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FEDERAL REGISTER

VOLUME 29 NUMBER 201

Washington, Wednesday, October 14, 1964

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FEDERAL REGISTER

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

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Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 11]

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52, CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Rates of Penalty Per Pound

The amendment herein is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U.S.C. 1311–1315), and is made for the purpose of amending § 724.92 of the Tobacco Allotment and Marketing Quota Regulations, 1963–64 and Subsequent Marketing Years (27 F.R. 8937, 9211, 10743; 28 F.R. 7757, 8018, 9144, 11049; 29 F.R. 1315, 6520, 7588, 7763, 9927, 12420), to include the rate of penalty per pound upon marketing of excess Maryland tobacco for the 1964–65 marketing year.

The official average price for Maryland tobacco for the 1963–64 marketing year has recently been determined. The Act provides that the penalty rate on marketings of excess tobacco shall be seventy-five (75) percent on the average market price (calculated to the nearest whole cent) for the preceding marketing year.

As sales of the 1964 crop of Maryland tobacco may soon begin, it is necessary that the amendment set forth herein be made effective at the earliest possible date in order that the rate of penalty for Maryland tobacco may be made known to producers who desire to market such tobacco, and to buyers who are responsible for the payment of the penalty on marketings of excess tobacco. Accordingly, and as the amendment is the result of a mathematical calculation provided for by the Act, it is hereby found and determined that compliance with the notice, public procedure, and effective date requirements of Section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon publication of this document in the FEDERAL REGISTER.

Subsection (d) of § 724.92 of the Tobacco Allotment and Marketing Quota Regulations, 1963–64 and Subsequent Marketing Years, is hereby amended by adding thereto the 1963–64 average market price for Maryland tobacco of 45.5 cents per pound and by amending subsection (e) of said section to include the 1964–65 rate of penalty for Maryland tobacco of 34 cents per pound.

(Secs. 314, 375, 52 Stat. 48, as amended, 66, as amended; 7 U.S.C. 1314, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 8, 1964.

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

[F.R. Doc. 64-10455; Filed, Oct. 13, 1964; 8:48 a.m.]

[Amdt. 4]

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments, Small Farm Bases and Normal Yields for 1964 and Subsequent Crop Years

NEW FARM ALLOTMENT ELIGIBILITY AND SPECIAL NATIONAL ACREAGE RESERVE

On page 10400 of the FEDERAL REGISTER of July 25, 1964, and on pages 11535, 11536 and 11537 of the FEDERAL REGISTER dated August 12, 1964, there were published notices of proposed rule making to issue amendments to the regulations for determining farm acreage allotments, small farm bases and farm normal yields for the 1964 and subsequent crops of wheat. The proposed amendments would (1) provide that any land acquired under the right of eminent domain for which the entire wheat acreage allotment was pooled pursuant to Part 719 of this chapter would not be eligible for a new farm allotment for a period of three years from the date the former owner was displaced, and (2) add a new section to provide for the apportionment of the special national acreage reserve authorized by section 334(a) of the Agricultural Adjustment Act of 1938, as amended by section 202 of Public Law 88–297. The text of proposed amendment (2) was set out in the notice.

After consideration of views, recommendations, and comments received, the proposed amendments are adopted as set forth below.

1. A paragraph of basis and purpose is added immediately preceding the text of the amendments.

2. An effective date paragraph is added immediately following the text of the amendments.

3. An authority clause is added immediately following the effective date paragraph.

4. In the text of the proposed amendment adding a new § 728.29, relative to the special national acreage reserve, the word "gross" preceding the word "income" in item (3) of paragraph (a) is deleted, and the spelling of "Green" County, Oklahoma, is corrected to "Greer" County, Oklahoma, in paragraph (b).

Signed at Washington, D.C., October 8, 1964.

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

Basis and purpose. The amendments herein are issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended. The purpose of these amendments is to provide (1) that a farm which includes land acquired by an agency having the right of eminent domain for which the entire wheat allotment was pooled pursuant to Part 719 of this chapter, which is subsequently returned to agricultural production, shall not be eligible for a new farm wheat allotment for a period of three years from the date the former owner was displaced from the acquired farm, and (2) the procedure for determining increases in farm wheat acreage allotments from the special national acreage reserve authorized in section 334(a) of the Act, as amended, and the list of counties eligible for participation in such special national acreage reserve.

Marketing quotas are not in effect for the 1965–1966 marketing year and the regulations herein insofar as the 1965 crop of wheat is concerned relate solely to loans, grants, and benefits, and are therefore exempted from the provisions of the effective date provisions of section 4 of the Administrative Procedure Act. Wheat producers need to know the provisions of these regulations as soon as possible and accordingly it is necessary that these regulations be made effective upon the date of their publication in the FEDERAL REGISTER.

The regulations are amended as follows:

1. Section 728.19, paragraph (b), is amended by adding a new subparagraph (7) to read as follows:

§ 728.19 Determination of base acreages for new farms for 1964 and subsequent crops.

(b) * * *

(7) A farm which includes land acquired by an agency having the right of eminent domain for which the entire wheat allotment was pooled pursuant to Part 719 of this chapter which is subsequently returned to agricultural production shall not be eligible for a new farm wheat allotment for a period of three years from the date the former owner was displaced from the acquired farm.

* * * * *

2. A new section is added to read as follows:

§ 728.29 Special National Acreage Reserve.

(a) If the allotment established under § 728.16 for any old wheat farm in a

county designated in paragraph (b) of this section is less than one-half of the county average ratio of allotment to cropland, such allotment may be adjusted provided the county committee, with the approval of a State committee representative, determines that:

(1) There is only limited opportunity, if any, on the farm for the production of an alternative income-producing crop,

(2) An efficient farming operation on the farm requires an increase in the present wheat allotment established for the farm, and

(3) The farm operator expects to obtain during the current year more than 50 percent of his income from farming operations, excluding the estimated return from the requested allotment increase.

To receive consideration for an adjustment in a farm wheat allotment under this section, the farm owner or operator must file an application for increased wheat allotment (Form MQ–37) in the county office not later than 30 days from the date of the mailing of the original notice of allotment for the farm for such year. Notwithstanding any provision of this section, in no case shall the allotment for any farm be increased hereunder so as to be in excess of one-half of the county average ratio of allotment to cropland, or for the purpose of restoring farm allotment acreage lost because of the overplanting of a previous year's allotment and the total of the increases for all farms in the county shall not exceed the additional acreage apportioned to the county from the special national acreage reserve provided for by section 334(a) of the Act, as amended. For the purposes of making the increases hereunder, the cropland on the farm shall not include any land developed as cropland subsequent to the 1963 crop year.

(b) For the 1965 program year the following counties shall be considered eligible for participation in the special national acreage reserve:

COLORADO

Adams.
Arapahoe.
Archuleta.
Bent.
Boca.
Boulder.
Cheyenne.
Crowley.
Delores.
Douglas.
Elbert.
El Paso.
Huerfano.
Jefferson.
Kiowa.
Kit Carson.
La Plata.
Larimer.
Las Animas.
Lincoln.
Logan.
Moffat.
Montezuma.
Morgan.
Phillips.
Prowers.
Pueblo.
Rio Blanco.
Routt.
San Miguel.
Sedgwick.
Washington.
Weld.
Yuma.

KANSAS

All counties.

IDAHO

Bannock.
Bear Lake.
Benewah.
Camas.
Caribou.
Clearwater.
Franklin.
Fremont.
Idaho.
Kootenai.
Latah.
Lewis.
Madison.
Nez Perce.
Oneida.
Power.
Teton.

MINNESOTA

Kittson.
Marshall.
West Polk.
Norman.
Clay.
Wilkin.

MISSOURI

Cedar.
Cole.
Dade.
Franklin.
Gasconade.
Jasper.
Lawrence.
McDonald.
Maries.
Miller.
Morgan.
Newton.
Osage.
Polk.

MONTANA

Big Horn.
Blaine.
Broadwater.
Carbon.
Carter.
Cascade.
Chouteau.
Custer.
Daniels.
Dawson.
Fallon.
Fergus.
Flathead.
Gallatin.
Garfield.
Glacier.
Golden Valley.
Hill.
Jefferson.
Judith Basin.
Lake.
Lewis and Clark.
Liberty.
Madison.
McCone.
Meager.
Mineral.
Missoula.
Musselshell.
Park.
Petroleum.
Phillips.
Pondera.
Powder River.
Prairie.
Richland.
Roosevelt.
Rosebud.
Sanders.
Sheridan.
Stillwater.
Sweet Grass.
Teton.
Toole.
Treasure.
Valley.
Wheatland.
Wibaux.
Yellowstone.

NEBRASKA

Adams.
Banner.
Box Butte.
Chase.
Cheyenne.
Clay.
Dawes.
Deuel.
Dundy.
Fillmore.
Franklin.
Frontier.
Furnas.
Garden.
Gosper.
Harlen.
Hayes.
Hitchcock.
Jefferson.
Kearney.
Keith.
Kimball.
Morrill.
Nuckolls.
Perkins.
Phelps.
Redwillow.
Saline.
Sheridan.
Sioux.
Thayer.
Webster.

NEW MEXICO

Colfax.
Curry.
Harding.
Quay.
Roosevelt.
Union.

NORTH DAKOTA

All counties.

OKLAHOMA

Alfalfa.
Beaver.
Beckham.
Blaine.
Caddo.
Canadian.
Cimarron.
Comanche.
Cotton.
Craig.
Custer.
Delaware.
Dewey.
Ellis.
Garfield.
Grady.
Grant.
Greer.
Harmon.
Harper.
Jackson.
Kay.
Kiowa.
Kingfisher.
Logan.
Major.
Mayes.
Noble.
Nowata.
Oklahoma.
Osage.
Ottawa.
Pawnee.
Payne.
Roger Mills.
Rogers.
Texas.
Tillman.
Washington.
Washita.
Woods.
Woodward.

OREGON

Baker.
Gilliam.
Lake.
Morrow.
Sherman.
Umatilla.
Union.
Wallowa.
Wheeler.
Wasco.

SOUTH DAKOTA

Beadle.
Bennett.
Brown.
Brule.
Buffalo.
Butte.
Campbell.
Carson.
Custer.
Dewey.
Edmonds.
Fall River.
Faulk.
Haakon.
Hand.
Harding.
Hughes.
Hyde.
Jackson.
Jones.
Lawrence.
Lyman.
McPherson.
Meade.
Mellette.
Pennington.
Perkins.
Potter.
Shannon.
Spink.
Stanley.
Sully.
Todd.
Trip.
Walworth.
Washabaugh.
Ziebach.

TEXAS

Armstrong.
Archer.
Baylor.
Callahan.
Carson.
Dallam.
Deaf Smith.
Foard.
Gray.
Hanford.
Hardeman.
Hartley.
Hemphill.
Hutchinson.
Lipscomb.
Moore.
Ochiltree.
Oldham.
Potter.
Randall.
Roberts.
Sherman.
Shackelford.
Stephens.
Taylor.
Throckmorton.
Wichita.
Wilbarger.
Young.

UTAH

Box Elder.
Cache.
Juab.
Rich.
Salt Lake.
San Juan.
Tooele.

WASHINGTON

Adams.
Asotin.
Benton.
Chelan.
Columbia.
Douglas.
Ferry.
Franklin.
Garfield.
Grant.
Klickitat.
Lincoln.
Okanogan.
Spokane.
Stevens.
Walla Walla.
Whitman.
Yakima.

Effective date: Upon publication in the FEDERAL REGISTER.

(Secs. 334, 375, 378, 52 Stat. 53, as amended, 66, 72 Stat. 995, as amended; 7 U.S.C. 1334, 1375, 1378)

[F.R. Doc. 64–10456; Filed, Oct. 13, 1964; 8:48 a.m.]

PART 729—PEANUTS

Subpart—Determination of County Normal Yields for 1964 Crop

Basis and purpose. The regulations contained in § 729.1507, below, are issued pursuant to and in conformity with the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and the Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops (27 F.R. 11920, 28 F.R. 11811, 29 F.R. 7801, 13027).

Subsections 301(b)(13) (B and (C) of the Act define normal yield for any county as follows:

(B) "Normal yield" for any county, in the case of * * * peanuts, shall be the average yield per acre of * * * peanuts for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined.

(C) In applying * * * [(B) supra] * * * if for any such year the data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations issued by the Secretary, shall be used as the actual yield for such year. In applying such paragraphs, if, on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any such year of such * * * five-year period, * * * is less than 75 per centum of the average (computed without regard to such year) such year shall be eliminated in calculating the normal yield per acre.

Producers are now marketing their 1964 crop of peanuts and since county normal yields are used in the determination of the amount of penalty on excess peanuts marketed from a farm, it is essential that county normal yields be determined and announced as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1001–1011) is impractical and contrary to the public interest. Therefore, the county normal yields specified below shall become effective upon publication in the FEDERAL REGISTER.

§ 729.1507 Determination of the county normal yields for 1964 crop of peanuts.

County normal yields for 1964 crop of peanuts, determined in accordance with the Act and § 729.1455(a) (27 F.R. 11920) are as follows:

ALABAMA

County	Normal yield (pounds)	County	Normal yield (pounds)
Autauga	732	Geneva	1,211
Baldwin	620	Greene	550
Barbour	1,061	Hale	471
Bibb	600	Henry	1,139
Blount	676	Houston	1,162
Bullock	747	Jackson	653
Butler	847	Jefferson	660
Calhoun	629	Lamar	590
Chambers	600	Lauderdale	685
Cherokee	627	Lawrence	680
Chilton	640	Lee	600
Choctaw	538	Limestone	700
Clarke	537	Lowndes	590
Clay	550	Macon	728
Cleburne	590	Madison	692
Coffee	1,060	Marengo	480
Colbert	590	Marion	680
Conecuh	877	Marshall	705
Coosa	530	Mobile	540
Covington	1,053	Monroe	937
Crenshaw	1,036	Montgomery	718
Cullman	731	Morgan	670
Dale	1,103	Perry	905
Dallas	602	Pickens	572
DeKalb	710	Pike	917
Elmore	919	Randolph	600
Escambia	1,048	Russell	859
Etowah	642	St. Clair	587
Fayette	630	Shelby	570
Franklin	600	Sumter	500
Talladega	550	Washington	540
Tallapoosa	540	Wilcox	590
Tuscaloosa	600	Winston	620
Walker	580		

ARIZONA

Pima	2,130	Yuma	1,840

ARKANSAS

Crawford	813	Johnson	731
Dallas	508	Lincoln	1,919
Faulkner	815	Little River	520
Franklin	778	Logan	689
Hempstead	388	Nevada	427
Howard	453	Randolph	711

CALIFORNIA

Fresno	2,532	Madera	600
Imperial	900	Riverside	571
Kern	1,726	Tulare	870

FLORIDA

Alachua	1,449	Lafayette	945
Bay	865	Leon	1,133
Calhoun	1,469	Levy	1,216
Columbia	1,128	Madison	661
Dixie	1,307	Marion	1,201
Escambia	769	Okaloosa	1,188
Gadsden	1,037	Santa Rosa	1,400
Gilchrist	901	Suwannee	1,424
Hamilton	1,035	Wakulla	853
Holmes	1,096	Walton	1,144
Jackson	1,175	Washington	1,214
Jefferson	934		

GEORGIA

Appling	1,025	Lee	1,262
Atkinson	1,256	Lowndes	1,008
Bacon	912	Macon	1,172
Baker	1,335	Marion	934
Baldwin	552	Miller	1,376
Ben Hill	1,265	Mitchell	1,343
Berrien	1,191	Montgomery	858
Bleckley	1,060	Muscogee	318
Brooks	1,277	Newton	326
Bryan	1,158	Peach	1,035
Bulloch	1,273	Pierce	694
Burke	747	Pulaski	1,125
Calhoun	1,452	Quitman	1,003
Candler	961	Randolph	1,235
Chattahoochee	389	Richmond	540
Clay	1,167	Schley	1,116
Coffee	1,147	Screven	1,102
Colquitt	1,263	Seminole	1,300
Cook	1,484	Stewart	985
Crawford	354	Sumter	1,318
Crisp	1,482	Talbot	767
Decatur	1,305	Tattnall	1,320
Dodge	921	Taylor	1,189
Dooly	1,269	Telfair	1,002
Dougherty	1,180	Terrell	1,261
Early	1,275	Thomas	1,172
Effingham	1,219	Tift	1,374
Emanuel	929	Toombs	1,053
Evans	1,387	Treutlen	906
Glascock	550	Turner	1,282
Grady	1,344	Twiggs	870
Hancock	170	Upson	647
Harris	348	Ware	962
Houston	1,115	Warren	484
Irwin	1,417	Washington	886
Jeff Davis	1,160	Wayne	865
Jefferson	658	Webster	1,080
Jenkins	893	Wheeler	1,038
Johnson	643	Wilcox	1,266
Lanier	1,268	Wilkinson	843
Laurens	931	Worth	1,241

LOUISIANA

Beauregard	636	Lincoln	886
Bienville	563	Morehouse	1,002
Claiborne	670	Union	456
LaSalle	670		

MISSISSIPPI

County	Normal yield (pounds)	County	Normal yield (pounds)
Alcorn	378	Madison	278
Attala	305	Neshoba	850
Calhoun	472	Prentiss	539
Chickasaw	190	Sunflower	728
Copiah	437	Tate	543
Greene	1,093	Tishomingo	384
Hinds	481	Union	512
Holmes	460	Webster	701
Kemper	341	Winston	480
Lauderdale	542	Yalobusha	368
Lowndes	450		

NEW MEXICO

Curry	1,540	Quay	1,025
Lea	1,354	Roosevelt	1,872

NORTH CAROLINA

Beaufort	1,438	Lenoir	1,063
Bertie	1,749	Martin	1,973
Bladen	1,323	Moore	1,594
Brunswick	1,002	Nash	1,489
Camden	1,647	New Hanover	1,125
Catawba	617	Northampton	2,004
Chatham	1,447	Onslow	1,492
Chowan	2,012	Pasquotank	2,081
Columbus	1,265	Pender	1,196
Craven	1,137	Perquimans	2,178
Cumberland	1,359	Pitt	1,684
Currituck	1,693	Richmond	1,330
Duplin	1,060	Robeson	1,207
Edgecombe	1,698	Rowan	1,233
Franklin	1,080	Sampson	1,178
Gates	1,887	Scotland	1,301
Greene	1,527	Tyrrell	1,470
Halifax	1,816	Wake	1,046
Hertford	1,887	Warren	988
Iredell	380	Washington	1,814
Johnston	1,578	Wayne	1,309
Jones	965	Wilson	1,475

OKLAHOMA

Atoka	923	Lincoln	1,080
Beckham	2,073	Logan	1,658
Blaine	3,079	Love	777
Bryan	786	McClain	944
Caddo	2,519	McCurtain	813
Canadian	1,449	McIntosh	970
Carter	718	Marshall	959
Choctaw	759	Murray	822
Cleveland	1,453	Muskogee	852
Coal	679	Okfuskee	877
Comanche	1,144	Oklahoma	838
Creek	692	Okmulgee	890
Custer	2,124	Pawnee	1,123
Dewey	787	Payne	973
Garvin	1,043	Pittsburg	980
Grady	979	Pontotoc	745
Greer	1,609	Pottawatomie	1,075
Harmon	905	Pushmataha	692
Haskell	871	Seminole	817
Hughes	1,087	Sequoyah	925
Jackson	857	Stephens	1,035
Jefferson	685	Tulsa	640
Johnston	915	Wagoner	735
Kingfisher	1,247	Washita	2,633
LeFlore	734		

SOUTH CAROLINA

Aiken	429	Greenville	685
Allendale	1,132	Hampton	1,338
Bamberg	1,345	Horry	1,107
Barnwell	714	Kershaw	1,156
Cherokee	487	Lee	1,086
Clarendon	889	Marion	941
Colleton	1,086	Marlboro	682
Darlington	1,383	Orangeburg	573
Dillon	1,183	Spartanburg	537
Dorchester	651	Sumter	1,347
Florence	1,063	Williamsburg	816

TENNESSEE

Benton	1,001	Dickson	618
Bradley	1,287	Fayette	642
Carroll	830	Gibson	945
Decatur	900	Giles	629

TENNESSEE—Continued

County	Normal yield (pounds)	County	Normal yield (pounds)
Hamilton	948	Loudon	906
Hardeman	695	Madison	425
Hardin	482	Obion	625
Henderson	740	Perry	1,041
Hickman	593	Polk	784
Humphreys	713	Wayne	750
Lawrence	629	Weakley	1,008
Lewis	966		

TEXAS

Anderson	723	Johnson	670
Atascosa	828	Jones	633
Austin	883	Karnes	569
Bailey	2,532	Kent	634
Bastrop	734	Lamar	839
Baylor	1,306	Lampasas	536
Bee	418	La Salle	1,560
Bexar	682	Lavaca	612
Bosque	510	Lee	687
Brazoria	561	Leon	812
Brazos	465	Limestone	732
Briscoe	752	Live Oak	595
Brown	553	Llano	453
Burleson	541	McCulloch	623
Caldwell	591	McLennan	594
Callahan	498	Madison	752
Cass	557	Marion	544
Cherokee	824	Mason	713
Collingsworth	805	Medina	790
Colorado	783	Milam	622
Comanche	717	Mills	520
Cooke	490	Montague	795
Coryell	629	Montgomery	551
Crosby	1,615	Morris	700
Denton	642	Motley	1,320
DeWitt	596	Palo Pinto	605
Dimmit	2,033	Parker	715
Duval	817	Polk	536
Eastland	605	Red River	967
Erath	673	Robertson	804
Falls	814	Runnels	401
Fannin	879	Rusk	636
Fayette	638	San Saba	496
Floyd	1,699	Smith	825
Fort Bend	593	Somervell	599
Franklin	728	Stephens	576
Freestone	604	Stonewall	717
Frio	1,607	Tarrant	738
Gaines	1,452	Terry	2,197
Garza	580	Titus	759
Gillespie	396	Travis	582
Gonzales	670	Trinity	689
Grayson	697	Upshur	563
Grimes	762	Van Zandt	870
Guadalupe	428	Victoria	634
Hale	1,390	Walker	648
Hall	1,189	Waller	1,003
Hamilton	422	Washington	673
Harris	1,004	Webb	856
Henderson	918	Williamson	883
Hill	556	Wilson	571
Hood	777	Wise	656
Hopkins	832	Wood	770
Houston	908	Yoakum	1,608
Jack	526	Young	677
Jim Wells	996	Zavala	2,479

VIRGINIA

Brunswick	1,139	Nansemond	1,946
Chesapeake	1,934	New Kent	1,875
Chesterfield	1,395	Northampton	1,639
Dinwiddie	1,619	Prince George	1,725
Greensville	1,753	Southampton	2,018
Isle of Wight	2,053	Surry	2,058
James City	2,024	Sussex	1,831
Mecklenburg	830		

(Secs. 301, 375, 52 Stat. 38, as amended, 66, as amended, 7 U.S.C. 1301, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 8, 1964.

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

[F.R. Doc. 64-10457; Filed, Oct. 13, 1964; 8:48 a.m.]

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

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 855.10, Rev. 1, Amdt. 1]

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms; 1965 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the third sentence of paragraph (g) of § 855.10 Revision 1 (29 F.R. 13595) is amended to read as follows:

§ 855.10 Proportionate shares for sugarcane farms in the Mainland Cane Sugar Area for the 1965 crop.

(g) Any person desiring a new producer share shall file a request therefor with the County Committee on or before October 16, 1964, in Louisiana, and in Florida on or before October 30, 1964, on a form available at the local County Office (in Florida, at the Glades-Hendry ASCS Office, Moore Haven, Florida).

* * * * *

Statement of bases and considerations. The original determination provided that any person in Florida or Louisiana desiring a new producer share shall file a request therefor on or before October 8, 1964. This amendment extends such date to October 16 for Louisiana and to October 30 for Florida.

Because the planting season in Florida continues somewhat beyond the planting season in Louisiana, more time may be utilized by persons in Florida in filing their requests for new producer shares. In Louisiana, disruptions in communications by the recent hurricane necessitates the extension.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, Sec. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., October 9, 1964.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 64-10458; Filed, Oct. 13, 1964; 8:48 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 Barley Supp., Amdt. 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1964-Crop Barley Loan and Purchase Program

The regulations issued by the Commodity Credit Corporation (29 F.R. 6618 and 11826) are amended as follows:

Section 1421.2231(f) is amended to revise the following basic county support rates:

§ 1421.2231 Support rates.

* * * * *

(f) *Basic support rates for counties.* * * *

IDAHO

County	Rate per bushel	
	From—	To—
Idaho	$0.85	$0.86

OREGON

Coos	$0.93	$0.83

(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 October 8, 1964.

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

[F.R. Doc. 64-10460; Filed, Oct. 13, 1964; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 63-CE-79]

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

Alteration of Control Zone, Designation of Transition Area, and Revocation of Control Area Extension

On July 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 9907) stating that the Federal Aviation Agency proposed to alter the control zone, designate a transition area, and revoke the control area extension at Gage, Okla.

Interested persons were afforded an opportunity to participate in the rule

making through submission of comments but no comments were received.

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

1. In § 71.165 (29 F.R. 1073) the Gage, Okla., control area extension is revoked.

2. In § 71.171 (29 F.R. 1101), the Gage, Okla., control zone is amended to read:

Within a 5-mile radius of the Gage Municipal Airport (latitude 36°17'45'' N., longitude 99°46'30'' W.), within 2 miles each side of the Gage VORTAC 118° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the NE course of the Gage R.R., extending from the 5-mile radius zone to 8 miles NE of the R.R.

3. In § 71.181 (29 F.R. 1160), the Gage, Okla., transition area is designated as follows:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Gage Municipal Airport (latitude 36°-17'45'' N., longitude 99°46'30'' W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles SW and 5 miles NE of the Gage VORTAC 118° and 298° radials, extending from 2 miles SE to 13 miles NW of the VORTAC; within 8 miles NW and 5 miles SE of the NE and SW courses of the Gage R.R., extending from the Gage Municipal Airport to 13 miles NE of the R.R.; and within 12 miles E and 10 miles W of the Gage VORTAC 180° radial, extending from the VORTAC to 11 miles S of the VORTAC.

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

Issued in Washington, D.C., on October 7, 1964.

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

[F.R. Doc. 64-10410; Filed, Oct. 13, 1964; 8:45 a.m.]

[Airspace Docket No. 64-LAX-20]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to alter the period of effectiveness of the San Diego, Calif. (San Diego County Gillespie Field), control zone. This control zone is presently effective from 0600 to 2200 hours, local time, daily. Due to recent changes in the times of aircraft activity, the San Diego Gillespie Tower has rescheduled its operation to extend from 0700 to 2300 hours, local time, daily. This revision of the period of availability of tower service requires a corresponding alteration of the time of effectiveness of the San Diego Gillespie control zone to provide the required controlled airspace for the tower service.

Since this amendment is minor in nature and imposes no substantial burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 [New] of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth. In § 71.171 (29 F.R. 1101), the San Diego, Calif. (San Diego County-Gillespie Field), control zone is amended as follows: "0600 to 2200 hours, local time, daily." is deleted and "0700 to 2300 hours, local time, daily." is substituted therefor.

