during the debates on the legislation:

The ownership structure of the Corporation was designed to reflect a dichotomy between the carriers, on the one hand, who have extensive experience in communications operations to contribute to the Corporation and who will be the principal customers of the Corporation; and, on the other hand, the general public whose interest will be principally investment for profit. Inasmuch as there are some 3,500 carriers in the United States with varying degrees of interest in the satellite system as a communication facility, the draftsmen of this legislative structure believed it desirable to establish a procedure with respect to the carriers that may participate in ownership in order to preserve this dichotomy. In other words, it is the objective of our bill to allow those carriers to participate in voting stock ownership, where such ownership will not defeat the structural balance between the carriers who have a special expertise to contribute and those investors whose principal motivation is corporate profits rather than service." (107 Cong. Rec. 15821)<sup>1</sup>

8. It is, therefore, abundantly clear that the preferential position accorded to carriers was not intended by the Congress to be employed as a device by a carrier to acquire stock which may be (and has, in fact been) in short supply to the public, for the purpose of reselling to the public for speculative gain within a short period of time. Such an action by a carrier would clearly be an abuse of the preferential position accorded it and a derogation of the authorization obtained from the Commission to purchase its stock.

9. The proposed rules are designed to further and preserve this essential dichotomy between the carriers and the public and are fully in accord with the legislative intent in requiring Commission authorization for the ownership of shares. The incidents of ownership inherent in the acquisition of stock by carriers pursuant to an authorization

<sup>1</sup> This passage was cited by the Corporation in its comments as supporting the position that the Commission's authority does not extend to the adoption of the proposed rules. We, however, believe that this legislative history not only indicates that the proposed rules are within the authority of the Commission but that it may even be construed to require the Commission to issue such rules.

issued by this Commission include the requirement that the stock be owned by the carriers for purposes and objectives in furtherance of the policy of the Act. The proposed rules will insure that the carriers do not use the stock they are authorized to own for other than statutory purposes. We therefore conclude that the Commission has ample authority to promulgate such rules.

10. The Corporation points out that the Commission may in specific cases determine that an authorized carrier " \* \* \* has ceased to meet the requisite statutory tests \* \* \*" and order the revocation of the authorization of such a carrier. This administrative remedy, however, in the case of a carrier which did acquire the stock for speculative purposes, would achieve the very purpose desired by the speculating carrier, that of disposing of its stock to the public. This procedure, therefore, is inappropriate.

11. The Corporation makes a further point with regard to the "retroactive" effect this rule will have on the stockholders. The Corporation argues that the Commission should not adopt rules which affect or change the rights of the stockholders from those pertaining at the time they purchased the stock. The Corporation overlooks the fact that the Commission gave the carrier-stockholders notice prior to the purchase of stock that such rules might be adopted. On May 28, 1964, the Commission issued a public notice warning all authorized carriers as to the possible consequences of purchasing Corporation stock with the intent to use it for speculative purposes. The Commission stated that it " \* \* \* is therefore considering whether appropriate action should be taken to deal with this matter, including the desirability of revising its rules concerning authorized carrier stock during the next 60-day period." This argument, therefore, is totally without merit.<sup>2</sup>

12. The second major point made by the Corporation goes to the possible effect the proposed rules may have on the future marketability of the Corporation's stock. The argument is made that compliance with the proposed regulations by an authorized carrier " \* \* \* may work to its disadvantage, and to the disadvantage of the Corporation's stockholders generally." Further argument is made that the proposed rules would " \* \* \* justifiably create concern on the part of present or prospective common carrier holders of the Corporation's stock."

13. The Commission, it will be recalled, solicited comments from all interested parties including all the communications common carriers. It is significant that not one of the present and prospective carrier stockholders filed a comment opposing the proposed rules. To the contrary, the only carrier filing a comment (Communications Industries, Inc.), strongly endorsed the proposed rules. The Commission cannot accept

<sup>2</sup> In fact, the Commission postponed issuance of the rules at the request of the Corporation, representatives of which told the Commission that the issuance of such rules prior to the actual offering might seriously affect its success.

the arguments of the Corporation that the interests of the carrier-stockholders will be deleteriously affected in face of the silence of the affected parties themselves and in view of the favorable comment by one of the parties.

14. In addition, the Commission wishes to point out that the only transactions affected by the proposed rules are those which involve a transfer (etc.) of stock by an authorized carrier to an entity other than another authorized carrier. (Authorized carriers may freely transfer, sell, pledge, or dispose of stock to other authorized carriers.) Applications for transfers of stock within the purview of the rules herein adopted will be handled expeditiously. No transaction within the public interest would be in any way inhibited or delayed. We repeat the statement set forth in the notice of proposed rulemaking that "Carriers which purchase stock for legitimate investment purposes and which find it necessary to dispose of such stock in furtherance of their activities as common carriers and not for speculative gain, will not be affected adversely by the changes \* \* \*"

15. The Corporation also points out that many questions raised by the proposed rules are left unanswered. Such matters which relate to specific transactions must of necessity be determined at the time of such transactions. The Commission will, however, discharge its responsibilities in these matters so as to further the purposes and objectives of the Communications Satellite Act of 1962.

16. After consideration of the foregoing, the Commission is of the opinion that the proposed rules should be adopted as set forth below.

17. It appearing, that authorization for the adoption and amendment of the rules is contained in sections 304(b)(1), 201(c)(11) of the Communications Satellite Act of 1962, and section 4(i) of the Communications Act of 1934, as amended.

18. It further appearing, that rules adopted herein should become effective prior to the 60-day holding period required by the terms of the Corporation's offering to common carriers, namely August 10, 1964.

19. It is, therefore, ordered, This 15th day of July 1964, That

1. Section 25.510 be amended and § 25.511 be added to the Commission's rules and regulations effective August 5, 1964, as set forth below; and

2. The proceedings in Docket 15495 be terminated.

(Sec. 4, 48 Stat. 1066; 47 U.S.C. 154; secs. 201, 304, 76 Stat. 419; 47 U.S.C. 701-744)

Released: July 17, 1964.

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

1. Section 25.510 is amended to read as follows:

§ 25.510 Transfer of stock by authorized carriers.

(a) No authorized carrier prior to June 1, 1965, may sell, pledge, transfer

or make any other disposition of shares of stock of the Corporation to any person or entity other than another authorized carrier except pursuant to an order of the Commission authorizing such sale, pledge, transfer, or other disposition based upon a finding that the transaction is compatible with the purposes and objectives of the Communications Satellite Act of 1962 and is consistent with the public interest, convenience, and necessity.

(b) Applications under this section shall be submitted not later than 15 days prior to the proposed date of the transaction and shall contain or incorporate the following information:

(1) Name and address of the applicant authorized carrier.

(2) Any material change to the date of the instant application in the information required by § 25.520(a) 3, 4, 5, and 8 filed at the time of application for authorization to purchase stock of the Communications Satellite Corporation.

(3) Copy of applicant's current financial statement, annual report, or such other financial information to support the application.

(4) Copy of any existing or proposed agreement relating to the transaction or the substance of any oral arrangements made.

(5) Statement containing full and complete disclosure with regard to the real party or parties in interest in the stock sought to be sold, pledged, transferred or otherwise disposed of.

(6) Statement of the reasons for the transaction and for the applicant's belief that the proposed transaction is compatible with the purposes and objectives of the Satellite Act, is consistent with the public interest, convenience, and necessity, and is in furtherance of legitimate business purposes and not for speculation.

2. Section 25.511 is hereby added to read as follows:

**§ 25.511 Transfer of stock by the Corporation.**

The Corporation, prior to June 1, 1965, shall not transfer or cause to be transferred on its books, any shares of stock issued to an authorized carrier or for which a series II stock certificate was issued, nor shall the Corporation issue, or cause to be issued, any stock certificates reflecting the transfer of shares from an authorized carrier to any entity other than another authorized carrier, unless the Corporation is in receipt of an order of the Commission authorizing the transaction.

[F.R. Doc. 64-7283; Filed, July 21, 1964; 8:49 a.m.]

[Docket No. 15427; FCC 64-650]

**PART 91—INDUSTRIAL RADIO SERVICES**

**Availability and Use of Service**

In the matter of amendment of § 91.252, of Subpart F, of Part 91 of the Commission's rules governing the Power Radio Service to provide an additional tone signaling function; Docket No. 15427, RM-439.

*Report and Order.* 1. On April 23, 1964, the Commission released a notice of proposed rule making in the above-entitled matter. That notice was duly published in the FEDERAL REGISTER (29 F.R. 5690, April 29, 1964). Comments were invited in favor of or in opposition to the proposed rules amendments, and all comments received were considered in arriving at the determination set forth below.

2. Our proposal in this proceeding was to amend our rules to permit licensees in the Power Radio Service to expand their use of tone signaling to the extent that a check-back signal might be used to indicate whether a manually supervised tone signal, now provided for in the rules, had in fact accomplished its purpose.

3. Comments were received from the National Committee for Utilities Radio (NCUR), the petitioner in this proceeding, and from Motorola, Inc. Both were in favor of the proposed rules amendments. No reply comments were filed.

4. On the basis of the information submitted in the comments that were filed in this proceeding, it is obvious that the proposed expansion of tone signaling authority in the Power Radio Service would significantly add to the safety and efficiency of many operational functions of licensees in the Power Radio Service. Allowance of this additional function would, moreover, result in a better and more efficient utilization of available frequencies. In consideration of these factors, we have determined that the public interest, convenience, and necessity will be served by amending Part 91 of our rules in the manner proposed.

5. In view of the foregoing: *It is ordered*, That effective August 31, 1964, § 91.252(f) (1) is amended by adding a new subdivision (iv); and that paragraph (f) (2) is revised to read as follows:

**§ 91.252 Availability and use of service.**

(f) \* \* \*

(1) \* \* \*

(iv) Automatic confirmation that an operation or correction intended to be accomplished by means of a transmission permitted in subdivision (iii) of this subparagraph has occurred.

(2) Any one alarm, warning, corrective requirement, positive confirmation or check-back, utilizing secondary tone or impulse signaling, shall be limited to not more than five transmissions, not to exceed 6 seconds each, and no two transmissions shall commence in the same 60-second period.

6. These amendments are ordered under authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. The proceeding in this Docket No. 15427 is hereby concluded.

(Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303)

Adopted: July 15, 1964.

Released: July 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,  
*Secretary.*

[F.R. Doc. 64-7284; Filed, July 21, 1964; 8:49 a.m.]

**Title 49—TRANSPORTATION**

**Chapter I—Interstate Commerce Commission**

**SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES**

[Ex Parte Nos. MC-19, MC-1, MC-62]

**PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE**

**Miscellaneous Amendments; Corrections**

In the order of the Commission appearing in the FEDERAL REGISTER issue of Thursday, May 14, 1964, at pages 6324-27, the following corrections have been made:

1. In § 176.8, *Receipt or bill of lading; information thereon*, paragraph (c), page 6324, the words "during the" appearing in the third line following the semicolon have been stricken.

2. In § 176.12, *Information for prospective shippers*, paragraph (a), *Summary of information*, in the last sentence under the subheading *Carrier responsibility for loss and damage*, page 6325, the word "loss" has been stricken and the word "lost" substituted.

3. In § 176.12, paragraph (b) *Statement of general information*, the sixth sentence under the subheading *Transportation rates and released values*, page 6326, should read,

\* \* \* Unless you have some other means of recovering the value of your lost or damaged goods, you should seriously consider paying the extra charge. \* \* \*

4. In the same paragraph under the subheading *Loss or damage*, page 6326, in the first sentence the words "inventory or articles" should read "inventory of articles".

[SEAL] HAROLD D. MCCOY,  
*Secretary.*

[F.R. Doc. 64-7269; Filed July 21, 1964; 8:48 a.m.]

[Ex Parte Nos. MC-19, MC-1, MC-62]

**PART 176—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE**

**Correction**

Federal Register Document 64-4799, published at 29 F.R. 6324, is corrected as follows: Paragraph (b) of § 176.12 (3d column, page 6325) is the second paragraph of the body text of § 176.12 and as such should have appeared in larger type as follows:

(b) *Statement of general information.* Whenever the carrier receives an order for service, written or orally, it shall furnish the shipper immediately a printed statement, in not less than eight-point type, containing the information set forth below. Such statement in every instance shall be placed in the hands of the shipper prior to the time the goods are loaded. The carrier shall make an appropriate notation on the receipt or bill of lading that such statement has been furnished.

## Title 50—WILDLIFE AND FISHERIES

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

#### PART 32—HUNTING

##### Crab Orchard National Wildlife Refuge, Illinois

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

#### ILLINOIS

##### CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on the Crab Orchard National Wildlife Refuge, Illinois, is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,380 acres or 21 percent of the total area of the refuge, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota, 55408. Hunting shall be subject to the following conditions:

(a) Species permitted to be taken: Black, gray and fox squirrels only during the seasons specified below. The hunting of upland game species, as may be otherwise authorized by Illinois State regulations, is prohibited.

(b) Open season: Squirrels (black, gray and fox except white squirrels) from sunrise to sunset each day from August 1, 1964 through October 15, 1964.

(c) Daily bag limits: Squirrels—5.

(d) Methods of hunting:

(1) Weapons—squirrels may be taken with gun and dog, gun or dog, or bow and arrow.

(2) Dogs—hunting dogs, not to exceed 2 per hunter, may be used for hunting and retrieving; dogs may not be permitted to run at large.

(3) It is unlawful to use snares, ferrets, spears, poisons, chemicals, explosives, or crossbows in taking squirrels.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

(2) A Federal permit is not required to enter the public hunting area.

(3) The provisions of this special regulation are effective through October 15, 1964.

ANCL D. HOLLOWAY,  
Acting Regional Director, Bureau  
of Sport Fisheries and Wildlife.

JULY 15, 1964.

[F.R. Doc. 64-7244; Filed, July 21, 1964;  
8:46 a.m.]

#### PART 32—HUNTING

##### National Elk Refuge, Wyoming

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

#### WYOMING

##### NATIONAL ELK REFUGE

Public hunting of elk on the National Elk Refuge, Wyoming, is permitted only on the area designated by signs as open to hunting. This open area, comprising 14,360 acres, is delineated on maps available at refuge headquarters, Jackson, Wyoming, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico, 87103.

Hunting shall be in accordance with all applicable State regulations covering the hunting of elk subject to the following special conditions:

(1) The elk hunting season on the refuge extends from September 10 through October 15, 1964.

(2) A special permit is required in addition to holders of valid 1964 State Elk Hunting licenses. Hunting of elk shall be limited to 20 special permits per week issued by the Wyoming Game and Fish Commission. Each permit will be limited to one elk of either sex. The special permits shall be issued to applicants by drawing at 12:30 p.m. on Tuesday, September 8, 1964, and at 12:30 p.m. each Monday thereafter at refuge headquarters.

(3) No firearms shall be discharged within one-half mile of any building. The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 15, 1964.

JOHN C. GATLIN,  
Regional Director,  
Albuquerque, New Mexico.

JULY 10, 1964.

[F.R. Doc. 64-7245; Filed, July 21, 1964;  
8:46 a.m.]

## Title 7—AGRICULTURE

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

#### PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

##### Subpart—United States Standards for Grades of Tomato Paste<sup>1</sup>

A proposal to revise the United States Standards for Grades of Canned Tomato

Paste was published in the FEDERAL REGISTER of August 15, 1963 (28 F.R. 8373). Interested persons were given until December 31, 1963 to submit written data, views, or arguments for consideration in connection with the proposed revision.

*Statement of consideration leading to the revision.* The existing United States Standards for Grades of Canned Tomato Paste which became effective on Sept. 15, 1944, have not been codified. The principal consideration, therefore, is the necessity for revising the format to facilitate such codification. Other reasons for a revision at this time are to adjust the score points to conform to the uniform scoring system employed in most of the U.S. grade standards for processed fruits and vegetables so as to make the scoring system more meaningful and to employ modern standardization concepts for more accurate application of the standards, such as, the evaluation of color under standard conditions.

In consideration of comments received concerning the proposal of August 15, 1963, and an evaluation of the proposal by the Department during the past packing season, the revised standards include the following changes from those which were proposed on August 15, 1963:

(1) "Flavor and odor" is not included as a scoring factor. A good flavor (as defined) however, is now required in Grade A and at least a fairly good flavor (as defined) for Grade C.

(2) The two scoring factors of color and defects are now allotted 50 points each.

(3) Definitions for four concentration groupings are included, one more than in the current standards. "Extra Heavy" concentration is included to designate a paste of 40 percent or more of salt-free tomato solids.

After consideration of all relevant matters present, including the proposals set forth in the aforesaid notice the following United States Standards for Grades of Canned Tomato Paste are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

Sec.	PRODUCT DESCRIPTION, CONCENTRATION, TEXTURE, GRADES
52.5041	Product description.
52.5042	Concentration.
52.5043	Texture.
52.5044	Grades.
FILL OF CONTAINER	
52.5045	Fill of Container.
FACTORS OF QUALITY	
52.5046	Ascertaining the grade of a sample unit.
52.5047	Ascertaining the rating for each factor.

<sup>1</sup> Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

Sec.  
52.5048 Color.  
52.5049 Defects.

**LOT COMPLIANCE**

52.5050 Ascertaining the grade of a lot.

**SCORE SHEET**

52.5051 Score sheet for tomato paste.

**AUTHORITY:** The provisions of this subpart issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

**PRODUCT DESCRIPTION, CONCENTRATION, TEXTURE, GRADES**

**§ 52.5041 Product description.**

(a) "Tomato Paste" is the clean, sound wholesome product as defined in the Standard of Identity for Tomato Paste

(21 CFR 53.30) issued pursuant to the Federal Food, Drug, and Cosmetic Act and contains not less than 25 percent of salt-free tomato solids.

(b) The standards in this subpart cover canned tomato paste processed by heat to assure preservation in hermetically-sealed containers as well as tomato paste which may be preserved by other means.

**§ 52.5042 Concentration.**

The degree of concentration is not considered a factor of quality for the purposes of these standards but the following designations of concentration may be used in connection with these standards for the applicable salt-free tomato solids group:

*Salt-free tomato solids*

Extra heavy concentration	40.0 percent or more.
Heavy concentration	33.0 percent or more, but less than, 40.0 percent.
Medium concentration	29.0 percent or more, but less than, 33.0 percent.
Light concentration	25.0 percent or more, but less than, 29.0 percent.

**§ 52.5043 Texture.**

(a) **General.** Texture is the degree of fineness or coarseness of the product. Texture is classified when the product is diluted with water to between 8.4 percent and 9.4 percent, inclusive, of total solids.

(b) **Kinds of texture.** (1) "Fine" texture means a smooth, uniform finish.

(2) "Coarse" texture means a coarse, slightly granular finish.

**§ 52.5044 Grades.**

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of tomato paste that (1) has a good flavor and odor, (2) has a good color, (3) is practically free from defects, and (4) scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade C" (or "U.S. Standard") is the quality of tomato paste that (1) has at least a fairly good flavor and odor, (2) has at least a fairly good color, (3) is at least fairly free from defects, and (4) scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the grade of tomato paste that fails to meet the requirements of "U.S. Grade C."

**FILL OF CONTAINER**

**§ 52.5045 Recommended fill of container.**

It is recommended that containers of tomato paste be filled as full as practicable without impairment of quality.

**FACTORS OF QUALITY**

**§ 52.5046 Ascertaining the grade of a sample unit.**

(a) **General.** The grade of a sample unit of tomato paste is ascertained by considering the factor of flavor and odor which is not scored, the ratings for the factors of color and defects which are scored, the total score, and the limiting rules which apply.

(b) **Factors not rated by score points—(1) Flavor and odor.** (i) The flavor and odor of the product is determined on undiluted samples and also after dilution with water to between 8.4 percent and 9.4 percent, inclusive, total solids.

(ii) "Good flavor and odor" means a distinct tomato paste flavor characteristic of ripe, good quality tomatoes and inclusive of any optional ingredient which may have been added. Such flavor and odor may be no more than slightly affected, by any one or combination of the following: stems, sepals, leaves, crushed seeds, cores; by immature, soured, or overripe tomatoes; from the effects of unsatisfactory preparation, processing, or storage; nor from any other factor not specifically mentioned.

(iii) "Fairly good flavor and odor" means a characteristic tomato paste flavor and inclusive of any optional ingredient which may have been added. Such flavor and odor may be affected, but not to a serious degree, by any one or combination of the following: stems, sepals, leaves, crushed seeds, cores; by immature, soured, or overripe tomatoes; from the effects of unsatisfactory preparation, processing, or storage; or from any other factor not specifically mentioned.

(iv) "Off flavor and odor" means tomato paste flavor that fails to meet the requirements of "fairly good flavor and odor" or which possesses a flavor and/or odor which is seriously objectionable.

(c) **Factors rated by score points.** The relative importance of each scoring factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors	Points
Color	50
Defects	50
Total score	100

**§ 52.5047 Ascertaining the rating for the factors which are scored.**

The essential variations within each factor which is scored are so described that the value may be ascertained numerically. The numerical range within each factor is inclusive. (For example, "45 to 50 points" means 45, 46, 47, 48, 49 or 50 points.)

**§ 52.5048 Color.**

(a) **General.** The amount of red in tomato paste is determined by comparing the color of the product, diluted with water to between 8.4 percent and 9.4

percent, inclusive, of total solids, with that produced by spinning a combination of the following Munsell color discs:

- Disc 1—Red (5R 2.6/13) (glossy finish)
- Disc 2—Yellow (2.5YR 5/12) (glossy finish)
- Disc 3—Black (N1) (glossy finish)
- Disc 4—Grey (N4) (mat finish).

Such comparison is made under a diffused light source of approximately 250 foot candle (candela) intensity and having a spectral quality approximating that of daylight under a moderately overcast sky, and a color temperature of 7500 degrees Kelvin  $\pm$ 200 degrees. With the light source directly over the disc and diluted product, observation is made at an angle of 45 degrees and at a distance of 12 or more inches from the product.

(b) **Availability of color references.** The colors referred to in this section are available from approved suppliers under license from the Agricultural Marketing Service. Information about these colors and their availability may be obtained from:

Processed Products Standardization and Inspection Branch,  
Fruit and Vegetable Division—AMS,  
U.S. Department of Agriculture,  
Washington, D.C., 20250.

(c) **Grade A Classification.** Tomato paste that has a good color may be given a score of 45 to 50 points. "Good color" means a bright, typical, red tomato paste color. Such color, when the product is diluted and observed as specified in this section, is as red as, or more red than, that produced by spinning the specified Munsell color discs in the following combinations or an equivalent of such composite color:

- 65 percent of the area of Disc 1;
- 21 percent of the area of Disc 2; and
- 14 percent of the area of either Disc 3 or Disc 4; or
- 7 percent of the area of Disc 3 and 7 percent of the area of Disc 4, whichever most nearly matches the appearance of the diluted sample.

(d) **Grade C Classification.** Tomato paste that has at least a fairly good color may be given a score of 40 to 44 points. Tomato paste that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means a typical red tomato paste color which may be slightly dull or may have a slightly brownish cast. Such color, when the product is diluted and observed as specified in this section, is as red as, or more red than, that produced by spinning the specified Munsell color discs in the following combinations or an equivalent of such composite color:

- 53 percent of the area of Disc 1;
- 28 percent of the area of Disc 2; and
- 19 percent of the area of either Disc 3 or Disc 4; or
- 9½ percent of the area of Disc 3 and 9½ percent of the area of Disc 4, whichever most nearly matches the appearance of the diluted sample.

(e) **Substandard Classification.** Tomato paste that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 39 points and shall not be graded above Substandard,

regardless of the total score for the product (this is a limiting rule).