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

Issued in Washington, D.C., on October 7, 1964.

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

[F.R. Doc. 64-10411; Filed, Oct. 13, 1964; 8:45 a.m.]

[Airspace Docket No. 62-PC-18]

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

Alteration of Control Area and Designation of Transition Area

On October 1, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10543) stating that the Federal Aviation Agency proposed to alter the Wake Island control zone, revoke the Wake Island control area extension, and designate the Wake Island transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant material presented.

Comments were received from the Aircraft Owners and Pilots Association (AOPA). The AOPA concurred with the alteration of the Wake Island control zone, but suggested that the transition area proposed with a floor of 1,200 feet above the surface beyond a 25-mile radius be raised to 2,500 feet MSL or higher. With regard to the comments received from AOPA, raising of the floor in the portion of the proposed 1,200-foot floor transition area beyond a 25-mile radius of Wake Island would adversely affect the flexibility of radar and procedural air traffic control services furnished aircraft executing prescribed instrument approach, departure, holding, en route and radar vectoring procedures. Since the designation of airways is not feasible in this area and due to the lack of aircraft operating in VFR conditions, the transition area configuration, as proposed herein, represents the minimum airspace requirements to provide the needed area for the control of air traffic within the immediate terminal area and between the terminal area and the oceanic control area.

Subsequent to the publication of the notice, an ILS approach facility was installed and ILS approach procedures have been developed while an existing DME approach procedure has been cancelled. These procedural changes require minor modifications of the control zone configuration proposed in the notice. Accordingly, the control zone configuration as designated herein includes the airspace required by the revised approach procedures.

Since these changes are minor in nature and impose no substantial burden upon any person, notice and public procedure on the revised configuration is unnecessary.

This action involves the designation of airspace outside the United States, therefore the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

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

a. In § 71.171 (29 F.R. 1101) the Wake Island control zone is amended to read as follows:

Within a 5-mile radius of Wake Island Airport (latitude 19°18'00'' N., longitude 166°-38'00'' E.); within 2 miles each side of the Wake Island VORTAC 306° radial, extending from the 5-mile radius zone to 17 miles NW of the VORTAC; within 2 miles each side of the Wake Island VORTAC 111° radial, extending from the 5-mile radius zone to 17 miles E of the VORTAC; within 2 miles each side of the 281° bearing from the Wake Island radio beacon (AXX), extending from the 5-mile radius zone to 15 miles W of the radio beacon; and within 2 miles each side of the 101° bearing from the Wake Island radio beacon (AWK), extending from the 5-mile radius zone to 12 miles E of the radio beacon.

b. Section 71.181 (29 F.R. 1160) is amended by adding the following:

Wake Island.

That airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Wake Island VORTAC.

c. In § 71.165 (29 F.R. 1073), the Wake Island control area extension is revoked.

(Sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510), and Executive Order 10854 (24 F.R. 9565))

Issued in Washington, D.C., on October 7, 1964.

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

[F.R. Doc. 64-10412; Filed, Oct. 13, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SW-38]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to designate the Oklahoma City, Okla. (Wiley Post Airport) control zone as full-time and to amend the Oklahoma City (Will Rogers Field) control zone to exclude the Wiley Post Airport control zone.

The Oklahoma City Flight Service Station was recently moved to the Wiley Post Airport and will provide 24-hour weather observation and reporting service.

Precise cartographic measurements reveal that the west extension of the existing Oklahoma City (Will Rogers Field) control zone is separated from the

Oklahoma City (Wiley Post Airport) control zone by an area approximately 1/5 of a mile wide and 1½ miles long. Accordingly, action is taken herein to join the two control zones in this area.

Since the changes proposed are minor in nature and impose no substantial burden on any person, notice and public procedure hereon are unnecessary, for this reason good cause exists to make the amendment effective in less than 30 days.

In consideration of the foregoing, Part 71 [New], of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth. In § 71.171 (29 F.R. 1101, 2932), the Wiley Post Airport and Will Rogers Field control zones are altered as follows:

Oklahoma City, Okla. (Wiley Post Airport).

Within a 5-mile radius of Wiley Post Airport (latitude 35°32'05" N., longitude 97° 38'40" W.), and within 2 miles each side of the Oklahoma City VORTAC 050° radial, extending from the 5-mile radius zone to the VORTAC, excluding the portion S of a line extending through latitude 35°26'33" N., longitude 97°46'21" W., and latitude 35°28' 00" N., longitude 97°36'05" W.

Oklahoma City, Okla. (Will Rogers World Airport).

Within a 5-mile radius of Will Rogers World Airport (latitude 35°23'45" N., longitude 97°36'30" W.), within 2 miles each side of the Oklahoma City ILS localizer N course, extending from the 5-mile radius zone to the Tulakes, Okla., RBN, within 2 miles SW and 3.5 miles NE of the Oklahoma City VORTAC 107° radial extending from the 5-mile radius zone to the VORTAC, within 2 miles each side of the Oklahoma City ILS localizer S course, extending from the 5-mile radius zone to the OM, excluding that portion which coincides with the Oklahoma City (Wiley Post Airport) control zone.

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

Issued in Washington, D.C., on October 7, 1964.

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

[F.R. Doc. 64-10413; Filed, Oct. 13, 1964; 8:45 a.m.]

[Airspace Docket No. 63-WE-5]

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

Alteration and Designation of Control Zones, Revocation of Control Area Extensions, and Designation and Revocation of Transition Areas

On April 22, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 5396) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Phoenix, Ariz., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

The Aircraft Owners and Pilots Association (AOPA) suggested that the portion of the proposed 1,200-foot floor transition area lying to the east of longtitude 111°20' W, and that portion lying north and east of a line from latitude 33°30' N, longitude 111°20' W to the northern boundary at longitude 111°45' W, to be established with a floor of 10,000 feet MSL. If this were done, the published instrument approach procedures JAL-74-VOR, JAL-74-TACAN-1, and TA-CAN-2 would not be adequately protected and holding at the Chrome INT and the Chandler TACAN 088° radial/.17 n.m. fix would not be encompassed. Further, it would be necessary to raise the MEAs, which are now 7,000 feet, on the overlying portions of V-94 and V-16.

Additionally, the AOPA suggested that a 8,000 foot MSL transition area be designated in the remaining proposed 1,200 foot area north of a line from latitude 33°45' N, longitude 111°30' W, to latitude 34°00' N, longitude 112°43' W. The major portion of the suggested 8,000-foot transition area has overlying airways. These airways include V-95, V-95W and V-257 with MEAs at or below the recommended 8,000-foot floor. A transition area floored at 8,000 feet would not encompass the Luke Air Force Base JAL-321-ADF instrument approach, or the prescribed holding procedure on the Luke radio beacon having a minimum altitude of 4,000 feet. Finally, extensive radar-vectoring is conducted in both areas at an altitude of 2,000 feet above the surface which would further obviate raising the floors as suggested.

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

1. In § 71.171 (29 F.R. 1101) the following actions are taken:

a. The Phoenix, Ariz. (Sky Harbor Airport) control zone is amended to read:

Within a 5-mile radius of Sky Harbor Airport (latitude 33°26'10" N., longitude 112°00'45" W.); and within 2 miles each side of the Phoenix VORTAC 090° and 270° radials, extending from the 5-mile radius zone to 2 miles E and 13 miles W of the VORTAC.

b. The Chandler, Ariz., control zone is amended to read:

Within a 5-mile radius of Williams AFB (latitude 33°18'25" N., longitude 111°39'35" W.); within 2 miles each side of the Chandler TACAN 117° radial, extending from the 5-mile radius zone to 8 miles SE of the TACAN; and within 2 miles each side of the Chandler TACAN 141° radial, extending from the 5-mile radius zone to 9 miles SE of the TACAN. This control zone is effective from 0700 to 1700 hours, local time, Monday through Friday, excluding Federal legal holidays.

c. The Proenix, Ariz. (Luke AFB) control zone is amended to read:

Within a 5-mile radius of Luke AFB (latitude 33°32'05" N., longitude 112°22'55" W.); within 2 miles each side of the 178° bearing from the Luke RBN, extending from the 5-mile radius zone to 2 miles S of the RBN; and within 2 miles each side of the Luke TACAN 056° radial, extending from the 5-mile radius zone to 9 miles NE of the TACAN.

d. The Phoenix, Ariz. (NAF Litchfield Park) control zone is designated to read:

Within a 4-mile radius of NAF Litchfield Park (latitude 33°25'25" N., longitude 112°22'30" W.); excluding the portion within the Phoenix, Ariz. (Luke AFB) control zone. This control zone is effective from 0600 to 1800 hours, local time, daily.

2. Section 71.165 (29 F.R. 1073) is amended by revoking the Phoenix, Ariz., and the Williams, Ariz., control area extensions.

3. Section 71.181 (29 F.R. 1160) is amended as follows:

a. The Buckeye, Ariz., Casa Grande, Ariz., and Gila Bend, Ariz., transition areas are revoked.

b. The Phoenix, Ariz., transition area is designated to read:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Sky Harbor Airport (latitude 33°26'10" N., longitude 112°00'45" W.); within 2 miles each side of the Phoenix VORTAC 090° radial, extending from the Sky Harbor 8-mile radius area to 8 miles E of the VORTAC; within 2 miles each side of the Phoenix VORTAC 110° radial, extending from the Sky Harbor 8-mile radius area to 12 miles E of the VORTAC; within an 8-mile radius of Williams AFB (latitude 33° 18'25" N., longitude 111°39'35" W.); within 2 miles each side of the Chandler TACAN 141° radial, extending from the Williams 8-mile radius area to 10 miles SE of the TACAN; and within 2 miles each side of the Chandler TACAN 123° radial, extending from the Williams 8-mile radius area to 9 miles SE of the TACAN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°-10'00" N., longitude 112°30'00" W.; thence to latitude 34°10'00" N., longitude 111°80'-00" W.; thence to latitude 34°00'00" N., longitude 110°52'00" W.; thence to latitude 32°33'00" N., longitude 110°52'00" W.; thence to latitude 32°33'00" N., longitude 112°00'00" W.; thence to latitude 32°51'00" N., longitude 112°30'00" W.; thence to latitude 32°51'00" N., longitude 113°00'00" W.; thence to latitude 33°19'00" N., longitude 113°00'00" W.; thence to latitude 33°19'00" N., longitude 113°10'00" W.; thence to latitude 34°00'00" N., longitude 113°10'00" W.; thence to latitude 34°00'00" N., longitude 112°43'00" W.; thence to the point of beginning.

c. The Luke AFB, Ariz., transition area is designated to read:

That airspace extending upward from 700 feet above the surface within 6 miles W and 7 miles E of the Luke TACAN 003° and 183° radials, extending from 13 miles S to 8 miles N of the TACAN; within 2 miles each side of the Luke TACAN 056° radial, extending from the TACAN to 10 miles NE of the TACAN; and within 5 miles each side of the Phoenix VORTAC 272° radial, extending from Long. 112°23'00' W to Long. 112°41'30" W.

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

Issued in Washington, D.C., on October 7, 1964.

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

[F.R. Doc. 64-10414; Filed Oct. 13, 1964; 8:45 a.m.]

[Airspace Docket No. 64-WA-59]

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

Alteration of Federal Airway

The purpose of this amendment to Part 71 [New] of the Federal Aviation

Regulations is to extend V–129 airway from the United States/Canadian boundary to the Kenora, Ontario, VOR.

VOR Federal airway No. 129 is designated in part from Hibbing, Minn., to International Falls, Minn., with a west alternate segment between these points. The Canadian Department of Transport proposes to extend this airway to Kenora, Ontario. Accordingly, to facilitate the extension of V–129 from International Falls to Kenora, the Federal Aviation Agency is taking action herein to alter the description of V–129 to reflect this change.

Since this action does not require the designation of additional airspace, and imposes no additional 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, effective 0001 e.s.t., December 24, 1964, § 71.123 (29 F.R. 1009) is amended as follows: In V–129 "to International Falls, Minn., including a W alternate." is deleted and "International Falls, Minn., including a W alternate; to Kenora, Ontario, Canada. The airspace within Canada is excluded." is substituted therefor.

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

Issued in Washington, D.C., on October 7, 1964.

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

[F.R. Doc. 64–10415; Filed, Oct. 13, 1964; 8:45 a.m.]

[Airspace Docket No. 64–EA–6]

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

Alteration of Federal Airway; Correction

On September 22, 1964, Federal Register Document 64–9571 was published in the FEDERAL REGISTER (29 F.R. 13137) and amended Parts 71 and 75 of the Federal Aviation Regulations. These amendments will become effective November 12, 1964. In Item No. 1, paragraph j, VOR Federal airway No. 162 was altered. In this alteration the segment of V–162 from the intersection of the Clarksburg, W. Va., 135° and the Elkins, W. Va., 092° True radials to Clarksburg was inadvertently revoked, whereas only the segment of V–162 from Clarksburg to Harrisburg as proposed in the notice should have been revoked. Accordingly, action is taken herein to correct this discrepancy.

Since this amendment is editorial in nature and imposes no additional burden on any person, compliance with section 4 of the Administrative Procedures Act is unnecessary, and the effective date of the final rule as initially adopted is retained.

In consideration of the foregoing, effective immediately, Federal Register Document 64–9571 (29 F.R. 13137) is altered as follows:

Item 1., paragraph j. is amended to read: In V–162 "From INT of Clarksburg, W. Va., 135° and Elkins, W. Va., 092° radials via Clarksburg; Grantsville, Md.; St. Thomas, Pa.; Harrisburg, Pa.;" is deleted and "From INT of Clarksburg, W. Va., 135° and Elkins, W. Va., 092° radials to Clarksburg. From Harrisburg, Pa., via" is substituted therefor.

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

Issued in Washington, D.C., on October 7, 1964.

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

[F.R. Doc. 64–10416; Filed, Oct. 13, 1964; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER–422]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

All-Cargo Carriers; Limitation on Amount of Charter Trips Which May Be Performed

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the ninth day of October 1964.

On September 18, 1964, the Board amended and reissued Part 207 (Regulation No. ER–419, 29 F.R. 13246). The preamble stated, in part, that "We will place a volume restriction on the off-route charters of the all-cargo carriers equal to two percent of their annual on-route mileage * * *." However, in setting forth the corresponding rule (§ 207.6 (b)), the words "calendar quarter" were inadvertently inserted instead of the proper term "calendar year." This amendment will correct the error.

Since the amendment is only to correct an inadvertence which is apparent on the face of the regulation, the Board finds that notice and public procedure thereon are unnecessary and contrary to the public interest, and that the amendment may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 207 of the Economic Regulations (14 CFR Part 207) by amending § 207.6 (b) effective October 26, 1964, to read:

§ 207.6 All-cargo carriers: limitation on amount of charter trips which may be performed.

* * * * *

(b) Effective January 1, 1965, an all-cargo carrier shall not during any calendar year perform off-route charters which in the aggregate, on a revenue plane-mile basis, exceed two percent of the base revenue plane miles flown by it during the preceding calendar year: *Provided, however,* That an all-cargo carrier shall be permitted to perform off-route cargo charters within its area of operations without any limitation as to volume of service.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 401, 72 Stat. 754, as amended by 76 Stat. 143; 49 U.S.C. 1371; sec. 403, 72 Stat. 758, as amended by 74 Stat. 445; 49 U.S.C. 1373; sec. 407, 72 Stat. 766; 49 U.S.C. 1377)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–10462; Filed, Oct. 13, 1964; 8:48 a.m.]

[Reg. No. ER–417]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED ROUTE AIR CARRIERS

Reporting of Indebtedness Data; Correction

In the document amending Part 241 of Chapter II of Title 14 of the Code of Federal Regulations, published at 29 F.R. 13530, the following correction is made:

Add to the Table of Schedules in paragraph (a) of Section 22—General Reporting Instructions—after T–5 "Monthly Listing of Summarized Passenger Loads by Flight Stages—Local Service Air Carriers" and before footnotes 1 and 2, the following:

Schedule No.		Filing	
		Frequency	Postmark interval (days)
T–7	Domestic Deferred Airfreight	do	30
G–41	Persons Holding More than 5 per centum of Respondent's Capital Stock or Capital.	Annually	90
G–42	Compensation and Expenses of All General Officers and Directors and of Management Personnel Receiving $20,000 or more per Annum for Personal Services.	do	90
G–43	Compensation and Expenses of Persons and Firms (Other than Directors, Officers and Employees) Receiving $5,000 or more during the calendar year.	Annually	90
G–44	Corporate and Securities Data	do	90
D–1	Services Performed for the Defense Establishment	Quarterly	40

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–10463; Filed, Oct. 13, 1964; 8:48 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6215; Amdt. 819]

PART 507—AIRWORTHINESS DIRECTIVES

Boeing Models 707/720 Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on September 25, 1964, and made effective immediately as to all known United States operators of Boeing Models 707 and 720 Series aircraft. The directive requires inspection to ensure clearance between rudder front spar clevis and rudder control linkage, and rework if clearance does not exist.

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 Boeing Models 707 and 720 Series aircraft by individual telegrams dated September 25, 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.

BOEING. Applies to Models 707 and 720 Series aircraft.

Compliance required within the next 65 hours' time in service after the effective date of this AD, unless already accomplished.

(a) With the rudder full right, inspect the installation of the rudder control link arm assembly P/N 65-12703 to ensure:

(1) that clearance exists between the rudder control link arm assembly and the lower pivot clevis for that arm assembly;

(2) that clearance exists between the arm assembly and the rudder spar web; and

(3) that there is no evidence of previous interference.

(b) If clearance does not exist, rework the existing parts in accordance with Boeing Alert Service Bulletins 2052 and 2052A, or in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region, or install new parts which provide clearance.

(c) If there is evidence of previous interference, replace the lower arm assembly pivot bolt.

(Boeing Alert Service Bulletins 2052 and 2052A cover this same 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 September 25, 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 October 7, 1964.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-10417; Filed, Oct. 13, 1964; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-250; Order 288]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 16—APPLICATION FOR LICENSE FOR PROJECT UNDER LICENSE WHICH EXPIRES ON SPECIFIED DATE

Miscellaneous Amendments

OCTOBER 6, 1964.

This is a proceeding to amend our general rules and regulations under the Federal Power Act to establish procedures for recapture or relicensing of hydroelectric projects upon the expiration of licenses. Because the Commission since its organization in 1920 has usually issued licenses for the fifty-year maximum term provided in section 6 of the Federal Power Act, the first year for expiration of numerous licenses is 1970.[1] As shown below, our obligations with respect to recapture or relicensing commence well before the license for a project expires. This rulemaking is intended to provide the basis for orderly and expeditious discharge of this Commission's obligations under sections 14 and 15 of the Federal Power Act both before and after such licenses expire.

Upon the expiration of a license, the United States under section 14 of the Federal Power Act may take over, maintain, and operate the project by paying the licensee's net investment, not to exceed the project's fair value, plus certain severance damages.[2] If the United States does not exercise this right of recapture, the Commission under section 15 may relicense the project, either to the original or a new licensee. Until it does so, it may issue annual licenses to the original licensee on the terms of the expired license.

The notice of proposed rule making in this docket, issued on November 6, 1963 (28 F.R. 12175), proposed the following procedures for Commission's discharge of its obligations under these provisions. During each of the five years before a license expired, the Commission would give notice of the expiration in its Annual Report and in the FEDERAL REGISTER. At the beginning of this notice period, the Commission would solicit from interested Federal agencies their recommendations on recapture. It also would ask the licensee for its plans for future development and use and would accept the comments of other interested parties. The licensee would have an opportunity to respond to any agency comments recommending recapture. After oral argument, if appropriate, the Commission would send to Congress at least two years before the license expired its recommendation on recapture, accompanied by the Federal agencies' and licensee's submissions plus the estimated cost to the United States of recapture. If Congress authorized recapture, the Commission would give the licensee two years' notice, fix compensation, and provide for transfer to the United States of the project properties. The Commission would require the licensee or any other party to apply for any new license at least a year before the existing license expired.

In response to the notice of proposed rulemaking, we received comments from the Secretary of the Interior, American Public Power Association, Northwest Public Power Association, National Rural Electric Cooperative Association, Edison Electric Institute, and nineteen licensees. We have given close attention to these twenty-four responses. Discussed below are the more significant comments and proposals and our action in response hereto.

The three trade associations representing publicly-owned or cooperative electric utilities maintain that Congress in section 14 of the Federal Power Act delegated the authority to recapture projects, but they disagree as to who is the recipient of the authority. According to the American Public Power Association and the National Rural Electric Cooperative Association, Congress conferred this power upon the Commission; according to the Northwest Public Power Association, upon the President.

We believe that the language and legislative history of section 14 do not support the contentions made by the three associations. This section reads in pertinent part: "Upon not less than two years' notice in writing from the Commission the *United States* shall have the right upon or after the expiration of any license to take over and thereafter to maintain and operate any project * * *"

In our opinion, this language, while reserving recapture rights to the United States, neither expressly nor implicitly delegates the power to exercise these rights to the Commission, the President, or any officer or agency of the Executive Branch.

Throughout the act, whenever Congress delegated authority, it expressly designated the recipient. Thus, in section 16 (16 U.S.C. 809), immediately following the sections on recapture and relicensing, the President is authorized to order the United States' take-over of any licensed projects "for the purpose of manufacturing nitrates, explosives, or munitions of war, or for any other purpose involving the safety of the United States, to retain possession, management, and control thereof for such

[1] Licenses for two projects of over 2,000 horsepower installed capacity expire in 1968; twenty-five in 1970; twenty-five from 1971 through 1974; and twenty-five from 1975 through 1979. Thus, seventy-five licenses for such projects expire in the first decade after the Commission's fiftieth anniversary.

[2] The United States at any time may take over a project by condemnation.

length of time as may appear to the President to be necessary to accomplish said purposes * * * "Other sections of the act also expressly delegate authority to the President,[3] as well as to the Executive departments generally,[4] and specific cabinet officers,[5] including the Secretary of the Interior.[6]

Moreover, the legislative history of sections 14 and 15 demonstrates Congress' intent to retain control of hydroelectric policy to be applied upon expiration of licenses. Many Congressmen in 1920 apparently thought that within the succeeding fifty years Congress would enact general legislation establishing procedures and standards for recapture and relicensing.[7] In fact, of course, Congress has not taken any further action on recapture or relicensing. It might have delegated to us the power to authorize recapture, but it has not done so. Neither has it delegated the power to any other Federal authority. The power resides where it has always resided, in Congress, and in the absence of further legislation can only be exercised by action on a case-by-case basis as individual licenses expire.[8]

The Secretary of the Interior, admitting that only Congress may act to approve recapture and that the Commission may make recommendations to Congress on recapture, says "only that the Commission should not be the primary agency to make recommendations to Congress on the behalf of the Executive Branch of the Government." We recognize, of course, that we cannot speak for the Executive Branch and do not formulate Executive policy with respect to recapture. But in the light of the fact that the Commission has regulated licensed projects for decades and is required under section 14 to give notice before a project is recaptured, to determine the net investment and severance damages of the project, and to relicense the project if it is not recaptured, the Commission's duty to assist Congress in the question of whether to recapture can hardly be questioned. See also sections 7(b), 304(a), and 307 (a) of the act (16 U.S.C. 800(b), 825(c), 825f).

We believe that we would be derelict in our duty if we did not keep Congress informed when licenses become subject to recapture and supply it with necessary factual information and expert analysis upon which it can make an informed judgment as to whether to exercise its recapture powers.

We have provided for securing the views of interested agencies of the Federal Government and for submitting them to the Congress with our report. These agencies remain free to provide the Congress with supplementary statements of their views if they wish.

The licensees generally did not question our authority to adopt the proposed rules, but a number of them recommended various changes in the proposed procedures which generally go to its details of execution rather than its fundamental conception. We have grouped these various recommendations for discussion in the sequence in which they would apply in the recapture or relicensing process.

I. *General.* A number of the licensee comments recommend that the term "take over" be substituted for "recapture," arguing that "take over", not "recapture," is used in sections 14 and 15 and that it more accurately describes what is involved. We believe that "recapture" has become virtually a term of art for the rights reserved to the United States under section 14. Although not used in the statute, the term appears in the hearings, reports, and debates on water power legislation and has been used by the courts. More importantly, "recapture" accurately describes the object of section 14—that the United States have an opportunity at the end of the license term to retake the project site upon the payment of the specified compensation. "Take over," on the other hand, suggests expropriation, which is not what section 14 provides.

II. *Gathering information.* One licensee proposes that the governor and the appropriate agencies of the State or States in which the project is located be notified of all proceedings before the Commission. We have adopted this proposal.

Three licensees ask that the Commission solicit the licensee's statement concerning the effect of recapture upon its financial condition, the dividends paid its stockholders, the rates charged its customers, and the taxes collected by the local, state, and Federal governments. Since such materials among others may be germane to the question whether a project should be recaptured, they should be filed for our consideration.

Four licensees ask that Federal agencies and other interested parties serve the licensee with their submissions. Two of these add that the staff should serve the licensee with any report which it might make to the Commission. A third states that the Commission's recommendation to Congress should be sent to the licensee. We have altered the rulemaking to provide that: (1) All formal submissions will be served upon the licensee, and (2) a copy of the Commission's recommendation to Congress will be sent to the licensee. However, the staff reports to the Commission prior to its determination of the recommendation to be submitted to Congress are internal agency memoranda which, like other such documents, will not normally be made public.

Some of the comments suggest that the licensee be allowed to respond to the recommendations of interested parties other than agencies.[9] One says that the licensee should have an opportunity to amend its plans in response to agency recommendations. Another requests an opportunity to respond to the Commission's recommendation before it is submitted to Congress. We have altered the rule to expressly permit the licensee to respond to any comments recommending recapture. In formulating our recommendation to Congress, we of course will consider any timely filed amendments to the licensee's plans for future development and use of the project. Since the licensee, if it takes exception to the Commission's recommendation, will be free to state its views to the appropriate Congressional committees, we believe that we need not afford the licensee an opportunity to respond to the recommendation before it is sent to Congress.

Thirteen parties ask for a provision for a hearing; some of these believe that a hearing should or must be granted at the licensee's request. When the Commission gathers information for recommending legislation to Congress, there is no statutory or Constitutional requirement that it provide a hearing for interested parties, though it may in its discretion do so. We believe that any automatic provision for a hearing either of an evidentiary nature or by way of oral argument would not be appropriate, and would tend to delay our reports to Congress unduly, but of course we reserve the right to provide for an evidentiary hearing where it appears that it would be useful. We will hold oral argument at the request of the licensee whenever an interested Federal agency has requested the Commission to recommend recapture to Congress.

III. *Recommendation to Congress.* Nine parties suggest that, in addition to the materials specified in the notice of proposed rule making, the Commission send to Congress: (1) Recommendations of parties other than Federal agencies, (2) staff reports to the Commission, (3) licensee's response to others' recommendations, (4) licensee's estimated claim for compensation, (5) a transcript of any hearings, and (6) a digest of the record. We have altered the rules which we are here adopting to provide that the Commission's recommendation to Congress will be accompanied by all the submissions of interested Federal agencies and the licensee plus such other material of record as in the Commission's judgment might be useful to Congress.

[3] Sections 1 and 2 (16 U.S.C. 792, 793).

[4] Section 4(c) (16 U.S.C. 797(c)).

[5] Secretary of the Army: sections 4(e), 11(a), 17(a), 18, 26 (16 U.S.C. 797(e), 804 (a), 810(a), 811, 821); Secretary of Commerce (since transferred to the Secretary of the Interior): section 18 (16 U.S.C. 811); Secretary of the Department in which the Coast Guard is operating (now Secretary of the Treasury): section 18 (16 U.S.C. 811); Attorney General: sections 13 and 26 (16 U.S.C. 806, 820).

[6] Section 10(e) (16 U.S.C. 803(e)).

[7] *E.g.*, 59 Cong. Rec. 1438 (1920) (remarks of Senator Norris). See also Hearings Before the House Committee on Water Power, 65th Cong., 2d. Sess. 32 469 (1918). Similar statements were made with regard to the General Dam Act of 1910 (36 Stat. 593): H.R. Rep. 1160, 61st Cong., 2d Sess. 2 (1910); 45 Cong. Rec. 5684 (1910).

[8] Even if some authority could be spelled out of some general delegation to the President or an agency of the Executive Branch (and none of the respondents cite any such authority), it would be rendered virtually nugatory by the fact that recapture under the provisions of section 14 can only be accomplished upon the payment of the prescribed compensation of the licensee, which would require an appropriation by Congress.

[9] As it appeared in the notice, the rulemaking expressly permitted response to "agency comments recommending recapture" but said nothing about response to other comments.

IV. *Giving notice.* Section 14 provides that the Commission shall give the licensee "not less than two years' notice" of recapture of its project by the United States. This language, as many of the licensees point out, authorizes the Commission to give a period of longer notice; some suggest that this period should be as long as necessary for the licensee to find a replacement for the generating capacity of the recaptured project; others merely stated that more than two years would generally be necessary.

Five licensees suggest that when more than two years is required to replace the recaptured project, the Commission both recommend to Congress and itself provide an appropriate longer notice: If Congress' and the Commission's periods are not the same, the licensee should be given the longer of the two. Finally, a suggestion is made that the notice period should run, not from Congress' authorization for recapture of the project, but from its appropriation of funds. The comment in question notes that if the notice period runs from recapture, the licensee is put in a quandary: it risks either the building of a replacement facility which may never be needed or the losing of a project before a replacement facility is available.

If Congress recaptures a project, it may fix the date for transferring the project properties to the United States. If Congress does not specify a date, the Commission, we believe, is authorized under section 14 to specify the date and to give sufficient notice to allow the licensee to secure an alternate source of power. Accordingly, we have altered the rulemaking to provide that when Congress recaptures a project without fixing the date, the Commission will give appropriate notice of not less than two years. We think that under section 14 notice must be given from Congress' authorization of recapture rather than its appropriation of funds for compensation. It is clear that once Congress has authorized recapture the basic question has been decided and the subsequent appropriation, which must await the Commission's precise determination under section 14 of the recapture payment, presumably will follow in due course.

V. *Fixing compensation.* Ten licensees ask that compensation for recaptured projects licensed before the amendment of section 14 in 1935 be fixed by the procedures specified in the original section rather than in the amended section. The original section provided that a United States District Court fix compensation if the licensee and the Commission could not agree. The amended section provides that the Commission fix compensation after notice and opportunity for hearing.[10] The parties contend that the original section controls for pre-1935 licensees because of section 6, providing that licenses may not be altered without the licensee's consent, and section 28, providing that amendments of the act will not affect previously issued licenses or the licensee's rights thereunder.

The legislative history shows that the amendment of section 14 in 1935 was in response to Keller v. Potomac Electric Power Company, 261 U.S. 428 (1923), which was thought to cast doubt on the constitutionality of a District Court's determining compensation for recapture.[11]

Subject to certain limitations not here in point, Congress has discretion to provide the civil procedure for the enforcement of substantive rights. Constitutional or statutory provisions against retroactive legislation do not bar Congress from changing the procedure for vindicating such rights. Since the designation of a forum for fixing compensation in accordance with a statutorily prescribed standard is manifestly a matter of procedure, sections 6 and 28, which bar changes in substance, do not prevent Congress from providing that the Commission will fix the compensation for all recaptured projects, including those licensed at the time a different procedure was in effect.

VI. *Transfer of the project to the United States.* Two licensees request an assurance that the licensee need not transfer the project to the United States until payment according to a final adjudication under the provisions of section 313 of the Federal Power Act for appeal to the courts of Commission orders. Under section 14 of the act, transfer of the project is to occur upon tender of compensation as fixed by the Commission. We believe that this provision clearly disposes of the effective date of recapture. Obviously, a licensee may claim a higher payment, but the licensee clearly does not have any automatic right to delay application of recapture while litigation to determine whether a sum greater than that fixed by the Commission is pending in the courts.

A number of parties request that all reference to applications for annual licenses be deleted because section 15 provides that the Commission automatically will issue such licenses after expiration of the original license until the project is recaptured or a new license is issued. We have altered the rule to make clear that if, upon expiration of the original license, Congress has not authorized recapture or the Commission has not issued a new license, the Commission will issue annual licenses pending consideration of an application by the original licensee for a new license.

For the reasons set forth above and upon consideration of the entire record in this proceeding, the Commission finds:

It is appropriate and in the public interest in administering Part I of the Federal Power Act to establish procedures with respect to the recapture or relicensing of projects upon expiration of their licenses by amending our General Rules and Regulations under the Federal Power Act as follows:

Under the authority of the Federal Power Act, especially sections 14, 15, and 309 (16 U.S.C. 807, 808, 825h) the Commission orders:

(A) Part 2, General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, is amended by adding a new § 2.6 to read as follows:

§ 2.6 Procedure for recapture or relicensing of licensed projects.

(See Part 16 of this chapter.)

(a) Starting in 1970, numerous licenses for projects subject to recapture will expire. So that Congress may have an adequate opportunity to decide whether, upon expiration of licenses, the United States will recapture any of these projects under section 14, and so that the licensees and others may have adequate notice and opportunity to file timely applications for a new license under section 15, the Commission each year will publish in its annual report and in the FEDERAL REGISTER a table showing the projects subject to recapture during the succeeding five years. The table will list these licenses according to their expiration dates and will contain the following information: (1) License expiration date; (2) licensee's name; (3) project number; (4) type of principal project works licensed, e.g., dam and reservoir, powerhouse, transmission line; (5) location (by state and stream; also by city or county when appropriate); and (6) installed capacity.

(b) Five years before a license expires for a project subject to recapture the Commission will solicit from the Secretaries of Army, Interior, Agriculture, Health, Education and Welfare, and other appropriate Federal agencies recommendations and supporting information, to be furnished within a year, concerning recapture or relicensing the project. The agencies will be asked to demonstrate how any recommended recapture action will serve their respective programs and policies. The Commission simultaneously will solicit, also for submission within a year, the licensees plans for future development and use of the project and its statement concerning the effect of recapture upon its financial condition, the dividends paid its stockholders, the rates charged its customers, and taxes collected by local, state, and Federal governments. All formal submissions to the Commission will be served upon the licensee. An opportunity will be afforded to the licensee to respond to any comments recommending recapture. The Commission will hear oral argument at the request of the licensee whenever an interested Federal agency has requested that the Commission recommend recapture. After considering these various documents and hearing oral argument, if any, the Commission will forward to Congress at least two years before the license expires its recommendation, with a copy to the licensee, as to whether the project should be recaptured by the United States, accompanied by all submissions to the Commission by Federal agencies and the licensee plus such other material of

[10] A comparative print of the pertinent part of section 14's 1935 amendment reads: "The net investment of the licensee in the project or projects so taken and the amount of such severance damages, if any, shall be determined by the Commission after notice and opportunity for hearing.

[11] S. Rep. No. 621, 74th Cong., 1st Sess. 46 (1935); H.R. Rep. No. 1318, 74th Cong., 1st Sess. 25 (1935). See also: Hearings on 1935 Public Utility Act Before House Interstate and Foreign Commerce Committee, 74th Cong., 1st Sess. 390, 487-488 (1935).

record as in its judgment might be useful to Congress.

(c) Should Congress authorize recapture, the Commission immediately will give the licensee notice as Congress directs or as appropriate, but not less than two years, and, unless Congress otherwise provides, will direct the licensee to present to the Commission within a specified period a claim for compensation consistent with the provisions of section 14 of the Federal Power Act. It also will require, unless Congress otherwise provides, that upon tender of compensation as fixed by the Commission the licensee transfer to the United States, in such manner as the Commission may direct, possession and title to the project properties.

(d) If Congress authorizes recapture of a project, the Commission will dismiss any pending application for a new license for the project. In addition, the Commission in its discretion may dismiss any application for a new or annual license which is not filed at least a year before the license expires, and any such application so dismissed will be eligible for refiling only after a decision on any timely filed application. If at the end of a license term Congress has not authorized recapture, the Commission may proceed to issue a new license for the project and, pending consideration of an application by a licensee for a new license, will issue annual licenses to the licensee.

(Secs. 14, 15, 309 (16 U.S.C. 807, 808, 825h))

(B) Part 16, Chapter I of Title 18 of the Code of Federal Regulations, is amended by amending § 16.1 and redesignating it § 16.2, deleting § 16.2, and adding new §§ 16.1, 16.4, and 16.5. As so amended, Part 16 will read as follows:

PART 16—APPLICATION FOR LICENSE FOR PROJECT UNDER LICENSE WHICH EXPIRES ON SPECIFIED DATE

Sec.
16.1 Purpose and coverage.
16.2 Contents.
16.3 Additional information.
16.4 Project alterations.
16.5 Filing date.

AUTHORITY: The provisions of this Part 16 issued under secs. 14, 15, 309 (16 U.S.C. 807, 808, 825h).

§ 16.1 Purpose and coverage.

This part implements the general procedure, as set out in § 2.6 of this chapter, for relicensing projects upon expiration of the license in the event that Congress does not elect to recapture the project for the United States. This part, however, applies as well to relicensing of projects not subject to recapture.

§ 16.2 Contents.

Unless otherwise specified, any licensee or other applicant for a new or annual license shall submit an original and ten conformed copies of the application, duly subscribed and verified under oath, and all accompanying documents, together with one additional conformed copy for each interested State Commission. The application shall set forth in appropriate detail the following information in the order indicated:

(a) The exact name of the applicant.
(b) The license number of the project.
(c) The location of the project.
(d) The date on which the license expires.
(e) If the licensee is a corporation, a list of the officers and directors.
(f) The name, title, and post-office address of the person to whom correspondence in regard to the application shall be addressed.
(g) A brief description of the project works and operations of the project.

§ 16.3 Additional information.

The Commission may require additional information when it appears to be pertinent in a particular case.

§ 16.4 Project alterations.

Where an applicant for a new license intends to make changes or additions to the project works of a project, they shall be fully described in the application and shown on any accompanying exhibits.

§ 16.5 Filing date.

Any application for a new or annual license filed later than one year before the expiration date of the license may, in the Commission's discretion, be dismissed without prejudice and will be eligible for refining only after a decision on any timely filed application.

(C) The amendments prescribed herein will be effective from November 1, 1964.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-10424; Filed, Oct. 13, 1964; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYSORBATE 60 (POLYOXYETHYLENE (20) SORBITAN MONOSTEARATE

The Commissioner of Food and Drugs, having evaluated the data in a petition (4A1459) filed by House of Frothee, Inc., P.O. Box 142, Woodmere, Long Island, New York, and other relevant material, has concluded that § 121.1030 should be amended to provide for the use of polysorbate 60 (polyoxyethylene (20) sorbitan monostearate) as a foaming agent in mixes to be used with alcoholic beverages. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1030(c) is amended by adding thereto a new subparagraph (10), reading as follows:

§ 121.1030 Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).

* * * * *

(c) * * *

(10) As a foaming agent in nonalcoholic mixes, to be added to alcoholic beverages in the preparation of mixed alcoholic drinks, at a level not to exceed 4.5 percent by weight of the nonalcoholic mix.

* * * * *

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

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

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

Dated: October 8, 1964.

WINTON B. RANKIN, *Assistant Commissioner for Planning.*

[F.R. Doc. 64-10448; Filed, Oct. 13, 1964; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3458]

[Fairbanks 031321]

ALASKA

Establishing Power Site Classification No. 450

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), the following-described public lands are hereby classified as power sites, subject to valid existing rights:

FAIRBANKS MERIDIAN

NENANA RIVER AREA

T. 18 S., R. 3 W.,
Sec. 19, NW¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, SE¼, SW¼NW¼, NW¼SW¼, and SW¼SW¼;
Sec. 20, NE¼NW¼, S½ and S½N½;
Sec. 21, S½;
Sec. 22, S½NE¼, SE¼NW¼, NW¼SE¼, and SW¼;
Sec. 26, SW¼SW¼;
Sec. 27, W½, NW¼SE¼ and S½SE¼;
Sec. 28, 29 and 30;
Sec. 31, NE¼;
Sec. 32, NE¼, N½NW¼, N½SE¼ and SE¼SE¼;
Sec. 33, N½, SW¼SW¼ and NE¼SE¼;
Sec. 34, N½ and N½S½;
Sec. 35, SE¼SE¼, N½ and N½S½;
Sec. 36, S½NE¼, NW¼ and NW¼SW¼.
T. 17 S., R. 4 W.,
Sec. 31, NW¼SW¼ and SW¼SW¼;
Sec. 32 SE¼SW¼ and SE¼;
Sec. 33, N½SW¼ and NW¼SE¼.
T. 18 S., R. 4 W.,
Sec. 4, S½SW¼;
Sec. 5, NW¼NE¼, NW¼ and S½;
Sec. 6, NW¼NE¼, S½NE¼, W½, and SE¼;
Sec. 7, N½NE¼ SE¼NE¼, NE¼NW¼, and NW¼NW¼;
Sec. 8, N½, N½SE¼ and SE¼SE¼;
Sec. 9;
Sec. 10, S½NE¼, NW¼ and S½;
Sec. 11, SW¼;
Sec. 13, W½SW¼ and SE¼SW¼;
Sec. 14;
Sec. 15, N½, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 16, N½NE¼;
Sec. 23;
Sec. 24;
Sec. 25, N½, W½SW¼ and SE¼SW¼;
Sec. 26, N½NE¼, SE¼NE¼ and E½SE¼;
Sec. 35, N½NE¼.
T. 17 S., R. 5 W.,
Sec. 28, S½SW¼;
Sec. 29, S½S½;
Sec. 30, SE¼NW¼, SW¼, S½SE¼, and W½NW¼;
Sec. 31, 32 and 33;
Sec. 34, W½ and S½SE¼;
Sec. 35, SW¼SW¼ and SE¼SE¼;
Sec. 36, S½S½ and NE¼SE¼.
T. 18 S., R. 5 W.,
Sec. 1;
Sec. 2, SE¼SW¼, S½SE¼, N½, and N½S½;
Sec. 3, SE¼SW¼, SW¼SE¼, N½, and N½S½;
Sec. 4, NE¼, N½NW¼, SE¼NW¼, and NE¼SE¼;
Sec. 5, NW¼NW¼;
Sec. 6, SE¼NE¼, N½N½ and SW¼NW¼;
Sec. 12, NE¼NE¼.
T. 17 S., R. 6 W.,
Sec. 23, E½NE¼;
Sec. 24, W½ and SW¼SE¼;
Sec. 25, NW¼NW¼, E½ and E½W½;
Sec. 35, S½NE¼ and SE¼;
Sec. 36.
T. 18 S., R. 6 W.,
Sec. 1, N½;
Sec. 2, N½NE¼ and SE¼NE¼.

The areas aggregate approximately 21,085 acres.

This classification shall have full force and effect under the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

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

OCTOBER 7, 1964.

[F.R. Doc. 64-10433; Filed, Oct. 13, 1964; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14185; FCC 64-919]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Rules; Fourth Report and Order

1. The Commission has under consideration its third further notice of proposed rule making (FCC 64-70) issued in this proceeding on February 3, 1964, and the comments, data, and reply comments filed in response thereto. The purpose of this notice was to set forth proposed rules concerning increased facilities for existing FM short-spaced stations and to propose specific Table of Assignments for Alaska, Hawaii, Puerto Rico, and the territories. The final notice of proposed rule making on the remaining matter to be concluded in this overall FM proceeding, rules governing the educational channels, will be issued in the near future.

2. The time for filing comments was specified as March 27, 1964 and for reply comments as April 10, 1964. In an order issued on March 25, 1964 (FCC 64-240), these dates were extended to May 11, 1964, and May 26, 1964, respectively. In addition, this order included a request for comments on a proposal advanced by the engineering firm of Kear and Kennedy concerning provision for site changes for existing short-spaced stations, and for the use of high antenna heights. Comments were filed on behalf of about 90 existing FM stations and a number of organizations and networks. Careful consideration has been given to all the comments and data submitted by all interested parties. Many comments included engineering showings which were particularly helpful.

Hawaii, Alaska, Puerto Rico and the Territories. 3. Appendix A to the third further notice of proposed rule making contained proposed Tables of Assignments for Hawaii, Alaska, Puerto Rico, and the territories. It was proposed to consider Hawaii, Alaska, and Guam in Zone II and Puerto Rico and the Virgin Islands in Zone I. No oppositions were filed to the proposals for Hawaii, Alaska, and Guam and these will be finalized. Comments were filed in support of the proposed assignments in Arecibo, Ponce, and Fajardo in Puerto Rico. All existing stations in Puerto Rico which commented supported the assignments of their channels and stated that any modification of the outstanding authorizations for the stations would require a hearing in light of the requirements of section 316 of the Communications Act.

4. American Colonial Broadcasting Corp., an applicant for a new FM station in San Juan, proposes a completely different allocation table for Puerto Rico and the Virgin Islands, which in part proposes 11 assignments for San Juan. American urges that virtually the entire area of Puerto Rico is enclosed within a 25-mile area from the four cities of San Juan, Ponce, Mayaguez, and Arecibo and that the assignment of 11 channels to San Juan, with a population of 542,156, is a fair distribution of available facilities since it represents about one-half the population of Puerto Rico and would receive one-half of the assignments to the other cities. The plan which American proposes contains 5 assignments more than the Commission's plan. It contains 5 additional assignments in San Juan and one additional in Arecibo and Ponce, but does not provide for a number of cities in the Commission's table. The price paid for these additional assignments is in our judgment too high. This is so because assignments are not made to the following cities: Caguas (with a population of 32,000), Coamo (12,000), Manati (9,700) and Humacao (8,000). In addition, Class A assignments are substituted for Class B assignments in Fajardo (pop. 12,000), Guayama (19,000), San German (7,800) and Utuado (9,900). The difference in the number of possible assignments is further reduced since under the Commission's plan at least one Class A channel can be added. For example, in the event a need arises for an assignment in Vieques, Channel 221A may be assigned to that community. Another drawback to the table proposed by American is the rather close spacings in a number of assignments such as those of Channels 236 and 266 to Ponce, which may seriously limit the availability of good antenna sites.

5. Central Broadcasting Corporation, permittee of radio Station WUPR(AM) opposes that portion of the American proposal insofar as it would substitute Channel 221A for 286 at Utuado. Central urges that this city of 9,870 is located in a barrio with a population of 40,449, that its principal industry is agriculture, that the terrain is irregular, that the population is sparse and the available revenues are small, and as a result there is a need for a Class B assignment rather than a limited-area station as proposed by American. It states that it plans to file an application for a new FM station at Utuado. San Juan Broadcasting Corp., and Continental Broadcasting Corp., both prospective applicants for a new FM station in San Juan, support the American allocation plan for Puerto Rico, especially insofar as it assigns 11 channels to San Juan, for the reasons given by the proponent of the plan.

6. The San Juan area (including Rio Piedras and Bayamon) has 9 existing FM stations. The American proposal would add 5 additional assignments to this city. We are of the view that disadvantages of the proposal outweigh the advantages of the additional assignments in San Juan and the other two large cities. One of the chief values in an assignment table is the ability to reserve assignments for future use in smaller communities, which may not be ready for the construction of stations but which may well ultimately need them for local expression, and to prevent the concentration of all the available facilities in the larger metropolitan areas. For the above reasons we are not adopting the American proposal.

7. This party also suggests that the minimum power for Class B stations in

Puerto Rico be lowered from 5 kilowatts to 3 and that the maximum antenna height be raised to 1,000 feet rather than 500 feet. It argues that lowering the power minimum will encourage the establishment of new stations and that raising the antenna ceiling will not unduly curtail service where sites are used at elevations in the order of 1,000 feet and more, as would the 500-foot limitation.

8. Radio Americas Corp., licensee of Station WORA–FM, Mayaguez, supports the Zone I spacings for Puerto Rico but urges that Zone II facilities (100 kilowatts power and 2,000 feet antenna height) be authorized.[1] Radio Americas submits a study of the Commission's proposed assignment table for Puerto Rico and points out the following: that there are no co-channel or first adjacent channel assignments in Puerto Rico; that the only first adjacent channel separations between Puerto Rico and the Virgin Islands conform to the Zone II spacings; that 9 of the 22 second adjacent channel spacings meet the Zone II requirements with the lowest spacing 43 miles; and that 6 of the 10 third adjacent channel spacings meet the requirements of Zone II with the lowest being 40 miles. Illustrations are presented to show the effects on interference for two stations 40 miles apart with Zone II facilities and on both second and third adjacent channel assignments. In the case of the stations two channels removed the area of interference occurs around the transmitter site and represents about 16 percent of the area gained by the first station. In the case of the stations three channels removed the area of interference is shown to be negligible since it extends only about 2 miles around the site of the interfering station.

9. We are aware of the special terrain situation which exists in Puerto Rico, with large mountains running throughout the central portion of the island and the communities located at low levels mostly along the periphery. We also recognize that the best sites for many of these cities are on the high elevations inland. However, we are not convinced that this island should be considered Zone II for the purpose of permitting all stations to operate with the higher powers and antenna height, especially since we are retaining the Zone I spacings in order to make sufficient facilities available. At the present time only one FM station (that of Radio Americas) has an antenna height of over 1,000 feet above average terrain. Of the 11 pending applications, only 2 have specified antenna heights over 1,000 feet. Nonetheless, in order to encourage the use of suitable high antenna sites without unduly restricting the authorized power, and in order to take advantage of the favorable assignment situation on the island, we believe we would be justified in making an exception to the power reduction necessary for antenna heights above 500 feet in Zone I. We will therefore permit a power of 25 kilowatts (14 dbk) for antenna heights up to 2,000 feet above average terrain and the equivalent of these facilities (as determined by the same distance to the 1 mv/m contour) for heights above 2,000 feet.[3] We do not believe that the minimum power requirement should be lowered from 5 kw to 3 kw. This difference should not represent a hardship for applicants in view of the small difference it represents.

10. V. I. Industries, Inc., licensee of Radio Station WSTA, St. Thomas, supports the proposal to establish a Table of Assignments for the Virgin Islands and states that it will file for an FM station on channel 250 if it is adopted. V. I. Industries contends that three channels are not warranted for Charlotte Amalie, which has a population of less than 18,000; nor is a total of 6 channels warranted for the Virgin Islands, which has a population of about 40,000 persons.[2] It therefore recommends that a total of 4 assignments be made to the Virgin Islands. Two parties point out that two of the Virgin Island assignments are on Class A channels. We do not believe there is any need to mix the assignments here. In view of the showing made by V. I. Industries we are assigning 4 channels to the islands, two each at Charlotte Amalie and Christiansted.

11. In view of the foregoing, we are adopting the tables for Alaska, Hawaii, Puerto Rico, and Guam as outlined below.[4] The other required changes in the rules, such as the Zone designation, also appear in the Appendix.

Existing short spaced stations. 12. With respect to existing FM short-spaced stations (authorized prior to August 1, 1962) and in recognition of the needs for increased facilities for such stations, especially those which are moderately short-spaced and those which could have increased their facilities under the old rules, the Commission invited comments on alternative methods to obtain these ends. It was stated that it could adopt some variation of one of the plans discussed without further notice of rule making. It also discussed the possibility of eliminating or improving short spacings by means of channel shifts or site changes.

13. The great majority of the comments favored one or the other principal methods for authorizing increased facilities for existing short-spaced stations. Some recommended variations or modifications of these plans. While parties were divided as to which alternative (or modified alternatives) should be adopted by the Commission, with very few exceptions they were all in agreement that some relief from the present rule which "freezes" all short-spaced stations to the equivalent of their existing facilities, should be granted by the Commission. The National Association of FM Broadcasters concludes that at the present time there is not enough information available to determine which of the Commission's alternative solutions, if any, is best designed to accomplish the desired goal. They urge the establishment of an Industry Committee to work with the Commission in gathering data and in recommending a particular course. We do not believe that delaying a decision in this matter or establishing a committee as proposed would serve any useful purpose. National Broadcasting Company submits that a further notice should be issued because the notice "does not provide a concrete basis for meaningful study because of the undesignated possible channel shifts; allocation of new stations, if any; possible power increases on a case-by-case basis; and possible variations of the plan presented in the notice, which the Commission indicates it may adopt without further notice of rule making." It urges that the Commission issue a further notice with specific proposals which "lend themselves to significant evaluation." We do not believe the NBC suggestion is feasible. It is not possible to submit the type of detailed information it seeks since this would depend on the applications and requests filed by licensees after the adoption of a set of rules. As to the alternatives presented by the Commission and the variations discussed, we are of the view that they do form a basis for significant evaluation, as has been done by many other parties. The variations of the principal alternatives were described in sufficient detail to indicate their effects. Thus, the Commission in the notice stated in connection with the horizontal increase alternative, "This could include spacings below which no increases would be permitted or horizontal increases to values below the present maximums". We therefore do not believe that there is any necessity for a further notice of proposed rule making.

Alternative One—General horizontal increase. 14. The first alternative advanced by the Commission was one which would permit all short-spaced stations to increase facilities up to the maximums authorized in the rules for the class of station and the zone involved, without regard to claims of interference by any existing station. It was pointed out that three major benefits would flow from this approach: That there ultimately would result a high degree of competitive equality among stations of the same class, that on an overall basis, more people would gain new or improved service than under any plan, and that this plan would be the least burdensome both for the Commission and the applicants seeking improved facilities for their stations. The disadvantages recognized in such a plan were that a hardship would result to licensees who cannot afford to increase facilities at the time one or more stations to which there is a short spacing file for such increases, that stations having the greatest facilities prior to a horizontal increase may lose "interference-

[1] These comments were filed on May 14, 1964, three days after the specified time for such filings. Radio Americas stated that due to an inadvertence they were not submitted on May 11 even though they had been prepared before that time, and requests that they be considered. These comments are accepted and are being considered herein.

[2] According to the U.S. 1960 Census the population of Charlotte Amalie is 12,880 and that of the Virgin Islands is 32,099.

[3] In Zone I a station would be authorized 1.6 kw for an antenna height of 2,000 feet.

[4] Channels 281 and 286 have been switched between Ponce and Utuado to avoid an I.F. difference problem in Ponce.

free" service areas in the direction of others which previously had very limited facilities, and that Class A stations may lose substantial service areas from the increases in Class B or C stations, particularly when these latter stations operated previously with limited facilities.