#### § 52.5049 Defects.

(a) *General.* This factor is concerned with the degree of freedom from defects such as dark specks or scale-like particles, seeds or objectionable particles of seeds, objectionable tomato peel, harmless extraneous material, or any other similar substances.

(b) *Grade A Classification.* Tomato paste that is practically free from defects may be given a score of 45 to 50 points. "Practically free from defects" means that any defects present do not more than slightly affect the appearance or usability of the product.

(c) *Grade C Classification.* Tomato paste that is fairly free from defects may be given a score of 40 to 44 points. Tomato paste that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score of the product (this is a limiting rule). "Fairly free from defects" means that any defects present may be noticeable but are not so large, so numerous, nor of such contrasting color or nature as to seriously affect the appearance or usability of the product.

(d) *Substandard Classification.* Tomato paste that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 39 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

#### LOT COMPLIANCE

#### § 52.5050 Ascertaining the grade of a lot.

The grade of a lot of tomato paste covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (sections 52.1 to 52.87).

#### SCORE SHEET

#### § 52.5051 Score sheet for tomato paste.

Size and kind of container.....	.....	.....
Label.....	.....	.....
Container mark or identification.....	.....	.....
Net weight.....	.....	.....
Vacuum (inches).....	.....	.....
Texture (fine or coarse).....	.....	.....
Salt-free tomato solids (percent).....	.....	.....
	Factors	Score points
Color.....	50	(A) 45-50 (C) 40-44 (SStd.) 10-39
Defects.....	50	(A) 45-50 (C) 40-44 (SStd.) 10-39
Total score.....	100	
Flavor and odor.....		{ Good, Fairly good, "Off".
Grade.....		

<sup>1</sup> Indicates limiting rule.

The United States Standards for Grades of Tomato Paste (which is the second issue) contained in this subpart shall become effective thirty days after

the date of publication hereof in the FEDERAL REGISTER, and thereupon will supersede the Tentative United States Standards for Grades of Canned Tomato Paste which have been in effect since September 15, 1944.

Dated: July 17, 1964.

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

[F.R. Doc. 64-7288; Filed, July 21, 1964;  
8:49 a.m.]

### PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

#### Subpart—United States Standards for Grades of Canned Tomato Puree<sup>1</sup>

A proposal to revise the United States Standards for Grades of Canned Tomato Puree (Tomato Pulp) was published in the FEDERAL REGISTER of August 15, 1963 (28 F.R. 8374). Interested persons were given until December 31, 1963 to submit written data, views or arguments for consideration in connection with the proposed revision.

*Statement of consideration leading to the revision.* The existing United States Standards for Grades of Canned Tomato Puree (Tomato Pulp) which became effective on January 1, 1945, have not been codified. The principal consideration, therefore, is the necessity for revising the format to facilitate such codification. Other reasons for a revision at this time are to adjust the score points to conform to the uniform scoring system employed in most of the United States grade standards for processed fruits and vegetables so as to make the scoring system more meaningful and to employ modern standardization concepts for more accurate application of the standards, such as the evaluation of color under standard conditions.

After consideration of comments received concerning the proposal published in the FEDERAL REGISTER on August 15, 1963, and after an evaluation of that proposal by the Department during the past year, the revised standards include the following changes from those which were proposed:

(1) "Flavor and odor" is not included as a scoring factor. A good flavor and odor (as defined), however, is now required in Grade A and at least a fairly good flavor and odor (as defined) for Grade C.

	Salt-free tomato solids
Extra heavy concentration.....	16.0 percent or more, but less than, 25.0 percent.
Heavy concentration.....	12.0 percent or more, but less than, 16.0 percent.
Medium concentration.....	10.7 percent or more, but less than, 12.0 percent.
Light concentration.....	8.37 percent or more, but less than, 10.7 percent.

<sup>1</sup> Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

(2) The two scoring factors of color and defects are now allotted 50 points each.

(3) Definitions for four concentration groupings are included, one more than in the current standards. "Extra Heavy" concentration is included to designate a tomato puree from 16.0 percent to, but not including, 25.0 percent salt-free tomato solids.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Canned Tomato Puree (Tomato Pulp) are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

#### PRODUCT DESCRIPTION, CONCENTRATION, TEXTURE, GRADES

Sec.	Product description, Concentration, Texture, Grades.
52.5081	Product description.
52.5082	Concentration.
52.5083	Texture.
52.5084	Grades.
FILL OF CONTAINER	
52.5085	Fill of container.
FACTORS OF QUALITY	
52.5086	Ascertaining the grade of a sample unit.
52.5087	Ascertaining the rating for each factor.
52.5088	Color.
52.5089	Defects.
LOT COMPLIANCE	
52.5090	Ascertaining the grade of a lot.
SCORE SHEET	
52.5091	Score sheet for tomato puree.

AUTHORITY: The provisions of this subpart issued under secs. 202-208, 60 Stat. 1087, as amended; 7 U.S.C. 1621-1627.

#### PRODUCT DESCRIPTION, CONCENTRATION, TEXTURE, GRADES

#### § 52.5081 Product description.

"Tomato Puree" (or "Tomato Pulp"), hereinafter referred to as "Tomato Puree", is the clean, sound, wholesome product as defined in the standard of Identity for Tomato Puree (Tomato Pulp) (21 CFR 53.20) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

#### § 52.5082 Concentration.

(a) The degree of concentration is not considered a factor of quality for the purposes of these standards, but tomato puree contains not less than 8.37 percent, but less than 25.0 percent, of salt-free tomato solids.

(b) The following designations of concentration may be used in connection with these standards for the applicable salt-free tomato solids group:

**§ 52.5083 Texture.**

(a) *General.* Texture is the degree of fineness or coarseness of the product. Texture is classified when the product is diluted with water, when necessary, to between 8.4 percent and 9.4 percent, inclusive, of total solids.

(b) *Kinds of texture.* (1) "Fine" texture means a smooth, uniform finish.

(2) "Coarse" texture means a coarse, slightly granular finish.

**§ 52.5084 Grades.**

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of tomato puree that (1) has a good flavor and odor, (2) has a good color, (3) is practically free from defects, and (4) scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade C" (or "U.S. Standard") is the quality of tomato puree that (1) has at least a fairly good flavor and odor, (2) has at least a fairly good color, (3) is at least fairly free from defects, and (4) scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the grade of tomato puree that fails to meet the requirements of "U.S. Grade C".

**FILL OF CONTAINER**

**§ 52.5085 Recommended fill of container.**

It is recommended that containers of tomato puree be filled as full as practicable without impairment of quality.

**FACTORS OF QUALITY**

**§ 52.5086 Ascertaining the grade of a sample unit.**

(a) *General.* The grade of a sample unit of tomato puree is ascertained by considering the factor of flavor and odor which is not scored, the ratings for the factors of color and defects which are scored, the total score, and the limiting rules which apply.

(b) *Factors not rated by score points—*  
(1) *Flavor and odor.* (i) The flavor and odor of the product is determined on undiluted samples and also after dilution with water to between 8.4 percent and 9.4 percent, inclusive, total solids.

(ii) "Good flavor and odor" means a distinct tomato puree flavor characteristic of ripe, good quality tomatoes, and inclusive of salt which may be added. Such flavor and odor may be no more than slightly affected by any one or combination of the following: stems, sepals, leaves, crushed seeds, cores; by immature, soured, or overripe tomatoes; from the effects of unsatisfactory preparation, processing, or storage; nor from any other factor not specifically mentioned.

(iii) "Fairly good flavor and odor" means a characteristic tomato puree flavor, inclusive of salt which may be added. Such flavor and odor may be affected, but not to a serious degree, by any one or combination of the following: stems, sepals, leaves, crushed seeds, cores; by immature, soured, or overripe tomatoes; or from the effects of unsatisfactory preparation, processing, or stor-

age; or from any other factor not specifically mentioned.

(iv) "Off flavor and odor" means tomato puree flavor that fails to meet the requirements of "fairly good flavor and odor" or which possesses a flavor and/or odor which is seriously objectionable.

(c) *Factors rated by score points.* The relative importance of each scoring factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

Factors	Points
Color	50
Defects	50
Total	100

**§ 52.5087 Ascertaining the rating for the factors which are scored.**

The essential variations within each factor which is scored are so described that the value may be ascertained numerically. The numerical range within each factor is inclusive. (For example, "45 to 50 points" means 45, 46, 47, 48, 49, or 50 points.)

**§ 52.5088 Color.**

(a) *General.* The amount of red in tomato puree is determined by comparing the color of the product, diluted with water, when necessary, to between 8.4 percent and 9.4 percent, inclusive, of total solids, with that produced by spinning a combination of the following Munsell color discs:

- Disc 1—Red (5R 2.6/13) (glossy finish)
- Disc 2—Yellow (2.5YR 5/12) (glossy finish)
- Disc 3—Black (N1) (glossy finish)
- Disc 4—Grey (N4) (mat finish)

Such comparison is made under a diffused light source of approximately 250 foot candle (candela) intensity and having a spectral quality approximating that of daylight under a moderately overcast sky, and a color temperature of 7500 degrees Kelvin  $\pm$  200 degrees. With the light source directly over the disc and diluted product, observation is made at an angle of 45 degrees and at a distance of 12 or more inches from the product.

(b) *Availability of color references.* The colors referred to in this section are available from approved suppliers under license from the Agricultural Marketing Service. Information about these colors and their availability may be obtained from:

Processed Products Standardization and Inspection Branch,  
Fruit and Vegetable Division—AMS  
U.S. Department of Agriculture,  
Washington, D.C., 20250.

(c) *Grade A Classification.* Tomato puree that has a good color may be given a score of 45 to 50 points. "Good color" means a bright, typical, red tomato puree color. Such color, when the product is of the proper concentration and observed as specified in this section, is as red as, or more red than, that produced by spinning the specified Munsell color discs in the following combinations or an equivalent of such composite color:

- 65 percent of the area of Disc 1;
- 21 percent of the area of Disc 2; and

14 percent of the area of either Disc 3 or Disc 4; or 7 percent of the area of Disc 3 and 7 percent of the area of Disc 4, whichever most nearly matches the appearance of the sample.

(d) *Grade C Classification.* Tomato puree that has at least a fairly good color may be given a score of 40 to 44 points. Tomato puree that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means a typical red tomato puree which may be slightly dull or have a slight yellow, yellow-orange, or brownish cast. Such color, when the product is of the proper concentration and observed as specified in this section, is as red as, or more red than, that produced by spinning the specified Munsell color discs in the following combinations or an equivalent of such composite color:

- 53 percent of the area of Disc 1;
- 28 percent of the area of Disc 2; and
- 19 percent of the area of either Disc 3 or Disc 4; or 9½ percent of the area of Disc 3 and 9½ percent of the area of Disc 4, whichever most nearly matches the appearance of the sample.

(e) *Substandard Classification.* Tomato puree that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 39 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

**§ 52.5089 Defects.**

(a) *General.* This factor is concerned with the degree of freedom from defects such as dark specks or scale-like particles, seeds or objectionable particles of seeds, objectionable tomato peel, harmless extraneous material, or any other similar substances.

(b) *Grade A Classification.* Tomato puree that is practically free from defects may be given a score of 45 to 50 points. "Practically free from defects" means that any defects present do not more than slightly affect the appearance or usability of the product.

(c) *Grade C Classification.* Tomato puree that is at least fairly free from defects may be given a score of 40 to 44 points. Tomato puree that falls into this classification shall not be graded above U.S. Grade C, regardless of the total score of the product (this is a limiting rule). "Fairly free from defects" means that any defects present may be noticeable but are not so large, so numerous, nor of such contrasting color or nature as to seriously affect the appearance or usability of the product.

(d) *Substandard Classification.* Tomato puree that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 39 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

**LOT COMPLIANCE**

**§ 52.5090 Ascertaining the grade of a lot.**

The grade of a lot of tomato puree covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certifica-

tion of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 to 52.87).

## SCORE SHEET

## § 52.5091 Score sheet for tomato puree.

Size and kind of container	.....	
Label	.....	
Container mark or identification	.....	
Net weight	.....	
Vacuum (inches)	.....	
Texture (fine or coarse)	.....	
Specific gravity	.....	
Salt-free tomato solids (percent)	.....	
<b>Factors</b>		<b>Score points</b>
Color	50	(A) 45-50 (C) 40-44 (Std) 10-37
Defects	50	(A) 45-50 (C) 40-44 (Std) 10-39
Total score	100	
Flavor and odor		Good. Fairly good. "Off".
Grade		

1 Indicates limiting rule.

The United States Standards for Grades of Tomato Puree (Tomato Pulp) (which is the fifth issue) contained in this subpart shall become effective thirty days after the date of publication hereof in the FEDERAL REGISTER, and thereupon will supersede the United States Standards for Grades of Canned Tomato Puree (Tomato Pulp) which have been in effect since January 1, 1945.

Dated: July 17, 1964.

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

[F.R. Doc. 64-7289; Filed, July 21, 1964;  
8:49 a.m.]

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

#### SUBCHAPTER C—SPECIAL PROGRAMS [Amdt. 1]

#### PART 778—EXPORT WHEAT MARKETING CERTIFICATE REGULATIONS

##### Requirements for Export Certificates

**Basis and purpose.** The following amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended, by the Food and Agriculture Act of 1962 and the Agricultural Act of 1964. It provides for the acquisition and surrender of certificates on wheat which is exported from Canada on and after July 1, 1964, and which had been exported from the United States into Canada in bond prior to such date. It is designed to assure that exports of such wheat will be at prices which are generally competitive in the world market, avoid disruption of world market prices and will fulfill the international obligations of the United States. Since these requirements must be acted on immediately by exporters of wheat, it is

hereby found and determined that compliance with the notice, public procedure and 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 that this amendment shall be effective immediately.

Section 778.5 of the Export Wheat Marketing Certificate Regulations is amended by adding a new paragraph (f) to read as follows:

#### § 778.5 Requirement for export certificates.

(f) In addition to the foregoing requirements, any exporter who exports from Canada on and after July 1, 1964, to any destination outside the United States any wheat which had been exported from the United States to Canada in bond prior to July 1, 1964, shall acquire certificates having a face value of 25 cents per bushel for the wheat so exported and shall surrender such certificates to CCC. The exporter shall submit to the Kansas City Commodity Office a report of wheat so exported from Canada, as provided in § 778.9, not later than 15 days after each exportation of such wheat from Canada or such later date as may be approved in writing by the Director for good cause shown. Certificates shall be acquired and surrendered to CCC not later than the date such report must be submitted, unless the exporter enters into an undertaking as provided in paragraph (c) of this section. The undertaking shall be entered into by submitting a notice in writing to the Director with the code word "CERTAG" so that it is received not later than 15 days after exportation of the wheat from Canada. The exporter may claim a refund or credit against the amount payable for such certificates as provided in § 778.6.

(Secs. 379a to 379j, 52 Stat. 31, as amended by 76 Stat. 626 and 78 Stat. 178; 7 U.S.C. 1379a to 1379j)

Signed at Washington, D.C., on July 16, 1964.

CHARLES S. MURPHY,  
Acting Secretary.

[F.R. Doc. 64-7249; Filed, July 21, 1964;  
8:47 a.m.]

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

[Valencia Orange Reg. 92, 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)(ii) of § 908.392 (Valencia Orange Regulation 92, 29 F.R. 9481) are hereby amended to read as follows:

#### § 908.392 Valencia Orange Regulation 92.

- (b) \* \* \*  
(1) \* \* \*  
(ii) District 2: 500,000 cartons.

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

Dated: July 17, 1964.

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

[F.R. Doc. 64-7247; Filed, July 21, 1964;  
8:46 a.m.]

### Chapter XIV—Commodity Credit Corporation, Department of Agriculture

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

[C.C.C. Grain Price Support Regs. 1964-Crop Rye Supp., Amdt. 1]

#### PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

##### Subpart—1964-Crop Rye Loan and Purchase Program

The regulations issued by the Commodity Credit Corporation (29 F.R. 7872) with respect to rye produced in 1964 which contain specific requirements for the 1964-crop of rye are hereby amended as follows:

1. Section 1421.2820(c)(2) is amended to change the basic support rates in counties as follows:

§ 1421.2820 Support rates.

(c) (2) Basic county support rates.

COLORADO

County	Rate per bushel	
	From—	To—
Boulder.....	\$0.95	\$0.96

MICHIGAN

Manistee.....	\$1.06	\$1.09
Mason.....	1.05	1.09
Mecosta.....	1.06	1.09

WISCONSIN

Buffalo.....	\$1.08	\$1.12
Eau Claire.....	1.10	1.13
Florence.....	( <sup>1</sup> )	1.08
Iron.....	1.09	1.10
Pequin.....	1.10	1.12
Taylor.....	1.11	1.12
Trempealeau.....	1.07	1.13
Washburn.....	1.09	1.10

<sup>1</sup> Omitted.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 15, 1964.

RAY FITZGERALD,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 64-7250; Filed, July 21, 1964; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

PART 201—ELECTRICITY

SUBCHAPTER B—STANDARD SAMPLES

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY THE NATIONAL BUREAU OF STANDARDS

Miscellaneous Amendments

Pursuant to authority contained in 15 U.S.C. 275a the following amendments are effective upon publication in the FEDERAL REGISTER.

No. 142—4

§ 201.103 [Amended]

1. Schedule 201.103 (Multi-megohm resistance standards—except wire-wound) is amended to revise item (a) to read as follows:

Item	Description	Fee
201.103a	Determination of resistance of a resistor at 1 voltage (1.5 to 250 v) at room temperature (23° C) and humidity (50 percent rh or less) when the resistor has a nominal value between 10 <sup>6</sup> and 10 <sup>9</sup> ohms.....	\$32.00

§ 230.11 [Amended]

In Subpart B—Standard Samples and Reference Standards with Schedule of Weights and Fees, § 230.11 *Descriptive list*:

1. Paragraph (e) Titanium- and zirconium-base alloys is amended to add a new sample (176) to read as follows:

Sample No.	Name	Approximate weight of sample in grams	Price per sample
176	Titanium metal, 5 Al-2.5 Sn.	100	\$12.00

2. Paragraph (r) Radioactivity standards is amended to revise sample (4944-B) and to add a new sample (4947) to read as follows:

ALPHA, BETA, GAMMA STANDARDS

Sample No.	Radiation	Nuclide	Nominal activity	Volume	Price per sample
4944-B	x-γ β-	Iodine-125.....	7x10 <sup>4</sup> dps/g.....	5 ml.....	\$50.00
4947		Hydrogen-3.....	3x10 <sup>4</sup> dps/ml.....	2 ml.....	30.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

A. V. ASTIN,  
Director.

[F.R. Doc. 64-7275; Filed, July 21, 1964; 8:49 a.m.]

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs., Amdt. 89]

PART 371—GENERAL LICENSES

Additions to Commodity List

§ 371.2 [Amended]

Section 371.52 *Supplement 2; Commodities destined to Poland (including Danzig) which are excepted from General License GRO* is amended by adding the following entries to the list:

## RULES AND REGULATIONS

Schedule B No.	Commodity description
	<b>Metal manufactures:</b>
	Metal manufactures, n.e.c., and parts, n.e.c.:
61995	Metal manufactures, n.e.c., and parts, n.e.c., except iron and steel and except precious metals: Copper and copper-base alloy perforated plates and perforated sheets.
64120	Copper ores, concentrates, scrap, and semifabricated forms:
64220	Copperweld rods for drawing.
64230	Copper pipe and tubing. [Report flexible tubing, except electrical in 61995; flexible electrical conduit in 70945.]
64230	Copper plates, sheets, and strip, including nickel plated.
64251	Copper wire and cable, bare, except welding rods and wire. [Report welding rods and wire in 61944; and insulated wire and cable in 70972-70995.]
64290	Copper castings and forgings, rough and semifinished.
64290	Copper rods and bars, n.e.c. [Report copper wire bars and copperweld rods for drawing into wire in 64120; copper or copperweld ground rods and copper bus bars in 70948.]
64490	Copper-base alloys (including brass and bronze) and semifabricated forms:
64500	Copper-base alloy bars, rods, and other bar-size shapes, extruded, rolled and drawn.
64530	Copper-base alloy plates, sheets, and strip.
64530	Copper-base alloy pipe and tubing (including pipe coils). [Report flexible tubing, except electrical, in 61995; and flexible electrical conduit in 70945.]
64571	Copper-base alloy wire and cable, bare. [Report welding rods and wires in 61944.]
64793	Copper-base alloy castings and forgings, rough and semi-finished.
69561	Precious metals and plated ware, n.e.c.:
	Silver-copper brazing alloy.
	Electrical machinery and apparatus:
70948	Pole line, transmission, and distribution hardware, n.e.c., and specially fabricated parts, n.e.c.:
	Copper bus bars.
	Insulated wire, cord, and cable:
70972	Other building wire and cable, copper or copper-base alloy.
70974	Weatherproof and slow-burning wire, copper or copper-base alloy.
70976	Other communication and signal wire and cable, copper or copper-base alloy.
70978	Other portable cord, wire, and cable, copper or copper-base alloy, molded rubber-sheathed.
70989	Other automotive ignition wire, copper or copper-base alloy, rubber and/or thermoplastic insulated, in coils, reels or spools, in lengths of 100 feet or less.
70989	Other copper or copper-base alloy wire and cable, rubber and/or thermoplastic insulated.
70991	Other copper or copper-base alloy wire or cable, varnished cambric insulated, with braided, leaded, or armored finishes.
70993	Copper or copper-base alloy power cable, paper-insulated, with leaded or armored finishes.
70995	Other copper or copper-base alloy wire and cable, insulated, n.e.c.

This amendment shall become effective as of July 9, 1964.

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

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

[F.R. Doc. 64-7272; Filed, July 21, 1964; 8:49 a.m.]

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[ 7 CFR Part 318 ]

### HAWAIIAN FRUITS AND VEGETABLES

#### Proposed Administrative Instructions

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Director of the Plant Quarantine Division, pursuant to the authority conferred upon him by § 318.13-4(b) of the regulations supplemental to the Hawaiian Fruits and Vegetables Quarantine (7 CFR 318.13-4(b)), under sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161, 162), is considering amending administrative instructions now appearing as 7 CFR 318.13-4b by inserting in paragraph (a) thereof, after the words "Cavendish bananas," the following: "Hawaiian Bluefield bananas (Gros Michel), apple bananas, green cooking bananas," and by adding at the end of subparagraph (e) (2) thereof another sentence to read: "Following expiration of the exposure period, bananas fumigated in accordance with these administrative instructions shall be held for a period of 24 hours at 65° F. or above before they are loaded in a vehicle for movement from the area where they were fumigated, or are chilled to cooler temperatures."

These proposals would recognize that a number of varieties of bananas, in addition to Cavendish bananas, may be fumigated with ethylene dibromide and certified for movement from Hawaii; and would provide for a 24-hour holding period following their fumigation.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Maryland 20781, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Hyattsville, Md., this 16th day of July 1964.

[SEAL]

W. H. WHEELER,  
Acting Director,  
Plant Quarantine Division.

[F.R. Doc. 64-7291; Filed, July 21, 1964;  
8:50 a.m.]

## CIVIL AERONAUTICS BOARD

[ 14 CFR Part 225 ]

[Docket No. 15193]

### TARIFFS OF CERTAIN CERTIFICATED AIRLINES; TRADE AGREEMENTS

#### Notice of Proposed Rule Making

JULY 17, 1964.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 225 of its Economic Regulations which would authorize Northeast Airlines, Inc. to enter into trade agreements with respect to its local service routes north of New York. The amendments are fully explained in the Explanatory Statement below.

This regulation is proposed under authority of sections 204(a), 403, 404, and 416 of the Federal Aviation Act of 1958 (72 Stat. 743, 758, 760, and 771; 49 U.S.C. 1324, 1373, 1374, 1386).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received on or before July 27, 1964, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL]

MABEL McCART,  
Acting Secretary.