15. A large number of parties supported the horizontal increase plan. In most cases engineering showings were submitted which revealed that the plan would result in greatly increased service areas for all the stations involved with little or no interference caused. In those cases where increased interference was caused it was greatly outweighed by the increased coverage and the improved service within the former service range, due to the greater signal strength available from the greater power and antenna heights. Some argued that this method was the least restrictive and therefore should be adopted. Others gave evidence of the advantages listed by the Commission for this method. Some conceded that there may be cases where some interference would result within the 1 mv/m contour of other stations, but urged that since the across-the-board plan treats all the same way and has other advantages, there is no reason to return to the "protected contour" concept. A group of parties supported this alternative but urged that increases be permitted up to the maximums only provided that mutual interference would not occur within the 64 dbu contour. They recommended that the power or height be limited to prevent this interference unless the stations involved agree to accept such interference. The significance of the 64 dbu is as follows. Under the old maximums for former Area I (20 kw and 500 feet) the protected contour of 1 mv/m (60 dbu) extends 28 miles. Under the new maximums for Zone I (50 kw and 500 feet) at this same distance the predicted contour would be 64 dbu. Thus, no interference would occur within the old 1 mv/m contour (60 dbu) or the new 64 dbu contour if the proposal were to be adopted. In all the engineering examples given by these parties there was no interference to the old 60 dbu (1 mv/m) with a few minor exceptions. A. Earl Cullum, Jr., one of the proponents of this amended horizontal plan, made a showing involving the short spacings of 6 existing stations. In only 3 of 14 short spacings would there be an invasion of the new 64 dbu contour if all the stations were to go to the maximums permitted in the rules. It was somewhat worse in the two examples given for Zone II.

16. A number of disadvantages were pointed out concerning Alternative I. Some parties stated that under the old rules parties selected facilities which were related to the economics and general needs of the areas, and as a result of the disproportionate nature of the power increases which could result from this plan many highly urbanized areas would suffer loss of service. Some urged that stations which came into being at a late date accepted less than maximum facilities in order to prevent or minimize interference, and that this plan would be unfair to the former stations. Some showed that interference could occur within the existing 1 mv/m contour. For example, WTAD–FM in Zone I (Quincy, Ill.) has facilities slightly above the maximum for Zone I and so cannot get greater facilities. This station showed that in the event another station in Zone II were to go to the maximum facilities for that Zone there would be an invasion of its existing 1 mv/m contour. It urged therefore that a Class C station should be restricted to facilities no greater than permitted by alternative II in the direction of a Class B station. Several parties urged that if the horizontal plan is adopted it should be modified to permit only proportionate increases, i.e., by the same ratio. Columbia Broadcasting System suggested that no applications for increases be accepted for a period of three years except those in which the stations concerned have reached an agreement. It was urged that after that period applications should be accepted in which the increase of power at the actual antenna height is no more than 3 times for a Class A station or 2½ times for a Class B station. These multipliers are proportionate to the increase in maximum power for the classes of stations under the new rules as against the old rules.

17. Some stations were concerned with the situation where Class A stations were already within the 1 mv/m contours of other stations, generally those on channels two or three channels removed. They argued that this plan would only aggravate the existing interference situation. Another disadvantage for Alternative I is that it does not accommodate changes in site location.

Simultaneous increases by mutual agreement. 18. The notice proposed as an alternative to the horizontal increase plan one which would permit simultaneous increases of facilities by linked groups of short-spaced stations by mutual agreement among the affected stations. The notice recognized that this plan would have limited utility because of the need for reaching agreement among the stations and the existence of rather long chains of stations. Another difficulty pointed out was the cases where different classes of stations are involved or where there is a great disparity between the existing facilities of stations. Most of the comments were opposed to this plan. The parties argued that any one station in a chain could hold up all the others involved; that very often this would be done purposely since, as one party put it, stations are "competitive and intrinsically unable to sacrifice their individual self interest". Others asserted that experience with the standard broadcast Class IIIA and Class IV power increases indicates that reliance on this plan is impractical. Several parties pointed out that typical chains in Zones I and II included about 24 stations. These chains did, however, break up into smaller ones of 7 in a group and less, in the event the shortages on the second and third adjacent channels are ignored as proposed by a large number of parties.

19. The comments submitted on this alternative plan convince us that we should not adopt it as the sole means for permitting existing short-spaced stations to improve their facilities. We will consider, however, any such requests on the basis of the showing made by the parties as to how the public interest would be served thereby.

Alternative Two—Protection of a specified contour. 20. Alternative Two proposed in the notice was a method which would require no agreement among stations and which would permit increases in facilities very nearly like those which would have been allowed under the old "protection method". The two differences are that the station with the greater facilities had to assume the other station had facilities equal to its own, in order to affect a more equal set of facilities. The second difference was that the powers and antenna heights were to be obtained from various tables rather than from propagation curves.

21. A number of parties preferred this alternative over that of the horizontal increase. They submitted that this plan would provide adequate increases while at the same time assuring that no adverse effects are caused to any stations which cannot for economic or other reasons increase their facilities. They contended that this plan recognizes all the matters which affect transmission such as terrain, power, and antenna systems. Finally, they urged that this method would permit stations latitude in making changes in station sites as a result of changes in zoning, nearby construction etc. In some of the showings submitted in support of this proposal, it is shown that the maximum facilities for the Class of stations can be obtained under this plan as well as under alternative one, and therefore some of the parties supported both alternatives. A number of parties, while supporting this plan, also requested that it be modified in some respects in the event it is adopted by the Commission. For example, some urged that the antenna height to be used should not be that of the average above terrain but that it should be for the particular directions involved. Others urged that we should disregard the second and third adjacent channel spacings. More will be said about this later.

22. There were a number of objections to this second alternative and several problems raised in connection with its operation. Some pointed out that there is a distinct advantage to the party which files first. Kear and Kennedy submit a theoretical arrangement of stations at typical short spacings and show that in Zone I there could be a difference of as much as 3 db (ratio of twice in power) depending on the order of filing. An example in Zone II reveals that there could be a difference of about 5 db (3.16 to one power ratio) in the power authorized for a particular station depending again on the order of filing for the theoretical case depicted. There is a problem of what one assumes for stations which are in different zones or where one station is a Class A and the others are Class B or Class C. One suggestion made was that the smaller station be assumed to be at the maximum facilities for its class. Another suggestion was that the smaller station be assumed to have at least the

minimum facilities for its class. Some parties pointed out that where two stations are two channels removed at short spacings, many times the first one can go up sometimes to the maximum and the second then cannot increase at all. The same thing can occur in the case of a Class B or C station, two or three channels removed from a Class A station, where the former often can increase its facilities while the latter cannot. There are instances where two stations are 400 kc/s apart and neither one can seek an increase because each is within the 1 mv/m contour of the other. Another situation exists where two stations which have small facilities—the one which requests an increase first may obtain a large facility station, while the second station gets a disproportionately small increase. In all these situations, actual examples are given which are not just theoretical considerations.

23. While Kear and Kennedy support alternative one and oppose the adoption of alternative two, they suggest a variation of this latter plan in the form of a Table which indicates the power and antenna height to be authorized depending on the separation between the stations. The Tables submitted are based upon a protected contour but do not involve the power of the short-spaced stations. They point out that this method is a separation method, protects existing stations by mileage rather than power, and does not give any advantage to the party filing first. The general purpose behind the method is very similar to that which we are adopting herein. It is our view that the method adopted is more simple and so is to be preferred. Somewhat similar in effect, in a limited context, is the plan proposed by Ellis F. Jones, Jr., licensee of WFMG(FM), Gallatin, Tennessee. This party proposed an expanded Table of Separations which included a sub-maximum Class C station, i.e., a station in Zone II which would be authorized the facilities of a Class B station if it met the spacing of the Class B station and not those of the Class C.

Miscellaneous comments. 24. A few parties filed comments on matters not directly before us in this proceeding. For example, Williams FM Service, among other things, suggested that when stations presently at facilities above those authorized for their class are transferred, their facilities should be cut back to the authorized maximums. Gerity Broadcasting and Pacifica Foundation replied that this matter was disposed of in an earlier phase of this proceeding and that Williams submitted no basis for reopening this subject. We agree with these parties that this matter is beyond the scope of this particular proceeding. This is also true of suggestions which have been filed requesting the assignment of Class B channels with facilities limited to Class A facilities. This matter, too, was considered and denied in previous phases of this overall proceeding. A few parties suggested that proportional power increases be permitted for short-spaced stations in a particular chain either with mutual consent or irrespective of such consent. No mention is made of how site changes or changes in antenna height are to be handled. These plans have some substantial problems and defects in them. Insofar as mutual consent would be required, the drawbacks are the same as has been mentioned before. In addition, these proposals would still leave unsolved the matter of location of site and antenna height changes. They would be very difficult to administer as well. For these reasons, the proportional power suggestions are denied.

Adoption of an alternative. 25. The selection of a particular method for permitting existing short-spaced FM stations to increase their facilities is a difficult one, as evidenced by the almost even division of opinion among the parties filing comments and data. On an overall basis there is not very much difference in the total service which results from the horizontal increase, the protected contour, or the Kear and Kennedy modified protected contour plans. This can be seen from Figures 10 through 13 and Figures 16 through 19 in the Kear and Kennedy comments. The principal difficulty with Alternative One, as may also be seen in these same figures and the showings of other parties, is the interference which can result to stations within their present 1 mv/m contour. While as mentioned, numerous parties showed that in their own situation little interference would result, it is also apparent that the additional interference could result in the loss of existing service and the displacement of listening habits in many communities. On the other hand, the second alternative proposal also has its drawbacks. A number of these have been enumerated above. From the point of view of processing by the Commission and filing applications by the stations, this method could be cumbersome, especially where a large number of stations file at the same time (a very likely possibility since stations have been frozen at their present facilities since August 1962) or where parties file on the basis of other stations' existing facilities only to find these stations have been granted changes in the meantime. The often large differences in authorized facilities, depending on the order of filing, also disturbs us. While there is no ideal solution to this problem we believe a method which is simple, would not require prior agreement among stations affected, would not destroy existing service (at least within the 1 mv/m contour), and would permit changes in station location is to be the preferred method. We believe a modification of the horizontal method could obtain the desired objectives. Such a system would provide for various powers and antenna heights depending on the spacings between the stations. Such a plan would have many of the advantages of the standard spacing plan and allocation table adopted for standard spaced stations but with smaller and potentially equal service ranges depending on the spacings. Before discussing this table further however, we cover two important matters first.

Class A stations. 26. A number of parties urged that short-spaced Class A stations be permitted to go to the maximum for that class (3 kw and 300 feet antenna height) regardless of what is permitted for other classes of stations. In a series of charts for what is believed to be the worst cases of first, second, and third adjacent channel spacings between a Class A and Class B or C stations, Kear and Kennedy show that the impact on the interference to the higher powered station is very small while the Class A station improves its service throughout the old area and extends in service range as well. In the case of a second channel separation between a Class A station and a Class B station of only 15 miles (Figure 3) the increase in the radius of interference to the Class B station is only in the order of less than ½ mile with both stations going to the maximum facilities.

27. A few parties, mostly stations with facilities greater than presently authorized for the standard spaced stations, objected to any increase for these Class A stations. One party argued that they should not have been granted in the first place. We are, however, faced with an existing situation in which some Class A stations need additional power to adequately cover the community intended to be served. In another objection to increased power for Class A stations a showing is made as to the increased interference to the high-powered Class B station. This increase however occurs in an additional radius of about 0.7 of a mile.

28. After careful consideration of all the data submitted in this proceeding relative to short-spaced Class A stations we conclude that an increase up to the maximum for this Class of station is warranted and would serve the public interest. We will therefore permit any short-spaced Class A station which desires to increase facilities to apply for such increases up to 3 kw and 300 feet or the equivalent of this combination, except insofar as co-channel situations between Class A stations are involved. (There are no first or second adjacent combinations between Class A stations possible under the FM channel arrangement.)

29. Trans America Broadcasting Corp., licensee of KTYM–FM, Inglewood, Calif., requests permission to increase its power to 40 kilowatts. It urges that it is only 23 miles from second adjacent channel stations KBIG and KGLA, both on Mount Wilson, Los Angeles, and both with power and antenna height greater than the maximum now provided by the rules. It argues that it needs this power in order to obtain the "equivalent coverage" of a maximum Class A station in the absence of interference. It avers that it does not serve the entire community of Inglewood and that listeners have reported difficulty in tuning to the station in the presence of the strong signals from KBIG and KGLA. KTYM–FM presently operates with 390 watts and an antenna height above average terrain of 390 feet. This party is, in effect, asking us to make a special case of a particular Class A station and to permit it to operate with 40 kw power or almost the same as a Class B facility, even though it is only about one half

the required separation. This we cannot do. However, we are of the view that the relief offered herein to short-spaced stations will help this station in improving its signal and coverage in the community of Inglewood, since it could under the rules increase its power to about 1.6 kilowatts instead of its present 390 watts.

Second and third adjacent channel problem. 30. There are a number of short-spaced FM stations on second and third adjacent channels (400 and 600 kc/s removed). Most of those on second adjacent channels are Class A's near large metropolitan areas such as Los Angeles, San Francisco, New York, Chicago and Philadelphia. In a number of these instances the Class B's are "supermaximum", with the Class A located within the 1 mv/m contour of the large station. The Class A stations could increase their facilities under the horizontal increase proposal but not under the alternative proposal which requires protection of the Class B station's 1 mv/m contour (or protection of a service radius of 40 miles when the 1 mv/m contour is further out than that). Under the former plan the interference to the large station would normally increase a fraction of a mile around the Class A transmitter. There are also a few Class B and Class C stations removed by two channels and at less than the 40 or 65 miles required. All of these could benefit under the horizontal proposal; some, though by no means all, could benefit under the other alternative. Most of the stations which are short-spaced at third adjacent channel separations (600 kc/s) are near large cities in the crowded sections of the northeast; Washington-Annapolis, Providence-Framingham, Baltimore-Havre de Grace, Hartford-Springfield. A few exist in Zone II. In most of these cases, either proposal would be of benefit to the stations involved and to the public.

31. With very few exceptions, all the parties recommend that short-spacings on second and third adjacent channels be disregarded in any proposal which is adopted. It was pointed out that this interference is usually very small, occurs around the transmitter site of the station causing the interference, and that in any event the small amounts of interference caused are more than offset usually by the advantages of power increases for all stations. One party likened this type of interference to a blanket area problem. Kear and Kennedy in Figures 6 and 7 of their material depict situations between Class B stations with spacings as low as 25 miles. These figures show the interference area to be a small portion of the entire service area. Earl Cullum in reply concedes that the area of interference is small. However, he points out that in the case of a small station causing interference to a large station, the increase in such interference may mean that the entire community may be lost to the larger station. This is an important factor and has led us to require that standard spaced stations on second and third adjacent channels be located beyond the expected service range of the assigned stations in the Table of Assignments. However, the situations we are dealing with here are existing ones in which some interference already exists. And as has been shown further, the increase in interference is only in a small ring around the station, in the order of a few miles to less than ½ mile depending on the relative facilities of the stations involved. Another great difficulty with taking into account such assignments is this: in the event a station is encompassed by the 1 mv/m contour of another station either under its existing or expanded facilities, the station cannot improve its facilities in any direction, and is thus frozen at its present facilities. In the case of co-channel and first adjacent channel separations this situation cannot occur and a station can usually obtain an increase in some directions. Because of the restrictions which would be imposed, the usually small amount of additional interference resulting, and the overall benefits to be obtained on balance, we will permit stations to disregard short-spaced stations on second and third adjacent channels in making requests for increased facilities. Several parties proposed that we disregard second and third channel interference except when the two stations are less than 15 miles apart or unless the interference is caused within a station's principal city limits. There are very few cases of such low spacings, and so we do not believe there is need for any exceptions to the general policy. Furthermore, the interference usually is smaller the closer the stations are together. Paul Godley Company suggested that for such channels, we protect the 70 dbu contour by not permitting overlap of the 90 and 110 dbu contours with the 70 dbu contour for second and third adjacent channels, respectively. We do not believe this limitation is needed for the same reasons we are rejecting the mileage limitation above.

Plan adopted. 31. After careful consideration of all the comments and data submitted by all parties we are adopting a plan which we believe has facets and advantages of both the horizontal increase and the protected contour proposals. It does not depend on the consent of any other station so that any station may apply for increased facilities at the time it wishes. It affords stations adequate protection of their service to the public. It is a "go-no go" system so that it is not burdensome for either the licensees or the Commission. It provides for substantial increases for many stations and would permit some improvement for most stations. The plan does not create any advantages for the party which files first. This plan would spell out the maximum facilities which every station which is now short-spaced could apply for, depending on the spacings it has with respect to all other stations (and irrespective of the facilities of the other stations). This would be done in accordance with the Table in § 73.213 below. If a station wishes to operate with greater ERP than that which would be permitted for its mileage bracket, it may do so (up to the maximum for its class) by directionalizing so as to reduce the radiation in the critical direction to that which would be permitted under the table. (Directional antennas must meet the requirements of paragraph (d) of § 73.316, and increase in radiation away from the critical direction shall not exceed 2 db per 10 degrees of azimuth. Where a directional antenna is used radiation in any direction shall not exceed the maximum ERP for the station's class.)

32. The above plan has all the advantages of the horizontal increase without any of its disadvantages. It also appears to be preferable to any other plans advanced previously. For one thing, except for the horizontal increase plan any other proposal would necessitate more extensive use of directional antennas to protect other short-spaced stations, unless the station involved were willing to use in all directions the limited power it would be permitted in the critical direction. The plan we adopt, by permitting substantial increases for many stations without directionalization, imposes lesser burdens in this respect while at the same time giving a short-spaced station an option to obtain greater facilities by directionalizing if it wishes to do so. The plan also permits stations to move their sites provided they adjust their facilities to meet the table. Usually, since transmitter moves do not often involve great distances, the station moving will remain in the same mileage bracket. The table also provides a "floor" on facilities for stations, regardless of spacing. The plan has many of the advantages of the Table of Assignments and the minimum spacing rules for new stations which we have adopted.

33. A study was made of all the spacing problems set out in the comments herein, with a view toward determining whether the plan would be of help to the stations and to the public. We found that in almost all cases stations could get appreciably increased facilities, and in many cases they could go to the maximum for their class (others could go to the maximum except in one direction). Our study revealed very few cases where the plan would result in interference within stations' existing 1 mv/m contours, and, while doubtless there will be some such cases, it appears that they will not be numerous. It is true that the resulting service ranges of short-spaced stations will be less than those which we have provided for new stations; descending in order with the reduced separations; but this is inevitable in dealing with stations assigned under earlier assignment principles, at considerably less than what are now standard spacings.[5] Considering the advantages mentioned, including the "go-no go" character of the plan and its simplicity, the concomitant advantage to

[5] For example, a Class B station with maximum facilities, surrounded by other co-channel Class B stations with maximum facilities at standard spacings, would have a service range of 40 miles, whereas a short-spaced Class B station surrounded by stations at 100 miles (both with maximum facilities permitted under the Table) would have a service range of 26 miles.

licensees and the Commission and improved service to the public, we are of the view that it clearly is in the public interest and should be adopted.

Moves of transmitter sites. 34. As mentioned, the plan adopted provides for moves of transmitter sites by short-spaced stations, provided the facilities are adjusted to meet the requirements of the table. Is is appropriate to spell out in more detail the principles which will govern transmitter-site moves.

(a) No new short spacing may be created to standard spaced assignments. While we have taken steps herein to deal with the problems of short-spaced stations assigned under earlier rules, we do not conceive it to be appropriate, in general, to permit any new short spacings to be created even though in other directions spacings might be improved. Any consideration of situations where a slight new short spacing would materially improve a number of existing shortages must be on a case-by-case basis on requests for waiver. The prohibition in this connection extends to creation of new second and third adjacent channel shortages. While we have concluded that this should not be a consideration in situations where it already exists, there is no reason to permit such interference where it did not exist at all within the station's normal service range.

(b) Except where the station involved is (or would be after the move) in one of the low-mileage brackets of the Table ("less than 40", "less than 60", "less than 75", etc.), a move may be made with the station's present facilities unless the move would put the station into a lower mileage bracket.[6] In connection with such a move, the station may request an increase in facilities up to the maximum for the mileage bracket.

(c) Where a move would shorten an existing substandard separation so as to put the station in a lower bracket, the station must adjust its facilities so as to meet the maximum for that bracket. If it is now lower than the new maximum, it may request an increase up to that figure. Further limitations will apply in the case of stations in the low-mileage brackets, as mentioned in (d) below.

(d) Where a station is (or would be after the move) in one of the low-mileage brackets of the Table, it will be permitted a move which shortens the separation by no more than three miles, without restriction on its facilities other than the maximum provided for these brackets in the Table (e.g., for co-channel Class B stations less than 75 miles apart, 5 kilowatts and 500 feet effective antenna height). If the move is greater than this, the station must reduce its facilities to a level which will be, in the pertinent direction, no more than the equivalent of operation from the former site with the maximum permitted facilities. For example, a Class B station moving closer under these circumstances would have its 1 mv/m contour in the pertinent direction no further out than it would operating from its former site with 5 kilowatts and 500 feet. The stations falling in these lower brackets are not numerous, and it is in these cases—where extremely short separations are involved—that greater restrictions are necessary in order to avoid substantial adverse impact on other stations.

(e) In connection with any application for change in transmitter site which would increase an existing short separation, the Commission reserves the right to deny such an application if, considering all pertinent factors including effect on other stations, it appears that the public interest would not be served thereby.

Proposals made in supplement to third further notice. 35. In the order extending time for filing comments and supplement to third further notice of proposed rule making issued in this proceeding on March 25, 1964 (FCC 64-240) there were three proposals made on which comments were invited. First, Kear and Kennedy had proposed a rule which would have permitted existing short-spaced stations to change their sites in the event it became necessary because of zoning or other requirements. The plan we are adopting provides the conditions for moves and so we need not discuss this matter further. The second Kear and Kennedy proposal was to permit stations which as a result of a move wished to increase their antenna height, to utilize powers equal to the minimum for their class up to antenna heights of 750 feet, with appropriate reductions above this height. The Commission invited comments on alternative to this proposal which would have permitted the use of minimum powers for all heights above the maximum in the rules. The purpose of the two latter proposals was to encourage stations to utilize high antenna heights to improve service. Kear and Kennedy point out, and rightly so, that if the minimum power is permitted for any height, stations would soon have a combination of power and height which is greater than those for a standard-spaced station. They therefore recommend that if consideration is given to their proposal to permit minimum power up to 750 feet or above, in no event would the power be permitted to exceed the values determined from Figure 3 of Section 73.333 of the rules. Upon consideration of the comments filed and the plan which we are adopting, we believe that there is no special rule needed along the lines of encouraging high antenna heights. The proposal was apparently prompted by the availability in some areas of particularly suitable tall sites such as the Empire State Building in New York. The rules we are adopting for short-spaced stations do permit a combination of at least 10 kw and 500 feet for the bulk of the short-spaced stations now existing. This is roughly equivalent of the 5 kw and 750 feet combination advocated by Kear and Kennedy. In the event some situations exist for which the plan would permit only 5 kw and 500 feet or the equivalent, these can be considered on an individual basis as they come to our attention.

Legal considerations. 36. For reasons stated at length above, we are of the view that the opportunity afforded by the plan adopted herein for increases in facilities and overall improvement in service is clearly in the public interest, and that the benefits therefrom outweigh the relatively small amounts of interference which will usually result. As mentioned, it appears that only in relatively few cases would interference be caused within an existing station's 1 mv/m contour. In the third further notice we tentatively discussed the rights of FM licensees to object to applications for increased facilities by short-spaced stations on the grounds that such proposals would cause interference within their 1 mv/m contours. (See FN 5, Third Further Notice.) On reflection, we have decided not to attempt to resolve the rights of such objectors at this time. They instead will be resolved if presented in a specific case.

Deletion of assignment where construction permit or license is surrendered. 37. In the further notice of proposed rule making issued August 1, 1962 (FCC 62-867) the Commission said with respect to short-spaced stations which turn in their licenses or construction permits:

> We propose to adopt a rule to the effect that, when a construction permit or license for a station on the 80 commercial FM channels is voluntarily relinquished by the holder thereof, or is vacated by final Commission action in a renewal or revocation proceeding, the channel specified in the permit or license will automatically cease to be assigned to the community specified in the table, and the Commission will give notice of that fact and will issue a notice of proposed rule making looking toward determination of whether the channel should remain assigned to that community or should be assigned elsewhere.

The above statement of policy does not distinguish between stations which meet the standard spacings adopted in 1962, and those which are short-spaced. In any event, no final rule was adopted in this connection. Nor do we believe that a rule would be particularly useful. The action we take in any situation should depend upon the number of assignments in the area, the need for assignments elsewhere, the shortages involved and other considerations. It therefore appears appropriate to treat these cases as they come up. The plan we are adopting would permit such an assignment to remain in a community where it is needed and would spell out the permissible facilities, in the event another party receives a grant on the assignment in question.

[6] As mentioned, in general it may be expected that transmitter moves will not usually be of any great distance, and therefore the effect thereof on other short-spaced stations will be small. For example, in the case of co-channel Class B stations about 120 miles apart, a decrease of 10 miles in the separation means a reduction in the service range of the affected station of only 2 miles. Therefore it is not appropriate to impose any over-all reduction from present facilities. However, we do not wish to encourage site changes which will shorten existing substandard spacings, and we assume such moves will not be undertaken except for substantial reasons. As mentioned in the text below, the Commission reserves the right to deny any such application if, considering all of the pertinent factors including increased interference, it appears that such a move would not be in the public interest.

38. We wish to emphasize that we are not in any way departing from the assignment principles previously adopted in connection with the Table of Assignments nor will we entertain petitions to assign channels to communities at spacings less than those adopted. The procedure outlined herein is aimed at permitting existing stations which were licensed under previous rules and standards to increase their facilities and improve the service they are rendering to the public in those cases where the previous rules would have permitted such increases and in some other cases where the public would benefit thereby. The basic principles and allocation plan adopted in the Third Report remain our objectives for the FM broadcasting service.

39. Authority for the adoption of the amendments herein is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended.

40. In view of the foregoing: *It is ordered,* That effective November 16, 1964, Part 73 of the Commission's rules and regulations is amended as set forth below.

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

Adopted: October 7, 1964.
Released: October 9, 1964.

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

§ 73.202 [Amended]

1. Section 73.202 *Table of Assignments,* is amended to include the following entries:

	Channel number
Alaska:	
Anchorage	263, 267, 271, 288A
College	285A
Cordova	265A
Fairbanks	262, 266
Juneau	282, 286
Ketchikan	290, 294
Nome	262
Seward	276A
Sitka	284
Hawaii:	
Hilo, Hawaii	246, 250
Kealakekua, Hawaii	221A
Honolulu, Oahu	226, 230, 234, 238, 248
Kailua, Oahu	242
Waipahu, Oahu	222
Lihue, Kauai	224A, 228A
Makawao, Maui	232A
Wailuka, Maui	236
U.S. TERRITORIES AND POSSESSIONS	
Guam:	
Agana	230, 238
Puerto Rico:	
Adjuntas	275
Aguadilla	225, 262
Arecibo	293, 297
Bayamon	234, 264
Caguas	277
Coamo	223
Fajardo	243
Guayama	295
Humacao	299
Isabella	268
Manati	245
Mayaguez	231, 248, 256
Ponce	227, 270, 286
Rio Piedras	239
San German	236
San Juan	229, 253, 260, 273, 284, 289
U.S. TERRITORIES AND POSSESSIONS—Con.	
Puerto Rico—Continued	Channel number
Utuado	281
Yauco	241
Virgin Islands:	
Charlotte Amalie	250, 266
Christiansted	258, 291

2. In § 73.205, paragraphs (b) and (c) are amended to read as follows:

§ 73.205 Zones.