*Explanatory statement.* An application by Northeast Airlines, Inc. (Northeast) filed on April 21, 1964, requested that the airline be authorized to exchange air transportation over its system north of New York for advertising of such transportation. Specifically, the application requested an interpretation of § 225.1(a)(1) which would provide the desired authority; an amendment of Part 225; or a specific exemption, pursuant to section 416 of the Federal Aviation Act of 1958, from the provisions of section 403 of the Act. The Board has tentatively decided to grant the relief requested by Northeast's application and to do so by amending Part 225.

The principal purpose of Part 225 was to reduce subsidy by providing the means by which smaller carriers might

better advertise their services, increase their traffic and better their load factors. Northeast, insofar as its system north of New York is concerned, is now a subsidized carrier and has been since September 13, 1963 (Order E-20072, October 4, 1963). As such, it is the only subsidized carrier not now authorized to exchange advertising for air transportation pursuant to Part 225. We have found that Northeast's services north of New York are closely comparable, in all important respects, with those of the thirteen local service carriers having trade agreement authority. It would appear that grant of such authority to Northeast would be of similar benefit to it. Except for the fact that Northeast operates as a trunkline south of New York and competes with other trunklines not having Part 225 authority, there appears to be no reason to treat Northeast's operations north of New York differently from those of other subsidized carriers for Part 225 purposes. On the contrary, we have separated Northeast's system for subsidy purposes, and there is no reason why its system cannot be similarly divided for trade agreement purposes. To do so would be consistent with the action we have taken in the case of the two subsidized States-Alaska carriers, which have been authorized to enter into trade agreements with respect to their intra-Alaska operations but not on their States-Alaska operations where they compete with unsubsidized trunklines.

It is proposed to amend Part 225 of the Economic Regulations (14 CFR Part 225) as follows:

#### § 225.1 [Amended]

1. In § 225.1(a), redesignate subparagraphs (2), (3), (4) and (5) as subparagraphs (3), (4), (5) and (6), respectively, and add a new subparagraph (2) to read:

(2) Any trunkline air carrier receiving subsidy for services over part of its certificated routes.

#### § 225.5 [Amended]

2. In § 225.5, redesignate paragraphs (l) and (m) as paragraphs (m) and (n), respectively, and add a new paragraph (l) to read:

(l) That trunkline air carriers defined in § 225.1(a)(2) shall exchange air transportation only over those certificated routes on which they receive subsidy and only for services or goods for advertising purposes which advertise air transportation over such subsidized routes;

3. In § 225.5 (m) and (n), as redesignated, change the references to § 225.1 (a) (3) and (5) to read, respectively, § 225.1(a)(4) and 225.1(a)(6).

4. Amend § 225.6 to read:

**§ 225.6 Limitation on total value of trade agreements.**

The total value of trade agreements entered into by any single airline in accordance with the provisions of this part shall be not more than:

(a) \$200,000 in the aggregate each year for those airlines identified under § 225.1(a) (1), (2) and (3);

(b) \$20,000 in the aggregate each year for those airlines identified under § 225.1(a) (4) and (6);

(c) \$100,000 in the aggregate each year for those airlines identified under § 225.1(a) (5).

[F.R. Doc. 64-7292; Filed, July 21, 1964; 8:50 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 89 ]

[Docket No. 15565; FCC 64-651]

### POWER AND ANTENNA HEIGHT LIMITATIONS

#### Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making to delete the power and antenna height limitations contained in § 89.259(g) (5).

2. Thirty-five of the fifty-seven frequencies allocated to the Local Government Radio Service in the 152-162 Mc/s band are limited in power and antenna height by § 89.259(g) (5) (formerly § 10.555(g) (6)) of Part 89 of the Commission's rules. The limitation reads as follows: "The power which may be used for operation on these frequencies may not exceed 180 watts plate input power to the final radio frequency stage and the antenna height may not exceed 50 feet above ground level at the antenna location.

3. The Report and Order in Docket No. 11990, adopted by the Commission in 1958, established the Local Government Radio Service and placed this limitation on the thirty-five frequencies. Since this Service was to be utilized by both large and small governmental entities, it was believed that the height and

power limitations on certain frequencies would insure the availability of frequencies to both groups. It was also believed that the larger entities would utilize the frequencies which were not limited and the smaller entities would use those frequencies which were limited. Under these conditions the larger entities such as states and territories could use the unlimited frequencies for long range communications and the smaller cities and towns could use the limited frequencies for their short range requirements. It was felt that this would provide a more efficient utilization of frequencies since the limited frequencies could be duplicated by many small entities in a given area.

4. At the time the rules were adopted, the frequency coordination requirements for the Local Government Radio Service were considerably more stringent than those which became effective May 1, 1963. Under the old frequency coordination procedure, an applicant could either conduct an engineering study as to the probable interference which might result from its operating on a given frequency, or obtain the consent of all users located within 75 miles of the proposed station location who were authorized to operate on a frequency within  $\pm 30$  kc/s of the requested frequency. Because an engineering study was expensive, and since it was difficult to obtain consent from existing licensees even when the new station would cause little or no harmful interference, it became necessary in many cases for applicants to obtain an authorization for any Local Government frequency not used in the area, regardless of whether the use of the frequency was limited to 180 watts and an antenna height of 50 feet. Additionally, as more and more authorizations were issued, it became increasingly harder to obtain a frequency best suited to the needs of the applicant. Thus, many large entities were forced to apply for frequencies which were limited in order to avoid the increasingly difficult coordination problems. Even though the frequency coordination procedure has been simplified since May 1, 1963, the same problems of finding an available frequency exist today.

5. In addition to the above, Part 89 has been amended, effective August 1, 1964, to require all applicants requesting modification of their radio station

license to increase power and/or antenna height, or who wish to change their station location to again comply with the Public Safety frequency coordination rules. This means that all applicants, as part of the showing required under the rules, must submit information concerning the amount of power and antenna height needed. This negates the need for "blanket" limitations of the type contained in § 89.259(g) (5).

6. The limitations have proved unsuccessful for other reasons. An applicant whose offices are in a building which is higher than 50 feet must side-mount the antenna (thus shielding 180° of horizon unless multiple antennas are used), or locate the antenna in a remote location. Furthermore, it is possible to thwart the rules by utilizing high terrain where, in spite of the 50-foot limitation, an overall height above average terrain of several hundred feet or more may be obtained. In many cases, the limitation forces the applicant to do this in order to avoid the problems of side-mounting.

7. Authority for the proposed amendments are contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before September 1, 1964, and reply comments on or before September 11, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, and comments filed should be furnished the Commission.

Adopted: July 15, 1964.

Released: July 17, 1964.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 64-7285; Filed, July 21, 1964; 8:49 a.m.]

# Notices

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Dept. Circ. 570, 1964 Rev. Supp. No. 2]

## SOUTHERN GENERAL INSURANCE CO.

### Surety Company Acceptable on Federal Bonds

JULY 17, 1964.

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

An underwriting limitation of \$50,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1965. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

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

Georgia, Southern General Insurance Co., Allentown, Pa.

JOHN K. CARLOCK,  
*Fiscal Assistant Secretary.*

[F.R. Doc. 64-7259; Filed, July 21, 1964; 8:47 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### WASHINGTON

### Termination of Proposed Withdrawal and Reservation of Lands

Notice of an application serial No. Washington 01640, for the withdrawal and reservation of lands was published as Federal Register Document No. 62-11047 on pages 10814 and 10815 of the issue for November 6, 1962. The applicant agency has cancelled its application. Therefore, pursuant to the regulations contained in 43 CFR, subpart 2311, such lands will be at 10:00 a.m. on July 27, 1964, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

#### WILLAMETTE MERIDIAN

T. 4 N., R. 14 E.,

Sec. 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 5, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 6, SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

T. 5 N., R. 14 E.,

Sec. 6, Lots 3, 4, 5, E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 8, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 18, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 19, Lot 3, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;

Sec. 30, NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 31, Lots 1, 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 6 N. R. 14 E.,  
Sec. 30, Lots 1 to 12, inclusive;  
Sec. 31, Lots 1 to 12, inclusive.

The above lands aggregate 1,793.14 acres.

JOHN E. BURT, Jr.,  
*Officer in Charge.*

[F.R. Doc. 64-7243; Filed, July 21, 1964; 8:46 a.m.]

### Geological Survey

[Classification Order Wyoming No. 127]

### WYOMING

#### Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

#### SIXTH PRINCIPAL MERIDIAN, WYOMING

##### Noncoal lands

T. 50 N., R. 97 W.,

Secs. 1 and 2, inclusive;

Secs. 7 to 24, inclusive.

The area described aggregates 12,810 acres, more or less.

ARTHUR A. BAKER,  
*Acting Director.*

JULY 15, 1964.

[F.R. Doc. 64-7240; Filed, July 21, 1964; 8:46 a.m.]

[Classification Order Wyoming No. 124]

### WYOMING

#### Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described land, insofar as title thereto remains in the United States, is hereby classified as coal land:

#### SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 54 N., R. 61 W.,

Sec. 21, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 22, S $\frac{1}{2}$ S $\frac{1}{2}$ ;

Sec. 27, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 28, NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ .

The area described aggregates 920 acres, more or less.

ARTHUR A. BAKER,  
*Acting Director.*

JULY 15, 1964.

[F.R. Doc. 64-7241; Filed, July 21, 1964; 8:46 a.m.]

### Office of the Secretary

[Order 2879]

## OFFICE OF WATER RESOURCES RESEARCH

### Organization and Functions

JULY 17, 1964.

**SECTION 1. Purpose.** This order establishes the Office of Water Resources Research, defines its organization and functions, and provides for the related delegation of authority of the Secretary of the Interior pursuant to the Water Resources Research Act of 1964.

**Sec. 2. Organization.** (a) The Office of Water Resources Research (hereinafter referred to as the Office) is established as a unit of the Office of the Secretary and shall be headed by a Director who shall report to and be responsible to the Secretary.

(b) The Director shall consult with the Science Adviser on the scientific, technical, and engineering aspects and relationships concerning the program of the Office.

(c) The Director shall prepare in consultation with the Administrative Assistant Secretary, detailed plans for the organization and staffing of the Office for approval by the Secretary.

**Sec. 3. Functions.** The functions of the Office of Water Resources Research are (a) to carry out the provisions of the Water Resources Research Act of 1964, which are assigned therein to the Secretary of the Interior; except that,

(b) pursuant to section 104 of said Act, the Science Adviser shall be responsible for consultation with other interested Federal agencies in the initial stages of the development of rules and regulations necessary to carry out the provisions of the Act.

**Sec. 4. Delegation of authority.** The Director, Office of Water Resources Research is authorized to exercise the authority of the Secretary of the Interior pursuant to the Water Resources Research Act of 1964, except that the following authorities are not delegated:

(a) authority to approve rules and regulations pursuant to Section 104 of said Act;

(b) authority to make reports to the President and the Congress of action taken or instituted with respect to said Act.

**Sec. 5. Detail of personnel.** Bureaus and offices shall detail personnel to the Office of Water Resources Research, as needed, until permanent staffing arrangements are made.

**Sec. 6. Administrative services.** Administrative services for budget, finance, personnel management, procurement and property management, and mail and files, will be provided for the Office of Water Resources Research by the Office

of the Administrative Assistant Secretary.

Sec. 7. *Acting Director.* John C. Calhoun, Jr., is designated Acting Director, Office of Water Resources Research.

STEWART L. UDALL,  
*Secretary of the Interior.*

[F.R. Doc. 64-7276; Filed, July 21, 1964;  
8:49 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration  
ARAKAWA FOREST CHEMICAL  
INDUSTRIES, LTD.

### Filing of Petition Regarding Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1417) has been filed by Arakawa Forest Chemical Industries Ltd., No. 21 1-Chome Hiranomachi, Higashi-Ku, Osaka, Japan, proposing that § 121.2520 *Adhesives* be amended by adding acetone-urea-formaldehyde resin and the sodium salt of vinyl acetate-maleic anhydride copolymer to the list of substances in subparagraph (c)(5), Components of Adhesives.

Dated: July 16, 1964.

MALCOLM R. STEPHENS,  
*Assistant Commissioner  
for Regulations.*

[F.R. Doc. 64-7261; Filed, July 21, 1964;  
8:47 a.m.]

## PENNSYLVANIA INDUSTRIAL CHEMICAL CORP.

### Filing of Petition Regarding Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1452) has been filed by Pennsylvania Industrial Chemical Corporation, 120 State Street, Clairton, Pennsylvania, proposing that § 121.2566(b) be amended by adding thereto the following new item:

List of substance	Limitations
4,4'-Methylenebis(2,6-di- <i>tert</i> -butylphenol)	For use only at levels not to exceed 0.25 percent by weight of petroleum hydrocarbon resins and terpene resins.

Dated: July 16, 1964.

MALCOLM R. STEPHENS,  
*Assistant Commissioner  
for Regulations.*

[F.R. Doc. 64-7262; Filed, July 21, 1964;  
8:48 a.m.]

## SYRACUSE UNIVERSITY RESEARCH CORP.

### Filing of Petition Regarding Food Additive

Pursuant to the provisions of the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice was given in the FEDERAL REGISTER of June 13, 1964 (29 F.R. 7612), that a petition (FAP 1406) had been filed by Syracuse University Research Corporation, 1075 Comstock Avenue, Syracuse 10, New York, proposing the issuance of a regulation to provide for the safe use of toluene in the manufacture of foamed polystyrene intended for use in contact with food, if the finished foamed polystyrene does not contain more than 0.35 percent by weight of toluene.

In accordance with information included in the petition it has been filed to provide also for the use of saturated C<sub>8</sub> aliphatic hydrocarbons in the manufacture of foamed polystyrene intended for use in contact with food.

Dated: July 17, 1964.

MALCOLM R. STEPHENS,  
*Assistant Commissioner  
for Regulations.*

[F.R. Doc. 64-7263; Filed, July 21, 1964;  
8:48 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 27-10]

### NUCLEAR ENGINEERING CO., INC.

#### Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 19 to License No. 4-3766-1 which amends the license to provide for receipt and burial at the licensee's facility near Beatty, Nevada of fifty-three (53) 55-gallon drums containing a total of 555,866 grams of Uranium which is 0.947 percent enriched in Uranium 235. The total quantity of Uranium 235 is 5,265 grams and the maximum quantity of Uranium 235 in any single drum does not exceed 100 grams. The waste material is solidified in 5-gallon drums. One 5-gallon drum is placed in the center of a 55-gallon drum which is filled with concrete.

License No. 4-3766-1 provides for the possession of a maximum of 500 grams of Uranium 235. This amendment is to provide for a quantity in excess of 500 grams. This amendment is valid only for the receipt and burial of the containers described above which have been prepared by General Atomics, San Diego, California.

The Atomic Energy Commission has found that:

A. The licensee's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property;

B. The licensee is qualified by training and experience to use the material

for the purpose requested in such manner as to protect health and minimize danger to life or property;

C. The application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, and is for a purpose authorized by that act.

The Commission has determined that under the specified conditions of packaging and the licensee's procedures for burial there is no possibility of accidental criticality. The Commission has also determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

The text of the amendment is set forth below.

Dated at Bethesda, Md., July 14, 1964.

For the Atomic Energy Commission.

LYALL JOHNSON,  
*Acting Director,  
Division of Materials Licensing.*

[License No. 4-3766-1, Amendment No. 19]

In accordance with application dated September 17, 1963, and amendments thereto dated September 19, 1963, and June 4, 1964, License No. 4-3766-1 is amended to add the following condition:

25. Notwithstanding Condition 1.C.(2), the licensee is authorized to receive and dispose of fifty-three 55-gallon drums containing a total of 5,265 grams of 0.947 percent enriched Uranium 235.

No single 55-gallon drum shall contain more than 100 grams of Uranium 235.

This authorization is valid only for the 55-gallon drums prepared by General Atomics and described in the application dated September 17, 1963, and amendments thereto dated September 19, 1963 and June 4, 1964.

Date of issuance: July 14, 1964.

For the Atomic Energy Commission.

LYALL JOHNSON,  
*Acting Director,  
Division of Materials Licensing.*

[F.R. Doc. 64-7227; Filed, July 21, 1964;  
8:45 a.m.]

[Docket No. 27-39]

## CALIFORNIA NUCLEAR, INC.

### Issuance of Byproduct, Source and Special Nuclear Material License

Please take notice that no request for a hearing or petition for leave to intervene has been filed following publication of the notice of proposed issuance of

byproduct, source and special nuclear material license. The Atomic Energy Commission has this date issued License No. 13-10042-1. The license is in the form set forth in the notice of proposed issuance published in the FEDERAL REGISTER on June 16, 1964, 29 F.R. 7695, except that in the published notice sections 4. and 4.A. of the license were inadvertently printed before the balance of the license.

Dated at Bethesda, Md., July 15, 1964.

For the Atomic Energy Commission.

LYALL JOHNSON,  
Acting Director,  
Division of Materials Licensing.

[F.R. Doc. 64-7274; Filed, July 21, 1964;  
8:49 a.m.]

[Docket No. 50-87]

## WESTINGHOUSE ELECTRIC CORP.

### Notice of Proposed Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission proposes to issue to Westinghouse Electric Corporation ("the licensee") an amendment to Facility License No. CX-11 substantially in the form set forth below. The license authorizes the operation of the CES facility ("the facility") located near Waltz Mill in Westmoreland County, Pennsylvania.

The proposed amendment would (1) extend the expiration date of the license from July 3, 1967 to September 30, 1968, and (2) authorize the licensee to operate the facility at a maximum power level of 10 kilowatts thermal instead of the previously authorized 100 watts. The proposed amendment was requested by the licensee in an application for license amendment dated October 21, 1963, and the supplements thereto dated June 8, 1964, and July 20, 1964.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(2) There is reasonable assurance that (i) the activities authorized by this license amendment can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

(3) The licensee is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

(4) Westinghouse has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

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

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person

whose interest may be affected by the proposed issuance of this amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice", 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued. If no request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue the license amendment fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER.

For further details with respect to this proposed amendment, see (1) the application for license amendment dated October 21, 1963, and supplement thereto dated June 8, 1964, (2) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing and (3) the Technical Specifications designated as Appendix A of the license, as amended, all of which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the hazards analysis may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 20th day of July 1964.

For the Atomic Energy Commission.

ROGER S. BOYD,  
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[License No. CX-11; Amdt. 6]

Facility License No. CX-11, as amended, is revised in its entirety to read as follows:

1. This license applies to the CES facility (hereinafter "the facility") which is owned by Westinghouse Electric Corporation (hereinafter "the licensee") and located near Waltz Mill in Westmoreland County, Pennsylvania and described in the application for license amendment dated October 21, 1963 and the supplement thereto dated June 8, 1964 (hereinafter "the application").

2. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission (hereinafter "the Commission") hereby licenses Westinghouse Electric Corporation:

A. Pursuant to section 104c of the Atomic Energy Act of 1954, as amended ("the Act"), and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess, use and operate the facility as a utilization facility at the designated location.

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess, and use at any one time up to 10 kilograms of contained uranium-235 in highly enriched (greater than 90 percent) form and 30 kilograms of contained uranium-235 in low enrichment (less

than 5 percent) form as fuel for operation of the facility;

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

3. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50, § 70.32 of Part 70, and § 30.32 of Part 30 of the Commission's regulations, and to be subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum power level.* The licensee shall not operate the facility at a power level in excess of 10 kilowatts (thermal).

B. *Technical specifications.* The Technical Specifications contained in Appendix A to this license (hereinafter the "Technical Specifications") are hereby incorporated in this license. The licensee shall operate the facility only in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in 10 CFR 50.59.

C. *Authorization of changes, tests, and experiments.* The licensee may (1) make changes in the facility as described in the hazards summary report, (2) make changes in the procedures as described in the hazards summary report, and (3) conduct tests or experiments not described in the hazards summary report only in accordance with the provisions of § 50.59 of the Commission's regulations.

D. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) The licensee shall make an immediate report in writing to the Commission of any indication or occurrence of a possible unsafe condition relating to the operation of the facility including, without implied limitation, any possible unsafe condition arising out of:

a. Any substantial variance disclosed by operation of the facility from the performance specifications set forth in the hazards summary report, and

b. Any accidental release of radioactivity, whether or not resulting in property damage or personal injury or exposure above permissible limits.

(2) The licensee shall report to the Commission in writing, within sixty (60) days, significant changes in plant organization and accident analyses, as described in the hazards summary report.

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

(1) Facility operating records, including power levels.

(2) Records of in-pile irradiations.

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

(4) Records of emergency facility scrams, including reasons for the emergency shutdowns.

4. This license is effective as of the date of issuance and shall expire at midnight September 30, 1968.

For the Atomic Energy Commission.

Date of issuance:

ROGER S. BOYD,  
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 64-7348; Filed, July 21, 1964;  
11:53 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket 15172]

NATHAN BRONSTEIN ET AL.

### Proposed Approval of Control and Interlocking Relationships

Application of Nathan Bronstein d/b/a Air Freightways, et al., for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 15172.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of fifteen days from date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., July 16, 1964.

[SEAL] J. W. ROSENTHAL,  
Chief, Routes and Agreements  
Division, Bureau of Economic  
Regulation.

#### ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIPS

The Board previously approved Nathan Bronstein's common control of and interlocking relationships with Nathan Bronstein d/b/a Air Freightways (NBAF), a domestic air freight forwarder, and Aero Missile Components, Inc. (AMC), a person engaged in a phase of aeronautics by virtue of its manufacture of aircraft and missile hardware.<sup>1</sup>

By application filed April 9, 1964, as amended May 20 and June 2, 1964, Mr. Bronstein and NBAF request the Board to approve under section 408 of the Federal Aviation Act of 1958, as amended (the Act), the acquisition by Mr. Bronstein of the control of Air Freightways Corp. (AFC), while his sole ownership of AMC continues. Applicants also request that Mr. Bronstein and his wife, Mrs. Betty M. Bronstein, be authorized under section 409 of the Act to assume positions as president and secretary-treasurer, respectively, of both companies.

In support of the application, applicants state that the sole purpose of the transaction is to incorporate the previously privately owned air freight forwarding operation; that both AFC and AMC will continue to be owned 100 percent by Mr. Bronstein; that there are virtually no transactions between the companies (\$11.90 in 1963); that neither the individuals nor the companies have any other business interests; and that the companies are operated as separate and independent enterprises.

No objections to the application have been filed.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

We have concluded, upon consideration of the application, that the control of AFC by Nathan Bronstein while he continues in control of AMC creates a relationship within the meaning of section 408 of the Act. However, it has been further concluded that such relationship does not affect the control of an

air carrier directly engaged in the operation of aircraft in air transportation, does not result in creation of a monopoly and does not restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing, and we find that the public interest does not require a hearing. The control relationship is similar to those which previously existed between NBAF and AMC and which have been approved by the Board, and do not present any new substantive issues. It therefore appears that approval of the relationship would not be inconsistent with the public interest.

We also find that interlocking relationships within the scope of section 409 of the Act will result from Mr. and Mrs. Bronstein's positions as officers of AMC and the proposed holding by them of positions in AFC, as set forth herein. However, we have concluded that a due showing has been made in the form and manner prescribed that the interlocking relationships will not adversely affect the public interest.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act without a hearing, and that the interlocking relationships should be approved under section 409.

Accordingly, it is ordered,

1. That the acquisition of control of Air Freightways Corp. by Nathan Bronstein while he controls Aero Missile Components, Inc. be and it hereby is approved; and

2. That, subject to the provisions of Part 251 of the Board's Economic Regulations as now in effect or as hereafter amended, the interlocking relationships resulting from the holding by Nathan Bronstein and Betty M. Bronstein of the positions described above be and they hereby are approved.

Persons entitled to petition the Board for review of this Order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within five days after the date of service of this Order.

This Order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this Order on its own motion.

[SEAL] J. W. ROSENTHAL,  
Chief, Routes and Agreements Division,  
Bureau of Economic Regulation.

[F.R. Doc. 64-7296; Filed, July 21, 1964;  
8:51 a.m.]

[Docket 15416, Order No. E-21072]

### INTERNATIONAL AIR TRANSPORT ASSOCIATION

#### Agreement Relating to Reduced Fares, and Free and Reduced-Rate Interline Transportation for Travel Agents

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of July 1964.

In the Free and Reduced-Rate Transportation Case, 14 C.A.B. 481 (1951), the Board approved, inter alia, agreements and tariff provisions which permitted free and reduced-rate overseas and foreign air transportation for travel agents, where the tariffs for such rules have limitations corresponding to those in IATA Resolution No. 203. The presently effective IATA Resolution No. 203 permits a 75 percent discount to travel agents, subject to certain conditions.

The domestic carriers have adopted a resolution which permits a similar discount for travel agents on interline transportation on the domestic portion of such trips. (ATC Resolution No. 15.25.)

The bases for the Board's approval of IATA Resolution 203 are explained in the Free and Reduced-Rate Transportation Case, supra, at 484. Essentially, the Board was of the opinion that the competitive factor of surface carriers, which granted fare concessions to travel agents, was a sufficient justification for some form of free or reduced-rate overseas and foreign air transportation for travel agents. In addition, the Board indicated that requiring full payment for such travel by air would effectively discourage most agents from attaining firsthand familiarity with the type and quality of services offered by the air carriers, as well as with travel conditions abroad, and that such familiarity was a vital factor in selling foreign and overseas air transportation.

A recent review of effective tariff rules, which apparently were filed in reliance on the Board's decision cited above, indicates that clarification of the scope of the Board's approval is required. For example, some tariff rules permit reduced-rate transportation between Alaska/Hawaii-continental United States, which now is interstate air transportation not embraced within the Board's approval. Other tariff rules have been applied in such manner as to facilitate unlimited stopovers in the United States by travel agents employed or stationed in the U.S., with the result that the overseas or foreign destination in many instances has become an incidental part of the itinerary and has been used as a means for such travel agents to obtain the 75 percent discount for what is in fact interstate air transportation.

In view of the Board's reasons for permitting free and reduced-rate transportation in overseas and foreign air transportation, as stated in the Free and Reduced-Rate Transportation Case, supra, and in order to preserve the integrity of that decision, the Board proposes to condition its approvals of IATA Resolution No. 203 and ATC Resolution No. 15.25 so as to limit the stopover time to a total of 24 hours at points in the United States by travel agents stationed or employed in the United States, who are traveling under free or reduced-rate air transportation permitted by IATA Resolution 203, ATC Resolution 15.25, and tariffs filed pursuant thereto. The Board will also expect the carriers to conform their tariffs to comply with these conditions, and to amend their tariff rules applicable to reduced-rate transportation to travel agents so as to exclude interstate air transportation therefrom. The proposed conditions are set forth in the Appendix hereto. However, the Board will defer final action on this proposal in order to permit submission of comments by carriers and other interested persons.

<sup>1</sup>Such transportation was overseas air transportation when the rules were originally published.

<sup>1</sup> Order E-19139 adopted December 27, 1962, Docket 14015.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, and particularly sections 204(a) and 412 thereof:

*It is ordered that,*

1. Action on proposed conditions, set forth in the Appendix to this order, which would modify the Board's approval of IATA Resolution No. 203 and ATC Resolution No. 15.25, is deferred with a view toward adoption.

2. Any direct air carrier, direct foreign air carrier, or any interested person, may, within 30 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's proposed action. An original and 19 copies of the statements should be filed in the Board's Docket Section. The Board may, upon consideration of any such statements filed, or for any other reason deemed by it appropriate, adopt the proposed conditions, or modify or rescind its proposal herein by subsequent order.

3. This order will be served on all direct air carriers and direct foreign air carriers.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

MABEL McCART,  
*Acting Secretary.*

PROPOSED CONDITIONS TO MODIFY BOARD'S APPROVAL OF IATA RESOLUTION NO. 203 AND ATC RESOLUTION NO. 15.25

1. Approval of IATA Resolution No. 203 is modified so as to be subject to the following condition:

"This resolution is approved subject to the reservation that, except where the United States Civil Aeronautics Board has upon application granted specific approval therefor, reduced-rate or free transportation by any air carrier or foreign air carrier shall not be:

- a. performed in interstate air transportation,
- b. furnished in air transportation (as those terms are defined in the Federal Aviation Act of 1958) to any officer, director, or employee of a passenger sales agency (including members of his immediate family) who is employed or stationed in the 50 States of the United States on any trip in which (i) the total duration of all stopovers<sup>2</sup> within the 50 States of the United States exceeds 24 hours, or (ii) the scheduled elapsed

<sup>2</sup>"Stopover" as used herein means a deliberate interruption of a journey by a passenger, at a point between the place of departure and the place of destination. A stopover will occur when a passenger arrives at an intermediate or junction transfer point and fails to depart from such intermediate or junction transfer point on (1) the first flight on which space is available; or (2) the flight that will provide for the passenger's earliest arrival at destination point. Stopover time will commence with the scheduled departure time from the point of stopover of the flight on which the passenger would have continued his transportation without stopover, and will terminate at the scheduled departure time of the flight which the passenger actually uses from such point of stopover.

ground time, including stopover time, at any intermediate or junction transfer point within the 50 States of the United States exceeds 36 hours."

2. Approval of ATC Resolution No. 15.25 is modified so as to be subject to the following condition:

"This resolution is approved subject to the condition that, except where the Civil Aeronautics Board has upon application granted specific approval therefor, free and reduced-rate interline transportation for travel agents in connection with overseas and foreign air transportation shall not be furnished by any air carrier in air transportation to any officer, director, or employee of a passenger sales agency (including members of his immediate family) who is employed or stationed in the 50 States of the United States on any trip in which (a) the total duration of all stopovers<sup>2</sup> within the 50 States of the United States exceeds 24 hours, or (b) the scheduled elapsed ground time, including stopover time, at any intermediate or junction transfer point within the 50 States of the United States exceeds 36 hours."

[F.R. Doc. 64-7297; Filed, July 21, 1964; 8:51 a.m.]

[Docket 9858]

**UNITED AIR LINES, INC.**

**Hearing Relating to Philadelphia-Detroit Long-Haul Restriction**

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will commence on Monday, August 3, 1964, at 10:00 a.m. (local time), in Room 1027 of the Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

The issue in this proceeding is:

Do the public convenience and necessity require the modification of restriction (6) of the certificate of United Air Lines, Inc., for route 1 to the extent necessary to permit United to originate or terminate any flight serving Detroit, Michigan, at Philadelphia, Pennsylvania?

Restriction (6) now provides:

The holder shall serve Detroit, Mich., only on flights originating at Denver, Colo., or a point west thereof, and terminating at New York, N.Y. or originating at New York, N.Y., and terminating at Denver, Colo., or a point west thereof: *Provided*, That the holder may originate flights at Detroit, Mich., which terminate at Philadelphia, Pa., or originate flights at Philadelphia, Pa., which terminate at Detroit, Mich.

For further details of the issues involved in this proceeding, interested persons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Dated at Washington, D.C., July 17, 1964.

[SEAL]

MERRITT RUHLEN,  
*Hearing Examiner.*

[F.R. Doc. 64-7298; Filed, July 21, 1964; 8:51 a.m.]

**FEDERAL COMMUNICATIONS COMMISSION**

[Docket No. 14251; FCC 64-646]

**AMERICAN TELEPHONE AND TELEGRAPH CO.**

**Order Continuing Oral Argument**

In the matter of American Telephone and Telegraph Company, Docket No. 14251; Tariff F.C.C. No. 250, TELPAK Service and Channels.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of July 1964;

The Commission having under consideration an oral report from its Common Carrier Bureau concerning a meeting held July 13, 1964, pursuant to order FCC 64-620 released July 7, 1964, in this proceeding; and

It appearing, that the seventeen intervenor parties who filed timely notice in writing of intention to appear and participate in oral argument and who would share in the two hours and ten minutes of time for oral argument desire more time in order that they may better organize and coordinate their joint or several presentations; and

It appearing, that the request for such delay is not unreasonable under all the circumstances:

*It is ordered*, That the previous orders FCC 64-538 and 64-620 are amended and revised to reschedule oral argument herein before the Commission en banc for Friday, September 11, 1964, commencing at 9:30 a.m. and that parties herein, who have filed timely notice in writing of intention to appear and participate in oral argument shall be allowed time for argument in the sequence as follows:

- American Telephone and Telegraph Company, one hour;
- Aeronautical Radio, Inc., American Trucking Associations, Inc., Bethlehem Steel Company, Douglas Aircraft Company, Inc., Dow Jones & Company, Inc., Eastern Air Lines, Inc., Hunt Foods and Industries, Inc., International Business Machines Corporation, Lockheed Aircraft Corporation, NAM Communications Committee, National Association of Motor Bus Owners, Olin Mathieson Chemical Corporation, The Associated Press, The New York Central Railroad Company, Twin Coast Newspapers, Inc., United States Steel Corporation, and Xerox Corporation, a total of two hours and ten minutes to be apportioned among them in such manner, and to as many spokesmen, as they may mutually agree upon and of which agreement they shall jointly file written notice herein no later than August 31, 1964;

The Administrator of General Services, twenty minutes;

The Western Union Telegraph Company, 45 minutes;

Motorola Inc., 30 minutes; and American Telephone and Telegraph Company, twenty minutes for rebuttal.

Released: July 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,  
BEN F. WAPLE,  
*Secretary.*

[SEAL]

[F.R. Doc. 64-7286; Filed, July 21, 1964; 8:49 a.m.]

[Docket Nos. 15562, 15563]

**COLLEGE RADIO AND PIONEER VALLEY BROADCASTING CO.****Order Designating Applications for Consolidated Hearing on Stated Issues**

In re applications of Augustine L. Cavallaro, Jr., tr/as College Radio, Amherst, Massachusetts, Docket No. 15562, File No. BPH-4323, Requests: 99.3 mc, No. 257; 3 kw; -100 feet; Pioneer Valley Broadcasting Company, Northampton, Massachusetts, Docket No. 15563, File No. BPH-4393, Requests: 99.3 mc, No. 257; 3 kw; 300 feet; for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the above-captioned applications on July 15, 1964;

It appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that the areas for which the applicants propose to provide FM service are significantly different in size and that for purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM service (at least 1 mv/m) within such areas will be considered in the hearing ordered below for the purpose of determining whether a comparative preference should accrue to either applicant; and

It further appearing, that upon due consideration of the above-captioned applications, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that each of the applicants is legally, financially, technically and otherwise qualified to construct, own and operate the FM broadcast facilities proposed;

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

1. To determine the area and population within the proposed 1 mv/m contours, the areas and populations therein which would be served by the proposed station and the availability of other FM services (at least 1 mv/m) to such proposed service areas.

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

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

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

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

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

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

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311 (a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

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

Released: July 17, 1964.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.[F.R. Doc. 64-7287; Filed, July 21, 1964;  
8:49 a.m.]**FEDERAL MARITIME COMMISSION**[Commission Order No. 1, (Amended);  
Supp. 1]**MANAGING DIRECTOR AND DIRECTOR, BUREAU OF FINANCIAL ANALYSIS****Delegation of Authority**

Section 7, *Specific Authorities Delegated to the Managing Director*—is hereby supplemented to add subsection 7.10 as follows:

7.10 The authority to approve or disapprove applications as specified in General Order 11 "Reports of Rate Base and Income Account by Vessel Operating Common Carriers in the Domestic Off-shore Trades", Sections: 512.3(c)(1)—extensions for time of filing; 512.3(c)(2)—alternate data; 512.3(c)(3)—

waiver of filing; and 512.3(d) the submission of statements for the first 6 months of any fiscal year.

JOHN HARLLEE,  
Rear Admiral, U.S. Navy (Retired),  
Chairman.

Commission Order 201.1 (Amended) is hereby supplemented by adding the following new section 7 and renumbering the present sections 7 and 8 to 8 and 9 respectively.

**SEC. 7. Specific Authorities Redelegated to the Director, Bureau of Financial Analysis.**

7.01 The authority to approve or disapprove applications as specified in General Order 11 "Reports of Rate Base and Income Account by Vessel Operating Common Carriers in the Domestic Off-shore Trades", Sections: 512.3(c)(1)—extensions for time of filing; 512.3(c)(2)—alternate data; 512.3(c)(3)—waiver of filing; and 512.3(d) the submission of statements for the first 6 months of any fiscal year.

TIMOTHY J. MAY,  
Managing Director.

JULY 13, 1964.

[F.R. Doc. 64-7268; Filed, July 21, 1964;  
8:48 a.m.]

[Fact Finding Investigation 8]

**PROJECT RATES****Investigation**

Common carriers by water in foreign commerce and conferences thereof apparently offer special ocean freight rates (variously known as "project rates," "industrial rates," "special rates," etc., hereinafter referred to as "project rates," for shipments of various cargoes ("project cargoes") intended for use in the construction or development of industrial, agricultural or natural resources ("projects"). Project rates appear to be substantially lower than the individual rates otherwise applicable to the same cargoes under general tariff provisions. It further appears that carriers and shippers enter into arrangements whereby, in consideration of a shipper's commitment of a designated portion of his patronage, carriers agree to apply project rates on shipments of project cargoes. Some of these arrangements are reflected in numerous tariffs filed with the Commission which describe particular projects and set forth special ocean freight rates applicable to shipments of project cargoes.

The Commission desires to be informed of the operation and details of the aforesaid shipping arrangements with the intention of determining their effect on the foreign commerce of the United States, whether such arrangements and practices relating thereto are consistent with the provisions of the Shipping Act, 1916, and take such action as may be appropriate in the circumstances.

Particularly, but not limited thereto, the Commission seeks information relevant to the following inquiries:

1. The extent to which such arrangements are employed in the foreign commerce of the United States.

2. The extent to which such arrangements are employed in foreign to foreign commerce competitive with United States foreign commerce.

3. The effect of such arrangements on the flow of commerce; i.e., do they foster, impede or have no effect upon the flow of commerce.

4. The effect of such arrangements on ocean freight rates.

5. The manner in which such arrangements are made and executed.

6. The probable effect of limitation or elimination of the employment of such arrangements on shippers, consignees, carriers and other commercial and public interests.

7. Commercial benefits derived from the employment of such arrangements.

8. Commercial detriments derived from the employment of such arrangements.

9. The need and feasibility of establishing regulatory guidelines relating to such arrangements, their operation and the practices they engender.

Therefore it is ordered, That pursuant to section 22 of the Shipping Act, 1916, a nonadjudicatory investigation is hereby instituted to satisfy the aforementioned inquiries, said investigation to be conducted pursuant to §§ 502.291-502.302 of the Commission's rules of practice and procedure. (46 CFR 502.291-502.302.)

It is further ordered, That E. Robert Seaver of the Commission is appointed as Investigative Officer with full authority as designated in the Commission's rules, supra.

It is further ordered, That it shall be within the discretion of the Investigative Officer whether any hearings held pursuant hereto shall be public or non-public. Any persons desiring to present evidence or testimony relevant to this investigation are requested to so advise the Investigative Officer at the offices of the Federal Maritime Commission, Washington, D.C., on or before August 7, 1964.

This order shall be published in the FEDERAL REGISTER.

By the Commission June 16, 1964.

FRANCIS C. HURNEY,  
Special Assistant  
to the Secretary.

[F.R. Doc. 64-7269; Filed, July 21, 1964; 8:48 a.m.]

[Independent Ocean Freight Forwarder License 987]

**RICHES INTERNATIONAL**  
**Revocation of License**

Whereas, subject licensee has advised the Commission that it does not intend to carry on the business of an independent ocean freight forwarder;

It is ordered, That Independent Ocean Freight Forwarder License No. 987 is hereby revoked, effective this date.

It is further ordered, That applicant return Independent Ocean Freight Forwarder license No. 987, issued March 24, 1964, and

It is further ordered, That this revocation is without prejudice to the reapplica-

tion for a license by Riches Research, Inc., d/b/a Riches International.

By order of the Commission July 9, 1964.

[SEAL] FRANCIS C. HURNEY,  
Special Assistant  
to the Secretary.

[F.R. Doc. 64-7270; Filed, July 21, 1964; 8:48 a.m.]

**PORTLAND PUBLIC DOCKS AND  
MATSON NAVIGATION CO.**

**Notice of Agreements Filed for  
Approval**

Notice is hereby given that the following Agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Agreement No. T-8965-3, between Portland Public Docks (Portland) and Matson Navigation Company (Matson), modifies the basic agreement of the parties which provides for a preferential assignment and lease of certain terminal property in Portland, Oreg. The purpose of the modification is to provide substitute berthing space for Matson's vessels during construction and installation of a crane on Pier 2.

Dated: July 16, 1964.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Special Assistant  
to the Secretary.

[F.R. Doc. 64-7271; Filed, July 21, 1964; 8:49 a.m.]

**SECURITIES AND EXCHANGE  
COMMISSION**

[File No. 812-1699]

**AMERICA AND ISRAEL GROWTH  
FUND, INC.**

**Notice of Application for Order of  
Exemption**

JULY 15, 1964.

Notice is hereby given that America and Israel Growth Fund, Inc., 54 Wall Street, New York 5, New York ("applicant"), a registered open-end management investment company, has filed an application pursuant to section 6(c) of

the Investment Company Act of 1940 ("Act") for an order of the Commission exempting applicant, to the extent necessary, from the provisions of section 17(f) of the Act so as to permit applicant to maintain part of its assets in the custody of Israel Discount Bank, Limited ("Discount Bank"), an Israeli banking corporation with its principal office in Tel Aviv, Israel, as agent of applicant's custodian, Bankers Trust Company of New York, in accordance with arrangements described in the application. All interested persons are referred to the application on file with the Commission for a complete statement of applicant's representations which are summarized below.

Under its investment policy applicant proposes to invest substantially in securities of Israeli companies. Section 17(f) (1) of the Act, in relevant part, provides that every registered management investment company shall maintain its securities and similar investments in the custody of a bank. A bank is defined in section 2(a) (5) of the Act, generally speaking, as a banking institution organized or doing business under the laws of any State or of the United States, or a member bank of the Federal Reserve System. Applicant states that if it is required to maintain its portfolio of Israeli securities and assets in the United States pursuant to the requirements of section 17(f) of the Act, all securities purchased in Israel would be required to be transported to the United States for custody and safe-keeping and transported back to Israel upon their ultimate sale and that the costs involved in transporting such securities to and from the United States for delivery and sale in Israel would be so extensive as to be inimical to the interest of prospective investors in applicant's securities. Many Israeli securities carry coupons and other rights permitting the holder of the securities to exchange such coupons at designated times either for interest or dividends or for new shares of the Company in connection with a rights offering and if the securities are maintained in the United States, each time applicant is entitled to any rights pertaining to ownership of the securities, it would have to be notified from Israel and would then have to transport to Israel the coupons in order to take advantage of the rights adhering thereto. Delays inherent in the shipping of securities such a great distance might occur and applicant might find it is too late to avail itself of rights afforded to shareholders.

Applicant has obtained the services of the Bankers Trust Company of New York to act as the custodian of its portfolio securities and other assets. Bankers Trust Company has informed applicant that it has had business dealings and relationships with Discount Bank for a number of years and that such bank is well and favorably known to it. Bankers Trust Company has agreed to designate Discount Bank, the second largest bank in the State of Israel, as its agent and sub-custodian in Israel pursuant to a contractual arrangement which applicant believes would substantially accomplish the purposes of section 17(f) of the Act and would result in no loss of protection to investors in applicant's securities.

[File No. 811-648]

**NEW YORK CAPITAL FUND, LTD.****Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company**

JULY 16, 1964.

The proposed arrangement between the two banks provides, among other things, that Discount Bank will hold and service securities as sub-custodian and that it will be the agent of Bankers Trust Company, subject only to its instructions and not of applicant. Bankers Trust Company will assume the same duty of care and responsibility for applicant's property which may be held by Discount Bank, as though such property were held by a branch of Bankers Trust Company in an overseas location. While any of applicant's assets are held by Discount Bank, they will be insured under Bankers Trust Company's Bankers Blanket Bond.

If the application herein is granted, applicant agrees that it will cause an independent public accounting firm in Tel Aviv, Israel, to make one surprise physical examination of applicant's portfolio securities held in custody in Tel Aviv, Israel, by the Discount Bank, as well as a fiscal year end physical examination of such securities. The results of such examinations will be reported by the Israeli accountants to applicant's American independent certified public accountants.

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

Notice is further given that any interested person may, not later than July 30, 1964 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 64-7238; Filed, July 21, 1964;  
8:46 a.m.]

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that New York Capital Fund, Ltd. ("applicant"), 135 South La Salle Street, Chicago, Illinois, 60603, a registered open-end diversified management investment company, has ceased to be an investment company.

Applicant was incorporated on June 16, 1954 under the Companies Act of Canada and until November 2, 1960 was called New York Capital Fund of Canada, Ltd. Pursuant to an order issued under section 7(d) of the Act, the applicant registered under the Act on August 11, 1954. On May 8, 1964 in accordance with a plan of reorganization and an agreement between the applicant and Stein Roe & Farnham International Fund, Inc. ("International"), a Maryland corporation, applicant transferred all of its assets to International. In consideration of such transfer, International assumed all of the liabilities of applicant and issued directly to the registered shareholders of applicant one share of capital stock of International in exchange for and in complete cancellation of each common share of applicant then outstanding.

Since May 8, 1964 applicant has owned no assets, has no outstanding securities, has not conducted any business and does not propose to acquire any assets, issue any securities or conduct any business. On June 10, 1964 a petition was filed with the Secretary of State of Canada to surrender applicant's charter.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 7, 1964 at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule

0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 64-7239; Filed, July 21, 1964;  
8:46 a.m.]

[File No. 812-1701]

**SUPERIOR-DOUGLAS COUNTY INDUSTRIAL DEVELOPMENT CORP.****Notice of Filing of Application for Order Declaring Company Exempt From the Act**

JULY 17, 1964.

Notice is hereby given that Superior-Douglas County Industrial Development Corporation ("Applicant"), Superior, Wisconsin, a Wisconsin corporation organized under the Wisconsin Business Corporation Act, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order declaring that Applicant is exempt from the provisions of the Act. All interested persons are referred to the application, which is on file with the Commission, for a full statement of the representations therein, which are summarized below.

Applicant is a subsidiary of Superior-Douglas County Industrial Development Association, Inc., a non-profit Wisconsin corporation, which owns all of the 61 outstanding shares of Applicant's \$10 par value common stock. Applicant represents that it was formed for the purpose of investing in a note of Superior Fiber Products, Inc. ("Superior"), a Wisconsin corporation, which is intending to construct and operate a hardboard manufacturing plant at Superior, Wisconsin. Applicant and Superior have filed with the Commission a registration statement under the Securities Act of 1933 (Registration Statement No. 2-22355) pursuant to which Applicant proposes to offer to the public debentures in the amount of \$630,000, the proceeds from the sale of which will be used to purchase the note of Superior, which is expected to be the only asset of Applicant.

The application states that the major financing of the plant to be constructed by Superior is to be provided by the United States Area Redevelopment Administration ("ARA"). Section 6 of the Area Redevelopment Act which governs the lending activities of the ARA provides that in the case of a project to be financed with ARA funds, at least 10 percent of the cost of the project must be provided from a local source, known as a "community or area organization". Applicant states that it intends to qualify as such a "community or area organization" and the only reason that Applicant is involved and is financing the proposed hardboard mill is to satisfy the afore-

mentioned requirement. The application states that the only functions Applicant will carry on will be those functions relating to the investment which it proposes to make in Superior. Superior proposes to pay all expenses of Applicant's existence and proposes to guarantee the debentures of Applicant. Applicant represent that in fact it will be nothing more than a conduit, with the terms of the note of Superior which Applicant holds identical to the terms of the debentures Applicant will issue and Superior will guarantee. It is represented that although Applicant may technically be an investment company, it has no practical existence and ought not to be subject to either regulation or registration under the Act.