* * * * *

(b) Zone 1–A consists of Puerto Rico, the Virgin Islands and that portion of the State of California which is located south of the 40th parallel.

(c) Zone 11 consists of Alaska, Hawaii and the rest of the United States which is not located in either Zone 1 or Zone 1–A.

§ 73.207 [Amended]

3. In § 73.207, paragraph (b) is deleted.

4. In § 73.211, paragraph (b)(3) is added and paragraph (d) is amended to read as follows:

§ 73.211 Power and antenna height requirements.

* * * * *

(b) *Maximum power and antenna height.* * * *

(3) In Puerto Rico antenna heights may be used up to 2000 feet above average terrain with effective radiated powers up to 25 kw. For antenna heights above 2000 feet the power shall be reduced so that the station's 1 mv/m contour (located pursuant to Figure 1 of § 73.333) will be no further from the station's transmitter than with the facilities of 25 kw and antenna height of 2000 feet.

* * * * *

(d) *Existing stations.* Stations authorized as of September 10, 1962, which do not conform to the requirements of this section, may continue to operate as authorized; but any application to change facilities will be subject to the provisions of this section, except that the minimum power specified in paragraph (a) of this section shall not apply to an application to increase facilities.

5. A new § 73.213 is added:

§ 73.213 Stations at spacings below the minimum separations.

(a) Stations which are separated from other co-channel or adjacent channel stations less than the minimum distances specified in § 73.207 may apply for changes in facilities provided the requested facilities conform with the following table:

FACILITIES TO BE AUTHORIZED FOR SHORT-SPACED FM STATIONS

Class of station	Separation in miles		Facilities authorized	
	Co-channel	First adjacent	Power (kw.)	Antenna height (ft.)
A to A	45–65		3	300.
A to A	40–44		2	300.
A to A	less than 40		1	300.
A to B		50–65	3	300 Class A.
			50	500 Class B.
A to B		40–49	3	300 Class A.
			20	500 Class B.
A to B		less than 40	3	300 Class A.
			10	500 Class B.
A to C		80–105	3	300 Class A.
			100	2,000 Class C.
A to C		60–79	3	300 Class A.
			50	2,000 Class C.
A to C		less than 60	3	300 Class A.
			20	2,000 Class C.
B to B	125–150	80–105	50	500.
B to B	100–124	65–79	20	500.
B to B	75–99	50–64	10	500.
B to B	less than 75	less than 50	5	500.
B to C	140–170	110–135	50	500 Class B.
			100	2,000 Class C.
B to C	110–139	85–109	20	500 Class B.
			50	2,000 Class C.
B to C	90–109	60–84	10	500 Class B.
			20	2,000 Class C.
B to C	less than 90	less than 60	5	500 Class B.
			10	2,000 Class C.
C to C	150–180	125–150	100	2,000.
C to C	120–149	95–124	50	2,000.
C to C	100–119	75–94	20	2,000.
C to C	less than 100	less than 75	10	2,000.

(b) Stations authorized facilities in excess of those specified in this section may continue to operate with such facilities.

(c) Stations may elect to operate omnidirectionally with facilities no greater than the least they should be permitted in any direction under paragraph (a) of this section. Greater facilities (up to the maximum specified in § 73.211(b) for their class) may be used if, by use of a directional antenna, radiation in any direction in which a short separation exists is reduced to no more than that permitted under paragraph (a) of this section. Applications for use of directional antennas must be in conformance with § 73.316(d); in addition, the increase in radiation off the line between the short-spaced stations shall not exceed 2 db per 10 degrees of azimuth; and in no event shall radiation in any direction exceed the maximum permitted under § 73.211(b) for the particular class of station.

(d) Stations will be authorized maximum facilities for their class in those directions in which they are short-spaced to other stations on second or third adjacent channels.

(e) The powers listed in the table are the maximums to be authorized. Antenna heights may be used exceeding those specified in the table for equiva-

lence purposes, provided the effective radiated power is reduced in the amount necessary to place the 1 mv/m contour at no greater distance as determined by use of Figure 1 of § 73.333. The antenna height value to be used is that above average terrain and not that in any particular direction. Where antenna heights below 100 feet are encountered (or negative heights) an assumed value of 100 feet above average terrain shall be assumed for the purposes of this paragraph.

(f) The following provisions will govern applications for move of transmitter site:

(1) No application to move will be accepted which creates short spacing to standard spaced stations and assignments less than the distances specified in § 73.207, including second and third adjacent channel separations. This provision applies even if in other respects the application would be acceptable under this paragraph.

(2) Stations short-spaced with respect to other stations under § 73.207 may apply to move transmitter site, even though by the move the separation would be further shortened, under the following conditions and with the following facilities:

(i) Where the short separation is second or third adjacent channel, with any facilities up to the maximum permitted under § 73.211.

(ii) Where the short separation is co-channel or first adjacent channel, stations may apply for facilities up to the maximum for the mileage bracket in which they would fall after the move, as specified in paragraph (a) of this section, or with their present facilities if they are not moving so far as to fall into a lower bracket. (See subparagraph (iii) of this paragraph for further restrictions on very short-spaced stations.)

(iii) The provisions of this subparagraph apply where the resulting separation after the move would be less than: co-channel, 40 miles Class A to Class A, 75 miles Class B to Class B, 90 miles Class B to Class C or vice versa, or 100 miles Class C to Class C; first adjacent channel, 40 miles Class A to Class B or vice versa, 50 miles Class B to Class B, 60 miles Class A or B to Class C, or vice versa, and 75 miles Class C to Class C. Stations so situated may apply to move and use either their present facilities or no more than those specified for their mileage bracket in paragraph (a) of this section, if the move would not decrease the short distance by more than three miles. If the move would decrease the short distance a greater amount, a station will be permitted no more than the facilities which would give it, in the critical direction, a 1 mv/m contour located no further out than that which would result from using the former location and the maximum facilities specified for the mileage bracket.

[F.R. Doc. 64-10470; Filed, Oct. 13, 1964; 8:48 a.m.]

[FCC 64-920]

PART 73—RADIO BROADCAST SERVICES

Reference Points and Distance Computations; Report and Order

In the matter of amendment of § 73.208(b) of the Commission rules and regulations pertaining to reference points and distance computations in FM broadcast station licensing proceedings.

1. In the First Report and Order (23 F.C.C. 309, 23 Pike & Fischer R.R. 1801) released in Docket No. 14185 on August 1, 1962, the Commission, among other things, adopted an FM allocations plan which used a table of mileage separations only.

2. Also adopted in the foregoing document was a rule which read as follows:

> Station separations in licensing proceedings shall be determined by the distance between the coordinates of the proposed transmitter site in one community and the coordinates of an authorized site for the pertinent channel in the other community.[1]

3. A year later, on August 1, 1963, the Commission released a Third Report, Memorandum Opinion and Order (FCC 63-735, 23 Pike & Fischer R.R. 1859) which adopted a Table of Assignments for FM Broadcast Stations (the present Section 73.202 of the rules) similar to that used for television broadcast stations.

4. The rule mentioned in paragraph 2 above was appropriate and adequate with regard to reference points and distance computations under an allocations plan which used a mileage separation table. However, it is not appropriate or adequate with regard to reference points and distance computations under the FM Table of Assignments since it makes no provisions for situations in which there are no transmitter sites for pertinent channels in communities other than those in which the license is sought. For this reason, the rule needs to be amended to provide for distance computations in such situations.

5. The method provided in § 73.611(b) of the Commission rules for handling this type of situation in television licensing proceedings has proved workable and satisfactory and it appears that the same method would be equally good for FM licensing proceedings.

6. Authority for the adoption of the amendment to the rules appearing below is contained in sections 4(i), 301, and 303 (d), (f), and (r) of the Communications Act of 1934, as amended. Inasmuch as the amendment is a matter of Commission practice, and the change is a necessary concomitant of the shift from a mileage separation table to a table of assignments, compliance with the usual notice and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

7. In view of the foregoing: *It is ordered*, This 7th day of October 1964, that effective October 19, 1964, § 73.208(b) of the Commission rules and regulations is amended to read as follows:

§ 73.208 Reference points and distance computations.

* * * * *

(b) Station separations in licensing proceedings shall be determined by the distance between the coordinates of the proposed transmitter site in one community and

(1) The coordinates of an authorized transmitter site for the pertinent channel in the other community; or, where such transmitter site is not available for use as a reference point,

(2) The coordinates of the other community as set forth in the above-described publication of the United States Department of Commerce; or, if not contained therein,

(3) The coordinates of the main post office of such other community.

(4) In addition, where there are pending applications in other communities which, if granted, would have to be considered in determining station separations, the coordinates of the transmitter sites proposed in such applications must be used to determine whether the requirements with respect to minimum separations between the proposed stations in the respective cities have been met.

* * * * *

(Secs. 4, 301, 303, 48 Stat. 1066, as amended, 1081, 1082, as amended; 47 U.S.C. 154, 301, 303).

Released: October 8, 1964.

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

[F.R. Doc. 64-10469; Filed, Oct. 13, 1964; 8:48 a.m.]

[FCC 64-921]

PART 73—RADIO BROADCAST SERVICES

Operating Log; Report and Order

In the matter of amendment of § 73.583(a)(3) of the Commission rules and regulations pertaining to entries in operating logs of noncommercial educational FM broadcast stations.

1. In a report and order (FCC 63-184, 25 Pike & Fisher R.R. 1521) released on February 25, 1963, in Docket No. 14661, the Commission amended its rules to permit the use of automatic logging devices in connection with the keeping of operating logs of certain broadcast stations.

2. The foregoing document, among other things, adopted § 3.583(a)(3) pertaining to noncommercial educational FM broadcast stations.[1]

3. However, inasmuch as §§ 73.552 and 73.558 of the rules provide that noncommercial educational FM broadcast stations with transmitter power output of 10 watts or less need not have frequency

[1] This rule was designated § 3.206(a). It was redesignated § 3.208(b) in the Third Report, Memorandum Opinion and Order mentioned in paragraph 3 of the instant order. It was further redesignated § 73.208(b) by order of the Commission published in 28 F.R. 13572 on December 14, 1963.

[1] By order published in 28 F.R. 13572 on December 14, 1963, § 3.583 was redesignated § 73.583.

monitors, or indicating instruments for measuring the direct plate voltage and current of the last radio stage and the transmission line radio frequency current, voltage, or power, such stations should be exempted from compliance with the provisions of § 73.583(a)(3).

4. Authority for the adoption of the amendment to the Commission rules appearing below is contained in sections 4(i), 301, and 303 (j) and (r) of the Communications Act of 1934, as amended. Inasmuch as the amendment relieves a restriction and inserts language necessary for internal consistency of the rules, compliance with the usual notice and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

5. In view of the foregoing: *It is ordered*, This 7th day of October 1964, that effective October 19, 1964, § 73.583(a)(3) of the Commission rules and regulations is amended to read as follows:

§ 73.583 Operating log.

(a) * * *

(3) For each station licensed for transmitter power output above 10 watts, an entry, at the beginning of operation and at intervals not exceeding one-half hour, of the following (actual readings observed prior to making any adjustments to the equipment) and, when appropriate, an indication of corrections made to restore parameters to normal operating values:

(i) Operating constants of last radio stage (total plate voltage and plate current).

(ii) RF transmission line meter reading.

(iii) Frequency monitor reading.

* * * * *

(Secs. 4, 301, 303, 48 Stat. 1066, as amended, 1081, 1082, as amended; 47 U.S.C. 154, 301, 303)

Released: October 8, 1964.

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

[F.R. Doc. 64-10468; Filed, Oct. 13, 1964; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 3666; Order No. 63]

PART 73—SHIPPERS

Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

Subpart F—Compressed Gases; Definition and Preparation

Correction

In F.R. Doc. 64-10050, appearing at page 13927 of the issue for Friday, October 9, 1964, the following corrections are made:

1. In Retest Table 1, following § 73.31(c)(10):

a. The footnote "n" designations should be deleted from the entries in the the last two columns for Specification 105A300AL-W.

b. Footnote "n" designations should be added to the entries in the last two columns for Specification 105A300-W.

2. In the tabular material of § 73.314 (c), "Note 6" in the third column, opposite the entry for Carbon dioxide, liquefied, should read "Note 5".

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Certain Wildlife Refuges in Alabama, Florida, Mississippi, North Carolina and Georgia

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the national migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rulemaking.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese and coots on the Wheeler National Wildlife Refuge, Alabama, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,800 acres, is delineated on a map available at the refuge headquarters, Decatur, Alabama, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Georgia, 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese and coots subject to the following conditions:

(1) Open season—Geese November 17, 1964, through January 15, 1965; ducks and coots November 25, 1964, through January 3, 1965. A kill quota of 3,000 geese is established. If this quota is reached during the above open season, the refuge hunt for all waterfowl species will be terminated. Hunting will be permitted Tuesday through Saturday only from sunrise until 12 noon.

(2) Blinds—The construction of blinds by the public is not permitted. Hunting shall be only from those blinds constructed and labeled by the Bureau.

(3) Shooting on the refuge is not permitted outside of a blind. Hunters are authorized to hunt only from the blind specified on their permits.

(4) Guns must be unloaded while being transported on the refuge and while being carried to and from blinds. Guns must be left in blinds while dead or crippled birds are being retrieved.

(5) Ammunition—Shells that contain shot larger than BB's may not be used and will not be permitted in the possession of hunters.

(6) Only shotguns 10 gauge or smaller and incapable of holding more than 3 shells can be used.

(7) Other game—Crows and foxes may also be shot provided that they are shot from designated waterfowl blinds.

(8) Intoxicating beverages shall not be permitted on the refuge.

(9) Hunters shall not be permitted to enter the hunting area sooner than 1½ hours before sunrise.

(10) A maximum of two persons will be permitted to hunt from one blind.

(11) Dogs used to retrieve crippled waterfowl must be in complete control at all times.

(12) Hunters under 16 years of age must be accompanied by adults.

(13) A refuge permit is required of all hunters. To obtain a permit individuals must present a valid Alabama hunting license, a duck stamp (if person has attained 16th birthday) and pay a blind fee of $4. ($2 per person if 2 person occupy a blind.)

(14) Hunters are required to check out at the check station at the close of the hunt. All bagged waterfowl will be presented at the check station for inspection.

(15) Applications for advance reservations for refuge permits must be submitted in writing to the refuge manager. Applications will be accepted only during the period October 1–15. Only one application will be accepted per individual. Permits not reserved by advance reservation will be awarded on a first come, first served basis no sooner than 23 hours in advance of the hunt. Reservation commitments for a refuge permit are nontransferable.

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 January 15, 1965.

FLORIDA

CHASSAHOWITZKA NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Chassahowitzka National Wildlife Refuge, Florida, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,500 acres, is delineated on a map available at the refuge headquarters, Route 1, Homosassa, Florida, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Georgia, 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks and coots subject to the following conditions:

(1) Blinds—Only temporary blinds constructed of native materials are permitted.

(2) Designated routes of travel must be used for entering or leaving the public hunting area.

(3) Hunters using airboats must secure special airboat permit from refuge manager before entering refuge area.

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 January 3, 1965.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Noxubee National Wildlife Refuge, Mississippi, is permitted only on the area designated by signs as open to hunting. This open area, comprising 520 acres, is delineated on a map available at the refuge headquarters, Route 1, Brooksville, Mississippi, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Georgia, 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of coots and ducks subject to the following conditions:

(1) Ducks and coots may be hunted only on Mondays, Wednesdays and Saturdays from sunrise to 12 o'clock noon during the period from November 25, 1964 through January 2, 1965, inclusive.

(2) The use of boats without motors is permitted within the hunting area.

(3) The construction of blinds is not permitted.

(4) Hunters will not be permitted to enter the hunting area sooner than one hour before sunrise.

(5) No shooting will be permitted from the levee or the open water area immediately adjacent to the levee.

(6) All hunters are required to check out at designated check station before leaving area.

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 January 2, 1965.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese and coots on the Mattamuskeet National Wildlife Refuge, North Carolina, is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,300 acres, is delineated on a map available at the refuge headquarters, New Holland, North Carolina, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Georgia, 30323. Hunting shall be in acordance with all applicable State and Federal regulations covering the hunting of ducks, geese and coots.

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 January 15, 1965.

GEORGIA

SAVANNAH NATIONAL WILDLIFE REFUGE

Public hunting of waterfowl will not be permitted on the Savannah National Wildlife Refuge, Georgia, during the 1964 season. The lack of adequate public access facilities will make a public waterfowl hunt impractical this year .

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 5, 1964.

[F.R. Doc. 64-10434; Filed, Oct. 13, 1964; 8:47 a.m.]

PART 32—HUNTING

Lower Souris National Wildlife Refuge and Tewaukon National Wildlife Refuge, North Dakota

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.

NORTH DAKOTA

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of pheasants on the Lower Souris National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,000 acres or 35 percent of the total refuge area is delineated on a map available at the refuge headquarters—Upham, North Dakota and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis 8, Minnesota. Hunting shall be in accordance with all applicable State regulations covering the hunting of pheasants subject to the following special conditions:

(1) Hunting is permitted from sunrise to sunset November 16, 1964 through November 22, 1964.

(2) 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 November 22, 1964.

TEWAUKON NATIONAL WILDLIFE REFUGE

Public hunting of pheasants on the Tewaukon National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,840 acres or 33 percent of the total refuge area 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 8, Minnesota. Hunting shall be in accordance with all applicable State regulations covering the hunting of pheasants subject to the following conditions:

(1) Hunting is permitted from sunrise to sunset daily from November 16 through December 13, 1964.

(2) 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 December 13, 1964.

ANDREW J. MEYER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 6, 1964.

[F.R. Doc. 64-10435; Filed, Oct. 13, 1964; 8:47 a.m.]

PART 32—HUNTING

Lacreek National Wildlife Refuge, South Dakota

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.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on the Lacreek National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 310 acres, known locally as the Little White River recreational area, 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 in accordance with all applicable State regulations governing the hunting of upland game subject to the following special conditions:

(a) Species permitted to be taken: Pheasants and grouse (sharp-tailed and pinnated) during the seasons specified below. The hunting of other upland game species, as may be authorized by South Dakota State regulations, is prohibited.

(b) Open season: Grouse—from sunrise to sunset each day from the effective date of this publication through October 16, 1964 and from noon to sunset (c.s.t.) daily, October 17, 1964 through October 31, 1964. Pheasants—from noon to sunset (c.s.t.) daily, from October 17, 1964 through December 15, 1964.

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 December 15, 1964.

ANDREW J. MEYER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 7, 1964.

[F.R. Doc. 64-10436; Filed, Oct. 13, 1964; 8:47 a.m.]

PART 32—HUNTING

Parker River National Wildlife Refuge, Massachusetts

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.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Hunting of big game on the Parker River National Wildlife Refuge, Massachusetts, is suspended for the 1964 season. Annual inventory of big game animals indicates the population is such that no hunting should be permitted this year.

FRED L. JACOBSON,
Acting Regional Director,
Boston, Mass.

OCTOBER 8, 1964.

[F.R. Doc. 64-10452; Filed, Oct. 13, 1964; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 911, 915]

[Docket Nos. AO-267-A2, AO-254-A3]

HANDLING OF LIMES AND AVOCADOS GROWN IN FLORIDA

Notice of Hearing With Respect to Proposed Marketing Agreements and Orders

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Auditorium, Labor Camp, Modello, Fla., beginning at 10 a.m., e.s.t., October 22, 1964, with respect to proposed amendments of the respective marketing agreements and orders (7 CFR Parts 911 and 915), regulating the handling of limes and avocados grown in Florida. The proposed amendments have not received the approval of the Secretary of Agriculture.

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

The amendments to the marketing agreements and orders, which have been proposed by the administrative committees, established pursuant thereto, are as follows:

Revise §§ 911.20 and 915.20 to the extent necessary to provide that each of the grower members of the respective administrative committees may, in addition to being a grower, be a handler who packs and handles only his own fruit.

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to making such other changes in the marketing agreements and orders as may be necessary to make the entire provisions thereof conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C., 20250, or from Minard F. Miller, Fruit and Vegetable Division, Agricultural Marketing Service, P.O. Box 9, Lakeland, Fla.

Dated: October 9, 1964.

CLARENCE H. GIRARD,
Deputy Administrator.

[F.R. Doc. 64-10437; Filed, Oct. 13, 1964; 8:47 a.m.]

[7 CFR Parts 1063, 1070, 1078, 1079]

[Docket Nos. AO 105-A17, AO 229-A9, AO 272-A4, AO 295-A5]

MILK IN QUAD CITIES-DUBUQUE, CEDAR RAPIDS-IOWA CITY, NORTH CENTRAL IOWA AND DES MOINES MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa and Des Moines marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, by the seventh day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in five copies.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Cedar Rapids, Iowa, July 29, 1964, pursuant to notice thereof which was issued July 14, 1964 (29 F.R. 9671).

The material issue on the record of the hearing related to maintaining the present Class I price level.

Findings and conclusions. The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The Class I price provisions of the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa and Des Moines orders should be revised but the Class I price levels should not be changed. To accomplish this, the Class I price provisions of each of the orders should provide a Class I price determined by a stated Class I differential added to a basic formula price, subject to adjustments based on the supply-demand adjustment factor effective under the Chicago order. This would replace the present direct tie to the Chicago order Class I price but would maintain the same price levels.

The monthly average price received by farmers for manufacturing grade milk in Minnesota and Wisconsin as published by the Department on about the fifth day following the month (adjusted to a 3.5 percent butterfat basis) should be the basic formula price from which the Class I milk prices are computed in the four Iowa orders. This is the same basic formula price as that used in the Chicago order Class I price computation to which the Class I prices of the Iowa markets are now linked.

Official notice is taken of the description of the Minnesota-Wisconsin price series for manufacturing grade milk contained in a decision to amend the Chicago order issued by the Assistant Secretary, August 4, 1961 (26 F.R. 7134). This series reflects price information in each of the two states weighted by the proportion of manufacturing grade milk in each state. It is based on a large sample of plants located in a large area of predominantly manufacturing grade milk production. Approximately 50 percent of the total manufacturing grade milk sold off farms in the United States is produced in these two states. In Minnesota about 75 percent and in Wisconsin about 65 percent of the milk sold off farms is manufacturing grade milk. This price series is determined by competitive conditions which are affected by demand in all the major areas of manufactured dairy products. Consequently, no company or group of companies can influence significantly the level of such prices.

The manufacturing grade milk price for the two-state area is reported by the Department at the average butterfat test of the milk received. A method for adjusting the price to a 3.5 percent butterfat basis must be adopted for the orders because the Class I prices are announced on this basis. For this purpose a generally recognized butterfat value, 0.12 times the average wholesale price for 92-score butter at Chicago, should be used. This method of adjustment is employed under the Chicago order to adjust the basic formula price and is commonly used under most of the other Federal milk orders for this purpose.

The Class I prices under these orders now are the Chicago order Class I price, adjusted by the supply-demand adjustment under that order, plus a differential of 15 cents in the Cedar Rapids-Iowa City and North Central Iowa orders, 20 cents in the Quad Cities-Dubuque order and 35 cents in the Des Moines order.

Handlers proposed that each of the four orders be amended to provide independent formulas for computing Class I prices in view of possible action on the Chicago order which, under present provisions, would automatically change Class I prices in these orders. A recommended decision on proposed amendments to the Chicago milk order issued May 26, 1964, would increase that order's stated Class I price by 10 cents.

Handlers unanimously proposed that the present Class I price levels in the four orders be maintained. Producer

associations testified that the effect of any upward revision of the Chicago price should be reflected in the Class I prices of the four Iowa orders in order to increase the blend prices to producers.

There is no basis for increasing the Class I prices of the four Iowa orders under the requirements of the Agricultural Marketing Agreement Act of 1937, the statutory authority under which milk marketing orders are issued. This Act requires that prices be established at a level that will tend to obtain an adequate supply of milk to meet the fluid needs of the market plus a necessary reserve for fluctuations in demand. There is no indication that the supplies in the four markets are inadequate or tending to become inadequate. Handler representatives testified that they had no difficulty recently in obtaining an adequate supply of milk to meet the fluid needs of the markets. Cooperative association representatives conceded that adequate supplies of milk were available to each of the four markets.

In 1963, 65 percent of producer receipts was used in Class I in the Quad Cities-Dubuque market compared to 66 percent in 1962. In the first six months of 1964 Class I utilization at 65 percent was up six percent from the same period a year earlier. In the Cedar Rapids-Iowa City market, 59 percent of producer milk was used in Class I during 1962 and 62 percent in 1963. In the first six months of 1964 Class I utilization was 56 percent, down one percent from the same period in 1963. Of producer receipts in the North Central Iowa order, 82 percent was used in Class I in 1962 compared to 87 percent in 1963. In the first half of 1964, 90 percent of producer receipts was in fluid uses, an increase of seven percent from the same period a year earlier. In the Des Moines market, Class I uses represented 76 percent of producer receipts in 1962, 75 percent in 1963 and 69 percent in the first half of 1964. The 69 percent is a decrease of four percent from the corresponding period a year earlier.

While recently Class I utilization of producer milk in two of these Iowa markets has increased, in the other two markets it dropped below the percentage used in Class I in the corresponding period last year. Because of the general availability of reserve supplies in the area to all markets, the adequacy of supplies for these markets must be considered on an overall four-market basis. There was no suggestion that the Class I prices in these four markets be considered on an individual basis.

The reserve supply of milk for the four markets is adequate to meet the current and prospective fluid needs of the markets as indicated by the percentages of total receipts from producers used in Class I. In 1963, 73 percent of producer milk receipts in these four markets was used in Class I, only one percent higher than the 72 percent so utilized in 1962. During the first six months of 1964, 70 percent of producer milk in these Iowa markets was used for Class I purposes compared with 69 percent in Class I uses in the corresponding period a year earlier.

Incorporation of separate pricing provisions in these orders under consideration should be made effective as soon as possible. Regardless of whatever action may be taken on the Chicago order, separate Class I price provisions should be adopted in the Iowa markets. This will more effectively accommodate the operation of each order on an independent basis. The pricing formulas proposed herein will provide such independent pricing but will maintain present price levels by incorporating the effect of the supply-demand adjustment under the Chicago order.