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

Notice is further given that any interested person, may not later than July 30, 1964, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 64-7251; Filed, July 21, 1964; 8:47 a.m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G-3490 et al.]

### PHILLIPS PETROLEUM CO. ET AL.

#### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates <sup>1</sup>

JULY 14, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

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 August 3, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or notice to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own 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 Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,  
Secretary.

Docket No. and date filed	Applicant	Purchaser, field and location	Price (cents) per Mcf	Pressure base
G-3490..... C 7-1-64	Phillips Petroleum Co.....	Western Gas Service Co. (formerly Southwestern Public Service Co.), Hugoton Field, Texas County, Okla.	Exchange of gas.	14.65
G-7009..... C 7-2-64	Columbian Fuel Corp.....	United Fuel Gas Co., Big Sandy Field, Floyd County, Ky.	27.5.....	15.325
G-8727..... E 8-23-63	Mrs. Hellen Fox Wright Rogers and John K. Wright, III (formerly estate of J. K. Wright, Jr.).	United Gas Pipe Line Co., Maxie-Pistol Ridge Area, Forrest, Lamar, and Pearl River Counties, Miss.	24.0.....	15.025
G-16563..... C 7-2-64	Cities Service Co.....	United Gas Pipe Line Co., Northwest Corpus Channel Field, Nueces County, Tex.	15.0.....	14.65
G-19109..... C 7-2-64	William G. Webb.....	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	13.0.....	15.025
G-19145..... C 7-2-64	J. Glenn Turner.....	do.....	13.0.....	15.025
C161-691..... D 6-18-64	Sinclair Oil & Gas Co. (Operator), et al.	Michigan Wisconsin Pipe Line Co., acreage in Dewey County, Okla.	Assigned.....	
C161-949..... D 7-2-64	Sinclair Oil & Gas Co.	Lone Star Gas Co., East Durant Field, Bryan County, Okla.	Assigned.....	
C161-1055..... C 7-9-64	Cities Service Oil Co.	Anadarko Production Co., acreage in Morton County, Kans.	5.0.....	14.65
C161-1137..... D 7-2-64	Sinclair Oil & Gas Co. (partial abandonment).	Panhandle Eastern Pipe Line Co., J. C. Stevens Unit, Meade County, Kans.	Depleted.....	
C161-1162..... D 7-6-64	Ocean Drilling & Exploration Co. (Operator), et al. (partial abandonment).	Transcontinental Gas Pipe Line Corp., Block 67, Ship Shoal Area, offshore, Vermilion Parish, La.	Depleted.....	
C162-1308..... D 7-9-64	The R. W. Rine Drilling Co. (Operator), et al. (partial abandonment).	Panhandle Eastern Pipe Line Co., Iuka-Carmi, Council Grove Field, Pratt County, Kans.	Uneconomical.....	
C163-318..... C 7-2-64	Frank A. Schultz, et al.....	El Paso Natural Gas Co., Basin Dakota and Blanco Mesaverde Gas Pools, San Juan and Rio Arriba Counties, N. Mex.	13.0.....	15.025
C163-331..... C 7-9-64	W. Leslie Rogers.....	Hope Natural Gas Co., Clay Dist., Ritchie County, W. Va.	25.0.....	15.325
C163-730..... E 7-6-64	Sohio Petroleum Co. (successor to S. J. Sarkeys).	Michigan Wisconsin Pipe Line Co. Putnam Field, Dewey County, Okla.	15.0 + BTU adjustment.	14.65
C163-781..... C 7-2-64	Pan American Petroleum Corp.	Northern Natural Gas Co., acreage in Beaver County, Okla. and Hansford, Hutchinson, Lipscomb, and Ochiltree Counties, Tex.	17.0.....	14.65

Filing code: A—Initial service.  
B—Abandonment.  
C—Amendment to add acreage.  
D—Amendment to delete acreage.  
E—Succession.

See footnotes at end of table.

<sup>1</sup>This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

[Docket Nos. RI65-2 etc.]

Docket No. and date filed	Applicant	Purchaser, field and location	Price (cents) per Mcf	Pressure base
CI63-1437 C 5-25-64 7-8-64 <sup>1</sup>	The Atlantic Refining Co.	Arkansas Louisiana Gas Co., West Vixon Field, Caldwell Parish, La.	17.0 <sup>4</sup>	15.025
CI64-23 C 7-2-64	Pan American Petroleum Corp.	Arkansas Louisiana Gas Co., Star Field, Kingfisher County, Okla.	16.8	14.65
CI64-136 C 7-9-64	Cities Service Oil Co.	do	15.0	14.65
CI64-305 E 6-12-64	Texstar Petroleum Co. (successor to Bert Young).	Cities Service Gas Co., East Antelope Mississippi Gas Pool, Marion County, Kans.	15.0	14.65
CI64-705 C 7-9-64	Pan American Petroleum Corp.	Panhandle Eastern Pipe Line Co., Mocane Gas Area, Beaver County, Okla.	17.0	14.65
CI64-805 C 7-6-64	Jewel Osborn	Northern Natural Gas Co., Hugoton Field, Kearny County, Kans.	11.0	14.65
CI64-806 C 7-6-64	Betty Osborn Biedenbarn	do	11.0	14.65
CI64-807 C 7-6-64	Osborn-Barrett Petroleum, Inc.	do	11.0	14.65
CI64-808 C 7-6-64	W. B. Osborn, Jr.	do	11.0	14.65
CI64-959 D 7-7-64	Medallion Oil Co. (partial abandonment).	Texas Eastern Transmission Corp., Jefferson Area, Rodessa Field, Marion County, Tex.	Declined in pressure.	
CI64-1130 <sup>3</sup> A 3-25-64	The Atlantic Refining Co.	El Paso Natural Gas Co., Gomez (Delaware Basin) Field, Pecos County, Tex.	15.5 <sup>6</sup>	14.65
CI64-1225 <sup>7</sup> A 4-20-64	Skelly Oil Co.	El Paso Natural Gas Co., Gomez Area, Pecos County, Tex.	15.70925 <sup>8</sup>	14.65
CI64-1325 C 7-6-64	Texaco Inc. (Operator), et al.	Lone Star Gas Co., Northwest Velma Field, Stephens County, Okla.	15.0	14.65
CI64-1389 C 7-8-64	Anadarko Production Co.	Panhandle Eastern Pipe Line Co., North Richland Center Field, Texas County, Okla.	17.0	14.65
CI64-1414 A 5-27-64	The Lancer Corp.	Texas Eastern Transmission Corp., Trebloc Field, Chickasaw County, Miss.	17.0	15.025
CI65-1 A 7-1-64	Manana Gas, Inc.	El Paso Natural Gas Co., Aztec Fruitland, San Juan County, N. Mex.	10.0	15.025
CI65-2 A 7-2-64	Southwest Natural Production Co., et al.	Arkansas Louisiana Gas Co., Arkoma Basin Area, Haskell and LeFlore Counties, Okla.	15.0	14.65
CI65-3 A 7-1-64	Palm Petroleum Corp., Operator.	J. C. Wynne, d.b.a. The Bering Co., Horizon Field, Ochiltree County, Tex.	10.0	14.65
CI65-4 A 7-1-64	Galen McKibben, agent for E. E. Bond Lease.	Equitable Gas Co., Court House Dist., Lewis County, W. Va.	25.0	15.325
CI65-5 A 7-6-64	Floe McCully, et al.	Pennzoil Co., Henry 1st., Clay County, W. Va.	15.0	15.325
CI65-6 A 7-6-64	Davidor & Davidor, Inc.	Northern Natural Gas Co., Harper Ranch Morrow Sand Gas Pool, Clark County, Kans.	16.0	14.65
CI65-7 A 7-6-64	Callery Properties, Inc., et al.	Trunkline Gas Co., Bayou Carlin Field, St. Mary Parish, La.	21.25 <sup>9</sup>	15.025
CI65-8 A 7-6-64	Skelly Oil Co.	Northern Natural Gas Co., Cunningham Area, Lipscomb County, Tex.	17.0	14.65
CI65-9 B 7-6-64	Pan American Petroleum Corp.	Transcontinental Gas Pipe Line Corp., Raceland Field, Lafourche Parish, La.	Depleted	
CI65-10 A 7-6-64	Edwin L. Cox	Lone Star Gas Co., acreage in Carter County, Okla.	15.0	14.65
CI65-11 A 7-6-64	Geological Exploration Co.	Lone Star Gas Co., acreage in Rusk County, Tex.	14.49 <sup>9</sup>	14.65
CI65-12 A 7-6-64	William B. Osborne, III.	Northern Natural Gas Co., Hugoton Field, Kearny County, Kans.	11.0	14.65
CI65-13 A 7-7-64	Medallion Oil Co.	Arkansas Louisiana Gas Co., Jefferson Field, Marion County, Tex.	10.5	14.65
CI65-14 A 7-9-64	Victor Hale	Columbian Fuel Corp., Middle Creek Field, Floyd County, Ky.	18.0	15.325
CI65-15 A 7-9-64	Coloma Oil & Gas Corp., Operator.	Texas Eastern Transmission Corp., Karon Field, Live Oak County, Tex.	10.0	14.65
CI65-16 A 7-9-64	Miles Kimball Co.	United Gas Pipe Line Co., Monroe Gas Field, Morehead Parish, La.	11.0	15.025
CI65-17 B 7-9-64	Continental Oil Co.	Cities Service Gas Co., West Lawrie Field, Logan County, Okla.	( <sup>9</sup> )	
CI65-18 A 7-6-64	Johnson and Magaw (Operator), et al.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	17.0	14.65
CI65-19 A 7-9-64	Logue and Patterson (partial succession).	Tennessee Gas Transmission Co., Agua Dulce Field, Nueces County, Tex.	17.24347 <sup>11</sup>	14.65

## TIDEWATER OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund<sup>1</sup>

JULY 15, 1964.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and under-

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

<sup>1</sup> Application erroneously noticed September 9, 1963 at 20.0 cents/Mcf in Docket Nos. G-2712, et al.  
<sup>2</sup> Deletes certain leases assigned to Continental Oil Co. covering rights from the surface of the soil down to and including the base of the Oswego Lime Formation.  
<sup>3</sup> Contract Summary to May 25, 1964 Amendment filed.  
<sup>4</sup> Includes 1.5 cents/Mcf tax reimbursement.  
<sup>5</sup> Application previously noticed March 31, 1964 at a rate of 15.5 cents/Mcf in Docket Nos. G-5145, et al.  
<sup>6</sup> Plus 1.5 cents/Mcf for processing sour gas.  
<sup>7</sup> Application previously noticed April 29, 1964 at a rate of 15.70925 cents/Mcf in Docket Nos. G-4757, et al.  
<sup>8</sup> Includes 1.75 cents/Mcf tax reimbursement.  
<sup>9</sup> Includes 0.49 cent/Mcf tax reimbursement.  
<sup>10</sup> Seller is no longer able to deliver gas into Buyer's pipeline in commercial quantities.  
<sup>11</sup> Rate in effect subject to refund in Docket Nos. G-20213.

takings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until dis-

position 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 August 25, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

APPENDIX A

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 subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI65-2-----	Tidewater Oil Co. (Operator), et al., P.O. Box 1404, Houston, Tex., 77001. Attn: Mr. A. M. Mouser.	104	12	El Paso Natural Gas Co. (Basin-Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	\$6,091	6-17-64	* 7-18-64	* 7-19-64	\$ 13.0	4 5 6 7 14.0536	
RI65-3-----	do-----	113	4	El Paso Natural Gas Co. (Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Area).	1,935	6-17-64	* 7-18-64	* 7-19-64	\$ 13.0	4 5 6 7 14.0536	
RI65-4-----	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif., 90017. Attn: Mr. C. E. Smith.	65	2	El Paso Natural Gas Co. (Blanco Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	20,000	6-15-64	* 7-16-64	* 7-17-64	\$ 12.0	4 5 6 14.0	
	do-----	67	2	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	40	6-15-64	* 7-16-64	* 7-17-64	\$ 12.0	4 5 6 14.0	
	do-----	68	5	do-----	640	6-15-64	* 7-16-64	* 7-17-64	\$ 12.0	4 5 6 14.0	
RI65-5-----	C. M. Paul, et al., c/o Mr. Hamilton E. McRae, P.O. Box 670, Midland, Tex., 79701.	2	5	El Paso Natural Gas Co. (Blanco-Mesa Verde and Basin-Dakota Fields, San Juan County, N. Mex.) (San Juan Basin Area).	1,264	6-15-64	* 7-16-64	* 7-17-64	\$ 13.0	4 5 6 7 14.0536	
	do-----	1	10	do-----	5,057	6-19-64	* 7-20-64	* 7-21-64	\$ 13.0	4 5 6 7 14.0536	

<sup>1</sup> The stated effective date is the effective date requested by Respondent.  
<sup>2</sup> The suspension period is limited to 1 day.  
<sup>3</sup> Periodic rate increase.  
<sup>4</sup> Pressure base is 15,025 psia.  
<sup>5</sup> Includes 1.0 cent per Mcf added to reflect minimum guarantee for liquids.  
<sup>6</sup> Includes partial reimbursement for 0.55 percent increase in New Mexico Emergency School Tax.  
<sup>7</sup> Contractually provided effective date.  
<sup>8</sup> The stated effective date is the first day after expiration of the required statutory notice.  
<sup>9</sup> Favored-nation rate increase.

Union Oil Company of California (Union Oil) requests effective dates of January 26, 1963, and January 1, 1964, for Supplements Nos. 2 and 5 to its FPC Gas Rate Schedules Nos. 65 and 68, respectively, and an effective date of June 15, 1964, for Supplement No. 2 to its FPC Gas Rate Schedule No. 67. C. M. Paul, et al., (Paul) requests an effective date of January 1, 1964, for his proposed rate filings. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

The producers listed herein did not include as part of their proposed rates the contractually provided for 1.0 cent per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0 cent to the base rate results in a total rate in excess of 13.0 cents per Mcf area ceiling for increased rates in the San Juan Basin Area (18 CFR, Ch. I, Part 2, § 2.56). Union Oil's proposed rates exceed the area ceiling for increased rates in the amount of the 1.0 cent per Mcf minimum guarantee for liquids. The increased rates filed by Tidewater Oil Company, Consolidated Oil & Gas, Inc., and Paul, exceed the ceiling by the 1.0 cent per Mcf minimum guarantee for liquids plus partial reimbursement for the 0.55 percent increase in the New Mexico Emergency School Tax. Under these circumstances, we believe the producers' rate filings should be suspended for one day from the date shown in the foregoing "Effective Date" column of this appendix.

[F.R. Doc. 64-7184; Filed, July 21, 1964; 8:45 a.m.]

INTERSTATE COMMERCE  
COMMISSION  
MOTOR CARRIER ALTERNATE ROUTE  
DEVIATION NOTICES

[Notice 312]

JULY 17, 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 30319 (Deviation No. 5), SOUTHERN PACIFIC TRANSPORT COMPANY, P.O. Box 6187, Dallas, Tex., filed June 22, 1964. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: Between Houston, Tex., and Richland, Tex., over Interstate Highway 45, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service as follows: From Houston over U.S. Highway 290 to Hempstead, Tex., thence over Texas Highway 6 to Bremond, Tex., thence over Texas Highway 14 to Richland, and return over the same route.

No. MC 42487 (Deviation No. 26), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., filed June 25, 1964. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: Between Moline, Ill., and Indianapolis, Ind., over Interstate Highway 74, 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 Akron, Ohio, over U.S. Highway 224 to junction U.S. High-

way 24, thence over U.S. Highway 24 to Peoria, Ill., thence over U.S. Highway 150 to Davenport, Iowa, thence over U.S. Highway 61 to Dubuque, Iowa, thence over U.S. Highway 52 to Anoka, Minn.; and, from Indianapolis over U.S. Highway 136 to the Indiana-Illinois State line, thence over U.S. Highway 136 (formerly Illinois Highway 10) to Danville, Ill., thence over U.S. Highway 150 to Peoria, and return over the same routes.

No. MC 52746 (Deviation No. 5), MISSOURI CONSOLIDATED FREIGHTWAYS, P.O. Box 5138, Chicago, Ill., 60680, filed June 25, 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 Kansas City, Mo., over Interstate Highway 70 to junction Interstate Highway 270, west of St. Louis, Mo., thence over Interstate Highway 270 to junction Interstate Highway 70, east of St. Louis, Mo., thence over Interstate Highway 70 to Indianapolis, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Kansas City, Kans. over U.S. Highway 69 to junction U.S. Highway 36, thence over U.S. Highway 36 via Monroe City, Mo., to Indianapolis; and, from Kansas City, over U.S. Highway 40 to Kingdom City, Mo., thence over U.S. Highway 54 to junction U.S. Highway 36, thence over U.S. Highway 36 via Jacksonsville, Ill., to Springfield, Ill., thence over U.S. Highway 66 via Bloomington, Chenoa, and Braidwood, Ill., to Chicago, Ill., and return over the same routes.

No. MC 107500 (Deviation No. 17), BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill., filed June 22, 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 Ottumwa, Iowa, over Iowa Highway 15 to Eddyville, Iowa, thence over Iowa Highway 137 to Oskaloosa, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Oskaloosa over U.S. Highway 63 to Bloomfield, Iowa, thence over Iowa Highway 2 to Corydon, Iowa, and thence over Iowa Highway 14 to Chariton, Iowa, and return over the same route.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 180) (Cancelling Deviation No. 70), GREYHOUND LINES, INC. (Central Greyhound Lines Division), 1740 Main Street, Kansas City, Mo., filed June 24, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over a deviation route as follows: Between Denver, Colo., and the Colorado-Kansas State line east of Burlington, Colo., over Interstate Highway 70, for operating convenience only. The notice indicates that the carrier is pres-

ently authorized to transport passengers over a pertinent service route as follows: From Oakley, Kans. over U.S. Highway 83 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Kansas Highway 182, thence over Kansas Highway 182 to Brewster, Kans., thence return over Kansas Highway 182, to Junction U.S. Highway 24, thence over U.S. Highway 24 to Limon, Colo., thence over U.S. Highway 40 to Denver, and return over the same route.

No. MC 1515 (Deviation No. 181) (Cancelling Deviation Nos. 51, 76 and 106), GREYHOUND LINES, INC. (Central Greyhound Lines Division), 1740 Main Street, Kansas City, Mo., filed June 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 Illinois-Iowa State line over Interstate Highway 80 to Omaha, Nebr.; also from junction Interstate Highway 80 and Iowa Highway 1 (formerly Iowa Highway 261) over Iowa Highway 1 to Iowa City, Iowa; also from junction Interstate Highway 80 and Iowa Highway 146 over Iowa Highway 146 to Grinnell, Iowa; also from junction Interstate Highway 80 and Iowa Highway 14 over Iowa Highway 14 to Newton, Iowa; also from junction Interstate Highway 80 and U.S. Highway 71 over U.S. Highway 71 to Atlantic, Iowa; 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 De Kalb, Ill., over Alternate U.S. Highway 30 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Illinois Highway 2, thence over Illinois Highway 2 to junction Illinois Highway 92, thence over Illinois Highway 92 to junction U.S. Highway 6, thence over U.S. Highway 6 to Omaha, and return over the same route.

No. MC 1515 (Deviation No. 182) (Cancelling Deviation No. 134) GREYHOUND LINES, INC. (Southern Greyhound Lines Division), 219 East Short Street, Lexington, Ky., filed June 21, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, over deviation routes as follows: from junction U.S. Highway 61 and Interstate Highway 55 (approximately 4 miles north of the Missouri-Arkansas State line) over Interstate Highway 55 to junction U.S. Highway 61, (approximately 2 miles west of Turrell, Ark.), and also over the following access routes: (1) from junction Interstate Highway 55 and Arkansas Highway 18 (east of Blytheville, Ark.) over Arkansas Highway 18 to Blytheville, Ark., (2) from junction Interstate Highway 55 and U.S. Highway 61 (south of Blytheville, Ark.) over U.S. Highway 61 to Blytheville, Ark., and (3) from junction Interstate Highway 55 and Arkansas Highway 140 (west of Osceola, Ark.) over Arkansas Highway 140 to Osceola, Ark., 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 at a point approximately 1 mile north-east of Turrell, Ark., thence over old U.S. Highway 61 to Turrell, thence over U.S. Highway 61 via Clarksdale, Miss., to Vicksburg, Miss., and return over the same route.

No. MC 50026 (Deviation No. 3), ARKANSAS MOTOR COACHES LIMITED, INC., 100 East Markham, Little Rock, Ark., filed June 22, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express, newspapers and mail* in the same vehicle with passengers, over a deviation route as follows: From Galloway, Ark., over Interstate Highway 40 to North Little Rock, Ark., 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 a portion of which reads as follows: From Memphis, Tenn., over U.S. Highway 70 to Hot Springs National Park, Ark., and return over the same route.

No. MC 61616 (Deviation No. 6) MIDWEST BUSLINES, INC., P.O. Box 1188, Little Rock, Ark., filed June 22, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage*, and *express, mail and newspapers*, in the same vehicle with passengers, over a deviation route as follows: From North Little Rock, Ark., over Interstate Highway 40 to its junction with U.S. Highway 70 at Galloway, Ark., 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 a portion of which reads as follows: From Fort Smith, Ark., over U.S. Highway 64 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction U.S. Highway 70, thence over U.S. Highway 70 to Memphis, Tenn., and return over the same route.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 64-7253; Filed, July 21, 1964;  
8:47 a.m.]

[Notice 659]

#### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 17, 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'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., 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

## MOTOR CARRIERS OF PROPERTY

## Section A

No. MC 125993 (Sub-No. 1) (RE-PUBLICATION), filed March 9, 1964, published FEDERAL REGISTER issue of March 25, 1964, and republished, this issue. Applicant: NELSON BROTHERS, INC., Box 207, Parrish, Ala. Applicant's attorney: Maurice F. Bishop, 325-29 Frank Nelson Building, Birmingham, Ala. By application filed March 9, 1964, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of ammonium nitrate fertilizer, in bags and in bulk, to farm, mine, and job sites (but excluding service to warehouses), from Parrish, Ala., and points within 5 miles thereof, to points in Georgia, on and north of U.S. Highway 80, points in Tennessee on and east of U.S. Highway 45, and points in Virginia on and west of the junction of U.S. Highway 29 and U.S. Highway 60, and points on and south of U.S. Highway 60, from the Virginia-West Virginia State line to junction of U.S. Highway 29 and U.S. Highway 60, and rejected shipments on return. The territorial description as filed was not described adequately. An Order of the Commission entered June 26, 1964, and served July 13, 1964, finds that operations, in interstate or foreign commerce, by applicant as a contract carrier by motor vehicle, over irregular routes, of ammonium nitrate fertilizer, from Parrish, Ala., to points in Georgia on and north of U.S. Highway 80, points in Tennessee on and east of U.S. Highways 45 and 45W, and points in Virginia on, west, and south of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to Amherst, Va., thence along U.S. Highway 60 to the Virginia-West Virginia State line, under a continuing contract with Monsanto Company of St. Louis, Mo., will be consistent with the public interest and the National transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that, unless otherwise ordered, an appropriate permit should be issued after the lapse of 30 days from the date of publication in the FEDERAL REGISTER of a notice of the authority actually granted herein.

## Section B

No. MC 123329 (Sub-No. 5), filed September 23, 1963. Applicant: H. M. TRIMBLE & SONS, LTD., 1510 40th Avenue SE., Calgary, Alberta, Canada. Applicant's attorney: Ray F. Koby, 314 Montana Building, Great Falls, Mont. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles,

from the ports of entry on the international boundary line between the United States and Canada, located at or near Eastport, Idaho, and Metaline Falls, Northport, Laurier, and Danville, Wash., to points in Boundary, Bonner, Kootenai, Shoshone, Benewah, Latah, and Nez Perce Counties, Idaho and points in Spokane, Lincoln, Adams, Whitman, and Asotin Counties, Wash., and *rejected shipments*, on return.

HEARING: September 9, 1964, at the Davenport Hotel, Spokane, Wash. before Joint Board No. 169, or, if the Joint Board waives its right to participate before Examiner Alton R. Smith.

## APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 30280 (Sub-No. 56) filed July 8, 1964. Applicant: WATKINS CAROLINA EXPRESS, INC., Post Office Box 10310, Greenville, S.C. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, from South Carolina canneries to points in Abbeville, Anderson, Greenville, Greenwood, Laurens, Oconee, Pickens, Spartanburg, and Union Counties, S.C., (2) *General commodities* (except petroleum products in bulk in tank trucks, classes A and B explosives and other dangerous commodities and household goods as defined by the Commission, (a) between points in Anderson and Greenville Counties, S.C., (b) between points in Anderson, Greenville, and Spartanburg Counties and points in South Carolina and (c) from points in Charleston County, S.C. to points in Abbeville, Anderson, Greenville, Greenwood, Laurens, Oconee, Pickens, Spartanburg, and Union Counties, S.C., (3) *General commodities* (except petroleum products in bulk in tank trucks, classes A and B explosives and other dangerous commodities, and household goods as defined by the Commission (a) between points in Richland County, S.C. and (b) between points in Richland County and points in South Carolina and (4) *General commodities* (a) between points in Anderson County, S.C. and (b) between points in Anderson County and points in South Carolina.

NOTE: This is a matter directly related to MC-F-8809. Common control may be involved.

No. MC 69512 (Sub-No. 4), filed July 7, 1964. Applicant: THUNDERBIRD FREIGHT LINES, INC., 2601 East 26th Street, Los Angeles, Calif. Applicant's attorney: Warren N. Grossman, 740 Roosevelt Building, 737 West 7th Street, Los Angeles 17, Calif. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except used household goods and uncrated personal effects; new and used automobiles, trucks and buses; livestock; commodities requiring protection from heat by the use of ice or mechanical refrigeration; liquids, compressed gases, commodities in semiplastic form and

commodities in suspension, in liquids, in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; commodities when transported in bulk in dump trucks or in hopper-type trucks; commodities when transported in motor vehicles equipped for mechanical mixing in transit; logs; commodities requiring special equipment and handling because of unusual size, weight or shape; and articles of extraordinary value) (a) between points in the Los Angeles Basin Territory as described in Note A hereto Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately 2 miles west to Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwestly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwestly along U.S. Highways Nos. 60 and 395 to the county road approximately 1 mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; southwestly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 21 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly

along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, and (2) between points in the Los Angeles Basin Territory, on the one hand, and, on the other, points south thereof on and within 15 miles of U.S. Highways 101 and 101-A to the California-Mexican border.

NOTE: Applicant states that in connection with the service proposed it would be its purpose to tack the same with its present operating authority issued and outstanding in No. MC 69512 and Sub 1 thereof. This is a matter directly related to MC-F 8807.

No. MC 79135 (Sub-No. 36) filed July 9, 1964. Applicant: COSSITT MOTOR EXPRESS, INC., 63 West Kendrick Avenue, Hamilton, N.Y. Applicant's representative: Joseph F. McCue (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Syracuse, N.Y., and Bainbridge, N.Y., (1) from Syracuse over New York Highway 5 to Fayetteville, N.Y., thence over New York Highway 92 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction New York Highway 46, thence over New York Highway 46 to Hamilton, N.Y., thence over New York Highway 12B to Sherburne, N.Y., thence over New York Highway 12 to Oxford, N.Y., thence over county roads to Bainbridge; (2) from Syracuse as specified above in (1) to junction New York Highway 92 and U.S. Highway 20, thence over U.S. Highway 20 to Bridgewater, N.Y., thence over New York Highway 8 to Sidney, N.Y., thence over New York Highways 8 and 7 to Bainbridge; (3) from Syracuse as specified above in (1) to junction New York Highway 92 and U.S. Highway 20, thence over U.S. Highway 20 to West Winfield, N.Y., thence over New York Highway 51 to Mt. Upton, N.Y., thence over New York Highway 8 to Sidney, N.Y., thence over New York Highways 8 and 7 to Bainbridge; (4) from Syracuse as specified above in (1) to Sherburne, thence over New York Highway 12 to Norwich, N.Y., thence over New York Highway 23 to Oneonta, N.Y., thence over New York Highway 7 to Bainbridge; and over the following portions of routes: (a) between Oxford, N.Y. and Greene, N.Y., over New York Highway 12; (b) between Sherburne, N.Y., and Morris, N.Y., over New York Highway 80 and country road; and (c) between Oneonta, N. Y., and Unadilla, N.Y., over New York Highway 7B, and return over the same routes as described in (1) through (4) inclusive and portions of routes as described in (a) through (c) inclusive, serving all intermediate points on each of these routes and the off-route points of Oneida, Canastota, Chittenango, Munnsville, Waterville, Solvay, Richfield Springs, Cooperstown, Milford, Laurens, Eaton, Hubbardsville, Brookfield, New Lisbon, South Edmenston, West Edmenston, Edmenston, Sidney Center, and Cedarville, N.Y.

NOTE: This is a matter directly related to MC-F 8762, published in FEDERAL REGISTER issue June 3, 1964.

#### 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-8784 (P. WAJER & SONS EXPRESS CO., INC.—PURCHASE—FORREST ACKLEY, JR.), published in the June 24, 1964, issue of the FEDERAL REGISTER on page 8031. Application filed July 10, 1964, for temporary authority under section 210a(b).

No. MC-F-8787 (W. L. MEAD, INC.—PURCHASE (PORTION)—BURNSIDE MOTOR FREIGHT LINES, INC.), published in the July 1, 1964, issue of the FEDERAL REGISTER on page 8290. Amendment filed July 2, 1964, to delete the following routes from the authority sought to be transferred: "between Willshire, Ohio, and Dayton, Ohio, serving no intermediate points, with service at Willshire, Ohio, for joinder purposes only, and between Greenville, Ohio, and Piqua, Ohio, serving the intermediate point of Covington, Ohio, with service at Greenville, Ohio, for joinder purposes only."

No. MC-F-8791 (CORRECTION) MERCHANTS TRANSFER & STORAGE CO. (A DELAWARE CORP.)—CONTROL—MERCHANTS STORAGE CO., OF VIRGINIA AND MERCHANTS TRANSFER CO., INC., OF VIRGINIA; MERCHANTS STORAGE CO., OF VIRGINIA—PURCHASE (PORTION)—MERCHANTS TRANSFER & STORAGE CO. (A DELAWARE CORP.); MERCHANTS TRANSFER CO., INC., OF VIRGINIA—PURCHASE (PORTION)—MERCHANTS TRANSFER & STORAGE CO. (A DELAWARE CORP.), published in the July 1, 1964, issue of the FEDERAL REGISTER on page 8291. The notice inadvertently showed that MERCHANTS TRANSFER CO., INC., OF VIRGINIA sought to purchase the entire operating rights in Permit No. MC-35039, when it should have been shown as MERCHANTS STORAGE CO., OF VIRGINIA, seeking to purchase those rights.

No. MC-F-8800 (JENKINS TRUCK LINE, INC.—PURCHASE—DARYL PERKINS), published in the July 15, 1964, issue of the FEDERAL REGISTER on page 9584. Application filed July 10, 1964, for temporary authority under section 210a(b).

No. MC-F-8811. Authority sought for purchase by PARVIN'S TRANSFER, INC., 15 East Harmony Street, Penns Grove, N.J., of the operating rights and property of RAYMOND E. STILES, doing business as R. E. STILES MOTOR FREIGHT, 357 East Broadway, Salem, N.J., and for acquisition by ELIZABETH H. PARVIN, ARTHUR B. PARVIN, FRANKLIN E. PARVIN and MARJORIE

SKINNER, all of Penns Grove, N.J., of control of such rights and property through the purchase. Applicants' attorney: Frederick A. Babson, Jr., 1825 Jefferson Place NW., Washington 36, D.C. Operating rights sought to be transferred: *Food products*, and *advertising material*, and *stationery* pertaining thereto, as a *contract carrier*, over irregular routes, from Salem, N.J., to Allentown, Philadelphia, Reading, and Bethlehem, Pa., Atlantic City, Harrison, Camden, and Trenton, N.J., Baltimore, Md., Long Island, New Rochelle, and New York, N.Y., and Washington, D.C., from Pittsburgh, Pa., to Harrisburg and Philadelphia, Pa.; *empty baskets*, *lumber*, and *clamps*, from Chambersburg, Pa., to Salem, N.J.; *fresh tomatoes*, in truckload lots, and *lumber*, between Salem, N.J., and Chambersburg, Pa.; *equipment and supplies*, used in the manufacture and distribution of food products, in truckload lots or mixed with food, between Salem, N.J., Pittsburgh and Chambersburg, Pa.; *salt and sugar*, in containers, and *onions*, between Salem, N.J., and Philadelphia, Pa.; and *salt and sugar*, in containers, and *sash*, between Salem, N.J., and New York, N.Y. Vendee is authorized to operate as a *common carrier*, in New Jersey, Massachusetts, Rhode Island, Maryland, Pennsylvania, New York, Delaware, Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-8812. Authority sought for purchase by WILSON ALL-AMERICAN TRANSPORT, INC., 1500 I Avenue, Sioux Falls, S. Dak., of a portion of the operating rights of BEN-LEE MOTOR SERVICE CO., 3314 South Lawndale, Chicago, Ill., and for acquisition by H. LAUREN LEWIS, BUFFALO EXPRESS, INC., and LOWELL C. HANSEN, Sr., all of Sioux Falls, S. Dak., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Chicago, Ill., and Milwaukee, Wis., serving the intermediate points of Racine and Kenosha, Wis., and certain off-route points, over an alternate route for operating convenience only. Vendee is authorized to operate as a *common carrier* in Minnesota, South Dakota, Iowa, Nebraska, Illinois, and North Dakota. Application has not been filed for temporary authority under section 210(a)(b).

No. MC-F-8813. Authority sought for control by MERCHANTS FAST MOTOR LINES, INC., East U.S. Highway 80, (Post Office Drawer 270), Abilene, Tex., of OIL TRANSPORT COMPANY, East U.S. Highway 80 (Post Office Box 2031), Abilene, Tex. Applicants' attorneys: Reagan Sayers, Century Life Building, Fort Worth, Tex., and Jerry Prestridge, Capitol National Bank Building, Austin, Tex. Operating rights sought to be controlled: *Gas oil*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Hawley, Tex., and points within 5 miles thereof, to Beckett, Okla.,

and points within 5 miles thereof; *catalytic naphtha*, in bulk, in tank vehicles, from Beckett, Okla., and points within 5 miles thereof, to Hawley, Tex., and points within 5 miles thereof; *anhydrous ammonia*, in bulk, in tank vehicles, from Etter, Tex., and points within 5 miles of Etter, to points in Kansas, Oklahoma, and Nebraska, and certain points in New Mexico; *liquid sulphur*, in bulk, in tank vehicles, from points in Gaines, Dawson, Andrews, Martin, Winkler, Ector, Midland, Ward, Crane, Hockley, Moore, and Upton Counties, Tex., to the site of the sulphuric acid plant of Kermac Nuclear Fuels Corp., located approximately 23 miles northwest of Grants, N. Mex., between the plant sites of the Pan-American Petroleum Corp. and the Phillips Petroleum Co. (Phillips Chemical Co.) approximately 13 miles southeast of Artesia, N. Mex., on the one hand, and, on the other, points in Arizona, Oklahoma, and Texas; between points in McMullen, Live Oak, Atascosa, Karnes, Frio, Wilson, Bee, and La Salle Counties, Tex. RESTRICTION: The authority granted herein is restricted to the transportation of traffic only which will be the subject of an immediately subsequent rail movement; from the Gladiola plant site of Sinclair Oil & Gas Co., approximately 14 miles northeast of Tatum, N. Mex., to the storage and rail loading site of Phillips Petroleum Co. at Douro, Tex., from the Goldsmith plant site of Phillips Petroleum Co. about 1 mile west of Goldsmith, Tex., and the Crane plant site of Phillips Petroleum Co., about 2 miles north of Crane, Tex., to the plant site of the Climax Chemical Co., approximately 16 miles southwest of Hobbs, N. Mex., and approximately 3 miles west of Monument, N. Mex., from points in Lea County, N. Mex., and points in that part of Texas on and west of U.S. Highway 81, to Tulsa, Okla. Vendee is authorized to operate as a *common carrier* in Texas. Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC-2228 Sub-44 is a matter directly related.

No. MC-F-8814. Authority sought for purchase by BRUCE JOHNSON TRUCKING COMPANY, INC., 125 Craighead Road, Charlotte, N.C., of the operating rights of TERMINAL TRANSFER AND STORAGE COMPANY, INC., 209 East 5th Street, Charlotte, N.C., and for acquisition by MAVER T. JOHNSON (O. McRAE COVINGTON, EXECUTOR), and BRUCE E. JOHNSON (O. McRAE COVINGTON, TRUSTEE), of Wadesboro, N.C., of control of such rights through the purchase. Applicants' attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Operating rights sought to be transferred: Under the "grandfather" provisions of section 206(a)(7) of the Act, pursuant to BOR-99 in No. MC-99521 Sub-4, covering the transportation of general commodities, in intrastate commerce, within the State of North Carolina. Vendee is authorized to operate as a *common carrier* in South Carolina, North Carolina, Georgia, Virginia, Tennessee, and New Jersey. Application has not been filed

for temporary authority under section 210a(b).

NOTE: No. MC-30446 Sub-4 is a matter directly related.

No. MC-F-8815. Authority sought for purchase by THE JACOBS TRANSFER COMPANY, INC., 61 Pierce Street, NE., Washington, D.C., of the operating rights of KERMIT E. HILL, doing business as HILL'S TRANSFER COMPANY, 5500 Sheriff Road, Chapel Oaks, Md., and for acquisition by HARRY L. GRUBBS, JR., 7037 Wyndale Street NW., Washington, D.C., of control of such rights through the purchase. Applicants' attorneys and representative: Francis W. McInerney and James W. Lawson, 1000 16th Street NW., Washington, D.C., 20036, and Hugh M. Steinberger, 61 Pierce Street NE., Washington, D.C. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between Washington, D.C., on the one hand, and, on the other, points in Maryland and Virginia within 50 miles of Washington, D.C. Vendee is authorized to operate as a *common carrier* in Maryland, Virginia, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-8816. Authority sought for purchase by REPUBLIC VAN AND STORAGE CO., INC., 330 South Central Avenue, Los Angeles 13, Calif., of the operating rights of CONSOLIDATED VAN & STORAGE COMPANIES, INC., 231 Nelson Street SW., Atlanta, Ga., and for acquisition by WEBER MOVING & STORAGE, INC., and, in turn by CARL F. WEBER, both of 9219 Harford Road, Baltimore, Md., of control of such rights through the purchase. Applicants' attorney: John C. Bradley, 618 Perpetual Building, Washington, D.C., 20004. Operating rights sought to be transferred: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, as a *common carrier*, over irregular routes, between points in Georgia, on the one hand, and, on the other, points in Alabama, Delaware, Florida, Illinois, Indiana, Kentucky, Louisiana, Mississippi, New Jersey, New York, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, Pennsylvania, and the District of Columbia, between points in Georgia, on the one hand, and, on the other, points in Maryland, between points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, between points in Georgia, on the one hand, and, on the other, points in Connecticut, Massachusetts, Michigan, and Rhode Island. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska, Arizona, Montana, New Mexico, North Dakota, South Dakota, and Hawaii), and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE: There is presently pending an application in Docket No. MC-FC-67040, wherein CONSOLIDATED VAN & STORAGE COMPANIES, INC., seeks to transfer its certificates

to JO TAYLOR DESMOND, also of Atlanta, Ga.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 64-7254; Filed, July 21, 1964; 8:47 a.m.]

[Notice 660]

**MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS**

JULY 17, 1964.

The following applications are governed by Special Rule 1.247<sup>1</sup> of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 409 (Sub-No. 12) filed July 2, 1964. Applicant: O. E. POULSON, INC., Elm Creek, Nebr. Applicant's attorney: Richard A. Peterson, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry and liquid, *acids and chemicals*, and *fertilizer compounds*, including but not limited to anhydrous ammonia, aqua ammonia, nitrogen fertilizer solutions in bulk, in tank and hopper type vehicles from Fremont, Nebr., and points within ten (10) miles thereof to points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, and South Dakota and *damaged and rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 1641 (Sub-No. 58), filed July 1, 1964. Applicant: PEAKE TRANSPORT

<sup>1</sup> Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

SERVICE, INC., Post Office Box 366, Chester, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, dry and liquid, acids and chemicals, and fertilizer compounds*, including but not limited to anhydrous ammonia, aqua ammonia, nitrogen fertilizer solutions in bulk, in tank or hopper type vehicles, from Fremont, Nebr., and points within 10 miles thereof, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 5623 (Sub-No. 10) (AMENDMENT), filed June 1, 1964, published FEDERAL REGISTER issue June 17, 1964, amended July 1, 1964, and republished as amended this issue. Applicant: ARROW TRUCKING CO., a corporation, 3131 North Lewis (Box 8627), Tulsa, Okla. Applicant's attorney: Austin L. Hatchell, Suite 1102, Perry Brooks Building, Austin 1, Tex.

NOTE: The purpose of this republication is to include an additional service route to those shown in previous publication as follows: "(f) between points in Texas, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana."

No. MC 10457 (Sub-No. 1), filed July 6, 1964. Applicant: BURGGRABE TRUCK LINES, INC., Warrenton, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, liquid fuels in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) (1) between Wentzville, Mo., and East St. Louis, Ill., from Wentzville over U.S. Highway 40 to East St. Louis, and return over the same route serving the intermediate points of St. Louis and Weldon Spring, Mo., and the off-route points of the plant site of Container Corp. of America and the St. Louis Air Park Area at or near Chesterfield, Mo. and (2) between Weldon Spring, Mo., and the Weldon Spring Ordnance Plant, Mo., from Weldon Spring over Missouri Highway 94 to Weldon Spring Ordnance Plant, and return over the same route, with authority to render through service between such Weldon Spring Ordnance Plant and points authorized to be served.

NOTE: Applicant intends to tack the above routes to the regular routes now authorized to be served by applicant under Certificate MC 10457, such tacking or joinder to occur at Wentzville, Mo. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 10761 (Sub-No. 164), filed July 6, 1964. 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: *Frozen foods*, from the plant site of Morton Frozen Food Corp., at or near Webster City, Iowa, and warehouses of Morton Frozen Food Corp., at or near Fort Dodge and Des Moines, Iowa, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Delaware, New Jersey, Maryland, New York, Pennsylvania, West Virginia, Ohio, and the District of Columbia, and *rejected or damaged shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2392 (Sub-No. 30), filed July 6, 1964. Applicant: WHEELER TRANSPORT SERVICE, INC., Box 432, Genoa, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, dry and liquid, and fertilizer compounds*, including but not limited to anhydrous ammonia, aqua ammonia, nitrogen fertilizer solutions, urea solutions, ammoniated fertilizer solutions, and acids and chemicals, in bulk, in tank or hopper type vehicles, (1) from Fremont, Nebr., and points within ten (10) miles thereof, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, and South Dakota, and (2) *damaged and rejected shipments*, of the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 29553 (Sub-No. 3), filed July 1, 1964. Applicant: LAMBERT'S EXPRESS, INC., 1000 South 4th Street, Harrison, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Kitchen sinks and household and electrical appliances*, crated and uncrated, from Newark, N.J., to points in Suffolk, Nassau, Westchester, Dutchess, Orange, Rockland, Ulster, Sullivan, and Putnam Counties, N.Y.; and points in Fairfield County, Conn., (2) *gas and electric ranges* from points in Nassau County, N.Y., to Harrison, N.J., and (3) *rejected, refused, and defective shipments* of the above-described commodities on return. Applicant states that the proposed service includes transportation of such items as freezers, refrigerators, washing machines, dishwashers, dryers, ranges, air-conditioners, radios, tape recorders, television, stereo and high-fidelity sets, to both stores and consumers.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30605 (Sub-No. 136) filed July 2, 1964. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 433 East Waterman, Wichita, Kans. Applicant's attorney: Francis J. Steinbrecher, 80 East Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting:

## Route 1

*General Commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving points between La Junta and Holly, Colo., as off-route points from U.S. Highway 50 as follows: Cheraw, Fort Lyon, McClave, Wiley, Bristol, and Hartman, over State highways, county roads or access roads. RESTRICTION: The service authorized herein is subject to the following conditions: (1) The service to be performed by the carrier shall be limited to service which is auxiliary to, or supplemental of, train service of the railway, (2) the carrier shall not render any service to, or from, or interchange traffic at, any point not a station on the railway, (3) in operating under the rights acquired to which these conditions relate, or under a combination of those rights and rights otherwise confirmed in it, the carrier shall not transport any shipment between any of the following points or through, or to, or from, more than one of said points: Wichita and Hutchinson, Kans., and Pueblo, Colo., (4) all contractual arrangements between the carrier and the railway shall be reported to the Commission and shall be subject to revisions, if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties and (5) such further specific conditions as the Commission in the future may find it necessary to impose in order to insure that the service shall be auxiliary to, or supplemental of, train service.

## ALTERNATE ROUTES FOR OPERATING CONVENIENCE ONLY IN CONNECTION WITH APPLICANT'S PRESENT AUTHORITY

## Route 2

*General Commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between Ford and Ensign, Kans., over Kansas Highway 251, with no service at Ford, Kans., or any intermediate point.

## Route 3

*General commodities* (except livestock, sand, coal, rock, hay, explosives, commodities exceeding capacity of equipment and those prohibited by law from transportation in motor vehicles), between Valley Center, and Sedgwick, Kans., over county road (Meridian) to the Sedgwick County line, thence west 3 miles to the junction of Kansas Highways 811 and 588, thence north over Kansas Highway 811 to Sedgwick and return over the same route.

## Route 4

*General commodities* (except livestock, sand, coal, rock, hay, explosives, commodities exceeding capacity of equipment and those prohibited by law from transportation in motor vehicles), between Sedgwick, Kans., and the junction

of U.S. Highway 50 and Kansas Highway 811, 4 miles west of Newton, Kans., over Kansas Highway 811, and return over the same route.