The fluid differentials specified in each order are:

Order	August-November	March-June	Other months
Quad Cities-Dubuque	$1.30	$0.90	$1.10
Cedar Rapids-Iowa City	1.25	.85	1.05
North Central Iowa	1.25	.85	1.05
Des Moines	1.45	1.05	1.25

Conforming changes are made in provisions of each of the orders which refer to the pricing provisions in order to relate them to the revised pricing provisions. In the Quad Cities-Dubuque order, § 1063.52(a) is rewritten to correct an inadvertent omission by the order amendments issued July 22, 1964 (29 F.R. 10901), which became effective August 1, 1964.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders as amended regulating the handling of milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa and Des Moines marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

PART 1063—MILK IN THE QUAD CITIES-DUBUQUE MARKETING AREA

1. In § 1063.22(j)(1) the reference "§ 1063.50(a)" is revised to read "§ 1063.50(b)" and the reference "§ 1063.50(b)" is revised to read "§ 1063.50(c)".

2. In § 1063.50, paragraph (b) is redesignated paragraph (c) and the introductory text and the present paragraph (a) are revised to read as follows:

§ 1063.50 Basic formula and class prices.

Subject to the provisions of §§ 1063.51 and 1063.52 the basic formula and class prices per hundredweight for the month shall be as follows:

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula price shall be rounded to the nearest cent.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.30 August through November, $0.90 March through June and $1.10 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, two cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio.

* * * * *

3. Section 1063.52(a) is revised to read as follows:

§ 1063.52 Location differentials to handlers.

(a) For milk received from producers at a pool plant and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1063.52(b) shall be reduced as follows:

(1) At a plant in Dubuque and Jackson Counties, Iowa, and East Dubuque, Illinois, by 10 cents; and

(2) At a plant located outside the marketing area and 70 miles or more from the City Hall, Rock Island, Illinois, by the shortest hard-surfaced highway distance as determined by the market administrator, at the rate set forth in the following schedule:

Distance from the Rock Island City Hall (miles):	*Rate per hundredweight (cents)*
70 but less than 80	10.0
For each additional 10 miles or fraction thereof an additional	1.5

* * * * *

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

1. In § 1070.22(j)(1) the reference "1070.50(a)" is revised to read "§ 1070.50(b)" and the reference "1070.50(b)" is revised to read "§ 1070.50(c)".

2. In § 1070.50, paragraph (b) is redesignated paragraph (c) and the introductory text and the present paragraph (a) are revised to read as follows:

§ 1070.50 Basic formula and class prices.

Subject to the provisions of §§ 1070.51 and 1070.52 the basic formula and class prices per hundredweight for the month shall be as follows:

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula price shall be rounded to the nearest cent.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.25 August through November, $0.85 March through June and $1.05 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, two cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio.

* * * * *

3. In § 1070.52(a) the reference to "§ 1070.50(a)" is revised to read "§ 1070.50(b)".

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

1. In § 1078.22(j)(1) the reference "1078.50(a)" is revised to read "1078.50(b)" and the reference "1078.50(b)" is revised to read "1078.50(c)".

2. In § 1078.50, paragraph (b) is redesignated paragraph (c) and the introductory text and the present paragraph (a) are revised to read as follows:

§ 1078.50 Basic formula and class prices.

Subject to the provisions of §§ 1078.51 and 1078.52 the basic formula and class prices per hundredweight for the month shall be as follows:

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula price shall be rounded to the nearest cent.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.25 August through November, $0.85 March through June and $1.05 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, two cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further,* That for milk received from producers at a pool plant north of the base zone the price otherwise applicable pursuant to this paragraph shall be reduced five cents.

* * * * *

3. In § 1078.52 the reference to "§ 1078.50(a)" is revised to read "§ 1078.50(b)".

PART 1079—MILK IN DES MOINES MARKETING AREA

1. In § 1079.27(j)(1) the reference "§ 1079.50(a)" is revised to read "§ 1079.50(b)" and the reference "§ 1079.50(b)" is revised to read "§ 1079.50(c)".

2. In § 1079.50, paragraph (b) is redesignated paragraph (c) and the introductory text and the present paragraph (a) are revised to read as follows:

§ 1079.50 Basic formula and class prices.

Subject to the provisions of §§ 1079.51 and 1079.52 the basic formula and class price per hundredweight for the month shall be as follows:

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the Department for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent at the rate of the Chicago butter price times 0.12. The basic formula price shall be rounded to the nearest cent.

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.45 August through November, $1.05 March through June and $1.25 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, two cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 10 cents because of such adjusted supply-demand ratio: *And provided further,* That for milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 10 cents.

* * * * *

3. In § 1079.52(a) the reference to "§ 1079.50" is revised to read "§ 1079.50(b)".

Signed at Washington, D.C., on October 9, 1964.

CLARENCE H. GIRARD,
Deputy Administrator.

[F.R. Doc. 64-10453; Filed, Oct. 13, 1964; 8:48 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 723]

CIGAR-FILLER TOBACCO

Proposed Farm Acreage Allotments and Normal Yields for 1965-66 Marketing Year

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), hereinafter referred to as the "Act", regulations are being prepared to govern the establishment of farm acreage allotments and normal yields for the 1965 crop of cigar-filler (type 41) tobacco.

Section 301(b)(15) of the Act includes only type 41 tobacco in the definition of cigar-filler tobacco. Producers of cigar-filler (type 41) tobacco disapproved marketing quotas for such kind of tobacco for the three marketing years beginning October 1, 1962 (27 F.R. 2679) and previously thereto had disapproved marketing quotas for three successive years subsequent to 1952 (18 F.R. 8474, 19 F.R. 9365, 21 F.R. 667). Hence, pursuant to the provisions of section 312 of the Act no acreage allotments and marketing quotas were determined for such kind of tobacco for the 1963 and 1964 crops of such kind of tobacco. Pursuant to section 312 of the Act, the Secretary is required to proclaim not later than February 1, 1965 a quota for such kind of tobacco for each of the three marketing years beginning October 1, 1965, and hold a referendum of farmers who were engaged in the production of such kind of tobacco in 1964 to see whether such farmers favor or oppose marketing quotas. Under section 313 of the Act quotas

announced by the Secretary will be apportioned among the States, converted into State acreage allotments and allotted to farms (tobacco classified as type 41 tobacco is grown only in Pennsylvania).

It is contemplated that the regulations for cigar-filler (type 41) tobacco will be similar to those issued for such kind of tobacco for the 1962–63 marketing year (26 F.R. 6411, 6622, 7693, 10503) except that the following provisions are contemplated:

1. The preliminary allotment for a farm will be based on the larger of (a) the harvested acreage for the three preceding years (1962–64), or (b) the average of the harvested acreage for the base period (1960–64). Acreage allotments were determined for the 1962 crop year for farms producing type 41 tobacco and, although quotas were disapproved in a referendum (27 F.R. 2679), 1962 allotments remained in effect. Therefore, pursuant to the provisions in section 377 of the Act, an allotment established for the 1962 crop year shall be preserved as history acreage if at least 75 percent of such allotment was planted. Also, in accordance with the provisions in section 313(g) of the Act, any acreage of tobacco harvested in excess of the 1962 farm acreage allotment is not to be taken into account in establishing State and farm acreage allotments for the 1965 crop year.

2. The applicant for a new farm allotment be the owner as well as the operator of the farm covered by the application.

3. A farm which includes land acquired by an agency having the right of eminent domain for which the entire tobacco allotment was pooled pursuant to Part 719 of this Chapter and which is subsequently returned to agricultural production, shall not be eligible for a new farm tobacco allotment for a period equal to the five-year base period used in determining old farm tobacco allotments from the date the former owner is displaced.

Allotments determined under the regulations will remain in effect for the 1965 crop year whether or not marketing quotas are approved in the referendum.

Prior to the final adoption and issuance of these regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Farmer Programs Division, ASCS, USDA, Washington, D.C., 20250. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in the manner convenient to the public business (7 CFR 1.27 (b)). All submissions must be postmarked not later than 15 days after the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Signed at Washington, D.C., on October 8, 1964.

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

[F.R. Doc. 64–10459; Filed, Oct. 13, 1964; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 73 [New]]

[Airspace Docket No. 63–LAX–3]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 73 [New] of the Federal Aviation Regulations which would alter the Restricted Area/Military Climb Corridor R–2526 at Victorville (George AFB), Calif.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will also be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

In order to implement criteria developed jointly by the Federal Aviation Agency and the U.S. Air Force for military climb corridors, the FAA proposes to redesignate R–2526 to read as follows:

Boundaries. The area centered on a line beginning at latitude 34°33'32" N., longitude 117°24'55" W. (two nautical miles southwest of the lift off end of Runway 21) and extending via the True bearing of 235° to a point 24 nautical miles southwest, having a width of one nautical mile at the beginning and expanding uniformly to a width of six nautical miles at the outer extremity.

Designated altitudes:

Surface to 20,000 feet MSL from the point of beginning to one nautical mile southwest.

4,000 feet MSL to 23,000 feet MSL from one nautical mile to two nautical miles southwest of the point of beginning.

5,000 feet MSL to 23,000 feet MSL from two nautical miles to three nautical miles southwest of the point of beginning.

6,000 feet MSL to 23,000 feet MSL from three nautical miles to five nautical miles southwest of the point of beginning.

8,000 feet MSL to 23,000 feet MSL from five nautical miles to seven nautical miles southwest of the point of beginning.

10,000 feet MSL to 23,000 feet MSL from seven nautical miles to eight nautical miles southwest of the point of beginning.

11,000 feet MSL to 23,000 feet MSL from eight nautical miles to nine nautical miles southwest of the point of beginning.

12,000 feet MSL to 23,000 feet MSL from nine nautical miles to ten nautical miles southwest of the point of beginning.

13,000 feet MSL to 23,000 feet MSL from ten nautical miles to eleven nautical miles southwest of the point of beginning.

14,000 feet MSL to 23,000 feet MSL from 11 nautical miles to 12 nautical miles southwest of the point of beginning.

15,000 feet MSL to 23,000 feet MSL from 12 nautical miles to 13 nautical miles southwest of the point of beginning.

16,000 feet MSL to 23,000 feet MSL from 13 nautical miles to 14 nautical miles southwest of the point of beginning.

17,000 feet MSL to 23,000 feet MSL from 14 nautical miles to 15 nautical miles southwest of the point of beginning.

17,600 feet MSL to 23,000 feet MSL from 15 nautical miles to 16 nautical miles southwest of the point of beginning.

18,200 feet MSL to 23,000 feet MSL from 16 nautical miles to 17 nautical miles southwest of the point of beginning.

18,800 feet MSL to 23,000 feet MSL from 17 nautical miles to 18 nautical miles southwest of the point of beginning.

19,400 feet MSL to 23,000 feet MSL from 18 nautical miles to 19 nautical miles southwest of the point of beginning.

20,000 feet MSL to 23,000 feet MSL from 19 nautical miles to 24 nautical miles southwest of the point of beginning.

Time of designation. Continuous.

Controlling Agency. Federal Aviation Agency, Edwards Approach Control.

Using Agency. Commander, George AFB, California.

This amendment is proposed under Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on October 7, 1964.

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

[F.R. Doc. 64–10418; Filed, Oct. 13, 1964; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 6016]

AIRWORTHINESS DIRECTIVE

Boeing Models 707 and 720 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Boeing Models 707 and 720 Series aircraft. Notice of proposed rule making published in 29 F.R. 7606, required inspection and modification of the fin-body terminal attachment bolts. In view of the comments received and as a result of recent investigation, it has been determined that the bolt removal is necessary in order to provide a more positive means of determining whether or not a bolt has failed. Therefore the original proposal is hereby withdrawn, and a new airworthiness directive is proposed to require the removal of the bolt.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before November 12, 1964, will be considered by the Administrator before taking action upon the proposed rule. The

proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

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

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

BOEING. Applies to Models 707 and 720 Series aircraft noted in Boeing Service Bulletin No. 1975(R-1).

Compliance required as indicated.

During inspection of a 720 Series aircraft, the four MS type bolts and several other lock bolts which attach the fin-body terminal fitting to the body Station 1505 bulkhead were found sheared. As a result of these failures, the following or an equivalent approved by the Aircraft Engineering Division, FAA Western Region, shall be accomplished:

(a) Unless accomplished within the last 1,800 hours' time in service before the effective date of this AD, within the next 600 hours' time in service after the effective date of this AD, and thereafter at periods not to exceed 2,400 hours' time in service from the last inspection, remove any one of the four internal wrenching bolts MS 20005 or MS 20006 which attach each fin-body terminal fitting to body Station 1505 bulkhead and visually inspect the bolt for cracks, corrosion, or decrease in diameter.

(b) If corrosion is found on the bolt, remove the remaining three MS 20005 or MS 20006 bolts and visually inspect the bolts for cracks or decrease in diameter.

(c) If no corrosion is found on the bolt, check the remaining three bolts for the correct torque value of 130–180 inch-pounds. If any of the MS type bolts are found torqued improperly, torque the bolts to 130–180 inch-pounds.

(d) If any of the four MS type bolts are failed, inspect the remaining fasteners securing the fin-body terminal fitting to the body Station 1505 bulkhead for looseness by tapping or torquing.

(e) If, as a result of the inspections required by paragraphs (a), (b), (c), or (d), any of the fasteners are found failed, loose, corroded, or less than the manufacturer's minimum tolerance for the fastener, replace the fastener in accordance with the instructions in the applicable FAA-approved Structural Repair Manual or Boeing Service Bulletin No. 1975(R-1) or later FAA-approved revisions, before further flight.

(f) Within the next 6,000 hours' time in service after the effective date of this AD, accomplish the modification specified in Boeing Service Bulletin No. 1975(R-1) or later FAA-approved revisions.

(g) When the modification required by paragraph (f) is accomplished, the inspections and torquing of bolts required by paragraphs (a), (b), (c), and (d) may be discontinued.

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

(Boeing Service Bulletin No. 1975(R-1) covers this same subject.)

Issued in Washington, D.C., on October 7, 1964.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-10419; Filed, Oct. 13, 1964; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 6242]

AIRWORTHINESS DIRECTIVE

Boeing Models 707 and 720 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Boeing Models 707 and 720 Series aircraft. Several instances of cracks have occurred in the aft elevator control quadrant, around the upper two bolts which attach the quadrant to the elevator control torque tube. To correct this condition, this AD requires inspection of the elevator control quadrant and replacement if any cracks are found.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before November 12, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

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

BOEING. Applies to the Models 707 and 720 aircraft with the serial numbers listed in Boeing Service Bulletin No. 2029.

Compliance required as indicated.

Cracks have recently been discovered on two airplanes in the aft elevator control quadrant, P/N 50-3119, around the upper two bolts, P/N NAS 1105, which attach the quadrant to the elevator control torque tube. In both instances, Boeing Service Bulletin No. 1259 had not been accomplished, and an interference fit existed between the quadrant and torque tube. As a result of these cracks, the following or an equivalent approved by the Aircraft Engineering Division, FAA Western Region, shall be accomplished:

(a) Within the next 600 hours' time in service after the effective date of this AD, unless already accomplished within the last 600 hours' time in service, and thereafter at periods not to exceed 1,200 hours' time in service from the last inspection, inspect by eddy current or fluorescent dye penetrant the aft elevator quadrant, P/N 50-3119, in accordance with paragraph 3.c. of Service Bulletin No. 2029 or later FAA-approved revisions for evidence of cracks in the upper hub and in the vicinity of the two upper bolts which attach the quadrant to the elevator control torque tube.

(b) If a crack is found, replace the elevator control quadrant with one of the same part number before further flight. The inspections in (a) also apply to the replacement part.

(c) Within the next 6,000 hours' time in service after the effective date of this AD, accomplish rework and dimensional checks in accordance with paragraph 3 of Boeing Service Bulletin 2029 or later FAA approved revisions.

(d) When the rework and dimensional checks required by (c) are accomplished, the repetitive inspections specified in (a) may be discontinued.

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

(Boeing Service Bulletin No. 2029 covers this same subject.)

Issued in Washington, D.C., on October 7, 1964.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-10420; Filed, Oct. 13, 1964; 8:45 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 6241]

AIRWORTHINESS DIRECTIVE

Lockheed Models 188A/188C Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for Lockheed Models 188A and 188C Series aircraft. Several instances of cracks have occurred in the nose landing gear steering housing, one of which resulted in total failure of the housing. To correct this condition, this AD requires inspection of the nose landing gear steering housing and replacement of any parts found cracked.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before November 12, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may

be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

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

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

LOCKHEED. Applies to Models 188A and 188C Series aircraft.

Compliance required as indicated.

There have been a number of cases of cracking of the noise landing gear steering housing, P/N 800905–1. One of these cracks has resulted in a total failure, allowing the nose gear to rotate 90 degrees to the direction of landing roll. To correct this condition, accomplish the following:

(a) For aircraft with 8,000 or more landings as of the effective date of this AD, unless already accomplished within 1,800 landings prior to the effective date of this AD, comply with paragraph (c) within the next 600 landings after the effective date of this AD, and thereafter at intervals not to exceed 2,400 landings.

(b) For aircraft with less than 8,000 landings as of the effective date of this AD, comply with paragraph (c) prior to the accumulation of 8,600 landings, and thereafter at intervals not to exceed 2,400 landings.

(c) Inspect the four 1/8–12 UNS–3A screw threads on both sides of the P/N 800905 steering housing for cracks using the dye penetrant procedure outlined in Lockheed Alert Service Bulletin 88/SB–576B or with an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region. Gain access to the screw threads by accomplishing the instructions of Sections 2.A through 2.D of Lockheed Alert Service Bulletin 88/SB–576, Revision No. 1.

(d) Replace any cracked steering housings detected during the inspection of paragraph (c) before further flight (except that the aircraft may be ferried in accordance with the provisions of CAR 1.76 to the base at which the repairs are to be accomplished) in accordance with the instructions of Sections 2.G through 2.K of Lockheed Alert Service Bulletin 88/SB–576 Revision No. 1, with a new steering housing P/N 800905–1 or with a new improved steering housing P/N 800905–101. If P/N 800905–101 is used, replace the two retaining nuts P/N 801429–1 with two new improved retaining nuts P/N 801429–101.

(e) If a housing is replaced with a new housing of the same part number or had been replaced prior to the effective date of this AD, accomplish the next inspection in accordance with paragraph (c) within 8,600 landings after that replacement and at periodic intervals thereafter not to exceed 2,400 landings.

(f) The periodic inspections in paragraphs (a), (b), and (e) may be discontinued when housing P/N 800905–1 is replaced by P/N 800905–101 and retaining nut P/N 801429–1 is replaced by P/N 801429–101.

(g) In order to ascertain compliance with this AD, where past records of landings are unavailable, operators may estimate the number of landings prior to the effective date of this AD by substituting two landings for each hour of time in service. Those operators desiring to ascertain compliance with this AD on the basis of hours' time in service, may replace the number of landings required in paragraphs (a), (b), and (e) with one hour of time in service for every two landings.

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

(Lockheed Alert Service Bulletins 88/SB–576 Revision No. 1 dated April 8, 1963, and 88/SB–576B dated March 17, 1964, cover this same subject.)

Issued in Washington, D.C., on October 7, 1964.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–10421; Filed, Oct. 13, 1964; 8:45 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 335]

SECURITIES OF INSURED STATE NONMEMBER BANKS

Extension of Time for Filing Comments

The FEDERAL REGISTER of August 26, 1964, page 12116 et seq., and the FEDERAL REGISTER of September 17, 1964, page 13042 et seq., contain notices of proposed rule making and set forth a proposed new Part 335 of the Federal Deposit Insurance Corporation's rules and regulations [12 CFR Part 301 et seq.] which the Board of Directors of the Federal Deposit Insurance Corporation is considering adopting pursuant to the provisions of Public Law 88–467 of the 88th Congress, 2d session, approved August 20, 1964.

The proposed rules relate to the issuance of securities by insured banks which are not members of the Federal Reserve System. The notice of proposed rule making published in the FEDERAL REGISTER of August 26, 1964, invited any relevant data, views or arguments relating to the proposed rules from interested persons for consideration by the Board of Directors of the Federal Deposit Insurance Corporation, such data, views or arguments to be submitted by September 21, 1964. The notice of proposed rule making published in the FEDERAL REGISTER of September 17, 1964, invited any such material relating to the proposed rules published therewith to be submitted not later than October 21, 1964. By notice in the FEDERAL REGISTER of September 30, 1964, the time within which interested persons may submit any relevant data, views or arguments with respect to the proposed rules published in the FEDERAL REGISTER of August 26, 1964, was extended to October 21, 1964. The time within which interested persons may submit any relevant data, views or arguments with respect to the proposed rules published in the FEDERAL REGISTER of August 26, 1964, and September 17, 1964, has been extended to November 23, 1964.

Dated this 8th day of October 1964.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 64–10407; Filed, Oct. 13, 1964; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 31]

FRUIT-FLAVORED NONCARBONATED BEVERAGES

Extension of Time for Filing Comments on Proposed Definition and Standard of Identity

In the matter of establishing a definition and standard of identity for fruit-flavored noncarbonated beverages:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of August 13, 1964 (29 F.R. 11627), and granted a period of 60 days for the filing of comments. The Commissioner of Food and Drugs has received a request for an extension of this time. Good reason therefor appearing, the time for filing comments in this matter is extended to December 1, 1964.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471).

Dated: October 7, 1964.

WINTON B. RANKIN,
Assistant Commissioner for Planning.

[F.R. Doc. 64–10449; Filed, Oct. 13, 1964; 8:48 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

INDIANA, LOUISIANA, SOUTH CAROLINA AND WISCONSIN

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties and parishes in the States of Indiana, Louisiana, South Carolina and Wisconsin natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

INDIANA

Cass.	Lawrence.
Clark.	Martin.
Crawford.	Miami.
Dubois.	Morgan.
Elkhart.	Orange.
Floyd.	Parke.
Fountain.	Perry.
Fulton.	Posey.
Gibson.	Scott.
Grant.	Spencer.
Harrison.	Steuben.
Hendricks.	Vanderburgh.
Howard.	Vermillion.
Jackson.	Warrick.
LaGrange.	Washington.

LOUISIANA

Acadia.	Plaquemines.
Allen.	Pointe Coupee.
Ascension.	Rapides.
Assumption.	St. Bernard.
Avoyelles.	St. Charles.
Calcasieu.	St. Helena.
Cameron.	St. James.
East Baton Rouge.	St. John the Baptist.
East Feliciana.	St. Landry.
Evangeline.	St. Martin.
Iberia.	St. Mary.
Iberville.	St. Tammany.
Jefferson.	Tangipahoa.
Jefferson Davis.	Terrebonne.
Lafayette.	Vermilion.
Lafourche.	Washington.
Livingston.	West Baton Rouge.
Orleans.	West Feliciana.

SOUTH CAROLINA

Colleton.

WISCONSIN

Barron.	Price.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Indiana and Louisiana counties and parishes after December 31, 1965, or in the above-named South Carolina and Wisconsin counties after June 30, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 9th day of October 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-10461; Filed, Oct. 13, 1964; 8:48 a.m.]

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority AFR 48]

ASSISTANT ADMINISTRATOR FOR AFRICA

Delegation of Authority

1. Pursuant to the Foreign Assistance Act of 1961, as amended, and to the authority vested in the Administrator of the Agency for International Development under Delegation of Authority No. 104 from the Secretary of State, dated November 3, 1961, as amended, I hereby delegate to the Assistant Administrator for Africa authority to authorize the Director of USAID/Liberia to exercise the authorities described in § 206.5 (a) and (d)(2) of Regulation 6 with respect to the host country contract for construction of 20 rural schools. The amount of $420,000 has been subobligated to this project under PIO/T No. 669-M-99-AA-3-30164.

2. This authority may not be redelegated.

3. This delegation of authority shall be effective immediately.

DAVID E. BELL,
Administrator.

[F.R. Doc. 64-10429; Filed, Oct. 13, 1964; 8:47 a.m.]

[Delegation of Authority AFR 49]

ASSISTANT ADMINISTRATOR, BUREAU FOR AFRICA

Delegation of Authority

1. Pursuant to the Foreign Assistance Act of 1961, as amended, and to the authority vested in the Administrator of the Agency for International Development under Delegation of Authority No. 104 from the Secretary of State, dated November 3, 1961, as amended, I hereby delegate to the Assistant Administrator, Bureau for Africa, authority to authorize the American Ambassador to Niger to exercise the authorities described in § 206.5(a)(2) and § 206.5(d)(2) of Regulation 6 with respect to the host country contract for construction of an extension of the Kolo Agricultural School.

2. This authority may not be redelegated.

3. This delegation of authority shall be effective immediately.

DAVID E. BELL,
Administrator.

[F.R. Doc. 64-10430; Filed, Oct. 13, 1964; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1964 Rev. Supp. 8]

INDIANA INSURANCE CO.

Surety Company Acceptable on Federal Bonds

OCTOBER 8, 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 $716,000.00 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

INDIANA

Indiana Insurance Co., Indianapolis, Ind.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64-10438; Filed, Oct. 13, 1964; 8:47 a.m.]

[Dept. Circ. 570, 1964 Rev. Supp. 9]

OLYMPIC INSURANCE CO.

Surety Company Acceptable on Federal Bonds

OCTOBER 9, 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 $1,182,000.00 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

CALIFORNIA

Olympic Insurance Co., Los Angeles, Calif.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 64–10439; Filed, Oct. 13, 1964; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ANNA DANZER ET AL.

Notice of Intention To Return Vested Property

Pursuant to the Agreement entitled "Agreement Between the United States of America and the Republic of Austria Regarding the Return of Austrian Property, Rights, and Interests" which was signed at Washington on January 30, 1959 and ratified by the United States on March 4, 1964, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Anna Danzer, 27 Wienerstrasse, Muerzzuschlag, Steiermark, Austria; Claim No. 11781; $486.12 in the Treasury of the United States.

Dr. Karl Duerrigl, Baumgartenstrasse 58, Vienna XIV, Austria; Claim No. 28558; $100.00 in the Treasury of the United States.

Dr. Wolfgang Czernin, Graf Starhembergasse 6, Vienna 4, Austria; Claim No. 36390; $8,261.93 in the Treasury of the United States.

Hugo Schilling, Brueszlgasse 24/11, Vienna XVI, Austria, $1,287.43 in the Treasury of the United States; and Brigitte Kreuzbauer, Walterstrasse 14, Linz/Donau, Austria, $122.97 in the Treasury of the United States; and Anna Maria Fuerst, Hamerlingplatz 7, Vienna VIII, Austria, $122.97 in the Treasury of the United States; and Hilda Valek-Brückl, Straussengasse 13/7, Vienna V, Austria, Claim No. 36779; $1,222.83 in the Treasury of the United States.

Ernst Woseczek, Hietzinger Hauptstrasse 97 Tür 4, Vienna 89/13, Austria; Claim No. 37806; $110.31 in the Treasury of the United States.

Hubert Seblatnigg, Leonhard von Keutschachstrasse 51, Salzburg, Austria; Claim No. 37868; $1,639.04 in the Treasury of the United States.

Emanuel Gruda, Mareschgasse 14/6, Vienna XV, Austria; Claim No. 41257; $1,030.66 in the Treasury of the United States.

Maria Jauernig, Franz Keimgasse 17, Maria Enzersdorf am Gebrige, Lower Austria; Claim No. 41259; $1,030.66 in the Treasury of the United States.

Karl Juran, Roseggergasse 17/19, Vienna XVI, Austria; Claim No. 41973; $442.68 in the Treasury of the United States.

Barbara Rindler, Mittergasse 4, Saalfelden, Salzburg, Austria; Claim No. 42074; $871.88 in the Treasury of the United States.

Anton Selner, Barichgasse 36, Vienna III, Austria; Claims Nos. 42524 and 42930; $250.00 in the Treasury of the United States.

Elisabeth Winkelmayer, Landgrafenstrasse 52, 638 Bad Homburg v.d.H., Germany; Claim No. 42556; $9,097.50 in the Treasury of the United States.

Maria Dittrich, Langegasse 9/10, Vienna VIII, Austria; Claim No. 42609; $1,395.44 in the Treasury of the United States.

District Government Gmunden, Public Welfare Branch, Gmunden, Esplanade 10, Upper Austria; Claim No. 44962; $85.70 in the Treasury of the United States.

Willibald Kastner, Guardian of Hedwig Koeroessigi, Stiftgasse 15–17, Vienna VII, Austria; Claim No. 44983; $442.81 in the Treasury of the United States.

Antonia Slaby, Kogl No. 7, Post Siegharts-kirchen, Lower Austria; Claim No. 44999; $2,200.04 in the Treasury of the United States.

Cyprian Rindler, Zwenberg Nr. 8, Post Penk/Carinthia, Austria; Claim No. 45019; $871.88 in the Treasury of the United States.

Theodor Seewan and Edith Seewan, 1904 West Main, Houston 6, Texas; Claim No. 59412; $256.17 in the Treasury of the United States.

Ernst Graf, Hauptstrasse 187, St. Margarethen, Burgenland, Austria; Claim No. 59647; $161.16 in the Treasury of the United States.

Dr. Sigmund Frauendorfer, Linke Wienzeile 56/25, Vienna VI, Austria; Claim No. 60939; $1,011.06 in the Treasury of the United States.

Lionel Strongfort, Hellbrunner Allee 65, Salzburg-Hellbrunn, Austria; Claim No. 62364; $3,174.50 in the Treasury of the United States.

Dr. techn.Ing. Franz Hoffmann Post: Steeg am Hallstättersee, Bad Goisern, Au 15, Austria; Claim No. 66527; $143.19 in the Treasury of the United States.

Dr. Gustav Weissenberg, Bergstrasse 28, 633 Wetzlar, Germany; Claim No. 66626; $217.75 in the Treasury of the United States.

Ludwig Masch, Neugebäudestrasse 57, Vienna XI, Austria; Claim No. 66994; $44.68 in the Treasury of the United States.

Executed at Washington, D.C., on October 7, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 64–10404; Filed, Oct. 13, 1964; 8:45 a.m.]

ABRAHAM FRAENKEL

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Professor Abraham Fraenkel, Hebrew University of Jerusalem, Jerusalem, Israel; Claim No. 39548; Vesting Order No. 500A–101; $262.13 in the Treasury of the United States.

Executed at Washington, D.C., on October 7, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 64–10405; Filed, Oct. 13, 1964; 8:45 a.m.]

JOSEF HOLZMAYR ET AL.

Amended Notice of Intention To Return Vested Property

The Notice of Intention to Return Vested Property to Josef Holzmayr, et al., which was published in the FEDERAL REGISTER on September 30, 1964 (29 F.R. 13511), is hereby amended by deleting therefrom the following:

"Walter Exner, Frankenbergerstrasse 12, 3559 Frankenau, Germany; Claim No. 40089; $255.06 in the Treasury of the United States."

and substituting in place thereof the following:

"Walter Exner, Frankenbergerstrasse 12, 3559 Frankenau, Germany; Claim No. 40089; $167.76 in the Treasury of the United States.

"Mrs. Edith Schmaelz, Speisingerstrasse 222, Vienna XXIII, Austria; Claim No. 40089; $87.30 in the Treasury of the United States."

All other provisions of said Notice of Intention to Return Vested Property and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto, and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D.C., on October 8, 1964.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 64–10406; Filed, Oct. 13, 1964; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 42]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through October 5, 1964, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

Flag of Registry and Name of Ship	Gross tonnage
Total all flags—(246 ships)	1,784,663
British (85 ships)	672,854
Amalia	7,189
Amazon River	7,234
Ardenode	7,036
Ardgem	6,981
Ardmore	4,664
Ardpatrick	7,054
Ardrowan	7,300
Ardsirod	7,025
**Arlington Court (now Southgate—British flag).	
Athelcrown (Tanker)	11,149
Athelduke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
Athelsultan (Tanker)	9,149
Avisfaith	7,868
Baxtergate	8,813
Canuk Trader	7,151
Cedar Hill	7,156
Chipbee	7,271
**Cosmo Trader (trip to Cuba under ex-name, Ivy Fair—British flag).	
Dairen	4,939
Denmark Hill	7,150
East Breeze	8,708
Eastfortune	8,789
Eirini	7,402
Free Enterprise	6,807
Free Merchant	5,237
Garthdale	7,542
Grosvenor Mariner	7,026
Hazelmoor	7,907
Hemisphere	8,718
Ho Fung	7,121
Inchstaffa	5,255
**Ivy Fair (now Cosmo Trader—British flag)	7,201
Kinross	5,388
**Kirriemoor (now Jhelum—Pakistani flag)	5,923
La Hortensia	9,486
Linkmoor	8,236
London Endurance (Tanker)	10,081
London Glory (Tanker)	10,081
London Majesty (Tanker)	12,132
London Pride (Tanker)	10,776
London Spirit (Tanker)	10,176
London Splendour (Tanker)	16,195
London Valour (Tanker)	16,268
Maple Hill	7,139
Maratha Enterprise	7,166
Muswell Hill	7,131
Nancy Dee	6,597
Newdene	7,181
Newforest	7,185
Newgate	6,743
Newglade	7,368
Newgrove	7,172
Newheath	5,891
Newhill	7,855
Newlane	7,043
Newmeadow	5,654
Oceantramp	6,185
Oceantrave	10,477
Overseas Pioneer (Tanker)	16,267
Peony	9,037
Redbrook	7,388
Ruthy Ann	7,361
*St. Antonio	6,704
Sandsend	7,236
Santa Granda	7,229
Sea Coral	10,421
Sea Empress	10,074
Shienfoon	7,127
Shun Fung	7,148
Soclyve	7,291
**Southgate (previous trips to Cuba under ex-name, Arlington Court—British flag)	9,662
Stanwear	8,108
Sudbury Hill	7,140
Suva Breeze	4,970
Swift River	7,251
Thames Breeze	7,878
**Timios Stavros (previous trips to Cuba under Greek flag)	5,269
Venice	8,611
Vercharmian	7,265
Vergmont	7,381
West Breeze	8,718
Woldingham Hill	7,113
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Lebanese (57 ships)	381,488
Agia Sophia	3,106
Aiolos II	7,256
Ais Giannis	6,997
Akamas	7,285
Al Amin	7,186
Alaska	6,989
Anthas	7,044
Antonis	6,259
Ares	4,557
Areti	7,176
Aristefs	6,995
Astir	5,324
Athamas	4,729
Carnation	4,884
**Christos (trip to Cuba under ex-name, Pamit—Greek flag)	
Claire	5,411
Cris	6,032
Dimos	7,187
Free Trader	7,067
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
Kalliopi D. Lemos	5,103
Kapetanissa	7,281
Katerina	9,357
Leftric	7,176
Malou	7,145
Mantric	7,255
Marichristina	7,124
Marymark	4,383
Mersinidi	6,782
Mimosa	7,314
Mousse	6,984
Nictric	7,296
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
**Razani (broken up)	7,253
Rio	7,194
St. Anthony	5,349
St. Nicolas	7,165
San George	7,267
San John	5,172
San Spyridon	7,260
Stevo	7,066
Taxiarhis	7,349
Tertric	7,045
Theodoros Lemos	7,198
Theologos	6,529
Toula	4,561
Troyan	7,243
Vassiliki	7,192
Vastric	6,453
Vergolivada	6,339
Yanxilas	10,051
Greek (44 ships)	349,606
Agios Therapon	5,617
Akastos	7,331
Aldebaran (Tanker)	12,897
Alice	7,189
**Ambassade (sold Hong Kong shipbreakers)	8,600
Americana	7,104
Anacreon	7,359
Anatoli	7,178
**Andromachi (previous trips to Cuba under ex-name, Penelope—Greek flag)	6,712
Antonia	5,171
Apollon	9,744
Armathia	7,091
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
Capetan Petros	7,291
**Embassy (broken up)	8,418
Everest	7,031
Flora M	7,244
Galini	7,266
**Gloria (now Helen—Greek flag)	7,128
**Helen (trip to Cuba under ex-name, Gloria—Greek flag).	
Irena	7,232
Istros II	7,275
Kapetan Kostis	5,032
Kyra Hariklia	6,888
Maria Theresa	7,245
Marigo	7,147
Maroudio	7,369
Mastro-Stelios II	7,282
**Nicolaos F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag).	
**Nicolaos Frangistas (now Nicolaos F.—Greek flag)	7,199
**Pamit (now Christos—Lebanese flag)	3,929
Pantanassa	7,131
Paxoi	7,144
**Penelope (now Andromachi—Greek flag).	
Perseus (Tanker)	15,852
**Plate Trader (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag).	
**Presvia (broken up)	10,820
Propontis	7,128
Proteus (Tanker)	16,718
Redestos	5,911
**Seirios (broken up)	7,239
Sirius (Tanker)	16,241
*Sophia	7,030
**Stylianos N. Vlassopulos (now Plate Trader—Greek flag)	7,244
**Timios Stavros (now British flag).	
Tina	7,362
Western Trader	9,268
Polish (13 ships)	87,426
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorzow	7,237
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,175
Huta Zgoda	6,840
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Italian (12 ships)	102,013
Achille	6,950
Agostino Bertani	8,380
Andrea Costa (Tanker)	10,440
Aspromonte	7,154
Giuseppe Giulietti (Tanker)	17,519
Montiron	1,595
Nazareno	7,173
Nino Bixio	8,427
San Francesco	9,284
San Nicola (Tanker)	12,461

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

*Added to Report No. 41, appearing in the FEDERAL REGISTER issue of September 30, 1964.

FLAG OF REGISTRY, NAME OF SHIP—Continued

	Gross tonnage
Italian—Continued	
Santa Lucia	9,278
Somalia	3,352
Yugoslav (7 ships)	49,926
Bar	7,233
Cavtat	7,266
Cetinje	7,200
Dugi Otok	6,997
Mojkovac	7,125
Promina	6,960
**Trebisnjica (Wrecked)	7,145
Spanish (5 ships)	6,193
Escorpion	999
Sierra Andia	1,596
Sierra Aranzazu	1,600
Sierra Madre	999
Sierra Maria	999
French (5 ships)	12,652
Circe	2,874
Enee	1,232
Mungo	4,820
Nelee	2,874
Neve	852
Moroccan (5 ships)	35,828
Atlas	10,392
Banora	3,082
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Norwegian (4 ships)	34,503
Lovdal (Tanker)	12,764
Ole Bratt	5,252
Polyclipper (Tanker)	11,737
**Tine—(now Jezreel—Panamanian flag)	4,750
Swedish (3 ships)	17,123
Amfred	2,828
**Atlantic Friend—(now Atlantic Venture—Liberian flag)	7,805
Dagmar	6,490
Finnish (3 ships)	26,026
Augusta Paulin	7,096
Susan Paulin	7,239
Valny (Tanker)	11,691
Kuwaiti (1 ship):	
Maha	1,392
Cypriot (1 ship):	
Adelphos Petrakis	7,134
Netherlands (1 ship):	
Tempo	499
Liberian:	
**Atlantic Venture (trip to Cuba under ex-name, Atlantic Friend—Swedish flag).	
Panamanian:	
**Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag).	
Pakistani:	
**Jhelum (trip to Cuba under ex-name, Kirriemoor—British flag).	

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:

	Gross tonnage
British (2 ships)	23,397
Overseas Explorer (Tanker)	16,267
Streatham Hill	7,130

b. Previous reports:

Flag of registry:	Number of ships
British	17
Danish	1
French	1
German (West)	1
Greek	16
Italian	5
Japanese	1
Norwegian	2
Spanish	1

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through October 5, 1964:

Flag of registry	Number of trips										
	1963	1964									
		Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Total
British	133	15	7	21	20	18	19	18	17	10	278
Lebanese	64	6	4	13	8	8	10	8	9	7	137
Greek	99	1	5	3		6	1	1	5	2	123
Italian	16	1		1	3	1	4	2	2		30
Norwegian	14	2	1		1	2	1		1		22
Spanish	8		3		3		2	2	2	1	21
Yugoslav	12	1	1	1	1			3		1	20
Moroccan	9		2			2	1	3	1	2	20
French	8				1			2	2		13
Swedish	3						2				5
Finnish	1						1		1		3
Cypriot								1			1
Danish	1										1
German (West)	1										1
Japanese	1										1
Kuwaiti								1			1
Netherlands										1	1
Subtotal	370	26	23	39	37	37	41	41	40	24	678
Polish	18	1	3	1	2		2	1		1	29
Grand total	388	27	26	40	39	37	43	42	40	25	707

NOTE: Trip totals in this section exceed ship totals in Sections 1 and 2 because some of the ships made more than one trip to Cuba.

By order of the Deputy Maritime Administrator.

Dated: October 7, 1964.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64-10431; Filed, Oct. 13, 1964; 8:47 a.m.]

[Trade Route 12]

U.S. ATLANTIC/FAR EAST TRADE ROUTE

Notice of Conclusions and Determinations Regarding Essentiality and United States Flag Service Requirements

Notice is hereby given that on October 7, 1964, the Acting Deputy Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined the essentiality and United States flag service requirements of United States foreign Trade Route No. 12 and ordered that the following conclusions and determinations reached by the Maritime Administrator with respect to said trade route be published in the FEDERAL REGISTER:

1. Trade Route No. 12 as described below is reaffirmed as an essential foreign trade route of the United States:

Trade Route No. 12—U.S. Atlantic/Far East. Between U.S. Atlantic ports (Maine-Atlantic Coast Florida to but not including Key West) and ports in the Far East (Japan, Taiwan, Philippine Islands, and the Continent of Asia from the Union of Soviet Socialist Republics to Thailand, inclusive).

2. Requirements for United States flag operations on Trade Route No. 12 are approximately seven sailings per month serving the route exclusively or predominantly, with some additional regularly scheduled U.S. flag sailings serving the route in conjunction with other services.

3. Existing freight ships of the Mariner type are suitable for long-range operation. Existing C–2 and C–3 type freight ships are suitable for interim operation, pending replacement with faster ships of somewhat greater cargo carrying capacity.

4. Replacement ships should be comparable to "Mariner" type vessels in speed and cargo capacity with provision for the carriage of cargo in containers, liquid cargo in bulk and refrigerated cargo.

Dated: October 8, 1964.

By order of the Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 64–10432; Filed, Oct. 13, 1964; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13777; Order E–21382]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 8th day of October 1964.

Agreements adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket No. 13777, Agreement C.A.B. 17636, R–60.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memorandum TC1/Rates 2044 names an additional specific commodity rate as fololws:

Item 1082, Hatching Eggs.
Rate, 42 cents per kilogram, minimum weight 1,000 kilograms, from New York to Caracas.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That Agreement C.A.B. 17666, R–60, is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 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 action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statement filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–10464; Filed, Oct. 13, 1964; 8:48 a.m.]

[Docket No. 15529]

BAGGAGE LIABILITY RULES CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 17, 1964, at 10 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Milton H. Shapiro.

In order to facilitate conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before November 9, 1964: (1) Proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., October 9, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64–10465; Filed, Oct. 13, 1964; 8:48 a.m.]

[Docket No. 15240]

FLUSHING HARPS FOOTBALL AND SOCIAL CLUB, INC., ET AL.

Notice of Hearing

The Flushing Harps Football and Social Club, Inc., John Stanley Boylan, individually, John Brady, individually, Enforcement Proceedings; Docket No. 15240.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter has been assigned to be held on November 18, 1964, at 10:00 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., October 9, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64–10466; Filed, Oct. 13, 1964; 8:48]

[Docket No. 14784]

SLICK CORP.

Notice of Prehearing Conference

Third-level, door-to-door deferred freight rates proposed by The Slick Corporation, Docket 14784.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 18, 1964, at 10:00 a.m., e.s.t., in Room 607, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., October 9, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64–10467; Filed, Oct. 13, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP65–45]

EL PASO NATURAL GAS CO.

Notice of Application

OCTOBER 6, 1964.

Take notice that on August 10, 1964, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas, 79999, filed in Docket No. CP65–45 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing, for a term continuing through but not later than December 31, 1965, the delivery of natural gas to Pacific Gas and Electric Company (PG&E), on an interruptible, best efforts basis, limited, however, to a quantity during such term not to exceed that quantity which PG&E has paid for in prior years and has been unable to take, but has the right to take without further payment, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application indicates that PG&E has presently paid for 70,147,076 Mcf (14.9 psia) of gas under Rate Schedule G of Applicant's FPC Gas Tariff, Original Volume No. 1. Of this amount, 26,365,612 Mcf is receivable by PG&E through the calendar year 1967 without charge and the remaining 43,781,464 Mcf is receivable by PG&E through the calendar year 1968 without charge. In order to enable PG&E to receive, at least in part, the said quantity of 70,147,076 Mcf on an accelerated basis, Applicant proposes herein to make gas available when requested by PG&E, on an interruptible, best efforts basis, in excess of the daily quantities which Applicant is obligated to deliver to PG&E and to other California purchasers on a firm basis.

Applicant and PG&E have entered into an agreement, dated July 24, 1964, providing for the proposed deliveries.

The application shows the proposed deliveries will be made by use of existing facilities at an existing delivery point near Topock, Ariz.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in

and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 26, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-10425; Filed, Oct. 13, 1964; 8:46 a.m.]

[Docket No. CP65-28]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application

OCTOBER 6, 1964.

Take notice that on August 3, 1964, as supplemented on August 25, 1964, Tennessee Gas Transmission Company (Applicant), whose principal place of business is in Houston, Tex., filed in Docket No. CP65-28 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain pipeline facilities in Middlesex County, Mass., all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

The application requests permission and approval to abandon, by sale to the Lowell Gas Company (Lowell) a lateral pipeline known as the Lowell Lateral. This line, consisting of approximately 5.3 miles of 6-inch pipeline and approximately 0.3 miles of 8-inch pipeline, is utilized by Applicant to make deliveries of natural gas to Lowell. The application states that studies made by Lowell revealed that if the lateral were owned and operated by it, the line could be tapped at any desirable point and thereby increase the flexibility of its distribution system. The application further states that if Lowell purchased the lateral, it would not be necessary for Lowell to duplicate the facilities. As a result, Applicant and Lowell entered into a Pipeline Purchase Agreement, dated June 17, 1964, wherein Applicant agreed to sell the lateral to Lowell at depreciated book value as of May 31, 1964.

Applicant states that subsequent to the proposed abandonment, the deliveries now being made at the terminus of the Lowell Lateral will be made at its Tewksbury delivery point, which is adjacent to its 16-inch pipeline and 0.19 miles upstream of the take-off point of the lateral line to Lowell.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that preliminary staff analysis has indicated that there are no problems which would warrant a recommendation that the Commission designate this application for formal hearing before an examiner and that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing may be held without further notice before the Commission on this application provided no protest or petition to intervene is filed within the time required herein. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 26, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-10426; Filed, Oct. 13, 1964; 8:46 a.m.]

[Docket No. CP64-270 etc.]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

Order Further Consolidating Applications and Motion, Permitting Intervention, Denying Motion, Rescheduling Date of Hearing and Giving Notice of Applications, Supplement and Amendment to Applications and Withdrawal of Application

OCTOBER 6, 1964.

Transcontinental Gas Pipe Line Corporation, Docket No. CP64-270; Georgia-Tennessee Gas Corporation, Docket No. CP64-272; Southern Natural Gas Company, Docket Nos. CP64-259, CP-64-314; East Tennessee Natural Gas Company, Docket No. CP65-66; Tennessee Gas Transmission Company, Docket No. CP64-165; City of Buford, Georgia, Docket Nos. CP65-11, CP65-20; City of Sugar Hill, Georgia, Docket Nos. CP65-10, CP65-19; City of Austell, Georgia, Docket No. CP65-74.

By our order of August 31, 1964, the above-designated applications of Transcontinental Gas Pipe Line Corporation (Transco) and Georgia-Tennessee Gas Corporation (Georgia-Tennessee) were consolidated with the above-designated competitive applications of Southern Natural Gas Company (Southern). We also prescribed procedures to be followed prior to and at the time of hearing and also designated a date for such hearing.

By our order of September 16, 1964, we also consolidated the competitive application of East Tennessee Natural Gas Company (East Tennessee) in Docket No. CP65-66. At that time we took cognizance of Southern's motion for rejection of said application on the grounds that the application was dependent upon additional gas supplies from Tennessee Gas Transmission Company (Tennessee), and that, contrary to § 157.13(c) of the Commission's regulations, no supporting application by Tennessee had been filed. On September 18, 1964, however, East Tennessee supplemented its application by filing a copy of a precedent agreement with its sole supplier, Tennessee. The agreement obligates Tennessee to file for an amendment of its authorization in Docket No. CP64-165 whereby, unallocated capacity existing during said authorization, will be utilized so as to increase the capacity allocated to East Tennessee from 154,188 Mcf per day to 164,363 Mcf per day. East Tennessee will, by the use of such additional capacity, be enabled to meet the first year (1966) requirements under its proposal in Docket No. CP65-66. Tennessee also agrees to timely seek the necessary authorization to supply East Tennessee's 1967 and 1968 projected requirements. Concurrently with the filing of East Tennessee's supplement, Tennessee filed a petition for amendment of the Commission's Order, issued July 13, 1964, in Docket No. CP64-165, so as to increase the allocated capacity to East Tennessee as described above.

On September 18, 1964, Georgia-Tennessee filed a notice of withdrawal of its application in Docket No. CP64-272, stating that due to developments, since its initial filing, it has decided that there is insufficient economic incentive to undertake the proposed construction. Concurrently, Transco filed an amendment to its application in Docket No. CP64-270, so as to reflect a change in the facilities and service proposed. Transco now proposes to extend its planned Georgia main line extension by an additional 66 miles, to the Georgia-Tennessee State line. In addition, Transco proposes to perform the service previously contemplated by Georgia-Tennessee, as well as to serve the tri-county area of Dade, Walker and Catoosa Counties, Georgia, a service also proposed by Southern. Transco, by the amendment, also revised its proposed construction on its main line and South Louisiana Gathering System, lowering the estimated cost of its proposal from $20,100,000 to $17,800,000.

The city of Sugar Hill, Ga., filed on July 9, 1964, and July 20, 1964, 7(a) applications in Docket Nos. CP65-10 and CP65-19 against Transco and Southern, respectively, requesting an order from the Commission directing that either Transco or Southern establish a new delivery point to said Applicant.

The city of Buford, Georgia on July 9, 1964, and July 20, 1964, also filed 7(a) applications in Docket Nos. CP65-11 and CP65-20 against Transco and Southern, respectively. The applications are virtually identical with those of the city of

Sugar Hill. The two cities are contiguous and currently receive their gas supply from Transco through a mutual delivery point.

Both applicants have filed motions requesting consolidation of their respective applications with the current proceeding since the new delivery points sought would be located on either the new facilities proposed by Transco or those proposed by Southern.

The city of Austell Natural Gas System, Ga., on September 16, 1964, filed a 7(a) application in Docket No. CP65–74, requesting that Southern be directed to provide a delivery point to Austell, an existing Southern customer, from Southern's proposed north Atlanta line. Austell has also filed a motion for consolidation.

Petitions for leave to intervene in one or more of the captioned docketed applications were filed by the following named petitioners:

PETITIONERS

Southern Natural Gas Co.
Chattanooga Gas Co.
East Tennessee Natural Gas Co.
Carolina Pipeline Co.
Knoxville Utilities Board, et al.
City of Buford, Ga.
City of Sugar Hill, Ga.
South Carolina Natural Gas Co.
Alabama Gas Corp.
Mississippi Valley Gas Co.
Intercoastal Gas Corp.
Atlanta Gas Light Co.
Long Island Lighting Co.
Consolidated Edison Co. of New York, Inc.
Savanah Gas Co.
City of Austell Natural Gas System
Brooklyn Union Gas Co.
Public Service Electric and Gas Co.
Transcontinental Gas Pipe Line Corp.
The Water, Light and Sinking Fund Commission filed by City of Dalton, Ga.

Additionally, a notice of intervention in this consolidated proceeding has been filed by the Pennsylvania Public Utilities Commission.

This order shall constitute notice of the filing of the 7(a) applications hereinbefore referred to. These applications are on file with the Commission and open to public inspection.

The Commission orders:

(A) The motion filed by Southern Natural Gas Company in Docket No. CP65–66, is hereby denied.

(B) The applications in Docket Nos. CP65–11, CP65–20, CP65–10, CP65–19 and CP65–74 as well as the motion to amend the order in Docket No. CP64–165 are all interrelated with the applications heretofore consolidated and in view thereof are consolidated herewith.

(C) All of the above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of each intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in its petition or petitions for leave to intervene: *And provided further,* That the admission of these interveners shall not be construed as recognition by the Commission that they are or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) The hearing heretofore scheduled to commence on October 19, 1964, is continued to November 9, 1964.

(E) Additional protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before October 19, 1964. All parties permitted to intervene in this proceeding by the instant order need not refile to intervene in the applications and motion consolidated by our Ordering Paragraph (B) above.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–10427; Filed, Oct. 13, 1964; 8:46 a.m.]

[Docket No. CP65–42]

WHEELER GAS CO.

Notice of Application

OCTOBER 6, 1964.

Take notice that on August 10, 1964, Wheeler Gas Company (Applicant), P.O. Box 278, Wheeler, Tex., 79096, filed in Docket No. CP65–42, an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Natural Gas Pipeline Company of America (Natural) to sell and deliver up to 1,500 Mcf of natural gas daily to Applicant for distribution and resale in the towns of Briscoe and Allison, Tex., and Reydon, Okla., all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states Applicant owns and operates distribution systems in the said towns under franchises granted to Applicant, and has been providing natural gas to customers in the said communities from its production in nearby gas areas now practically depleted. Customer requirements are being met in part from a supply obtained from Natural under temporary authorizations granted Natural in Docket Nos. CP64–140 and CP64–191.

The application further states Applicant was unable to meet the peak day demands of its customers during the winter of 1963–64, and estimates it will need on a 1964–65 peak day 636 Mcf from Natural and 500 Mcf from its own production.

On August 28, 1964, Natural filed an answer to Applicant's request stating it is willing to enter into a new service agreement providing for service to Applicant and to sell natural gas to Applicant on the condition that the provisions of Paragraph 6.1 of Natural's General Terms and Conditions contained in its Rate Schedule G–1 be not applicable to the sale for the reason that Applicant has its own production and facilities at the point of requested delivery. The answer further states that facilities costing $854 have been installed and paid for out of Natural's funds on hand pursuant to the above-described temporary authorizations.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 27, 1964.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–10428; Filed, Oct. 13, 1964; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

OCTOBER 8, 1964.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976 being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 9, 1964 through October 18, 1964, both dates inclusive.