## Route 5

*General commodities* (except livestock, sand, coal, rock, hay, explosives, commodities exceeding capacity of equipment and those prohibited by law from transportation in motor vehicles), between the junction of Kansas Highways 811 and 580, approximately 4 miles north of Sedgwick, Kans., over Kansas Highway 580, to its junction with Kansas Highway 81, and return over the same route.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 36222 (Sub-No. 7), filed July 8, 1964. Applicant: JOHN L. FANSHAW, JR., doing business as CREWE TRANSFER, R.F.D. No. 1, Box 209, Crewe, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers, *cut and uncut goods, trimmings, and articles used in the manufacture of wearing apparel*, (1) from Lawrenceville, Emporia, and Farmville, Va., Spring Hope, Washington, Wendell and Whitakers, N.C., to Crewe, Va., and (2) from Crewe, Va., to Lawrenceville, Emporia and Farmville, Va., Spring Hope, Washington, Wendell, Whitakers, and Nashville, N.C.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 50069 (Sub-No. 300), filed July 2, 1964. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles (except toluene di isocyanate) from Ashtabula, Ohio and points within five (5) miles thereof to points in Connecticut, Georgia, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 50069 (Sub-No. 301), filed July 6, 1964. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in tank and hopper vehicles from Selma and Louisiana, Mo., and points within five (5) miles thereof to points in Iowa, Illinois, Kentucky, and Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52110 (Sub-No. 83) filed July 9, 1964. Applicant: BRADY MOTORFRATE, INC., 1223 Sixth Avenue, Des Moines, Iowa. Applicant's attorney: H. E. Bradshaw, 510 Central National Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates* 61, M.C.C. 209, 766 (except hides and commodities in bulk in tank vehicles), from the plant site and/or cold storage facilities utilized by Wilson and Co., Inc., at or near Cherokee, Iowa, to Louisville, Ky.; points in Indiana and Ohio; and points in Michigan on south and west of U.S. Highway 10 between and including Ludington and Flint Mich., and on and south of Michigan Highway 21 between Flint, Mich., and Port Huron, Mich., including Port Huron, Mich.

NOTE: If a hearing is deemed necessary, applicant requests it be held at either Des Moines, Iowa, or Chicago, Ill.

No. MC 52458 (Sub-No. 195) filed July 14, 1964. Applicant: T. I. McCORMACK TRUCKING CO., INC., U.S. Route 9, Woodbridge, N.J. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, in bulk, in dump vehicles, from Philadelphia, Pa., to points in Delaware, Maryland, the District of Columbia, and points in that part of West Virginia located on and north of a line beginning at the Virginia-West Virginia State line on U.S. Highway 33, thence along U.S. Highway 33 to Weston, W. Va., thence along U.S. Highway 19 to Clarksburg, W. Va., thence along U.S. Highway 50 to the West Virginia-Ohio State line.

NOTE: If a hearing is deemed necessary applicant requests it be held at Washington, D.C.

No. MC 52751 (Sub-No. 39) filed July 9, 1964. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, pulpboard, insulation materials, and padding and cushioning materials*, from Bemidji, Cloquet, Duluth, and Virginia, Minn., to points in Iowa, Kansas, Missouri, Nebraska, and South Dakota.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 55236 (Sub-No. 91), filed July 6, 1964. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, in tank vehicles, and Classes A and B explosives), serving the plant site of Armour & Co. Grocery Products Division plant at or near Aurora, Ill., as an off-route point in connection with applicant's regular route operations to and from Chicago, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59754 (Sub-No. 12), filed July 2, 1964. Applicant: FAYETTEVILLE TRANSFER COMPANY, a corporation, 2 Faydur Court, Nashville, Tenn. Applicant's attorney: A. O. Buck, Suite 434 Stahlman Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, meat requiring refrigeration, packing-house products, dairy products, frozen foods, livestock, commodities in bulk, and those requiring special equipment), between Nashville, Tenn., and Mobile, Ala.; from Nashville over U.S. Highway 31 to Birmingham, Ala., thence over Alabama Highway 5 to Mobile, and return over the same route, with service at Mobile, and points in its commercial zone restricted against the handling of any traffic which originates at, is destined to or interchanged at any of applicant's presently authorized service points except Nashville, Tenn. and points in its commercial zone.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 61396 (Sub-No. 110) filed July 6, 1964. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, dry and liquid, acids and chemicals, and fertilizer compounds*; including but not limited to anhydrous ammonia, aqua ammonia, nitrogen fertilizer solutions in bulk, in tank- or hopper-type vehicle, from Fremont, Nebr., and points within ten (10) miles thereof, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, and South Dakota, and *damaged or rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 64932 (Sub-No. 343) (CORRECTION) filed June 11, 1964 published in FEDERAL REGISTER issue July 8, 1964, and republished as corrected this issue. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Bradley, Ill., and points within five (5) miles thereof, to points located north of Indiana Highway 26, and those points west of Indiana Highway 43, to its junction with U.S. Highway 421, north to Lake Michigan.

NOTE: The purpose of this republication is to correctly show the spelling of the origin city of Bradley, Ill. in lieu of "Brandley" as previously published. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 77143 (Sub-No. 7), filed July 1, 1964. Applicant: A. G. PERRY, JR., AND GEORGE WILLIAM PERRY, doing business as A. G. PERRY & SON, 620

Moore Avenue, Lufkin, Tex. Applicant's attorney: Albert G. Walker, 304 Capital National Bank Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Earth drilling machinery and equipment* (2) *machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with* (a) the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery and equipment, or (b) digging of slush pits and clearing, preparing, constructing or maintaining drilling sites (3) *machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with* (a) the completion of holes or wells drilled (b) the production, storage, transmission, and distribution of commodities resulting from drilling operations, or (c) injection or removal of commodities into or from holes or wells, between points in Texas and Louisiana. No duplicating authority is requested.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 84450 (Sub-No. 1), filed July 7, 1964. Applicant: BENJAMIN BROTHERS, INC., 325 North American Street, Philadelphia, Pa. Applicant's attorney: Robert B. Einhorn, 1540-47 Philadelphia Saving Fund Building, 12 South 12th Street, Philadelphia 7, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles* requiring specialized handling or rigging because of size or weight, and *empty container or other such incidental facilities* (not specified), used in transporting the above described commodities, between Dresher, Pa., on the one hand, and, on the other, points in Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 92983 (Sub-No. 443), filed July 6, 1964. Applicant: ELDON MILLER, INC., Post Office Drawer 617, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, and chemicals*, in bulk, from points in Arkansas, Louisiana, Oklahoma, and New Mexico, to Memphis, Tenn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 94350 (Sub-No. 30) (AMENDMENT), filed May 21, 1964, published FEDERAL REGISTER issue June 10, 1964, amended May 29, 1964, and republished as amended this issue. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designated to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Kentucky (except Middlesboro), to points in the United States including Alaska, but (excluding Hawaii), and *damaged and rejected ship-*

*ments*, of the commodity specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Sebree, Ky. The purpose of this republication is to change the origin point to read as shown above, in lieu of that as previously published.

No. MC 98796 (Sub-No. 1) (AMENDMENT), filed June 12, 1964, published in FEDERAL REGISTER issue of July 1, 1964, amended July 6, 1964 and republished as amended this issue. Applicant: ALBERT S. HARMON AND NORMA HARMON, doing business as HARMON TRUCKING COMPANY, a partnership, 167 North State Street, Caro, Mich. Applicant's attorney: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from points in Bay, Huron, Muskegon, Saginaw, Sanilac, Shiawassee, and Tuscola Counties, Mich., to points in Indiana, New York (except points in the commercial zone of New York City), Ohio, Pennsylvania, and points in Oconto, Outagamie, Brown, Winnebago, Manitowoc, and Sheboygan Counties, Wis., and *refused, rejected or damaged shipments*, on return.

NOTE: The purpose of this republication is to broaden the scope of commodity and the territorial description. Applicant states the proposed operation will be under a continuing contract with Michigan Sugar Co. of Saginaw, Mich. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 104675 (Sub-No. 21), filed July 6, 1964. Applicant: FRONTIER DELIVERY, INC., 620 Elk Street, Buffalo, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, from Selkirk and Hudson Falls, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and *refused, unclaimed or damaged commodities*, on return.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105375 (Sub-No. 18), filed July 6, 1964. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 875 North Prior Avenue, St. Paul, Minn., 55104. Applicant's attorney: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds*, including but not limited to anhydrous ammonia, aqua ammonia and nitrogen fertilizer solutions, in bulk, in tank or hopper type vehicle from Fremont, Nebr., and points within 10 miles thereof, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, and South Dakota, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107002 (Sub-No. 217), filed July 2, 1964. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post

Office Box 1123, Jackson, Miss., 39205. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous aluminum chloride*, dry, in bulk, from Baton Rouge, La., to points in Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 107002 (Sub-No. 218), filed July 6, 1964. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Highway 80 West, Post Office Box 1123, Jackson, Miss. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper type vehicles, from points in Santa Rosa County, Fla., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Jacksonville, Fla.

No. MC 107010 (Sub-No. 12), filed July 6, 1964. Applicant: D & R BULK CARRIERS, INC., 1020 J Street, Auburn, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, dry and liquid, acids and chemicals and fertilizer compounds*, including but not limited to *anhydrous ammonia, aqua ammonia, nitrogen fertilizer solutions, urea solutions, and ammoniated fertilizer solutions*, in bulk, in tank and hopper type vehicles, (1) from Fremont, Nebr., and points within ten (10) miles thereof, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, and South Dakota, and (2) *damaged and rejected shipments* of the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107496 (Sub-No. 317) (AMENDMENT) filed June 19, 1964, published in FEDERAL REGISTER issue July 8, 1964, amended July 10, 1964, and republished as amended this issue. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, Post Office Box 855, Des Moines 4, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain and grain products*, in bulk, in tank vehicles, from Winona, Minn., to points in Wisconsin.

NOTE: The purpose of this republication is to broaden the commodity description and the destination territory. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 107496 (Sub-No. 320), filed July 1, 1964. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Wyandotte, Mich., to points in Iowa, Illinois, Indiana, Minnesota, Missouri, Tennessee, and Wisconsin.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107496 (Sub-No. 321), filed July 6, 1964. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch, sugar and products of corn*, from Muscatine, Iowa, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee, and Wisconsin.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 487), filed July 6, 1964. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue, S.W., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry powdered shellac*, refrigerated at temperatures of 35° or lower, in vehicles equipped with mechanical refrigeration, (1) from Atlanta, Ga., to Pensacola, Fla., and (2) from Attleboro, Mass., to Atlanta and Savannah, Ga., Monroe, La., El Dorado, Ark., and Dallas, Tex., with service at Atlanta, Ga., Savannah, Ga., and Dallas, Tex. restricted to stopoff in transit for partial unloading service only.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 107871 (Sub-No. 29), filed July 6, 1964. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West, Post Office Box 1012, Syracuse, N.Y. Applicant's attorney: Herbert M. Canter, Mezzanine, Warren Parking Center, 345 South Warren Street, Syracuse, N.Y., 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea and ammonium nitrate* (other than liquid), in bulk, in tank or hopper type vehicles, between ports of entry on the International Boundary line between the United States and Canada, located on the Niagara, Detroit, and Ste. Clair Rivers, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, New Jersey, New York, Ohio, and Pennsylvania.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 108068 (Sub-No. 50) filed July 7, 1964. Applicant: U.S.A.C. TRANSPORT, INC., Dover, Del. (Mailing address: 457 West Fort Street, Detroit, Mich.). Applicant's attorney: Paul F. Sullivan, 612 Barr Building, 910 17th Street NW., Washington, D.C. Authority sought to operate as a *common car-*

*rier*, by motor vehicle, over irregular routes, transporting: *Missiles, spacecraft and satellites*, fully assembled or partially dismantled, and *component parts*, of any partially dismantled unit of missiles, spacecraft and satellites, moving in connection therewith, *missile, spacecraft and satellite parts*, crated or uncrated, restricted to parts requiring special equipment or handling by reason of size, weight, or fragile character, and *special facilities and empty containers* used by said carrier in the transportation of the above-described missiles, spacecraft and satellites and missile, spacecraft and satellite parts, between points in that part of the United States east of a line beginning at the mouth of the Mississippi River and extending along that river to its source near Grand Rapids, Minn., thence along a line extending in a northerly direction to the International Boundary line between the United States and Canada at Pelland, Minn., and (2) between the points described in (1) above, on the one hand, and, on the other, points in that part of the United States west of the above-described line in (1) above.

NOTE: Applicant states the instant application is filed for the purpose of clarifying and redescribing the commodity description now contained in applicant's existing certificate MC 108068 Sub 12 and for the purpose of obtaining a commodity description sufficient to clearly embrace the operations which applicant has been performing for many years. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108207 (Sub-No. 137), filed July 1, 1964. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food preparations, foodstuffs, confections and confectionery products*, from points in Indiana to points in Arkansas, Mississippi, Louisiana, Oklahoma, Texas, and Memphis, Tenn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 108207 (Sub-No. 138), filed July 7, 1964. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food preparations, foodstuffs, confections and confectionery products* from Dallas, Tex., to points in Indiana and Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 108341 (Sub-No. 7), filed July 7, 1964. Applicant: MOSS TRUCKING COMPANY, INC., Post Office Box 8409, Charlotte, N.C. 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: (1) *Tractors*, regardless of how they are equipped, except tractors used in pulling commercial highway trailers and those which because of size or weight require the use of special equipment, and (2) *parts, implements, attachments, acces-*

*sories and supplies* for commodities described above in (1), between points in Virginia, North Carolina, South Carolina, Florida, Georgia, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, and Kentucky (except Louisville, Ky.).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 108517 (Sub-No. 2), filed July 10, 1964. Applicant: DALE I. BURT, doing business as CLAY CENTER FREIGHT SERVICE, 1419 Sherman, Clay Center, Kans. Applicant's attorney: Leland M. Spurgeon, 308 Casson Building, 6th and Topeka Boulevard, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Processed feeds for animal consumption*, from Clay Center, Kans., to points in Nebraska, Colorado, Oklahoma, Missouri, Iowa, South Dakota, Arkansas, Texas, Arizona, and Illinois, and (2) *processed mineral blocks, processed animal and fowl meat scraps and tankage, cottonseed cakes, meal, linseed cakes and meal, soybean cakes and meal, alfalfa meal and pellets*, from points in Nebraska, Colorado, Oklahoma, Missouri, Iowa, South Dakota, Arkansas, Texas, Arizona, and Illinois to Clay Center, Kans., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 109397 (Sub-No. 95), filed July 6, 1964. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear, and byproduct materials, radioactive materials, and related reactor-experiment, component parts, and associated materials* between Middle River, Md., on the one hand, and, on the other, points in Unicoi County, Tenn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109397 (Sub-No. 96), filed July 6, 1964. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear, and byproduct materials, radioactive materials, and related reactor-experiment equipment, component parts, and associated materials*, between Facility, Martin Company, Quehanna, Pa. (near Karthaus, Pa.), on the one hand, and, on the other, burial facilities at Maxey Flats, Ky. (near Morehead, Ky.).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109397 (Sub-No. 97), filed July 6, 1964. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear, and byproduct materials, radioactive materials, and related reactor-experiment equipment, component parts, and associated materials*, between points in Baltimore County, Md., on the one hand, and, on the other, Pathfinder Reactor Site, near Sioux Falls, S. Dak.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 374), filed July 6, 1964. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, and synthetic resins*, in bulk, in tank and hopper type vehicles from Sheboygan, Wis., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, and Ohio.

NOTE: Common control may be involved. Applicant does not specify place in case hearing is deemed necessary.

No. MC 110988 (Sub-No. 89), filed July 7, 1964. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid and phosphatic fertilizer solutions*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Illinois, Indiana, Iowa, and Minnesota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111068 (Sub-No. 3), filed June 18, 1964. Applicant: KENNETH GROTH, Spring Grove, Minn. Applicant's attorney: Floyd S. Pearson, 301 West Broadway, Decorah, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, in bottles, from LaCrosse, Wis., to Decorah, Iowa, and *empty containers or other 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 Decorah, Iowa.

No. MC 111138 (Sub-No. 42), filed July 9, 1964. Applicant: COLONIAL & PACIFIC FRIGIDWAYS, INC., Box 616, Council Bluffs, Iowa. 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: *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 (except hides and commodities in

bulk in tank vehicles), from Cherokee, Iowa, to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, restricted to Wilson & Co., Inc., traffic originating at the plant site and/or cold-storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112750 (Sub-No. 202), filed July 7, 1964. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Claude J. Jasper, Suite 301, 111 South Fairchild Street, Madison 3, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Correspondence, records, reports, plain paper samples and customers orders*, under a continuing contract or contracts with Consolidated Papers, Inc., between Chicago, Ill., on the one hand, and, on the other, Wisconsin Rapids, Wis. and (2) *Business papers, records and audit and accounting media of all kinds* (excluding plant removals), under a continuing contract or contracts with Sealtest Foods Division of National Dairy Products Corp., between Chicago, Ill., on the one hand, and, on the other, Fond du Lac, Kenosha, LaCrosse, Madison, and Milwaukee, Wis.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 113267 (Sub-No. 132), filed July 6, 1964. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., P.O. Box 548, Caseyville, Ill. Applicant's attorney: R. H. Burroughs, 115 A East Main Street, Collinsville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared frozen foods and frozen bakery goods*, from Webster City, Fort Dodge, and Des Moines, Iowa, to points in Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, Louisiana, Mississippi, and Tennessee.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 44) (CORRECTION) filed June 15, 1964, published FEDERAL REGISTER issue of July 8, 1964, corrected July 13, 1964, and republished as corrected, this issue. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: Donald L. Stern, 984 City National Bank Building, Omaha, Nebr. 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 defined in Sections A, B, and C of Appendix I to the Report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209, 766 (except commodities in bulk, in tank vehicles, and except hides), (1) from Austin and Albert Lea, Minn., Sioux Falls, S. Dak., St. Joseph and Kansas City, Mo., Kansas City, Kans., Omaha, Nebr., and points in Saunders County, Nebr., and points in Iowa to Louisville, Ky., points

in Indiana and Ohio, points in Michigan on, south, and west of U.S. Highway 10 between and including Ludington, and Flint, Mich., and on and south of Michigan Highway 21 between Flint, Mich., and Port Huron, Mich., including Port Huron, Mich., (2) from Spencer, Iowa, to Kankakee, Ill., and (3) from Storm Lake, Iowa, to Bushnell, Ill.

NOTE: The purpose of this republication is to clearly set forth the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 113624 (Sub-No. 18) (AMENDMENT), filed June 18, 1964, published in FEDERAL REGISTER issue of July 1, 1964, amended June 26, 1964, and republished July 15, 1964, and further amended and republished this issue. Applicant: WARD TRANSPORT, INC., Post Office Box 133, Pueblo, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds, fertilizer solutions, acids and chemicals*, in bulk, in tank- or hopper-type vehicles, from Fremont, Nebr., and points within 10 miles thereof, to points in South Dakota, Minnesota, Iowa, Missouri, Kansas, Illinois, and North Dakota.

NOTE: The purpose of this republication is to amend the commodities proposed to be transported. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113678 (Sub-No. 77), filed July 6, 1964. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared frozen foods and frozen bakery goods*, from Webster City, Fort Dodge, and Dennison, Iowa, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Kentucky, Virginia, North Carolina, and Washington, D.C.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114019 (Sub-No. 121) (AMENDMENT), filed June 18, 1964, published in FEDERAL REGISTER issue July 8, 1964, amended July 13, 1964, and republished as amended this issue. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Frozen foods*, from La Porte, Ind., to points in North Dakota, South Dakota, Minnesota, Iowa, Kansas, Missouri, Nebraska, and Wisconsin.

NOTE: The purpose of this republication is to show the broadened scope of the destination territory. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114290 (Sub-No. 19) filed July 7, 1964. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue,

Portland, Oreg., 97202. Applicant's attorney: James T. Johnson, 609 Norton Building, Seattle, Wash., 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape and apple products, fruit drinks and flavorings, fruit drink concentrates, and ice cream flavorings*, from points in Yakima and Benton Counties, Wash., to points in California.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 114457 (Sub-No. 19) filed July 9, 1964. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. Applicant's attorney: Charles W. Singer, 33 North LaSalle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packing-houses* as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa, to points in Illinois, the Upper Peninsula of Michigan, Minnesota, and Wisconsin.

NOTE: Applicant states that its restricted to Wilson & Co., Inc., traffic originating at the plant site and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114725 (Sub-No. 13), (AMENDMENT), filed June 29, 1964, published in FEDERAL REGISTER issue of July 8, 1964, and republished as amended this issue. Applicant: WYNNE TRANSPORT SERVICE, INC., 1528 North 11th Street, Omaha, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, dry and liquid, acids and chemicals, and fertilizer compounds*; including but not limited to *anhydrous ammonia, aqua ammonia, nitrogen fertilizer solutions* in bulk, in tank- or hopper-type vehicles, from Fremont, Nebr., and points within ten (10) miles thereof to points in Iowa, Minnesota, North Dakota, South Dakota, Illinois, Kansas, and Missouri, and *damaged and rejected shipments* of the above commodities on return.

NOTE: The purpose of this republication is to amend the commodities proposed to be transported. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115331 (Sub-No. 76) filed July 14, 1964. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, in bags and in bulk, (1) from Davenport, Iowa, to points in Missouri,

Oklahoma, Kansas, Colorado, Nebraska, South Dakota, North Dakota, Minnesota, Wisconsin, Illinois, Indiana, and Michigan, (2) from Chicago, Ill., to points in Missouri, Oklahoma, Kansas, Colorado, Nebraska, South Dakota, North Dakota, Minnesota, Wisconsin, Iowa, Indiana, and Michigan, (3) from Cordova, Ill., and points within 10 miles thereof, to points in Michigan, Indiana, Colorado, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Oklahoma, Missouri, Kansas, Nebraska, Iowa, South Dakota, North Dakota, Minnesota, and Wisconsin, and *damaged and retendered shipments*, of the above commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115821 (Sub-No. 4), filed July 6, 1964. Applicant: FRANK BEELMAN, JR., St. Libory, Ill. Applicant's attorney: Ernest A. Brooks II, 1311-12 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (1) from points in Randolph, Perry, Washington, Jefferson, and Franklin Counties, Ill., to St. Louis, Mo., and points in St. Louis, Shelby, Marion, Monroe, Ralls, Audrain, Pike, Boone, Maries, Callaway, Montgomery, Lincoln, Warren, St. Charles, Cole, Osage, Gasconade, Franklin, Phelps, Crawford, Washington, Jefferson, St. Francis, Ste. Genevieve, and Perry Counties, Mo., and (2) *Coal*, from points in Madison, and St. Clair Counties, Ill., to points in St. Louis County, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115841 (Sub-No. 187) (AMENDMENT), filed June 25, 1964, published FEDERAL REGISTER issue of July 8, 1964, amended July 10, 1964 and republished as amended this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packing-houses* (other than commodities in bulk, in tank vehicles), as described in Sections A, B, and C, Appendix I, in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, from the plant site of Wilson and Company and/or cold storage facilities utilized at/or near Cherokee, Iowa, to points in Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Georgia, South Carolina, North Carolina, Virginia, and West Virginia.

NOTE: Applicant states the proposed service to be "Restricted against tacking or interlining at origin." The purpose of this republication is to show service from both plant site and cold storage facilities of Wilson and Company in lieu of that previously published. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115841 (Sub-No. 188), filed July 6, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West,

Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and meat packinghouse products* (except frozen), from Nashville, Tenn., to points in Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 116077 (Sub-No. 162), filed July 3, 1964. Applicant: ROBERTSON TANK LINES, INC., Post Office Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 721 Brown Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid propylene* from Lake Charles, La., to Hickok, Kans.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 117119 (Sub-No. 163), filed July 1, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayette, Ark. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Foods*, not frozen, when transported in the same vehicles with frozen foods, from Fayetteville, Arkansas, to Modesto, Calif., and Salisbury Md.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 100), filed July 8, 1964. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air, water, and gas cooling and heating tanks, towers, and equipment* and (2) *materials, accessories, and supplies* used in the installation of items in (1) above when moving in connection with items in (1) above between Cumberland, Md., Chambersburg and Lebanon, Pa., on the one hand, and on the other, points in the United States except Hawaii.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117651 (Sub-No. 4), filed July 9, 1964. Applicant: FEASTER TRUCKING SERVICE, INC., Claffin, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burned clay products and empty containers or other incidental facilities* (not specified) used in transporting the above described commodities, (1) between Great Bend, Kanopolis, Buffalo, and Wichita, Kans., Clinton, Oklahoma City, and Tulsa, Okla., and points in Kansas, Nebraska, Iowa, Oklahoma, New Mexico, Colorado, Wyoming, Missouri (except points in the Commercial Zones of St. Louis and Springfield), and that part of Texas on and north of a line beginning at the Texas-Oklahoma State line and extend-

ing west along Texas Highway 79 to Wichita Falls, Tex., thence west along U.S. Highway 82 to Lubbock, Tex., and thence west along U.S. Highway 62 to the Texas-New Mexico State line; (2) between the plant sites of Adel Clay Products Company, located at Redfield and Centerville, Iowa, and points in Kansas, Missouri, and Oklahoma, and points in Nebraska west of U.S. Highway 281; (3) between Denver, Colo., and points in Iowa, Kansas, Missouri, Nebraska, Oklahoma, Texas, Wyoming, that part of New Mexico on and east of a line beginning at the Colorado-New Mexico State line at Raton Pass and extending along U.S. Highway 85 to Raton, N. Mex., thence along U.S. Highway 64 to Santa Fe, N. Mex., and thence along U.S. Highway 85 to the New Mexico-Texas State line; (4) between the plant site of Cloud Ceramics Company, located near Concordia, Kans., and points in Iowa, Nebraska, Wyoming, Missouri (except points in the St. Louis Commercial Zone), and that part of Colorado lying on and east of U.S. Highway 87; and (5) between Fredonia, Kans., and points in Nebraska.

NOTE: Applicant states it holds the above described authority and is presently providing a transportation service as a contract carrier. In the event this application is granted, it is willing to cancel and rescind its contract carrier Permit No. MC 116317. If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 118222 (Sub-No. 5), filed July 6, 1964. Applicant: SOUTHERN SHIPPERS, INC., Post Office Box 1542, Highway 11 North, Hattiesburg, Miss. Applicant's attorney: Albert A. Andrin, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and coconuts* from Gulfport, Miss., to Atlanta, Ga., and points within 15 miles thereof.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 118745 (Sub-No. 3), filed July 9, 1964. Applicant: JOHN PFROMMER, INC., Post Office Box 307, Douglassville, Pa. Applicant's attorney: Morris J. Winokur, Suite 1920, Two Penn Center Plaza, Pennsylvania Boulevard, at 15th Street, Philadelphia, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stone, lime flyash, cement, sand, mixtures, and products of the foregoing materials, and such materials as may be used for installation*, between the plant sites of G. & W. H. Corson, Inc., in Montgomery County, Pa., on the one hand, and, on the other, points in New Jersey.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 118831 (Sub-No. 30) filed July 8, 1964. Applicant: CENTRAL TRANSPORT, INCORPORATED, Uwharrie Road, P.O. Box 5044, High Point, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid, liquid alum*, in bulk, in tank vehicles, from points in Columbus and Brunswick

Counties, N.C., to points in South Carolina and Georgia.

NOTE: If a hearing is deemed necessary applicant requests it be held at Raleigh, N.C.

No. MC 119684 (Sub-No. 4) (AMENDMENT) filed July 2, 1964, published in FEDERAL REGISTER issue July 15, 1964, and republished as amended this issue. Applicant: FULLERTON MOTOR TRUCK SERVICE, INC., 1821 West 33d Place, Chicago, Ill., 60608. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Compressed gases* (not including petroleum gases), in multiple-cylinder or tube trailers, (2) *liquid gases* (cryogenics) in pressure vehicles, from Chicago, and Sterling, Ill., to points in Michigan, Missouri, and Ohio, (3) *liquid gases* (cryogenics) in pressure vehicles, from Chicago and Sterling, Ill., to points in Indiana, Iowa, and Wisconsin, (4) *empty or partially empty multiple-cylinder tanks, and multiple-cylinder or tube trailers*, from points in Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin, to Chicago and Sterling, Ill., and (5) *liquid or compressed gases*, in pressure cylinder, in specially constructed motor vehicles, from Chicago, and Sterling, Ill., to points in Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin.

NOTE: The purpose of this republication is to add (5). If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119778 (Sub-No. 70), filed July 6, 1964. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderley Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 410-411 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk* (1) from Eufaula, Ala., and points within twenty (20) miles thereof to points in Alabama, Florida, and Georgia and (2) from Columbia, Ala., and points within twenty (20) miles thereof to points in Alabama, Florida, and Georgia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 121427 (Sub-No. 4), filed July 6, 1964. Applicant: MISSISSIPPI FREIGHT LINES, INC., 210 Beatty Street, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Forest, and Union, Miss., from Forest over Mississippi Highway 35, to Kosciusko, Miss., thence over Mississippi Highway 14, to Louisville, Miss., and thence over Mississippi Highway 15, to Union, and return over the same route, serving all intermediate points, and (2) between Carthage, and Meridian, Miss., from Carthage, over Mississippi Highway 16, to Philadelphia, Miss., and thence over Mississippi Highway 19, to Meridian,

and return over the same route, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 123383 (Sub-No. 14) (AMENDMENT), filed June 9, 1964, published FEDERAL REGISTER issue of June 24, 1964, amended July 13, 1964 and republished as amended this issue. Applicant: BOYLE BROTHERS, INC., 256 River Road, Edgewater, N.J. 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: *Building materials* (except sand, stone, clay, and fly ash) from the plant site of The Flintkote Company located at Camden, N.J., to points in Connecticut, Massachusetts, Rhode Island, Virginia, Pennsylvania, Vermont, and New Hampshire. Restricted against transportation of commodities in bulk having an immediately prior movement by water or rail.

NOTE: The purpose of this republication is to add plant site restriction, commodity exceptions and prior movement by water or rail restriction in lieu of that previously published. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124774 (Sub-No. 7), filed July 10, 1964. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 4843, State House Station, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Cherokee, Iowa, to points in Illinois and East Chicago, Gary, and Hammond, Ind. Restricted to Wilson & Co., Inc., traffic originating at the plant site and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125237 (Sub-No. 1) (AMENDMENT), filed June 1, 1964, published FEDERAL REGISTER issue of June 17, 1964, amended July 7, 1964, and republished as amended, this issue. Applicant: WELCO TRANSPORTATION COMPANY, a corporation, 1225 Ozark Street, North Kansas City, Mo. Applicant's attorney: Tom B. Kretsinger, Suite 510 Professional Building, Kansas City 6, Mo. By application filed June 1, 1964, and published FEDERAL REGISTER issue of June 17, 1964, the destination state of Idaho was inadvertently omitted from the territorial description in the first territorial paragraph.

NOTE: The purpose of this republication is to add Idaho to the territorial description in (1) as previously published. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 126196 (Sub-No. 3), filed July 6, 1964. Applicant: LUVERNE S. CHRISTENSEN, doing business as CHRISTENSEN TRUCK LINE, 204 West

11th Street, Redwood Falls, Minn., 56283. Applicant's attorney: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and phosphate feed supplements* from Alden, Iowa, to points in Minnesota, North Dakota, and South Dakota and *exempt commodities* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 126363, filed June 15, 1964. Applicant: NEVADA NORTHERN RAILWAY COMPANY, a corporation, East Ely, Nev. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in freight service, (1) between East Ely, Nev., and Kimberly, Nev., from East Ely over U.S. Highway 50 to Keystone, Nev., thence over Nevada Highway 44 through Ruth, Nev., to Kimberly, and return over the same route, serving the intermediate points of Ely, Lane, Keystone, and Ruth, Nev., and the off-route point of Copper Flat, Nev., and (2) between East Ely, Nev., and McGill, Nev., over U.S. Highway 93 and Alternate U.S. Highway 50, serving all intermediate points.

NOTE: Applicant states the proposed service will be limited to that which is auxiliary to or supplemental of freight service of the Nevada Northern Railway. Applicant is also authorized to conduct operations as a *common carrier*, "restricted to express operation in conjunction with passenger operation only", in Certificate No. MC 57759 (Sub-No. 1). If a hearing is deemed necessary, applicant requests it be held at Carson City, Nev.

No. MC 126386, filed July 1, 1964. Applicant: HENRY W. BOIT, ROBERT W. BOIT AND EDWARD A. BOIT, doing business as HANK BOIT AND SONS, 2512 Miles Avenue, Billings, Mont. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel fabricated buildings, steel culverts, and materials for manufacturing steel culverts* from Washington Courthouse and Middletown, Ohio, and Ashland, Ky., to points in Montana and Wyoming and *exempt commodities* on return.

NOTE: Applicant states the proposed operations will be for the account of Armeo Metals and Products of Denver, Colo. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 126388, filed July 2, 1964. Applicant: ALLOYMETAL TRUCKING CORP., 99 Chapel Street, Newark, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Non-ferrous scrap metals and brass and bronze ingots*, between Newark, N.J., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Indiana, Kentucky, Maine, Maryland, Massachusetts, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia, under a continuing contract with Barth Smelting

Corp. and Barth Metals Co., Inc., of Newark, N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126389, filed July 2, 1964. Applicant: SETH KIRKPATRICK, doing business as KIRKPATRICK TRUCKING, Rural Route No. 2, Harvard, Ill. Applicant's attorney: Charles B. Myers, 611 Field Building, Chicago, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mineral wool, mineral wool products, and accessories*, necessary for the application and installation thereof, from the plant site of the United States Gypsum Company, located at Walworth, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Missouri, and (2) *nonedible starch*, in bags, from Decatur, Ill., to the plant site of the United States Gypsum Company, located at Walworth, Wis.

NOTE: Applicant states it "is presently a common carrier of various commodities, including Rock Wool from Walworth, Wis., to all points in the aforesaid states, except the state of Missouri." It is further noted that applicant is requesting, that if the service as proposed "is granted, that portion of his present certificate authorizing the transportation of rock wool from Walworth, to five of these same states be cancelled". In effect, applicant is "seeking to convert a portion of his common carrier authority into contract carrier authority" since the service proposed "would be serving a single shipper". If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 126391, filed July 6, 1964. Applicant: ALMON HILLYER, 2225 Mason Road, Burlington, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Omaha, Nebr., and St. Paul, Minn., to Burlington, Iowa, and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 126392, filed July 6, 1964. Applicant: GLASSCOCK TRUCKING COMPANY, INC., Post Office Box 237, Leitchfield, Ky. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Limestone* in bulk, in dump vehicles from Olive Hill, Carter City, and Princess, Ky., and points within 10 miles of each, to points in Adams, Gallia, Lawrence, and Scioto Counties, Ohio; to points in Cabell, Kanawha, Lincoln, Putnam, and Wayne Counties, W. Va.; and to Catlettsburg, Ky., and points within 6 miles thereof, (2) *slag*, in bulk, in dump vehicles, from Ashland, Ky., to points in Adams, Gallia, Lawrence, and Scioto Counties, Ohio; to points in Cabell, Kanawha, Lincoln, Putnam, and Wayne Counties, W. Va.; and to Catlettsburg, Ky., and points within 6 miles thereof, and (3) *sand, gravel, and slag*,

in bulk, in dump vehicles from points in Scioto County, Ohio, to points in Carter, Boyd, and Greenup Counties, Ky.; and to points in Cabell, Kanawha, Lincoln, Putnam, and Wayne Counties, W. Va.

NOTE: Applicant states that the proposed operations will be conducted under contract with The Standard Slag Company, Youngstown, Ohio, and its wholly owned subsidiaries. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 126393, filed July 6, 1964. Applicant: GRANITE STATE TRANSPORTATION, INC., 16 Burns Avenue, Concord, N.H. Applicant's attorney: Norman H. Stahl, 1838 Elm Street, Manchester, N.H., 03105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Nashua, N.H. on the one hand, and, on the other, points in New Hampshire, (2) between Keene, N.H., on the one hand, and, on the other, points in New Hampshire, (3) between Berlin, N.H. on the one hand, and, on the other, points in New Hampshire, (4) between Lebanon, N.H. on the one hand, and, on the other, points in New Hampshire, (5) between Portsmouth, N.H., on the one hand, and, on the other, points in New Hampshire and (6) between Manchester, N.H., on the one hand, and, on the other, points in New Hampshire.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 126394, filed July 2, 1964. Applicant: REFRIGERATED TRUCKS, INC., 1309 First Avenue North, Billings, Mont. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat packinghouse products*, from Billings, Mont., to points in Idaho, Nevada, California, North Dakota, South Dakota, Minnesota, Wisconsin, Illinois, and Iowa, and *empty containers or other such incidental facilities* used in transporting the above commodities, and *exempt commodities*, on return.

NOTE: Applicant states that the proposed operation will be for the account of Midland Empire Packing Company. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

MOTOR CARRIERS OF PASSENGERS

No. MC 107583 (Sub-No. 26) (AMENDMENT), filed June 17, 1964, published FEDERAL REGISTER issue of July 1, 1964, amended July 13, 1964, and republished as amended this issue. Applicant: SALEM TRANSPORTATION CO., INC., doing business as ATLANTIC CITY TRIPS, 113 West 42d Street, Suite 1004, 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 irregular routes, transporting: *Passengers and their baggage and effects* in special operations in door-to-door service limited 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 between Ventnor, Margate, Longport Boro, cities of Absecon, Pleasantville, Northfield, Linwood, and Somers Point, N.J., on the one hand, and, on the other, Atlantic City, N.J.

NOTE: Applicant states it intends to segment the proposed service to its existing authority. All passengers to be transported to and from Ventnor, Margate, Longport Boro, cities of Absecon, Pleasantville, Northfield, Linwood, and Somers Point, N.J., will be transported in interstate commerce only. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Margate City Hall, Margate, N.J. The purpose of this republication is to broaden the territorial description, and to show request for change in place of hearing.

#### APPLICATION OF WATER CARRIERS

##### Water Carriers of Passengers

No. W-1195 (Sub-No. 2) United Fruit Company Extension—New Orleans, filed July 7, 1964. Applicant: UNITED FRUIT COMPANY, 30 St. James Avenue, Boston 16, Mass. Authority sought to extend service as a *common carrier* by water, in the transportation of *passengers*, (1) between New York, N.Y. (and/or Weehawken, N.J.) on the one hand and San Francisco (and/or Los Angeles, Calif.) and Seattle, Wash., on the other, on basis of one voyage per week in each direction and (2) between New Orleans, La. on the one hand, and San Francisco, Calif., and Seattle, Wash., on the other, on basis of one voyage per week in each direction.

#### APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

##### Motor Carriers of Property

No. MC 103880 (Sub-No. 306) (AMENDMENT) filed February 24, 1964, published FEDERAL REGISTER issue March 11, 1964, amended and republished April 1, 1964, and further amended July 8, 1964, and republished this issue. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. 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: *Liquefied petroleum gases*, in bulk, in tank vehicles, from the plant site of the Phillips Petroleum Company Terminal located in Brownstown Township, Wayne County, Mich., to points in Ohio, Indiana, and Pennsylvania.

NOTE: The purpose of this republication is to clearly show the authority sought by applicant. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 10872 (Sub-No. 40), filed July 9, 1964. Applicant: BE-MAC TRANSPORT COMPANY, INC., 7400 North Broadway, St. Louis, Mo., 63147. 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 Com-

mission, commodities in bulk and those requiring special equipment), between Woodstock, Ill., and the junction U.S. Highway 66 and Illinois Highway 47, from Woodstock over Illinois Highway 47 to the junction with U.S. Highway 66 and return over the same route, serving no additional points other than those otherwise authorized but serving the junction of Illinois Highway 47 and U.S. Highway 66 as a point of joinder. As an alternate route to applicant's present authority between St. Louis, Mo., and Woodstock, Ill. Also serving the junction of Illinois Highways 47 and 176 as a point of joinder.

No. MC 109637 (Sub-No. 258), filed July 6, 1964. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in tank vehicles from Indianapolis, Ind., to points in Kentucky.

No. MC 114194 (Sub-No. 73), filed July 6, 1964. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collingsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch*, in bulk, from Granite City, Ill., to points in New Mexico, Colorado, Utah, Arizona, Nevada, and California, and *rejected shipments*, on return.

No. MC 126256 (Sub-No. 2), filed July 6, 1964. Applicant: ARLAN KIRK, Spencer, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags, from Rapid City, S. Dak., to Spencer, Atkinson, Naper, and Stuart, Nebr., and *grain*, on return.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 52), (CORRECTION) June 10, 1964, published FEDERAL REGISTER issue July 1, 1964, corrected and republished this issue. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago, Ill.

NOTE: The purpose of this republication is to correctly show the route proposed as follows, in lieu of that shown in previous publication: "(2) over unnumbered highway between Liberty, S.C., and the junction of unnumbered highway and U.S. Highway 123."

#### APPLICATION FOR BROKERAGE LICENSES

##### MOTOR CARRIERS OF PASSENGERS

No. MC 12898 (Amendment), filed February 20, 1964, published in FEDERAL REGISTER issue of March 18, 1964, amended July 5, 1964 and republished as amended this issue. Applicant: FRANCISCO OLIVERIA TRAVEL AGENCY, INC., 265 River Street, New Bedford, Mass. Applicant's attorney: Samuel L. Lipman, 415 Olympia Building, New Bedford, and Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. For a license (BMC 5) to engage in operation as a *broker* at New Bedford, Mass., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *individual passengers*, and *groups of passengers*, and *baggage of passengers*, in charter operations, between points in the United States.

NOTE: The purpose of this republication is to broaden the scope of the territorial description.

By the Commission.

[SEAL] HAROLD D. MCCOY,  
Secretary.

[F.R. Doc. 64-7255; Filed, July 21, 1964;  
8:47 a.m.]

[Notice 13]

#### APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OF REGISTRATION

JULY 17, 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.

#### CALIFORNIA

No. MC 96835 (Sub-No. 1) (REPUBLICATION) filed January 30, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: ROBERT A. JANSEN, LLOYD M. JANSEN, WAYNE E. JANSEN and ELROY A. JANSEN, doing business as JANSEN TRANSPORTATION COMPANY, 4843 Cecelia Street, Cudahy, Calif. and JANSEN TRANSPORTATION CO., INC., 4843 Cecelia Street, Cudahy, Calif., joint applicants.

NOTE: The purpose of this republication is to show Jansen Transportation Co., Inc., as joint applicant.

#### ILLINOIS

No. MC 121317 (Sub-No. 1) (REPUBLICATION) filed February 4, 1963, published in FEDERAL REGISTER issue June 12, 1963, and republished this issue. Applicant: LOUIS G. MARKS, 316 West Grant Highway, Marengo, Ill. and MARKS TRUCK LINES, INC., 316 West Grant Highway, Marengo, Ill., joint applicants. Applicant's attorney: Ralph

H. Haen, 620 Empire Building, Rockford, Ill.

NOTE: The purpose of this republication is to show Marks Truck Lines, Inc. as joint applicant.

MASSACHUSETTS

No. MC 56803 (Sub-No. 1) (REPUBLICATION) filed February 7, 1963, published in FEDERAL REGISTER, issue October 2, 1963, and republished this issue. Applicant: SAMUEL TAPLIN (MOLLY TAPLIN, ADMINISTRATRIX), 92 Davis Avenue, Brookline, Mass. and HUDSON EXPRESS, INC., 45 Hudson Street, Boston, Mass., joint applicants.

NOTE: The purpose of this republication is to show Hudson Express, Inc., as joint applicant.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 64-7256; Filed, July 21, 1964; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 17, 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. C-3579, Case No. 2, filed June 11, 1964. Applicant: MULVENA TRUCK LINE, INC., 400 West Chisholm Street, Alpena, Mich. Applicant's attorney: Walter N. Bieneman, Suite 1700—One Woodward Avenue, Detroit 26, Mich. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) between Detroit, Mich., and Standish, Mich., over Interstate Highway 75; and (2) between Detroit, Mich. and junction U.S. Highway 23 and Interstate Highway 75, at Flint, Mich., from Detroit over Interstate Highway 96 to junction U.S. Highway 23, thence over U.S. Highway 23 to junction Interstate Highway 75, and return over the same route.

NOTE: Applicant states the above application will be subject to the following restrictions: (1) restricted against service to points not otherwise authorized; (2) access

routes may be used only for connection with intersecting routes otherwise authorized; and (3) access routes may be utilized within commercial zones of points otherwise authorized.

HEARING: July 30, 1964, at 9:30 a.m., in offices of the Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich., 48913, and should not be directed to the Interstate Commerce Commission.

State Docket No. 16912, filed June 30, 1964. Applicant: WILSON TRUCKING CORPORATION, Post Office Box 340, Waynesboro, Va. Applicant's attorney: John C. Goddin, 10 South 10th Street, Richmond, Va. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) between junction Interstate Highway 95 and Virginia Highway 54 near Ashland, Va., and junction Interstate Highway 95 and Virginia Highway 350 (Henry G. Shirley Memorial Highway), north of Woodbridge, Va., over Interstate Highway 95, together with its interchanges connecting with applicant's other authority; (2) between Virginia-Maryland State line at Woodrow Wilson Bridge, Alexandria, Va., and Virginia-Maryland State line south of Cabin John, Md., over Interstate Highway 495 (Capitol Beltway), together with its interchanges connecting with applicant's other authority; (3) between Norfolk, Va., and Kiptopeke, Va., over U.S. Highway 13 and U.S. Highway 60 to their junction in the City of Virginia Beach, and thence over U.S. Highway 13 and the Chesapeake Bay Bridge Tunnel;

(4) between intersection Dulles Airport Road and Interstate Highway 66, near Falls Church, Va., and Centreville, Va., over Interstate Highway 66, together with its interchanges connecting with applicant's other authority; (5) between Carmel Church, Va. and Leavells, Va., over Virginia Secondary Highways 658, 639 and 738, and Virginia Highway 208 (Caroline and Spotsylvania Counties); (6) between junction Virginia Secondary Highways 658 and 639 and junction Virginia Secondary Highway 603 and U.S. Highway 1, over Virginia Secondary Highways 639 and 603 (Caroline and Spotsylvania Counties);

(7) between junction Interstate Highway 95 and Virginia Highway 207 and junction U.S. Highway 1 and Virginia Highway 207 over Virginia Highway 207 (Caroline County); (8) between junction Virginia Secondary Highways 603 and 604 near Blantons, Va., and junction Virginia Secondary Highways 605 and 738, over Virginia Secondary Highways 604 and 605 (Caroline and Spotsylvania Counties); (9) between junction Virginia Secondary Highways 604 and 605 and junction Virginia Secondary Highway 605 and U.S. Highway 1, over Vir-

ginia Secondary Highway 605 (Spotsylvania and Caroline Counties); (10) between junction Interstate Highway 95 and Marine Corps Trunk Highway and the Potomac River, over Marine Corps Trunk Highway (Prince William County) and (11) between Virginia-District of Columbia State line and Dulles International Airport, over Dulles Airport Road.

HEARING: September 29, 1964, at 10:00 a.m., (standard time), in the Courtroom, Blanton Building, Richmond, Va.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Virginia Corporation Commission, Box 1197, Richmond 9, Va., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 64-7257; Filed, July 21, 1964; 8:47 a.m.]

[Notice 1015]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 17, 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 special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 66866. By order of July 14, 1964, the Transfer Board approved the transfer to J. T. Gerken Trucking, Inc., Portsmouth, Ohio, of Permit in No. MC 112547 Sub-1, issued June 12, 1961, to J. T. Gerken, Portsmouth, Ohio, authorizing the transportation over irregular routes, of such equipment, materials, and supplies as are usually dealt in by garages and gasoline and oil service stations (except liquid commodities in bulk), in trailers owned by the Standard Oil Co., and empty shipper-owned trailers, between Cleveland and Portsmouth, Ohio, on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia. Herbert Baker, 50 West Broad Street, Columbus, Ohio, 43215, attorney for applicants.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 64-7258; Filed, July 21, 1964; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—JULY

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AT LARGE**

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