By the Commission.

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

[F.R. Doc. 64–10422; Filed, Oct. 13, 1964; 8:46 a.m.]

[File No. 1–4722]

TASTEE FREEZ INDUSTRIES, INC.

Order Suspending Trading

OCTOBER 8, 1964.

The common stock, 67 cents par value, of Tastee Freez Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such

securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 9, 1964 through October 18, 1964, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-10423; Filed, Oct. 13, 1964; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30-IX, Amdt. 2]

KANSAS CITY REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9) as amended, 29 F.R. 11777, 12570 and 13354; Delegation of Authority No. 30-IX, as amended, 29 F.R. 12495 and 13127 is hereby further amended by revising Items I.C.3, I.K.1 and I.K.2.a to read as follows:

I. * * *

C. * * *

3. To approve the following:

a. Business loans

(1) Direct not exceeding $350,000.

(2) Participation not exceeding $350,000.

b. Disaster loans

(1) Direct not exceeding $350,000.

(2) Participation not exceeding $350,000.

* * * * *

K. * * *

1. To approve the following:

a. Direct loans not exceeding $100,000.

b. Participation loans not exceeding $250,000.

c. Simplified Bank Participation loans not exceeding $350,000.

d. Simplified Early Maturities Participation loans not exceeding $350,000.

e. Direct disaster loans not exceeding $350,000.

f. Participation disaster loans not exceeding $350,000.

2. To decline the following:

a. Business loans not exceeding $250,000.

* * * * *

Effective date: September 14, 1964.

C. I. MOYER,
Regional Director,
Kansas City.

[F.R. Doc. 64-10408; Filed, Oct. 13, 1964; 8:45 a.m.]

[Delegation of Authority 30-XI, Amdt. 3]

DENVER REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9), 29 F.R. 11777, as amended, 29 F.R. 12570 and 13354; Delegation of Authority No. 30-XI, 29 F.R. 12496, as amended, 29 F.R. 13057 and 13849 is hereby further amended by revising the first sentence of item I.K. to read as follows:

K. The following authority is hereby redelegated to the Branch Managers at Albuquerque, New Mexico; Salt Lake City, Utah and Casper, Wyoming. * * *

Effective date: September 28, 1964.

GEORGE E. SAUNDERS,
Regional Director, Denver.

[F.R. Doc. 64-10409; Filed, Oct. 13, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 324]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 9, 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 15737 (Deviation No. 4), ATLANTIC COAST FREIGHT LINES, INC., 3200 James Street, Baltimore, Md., filed September 30, 1964. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From junction U.S. Highways 1 and 130 near New Brunswick, N.J., over U.S. Highway 130 to Camden, N.J., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From New York, N.Y., over U.S. Highway 1 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence by ferry or bridge to Camden, thence over U.S. Highway 130 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore, Md., thence over U.S. Highway 1 to Richmond, Va., and return over the same route.

No. MC 15737 (Deviation No. 5), ATLANTIC COAST FREIGHT LINES, INC., 3200 James Street, Baltimore, Md., filed September 30, 1964. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From junction U.S. Highway 130 and U.S. Highway 1 near New Brunswick, N.J., over U.S. Highway 130 to junction New Jersey Highway 73, thence over Tacony-Palmyra Bridge, thence over Pennsylvania Highway 73 to junction U.S. Highway 13 in Philadelphia, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route, as follows: From New York, N.Y., over U.S. Highway 1 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, thence by ferry or bridge to Camden, N.J., thence over U.S. Highway 130 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore, Md., thence over U.S. Highway 1 to Richmond, Va., and return over the same route.

No. MC 29840 (Deviation No. 1), TRI-STATE MOTOR EXPRESS, INC., 1501 A Avenue, Sioux Falls, S. Dak. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402, filed October 1, 1964. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over deviation routes as follows: (1) From Omaha, Nebr., over Nebraska Highway 38 to junction U.S. Highway 275; (2) from Omaha over U.S. Highway 6 to junction U.S. Highway 275; (3) from Omaha over Nebraska Highway 64 to junction U.S. Highway 275; (4) from Omaha over Nebraska Highway 36 to junction U.S. Highway 275; (5) from Omaha over Nebraska Highway 133 to junction Nebraska Highway 36, thence over Nebraska Highway 36 to junction U.S. Highway 275; (6) from Omaha over Nebraska Highway 38 to junction Nebraska Highway 133, thence over Nebraska Highway 133 to junction Nebraska Highway 36, thence over Nebraska Highway 36 to junction U.S. Highway 275; (7) from Omaha over U.S. Highway 73 to Blair, Nebr., thence over Nebraska Highway 91 to junction U.S. Highway 275; (8) from Omaha over Nebraska Highway 133 to Blair, thence over Nebraska Highway 91 to junction U.S. Highway 275; (9) from Omaha over U.S. Highway 73 and Nebraska Highway 133 to Blair, thence over U.S. Highway 73 to Tekamah, thence over Nebraska Highway 32 to junction U.S. Highway 275; (10) from Winslow over U.S. High-

way 77 to Oakland, thence over Nebraska Highway 32 to Westpoint; (11) from Omaha over U.S. Highway 73 or Nebraska Highway 133 to Blair, thence over U.S. Highway 73 to Decatur, thence over Nebraska Highway 51 to junction with Nebraska Highway 9; (12) from Winslow over U.S. Highway 77 to junction with Nebraska Highway 51, thence over Nebraska Highway 51 to junction with Nebraska Highway 9; (13) from Omaha over U.S. Highway 73 or Nebraska Highway 133 to Blair, thence over U.S. Highway 73 to Decatur, thence over Nebraska Highway 51 to junction Nebraska Highway 16, thence over Nebraska Highway 16 to junction Nebraska Highway 9; (14) from Winslow over U.S. Highway 77 to junction Nebraska Highway 51, thence over Nebraska Highway 51 to junction Nebraska Highway 16, thence over Nebraska Highway 16 to junction Nebraska Highway 9; (15) from Omaha over U.S. Highway 73 or Nebraska Highway 133 to Blair, thence over U.S. Highway 73 to junction Nebraska Highway 94, thence over Nebraska Highway 94 to Pender; (16) from Winslow over U.S. Highway 77 to junction Nebraska Highway 94, thence over Nebraska Highway 94 to Pender; (17) from Omaha over U.S. Highway 73 or Nebraska Highway 133 to Blair, thence over U.S. Highway 73 to Dakota City, thence over Nebraska Highway 35 to Hubbard; (18) from Winslow over U.S. Highway 77 to Dakota City, thence over Nebraska Highway 35 to Hubbard;

(19) from Sioux City, Iowa, over U.S. Highway 77 to junction Nebraska Highway 94, thence over Nebraska Highway 94 to Pender; (20) from Omaha over U.S. Highway 73 or Nebraska Highway 133 to Blair, thence over U.S. Highway 73 to Decatur, thence over Iowa Highway 175 to junction Interstate Highway 29 or U.S. Highway 75, thence over either Interstate Highway 29 or U.S. Highway 75 to Sioux City; (21) from Omaha over U.S. Highway 73 or Nebraska Highway 133 to Blair, thence over U.S. Highway 30 to Missouri Valley, thence over U.S. Highway 75 to Onawa, thence over U.S. Highway 75 or Interstate Highway 29 to Sioux City; and (22) from Omaha over city streets to Council Bluffs, Iowa, thence over Interstate Highway 29 to its junction U.S. Highway 30, thence over U.S. Highway 30 to its junction U.S. Highway 75, thence over U.S. Highway 75 to Onawa, thence over Iowa Highway 175 to its junction Interstate Highway 29, thence over Interstate Highway 29 to Sioux City; or from Omaha over U.S. Highway 75 to its junction Interstate Highway 29 at or near Onawa, Iowa, thence over Interstate Highway 29 to Sioux City, Iowa; or from Omaha over city streets to Council Bluffs, thence over Interstate Highway 29 to its junction U.S. Highway 75 and U.S. Highway 30, thence over U.S. Highway 75 to Sioux City, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Wakefield, Nebr., over Nebraska Highway 16 to junction Nebraska Highway 9, thence over Nebraska Highway 9 to junction U.S. Highway 20, and thence over U.S. Highway 20 to Sioux City; from Wakefield over Nebraska Highway 16 to junction Nebraska Highway 9, thence over Nebraska Highway 9 to Westpoint, Nebr., thence over U.S. Highway 275 to Omaha, and from Wakefield over Nebraska Highway 35 to junction Nebraska Highway 15, thence over Nebraska Highway 15 to junction U.S. Highway 275, thence over U.S. Highway 275 to Omaha, and return over the same routes.

By the Commission.

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

[F.R. Doc. 64-10442; Filed, Oct. 13, 1964; 8:47 a.m.]

[Notice 689]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 9, 1964.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 52709 (Sub-No. 245) (REPUBLICATION), filed June 25, 1964, published FEDERAL REGISTER, issue of July 8, 1964, and republished, this issue. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Applicant's representative: Eugene Hamilton (same address as applicant). By application filed June 25, 1964, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of drilling mud additives, in bulk, in tank vehicles, from Oklahoma City, Okla., to points in the Nevada Test Site located within 50 miles of the U.S. Post Office at Mercury, Nev. The application is unopposed, has not involved the taking of testimony at a public hearing, or the submission of evidence by opposing parties in the form of affidavits, and the public interest will best be served by disposition of the matter without issuance of a report and recommended order. A grant of authority in terms of miles about a particular point should be avoided. An order of the Commission, Operating Rights Board No. 1, decided September 24, 1964, served October 5, 1964, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *drilling mud additives*, in bulk, in tank vehicles, from Oklahoma City, Okla., to points in the U.S. Atomic Energy Commission Nevada Proving Grounds in Clark, Lincoln, and Nye Counties, Nev.; 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 an appropriate certificate should be issued. Because it is possible that other parties, who relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a corrected notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

APPLICATIONS FOR CERTIFICATE 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 2202 (Sub-No. 268) (CLARIFICATION), filed August 27, 1964, published in FEDERAL REGISTER, issue of September 17, 1964, clarified October 5, 1964, and republished as clarified this issue. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio. Applicant's attorney: Russell R. Sage, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), serving Albany, N.Y., for purposes of joinder only, in connection with applicant's present operations over its existing route between Cleveland, Ohio, and New York, N.Y., as described in MC 2202, as follows: General commodities (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cleveland, Ohio, and New York, N.Y., serving all intermediate points in Ohio and those between Peekskill, N.Y., and New York, N.Y., including Peekskill, N.Y., as follows: From Cleveland over U.S. Highway 20 to Silver Creek, N.Y., thence over New York Highway 5 to Albany, N.Y., and thence over U.S. Highway 9 to New York, and return over the same route.

NOTE: Applicant states the purpose of this application is to join the aforesaid route of applicant with the following routes of Western Express Company, which routes applicant is seeking to purchase in MC-F 8866: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Boston, Mass., and Syracuse, N.Y., (1) from

Boston over Massachusetts Highway 9 to Pittsfield, Mass. (also from Boston over U.S. Highway 20 to Pittsfield), thence over U.S. Highway 20 via Albany and Cazenovia, N.Y., to junction New York Highway 92, and thence over New York Highway 92 to Syracuse; (2) from Boston to Albany as specified above, thence over New York Highway 5 via Vernon, N.Y., to Syracuse; and (3) from Boston to Vernon as specified above, thence over New York Highway 234 to junction New York Highway 31, thence over New York Highway 31 to Cicero, N.Y., and thence over U.S. Highway 11 to Syracuse, and return over the same routes, serving all intermediate points, and off-route points within ten (10) miles of the above specified routes, those within ten (10) miles of Boston, and those within ten (10) miles of Syracuse. The purpose of this republication is to more clearly set forth applicant's desire to serve Albany, N.Y., for purposes of joinder only, in connection with its authorized regular-route operations between Cleveland, Ohio, and New York, N.Y., as more particularly specified above. This is a matter to be concurrently handled with MC–F 8866, published in FEDERAL REGISTER issue of September 10, 1964.

No. MC 2866 (Sub-No. 16), filed October 2, 1964. Applicant: EDWARDS MOTOR TRANSIT COMPANY, a corporation, 56 East Third Street, Williamsport, Pa. Applicant's attorneys: Robert H. Griswold, Post Office Box 432, Harrisburg, Pa., and Morris J. Levin, Continental Building, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail, and newspapers*, in the same vehicle with passengers, between junction Pennsylvania Highways 45 and 145, at or near Lehigh Gap, Pa., and Philadelphia, Pa., from junction Pennsylvania Highways 45 and 145, at or near Lehigh Gap, Pa., over Pennsylvania Highway 145 to Allentown, Pa., thence over U.S. Highway 309 to Quakertown, Pa., thence over Pennsylvania Highway 313 to junction U.S. Highway 611 north of Doylestown, Pa., and thence over U.S. Highway 611 to Philadelphia, and return over the same route, serving all intermediate points, but restricted in the following manner: No passengers to be transported over the above specified route (a) between Allentown and Quakertown, Pa., and points intermediate thereto, and between Allentown and Quakertown, Pa., and points intermediate thereto, on the one hand, and, on the other, Philadelphia, Pa.; and (b) between Frackville, St. Clair, and Pottsville, Pa., on the one hand, and, on the other, Philadelphia, Pa.

NOTE: Applicant states, by virtue of Certificate No. MC 2866 (Sub-No. 14), it holds authority over the above described route but subject to the following restrictions: (1) between points on carrier's presently authorized interstate routes in the area bounded by Shamokin, Shenandoah, Hometown, Tamaqua, junction Pennsylvania Highway 443 and U.S. Highway 309, Pottsville, and Frackville, Pa., on the one hand, and, on the other, points beyond Philadelphia, via the Philadelphia gateway; and (2) between points on carrier's presently authorized interstate routes in the area bounded by Shamokin, Shenandoah, Hometown, Tamaqua, junction Pennsylvania Highway 443 and U.S. Highway 309, Pottsville, and Frackville, Pa., on the one hand, and, on the other, Allentown and Quakertown, Pa., and points intermediate thereto. In effect, the instant application seeks to eliminate above restriction (1) except with respect to Frackville, St. Clair and Pottsville; to eliminate restriction (2); and to establish a restriction between Allentown and Quakertown and intermediate points, and between Allentown and Quakertown and intermediate points, on the one hand, and, on the other, Philadelphia. It is further stated, if the instant application is granted, it will request cancellation of Certificate No. MC 2866 (Sub-No. 14). The modification of restrictions applicable to the above route is sought in connection with the acquisition, in No. MC–F 8745, of a portion of the authority now held by Reading Transportation Company in Certificate Nos. MC 46047 and MC 46047 (Sub-No. 1). Concurrently with the filing of this application, Edwards Motor Transit Company is seeking to become a party transferee in Docket No. MC–F 8745. This is a matter directly related to MC–F 8745, published in the FEDERAL REGISTER issue of May 13, 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)

No. MC–F–8896. Authority sought for purchase by STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street SW., Mason City, Iowa, of the operating rights of W. G. VAN VLACK, doing business as VANS MOTOR SERVICE, 107 Reynolds Street, Manchester, Iowa, and for acquisition by FRED J. STOCKBERGER, Post Office Box 1095, Mason City, Iowa, of control of such rights through the purchase. Applicants' attorney: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Operating rights sought to be transferred: *Poultry boxes*, as a *common carrier*, over irregular routes, from Chicago, Ill., to certain points in Iowa; *feed*, from Burlington, Wis., to certain points in Iowa, from Chicago, Forest Park, and Calumet, Ill., to certain points in Iowa; *animal feed* from Burlington, Wis., to certain points in Iowa, with exceptions; *twine*, from Milwaukee, Wis., to certain points in Iowa; *egg cases* and *egg case material*, from Chicago, Ill., to certain points in Iowa; *eggs*, and *live and dressed poultry*, from certain points in Iowa, and LeRoy, Minn., to Chicago, Ill., and Milwaukee, Wis.; *butter*, from certain points in Iowa, to Chicago, Ill.; *roofing material*, from Chicago, Ill., to certain points in Iowa; *chemicals*, from Chicago, Ill., to Sumner, Iowa; *fencing material*, from Sterling, Ill., to certain points in Iowa; *drugs and druggist supplies*, from Chicago, Ill., to certain points in Iowa; *brick*, from Lowell, and Streator, Ill., to certain points in Iowa; *fresh meats* and *packinghouse products*, in minimum shipments of 12,000 pounds, from Mason City, Iowa, to Milwaukee, Wis.; *plumbing supplies*, from Kohler, Wis., to Marshalltown, Iowa; *fresh meat, cured meat (including canned meat), lard* and *advertising matter*, therefor, between Waterloo, Iowa, on the one hand, and on the other, certain points in Wisconsin; *the commodities* classified as (a) meat, meat products, and meat byproducts, (b) as dairy products, and (c) as articles distributed by meat packinghouses, in the appendix to the report in *Modification of Permits—Packing House Products*, 46 M.C.C. 23, from Waterloo, Iowa, to certain points in Wisconsin; and *canned goods*, from points in Wisconsin to points in Iowa. Vendee is authorized to operate as a *common carrier* in Iowa, Illinois, Minnesota, Wisconsin, North Dakota, South Dakota, Kansas, Nebraska, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8897. Authority sought for purchase by WILMER RISTOW, doing business as RISTOW TRUCKING, Wales, Wis., 53183, of the operating rights of O. W. MARTIN, doing business as MARTIN TRUCKING, Post Office Box 428, Cromwell, Ind. Applicant's attorney: Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind. Operating rights sought to be transferred: *Fresh fruits and vegetables, fresh frozen fruits* and *fresh frozen vegetables*, in containers, as a *contract carrier*, over irregular routes from certain points in Wisconsin, Michigan, Indiana, and Ohio, to Chicago, Ill.; *racks* and *empty containers*, from Chicago, Ill., to the above origin points; *vegetables*, fresh or green, from points in the lower peninsula of Michigan north of U.S. Highway 10, to Chicago, Ill., from points in the lower peninsula of Michigan, to points in Randolph and Vigo Counties, Ind.; *vegetables*, fresh, green, or frozen, from points in the lower peninsula of Michigan, to points in Henry County, Ohio, from points in Indiana, to points in Henry County, Ohio, from certain points in Ohio, to points in Randolph and Vigo Counties, Ind., from points in Wisconsin on and south of U.S. Highway 10, to points in Randolph and Vigo Counties, Ind., and Henry County, Ohio; *empty containers and racks* for the commodities described immediately above, from the destination points specified immediately above to their respective origin points; *vegetables*, fresh, green, or frozen, and *empty containers and racks therefor*, between Chicago, Ill., on the one hand, and, on the other, points in Randolph and Vigo Counties, Ind., and Henry County, Ohio, between points in Randolph and Vigo Counties, Ind., on the one hand, and, on the other, points in Henry County, Ohio; *tomatoes*, fresh or green, and *racks and empty containers therefor*, between Camden, N.J., on the one hand, and, on the other, Chicago, Ill., and points in Randolph and Vigo Counties, Ind., and Henry County, Ohio; and *materials, equipment, and supplies* used in the operation of canning plants, between Chicago, Ill., on the one hand, and, on the other, points in Randolph County, Ind., and Henry County, Ohio, between points in Randolph and Vigo Counties, Ind., on the one hand, and, on the other, points in Henry County, Ohio. Vendee is authorized to operate as a *contract carrier* in Ohio, Indiana, Michigan, Missouri, Illinois, Wisconsin, Iowa and Minnesota. Application has not

been filed for temporary authority under section 210a(b).

No. MC–F–8898. Authority sought for control by DANCE FREIGHT LINES, INC., 286 New Circle Road, Lexington, Ky., of RELIANCE TRUCKING COMPANY, INC., 812 Cawthorn Street, Louisville, Ky., and for acquisition by R. L. DANCE, 920 Dance Court, Cincinnati, Ohio, of control of RELIANCE TRUCKING COMPANY, INC., through the acquisition by DANCE FREIGHT LINES, INC. Applicants' attorney: Harry McChesney, McClure Building, Frankfort, Ky. Operating rights sought to be controlled: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over regular routes, between Louisville, Ky., and Lexington, Ky., serving all intermediate points between Graefenburg and Lexington, Ky., including Graefenburg, between Frankfort, Ky., and Louisville and Lawrenceburg, Ky., serving all intermediate and off-route points within five miles of Frankfort, between Louisville, Ky., and Bardstown, Ky., serving the intermediate points of Bourbon and Nazareth, Ky., between junction U.S. Highway 60 and Gilliand Lane, approximately two and one-half miles east of Middletown, Ky., and junction U.S. Highway 31E and Watterson Trail, approximately two and one-half miles southeast of Fisherville, Ky., serving the intermediate point of Waterfill & Frazier Distillery, Ky., between Lexington, Ky., and Avon, Ky., serving all intermediate points. DANCE FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Ohio, Georgia, Kentucky, Tennessee, South Carolina, North Carolina, Indiana, and Illinois. Application has been filed for temporary authority under section 210a(b)

No. MC–F–8899. Authority sought for purchase by WESTERN LINES, INC., Post Office Box 1145, Houston 1, Tex., of the operating rights and certain property of C. E. RHODES, doing business as C. E. RHODES TRUCK LINE, Post Office Box 272, Kountze, Tex., and for acquisition by J. L. LINKENHOGER, also of Houston 1, Tex., of control of such rights and property through the purchase. Applicants' attorney: Irving J. Raley, 1325 Jefferson Place NW., Washington, D.C., 20036. Operating rights sought to be transferred: *Lumber,* as a *common carrier,* over irregular routes, from points in Louisiana and New Mexico, to points in Texas, from points in Louisiana and Texas, to points in New Mexico, Oklahoma, and Louisiana (except from Texarkana, Tex., to points in that part of New Mexico on and north of U.S. Highway 66). Vendee is authorized to operate as a *common carrier* in Texas, Arkansas, Louisiana, and Oklahoma, and as a *contract carrier* in Arkansas, Kansas, Oklahoma, New Mexico, Texas, Louisiana, Missouri, Iowa, and Nebraska. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8900. Authority sought for purchase by ECOFF TRUCKING, INC., Fortville, Ind., of a portion of the operating rights of TAJON TRUCKING CO., Post Office Box 228, Oak Street, Grove City, Pa., and for acquisition by V. D. Ecoff, also of Fortville, Ind., of control of such rights through the purchase. Applicants' attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Operating rights sought to be transferred: *Lime,* in containers, and in bulk, in dump vehicles, and *lime,* in bulk, in pneumatic tank vehicles, as a *common carrier,* over irregular routes, from Springfield, Ohio, to points in Alabama, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York (except Nassau, Suffolk, Queens, and Kings Counties), North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. RESTRICTION: The service authorized herein is subject to the restriction that no shipment of lime in containers, or in bulk, in dump vehicles, shall be transported to the sites of glass manufacturing plants in Illinois, Indiana, the Lower Peninsula of Michigan, and Glenshaw, South Connellsville, Washington, Greensburg, and Ford City, Pa., and Huntington and Parkersburg, W. Va. Vendee is authorized to operate as a *common carrier* in Indiana, Missouri, Ohio, Illinois, Kentucky, Wisconsin, Michigan, Iowa, Alabama, Georgia, Tennessee, Pennsylvania, Florida, Mississippi, West Virginia, Minnesota, Iowa, Delaware, New Jersey, New Hampshire, Nebraska, North Dakota, South Dakota, Arkansas, Oklahoma, South Carolina, and Connecticut. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8901. Authority sought for purchase by TURNER BROS. TRUCKING COMPANY, INC., 5501 South Hattie (Mailing address: Post Office Box 94626), Oklahoma City, Okla., of a portion of the operating rights of LONE STAR TRUCKING, INC., Post Office Box 68, Joinerville, Tex., 75658. Applicants' attorney: Rufus H. Lawson, Post Office Box 75124, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City 7, Okla. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies,* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies,* used in or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking-up thereof, as a *common carrier,* over irregular routes, between points in Oklahoma, and Arkansas. Vendee is authorized to operate as a *common carrier* in Colorado, Wyoming, Illinois, Nebraska, South Dakota, Missouri, Oklahoma, Kansas, Texas, Louisiana, New Mexico, Mississippi, and North Dakota. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–8745 (SAFEWAY TRAILS, INC., ET AL.—PURCHASE—READING TRANSPORTATION CO.), published in the May 13, 1964, issue of the FEDERAL REGISTER on page 6299. Amendment filed October 2, 1964, for joinder of EDWARDS MOTOR TRANSIT COMPANY, 56 East Third Street, Williamsport, Pa., as an additional vendee. Applicants' attorney: Robert H. Griswold, Post Office Box 432, Harrisburg, Pa. Operating rights sought to be transferred: Passengers and their baggage, and express, newspapers and mail, in the same vehicle with passengers, as a *common carrier,* over regular routes, between Shamokin, Pa., and Allentown, Pa., serving all intermediate points; between Ashland, Pa., and Pottsville, Pa., serving all intermediate points. RESTRICTION: The service authorized herein is subject to the following conditions: No traffic shall be transported to or from Pottsville, Frackville, Pa., or points intermediate thereto, except traffic moving on through tickets or billing from or to points beyond Pottsville or Frackville on said carrier's lines or on the lines of the Reading Company, no traffic shall be transported between Pottsville, Frackville, or points intermediate thereto, on the one hand, and, on the other, Girardville, or Mahoney City, Pa., or points on Pennsylvania Highway 45 intermediate to Girardville and Mahoney City. EDWARDS MOTOR TRANSIT COMPANY is authorized to operate as a *common carrier* in New York, Ohio, New Jersey, and Pennsylvania.

NOTE: No. MC–2866 Sub-16 is a matter directly related.

By the Commission.

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

[F.R. Doc. 64–10443; Filed, Oct. 13, 1964; 8:47 a.m.]

[Notice 22]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OF REGISTRATION

OCTOBER 9, 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.

MASSACHUSETTS

No. MC 97658 (Sub-No. 1), filed February 12, 1963. Applicant: NORTHAMPTON & BOSTON EXPRESS SERVICE, INC., Post Office Box 8, Hadley, Mass. Authority sought to continue to operate as a common carrier, under the "grandfather" provisions of section (206 (a) (7) of the Interstate Commerce Act, pursuant to Certificates Nos. 5970, dated November 22, 1939, and 330, issued by the Massachusetts Department of Public Utilities.

By the Commission.

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

[F.R. Doc. 64-10444; Filed, Oct. 13, 1964; 8:47 a.m.]

[Notice 688]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 9, 1964.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protests 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. 15), filed September 28, 1964. Applicant: O. E. POULSON, INC., Elm Creek, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *fertilizer solutions*, in bulk, in tank vehicles, from the site of the Phillips Petroleum Company plant, located at or near Hoag, Nebr., to points in Iowa, Kansas, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 531 (Sub-No. 155), filed October 1, 1964. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14287, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, between Mount Vernon, Ind., and points within ten (10) miles thereof, on the one hand, and, on the other, points in California, Oregon, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2392 (Sub-No. 32), filed September 25, 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: *Liquid fertilizer*, in bulk, in tank vehicles, from Nebraska City, Nebr., to points in Minnesota and South Dakota, and *damaged or rejected shipments* of the above described commodity, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 10761 (Sub-No. 169), filed September 25, 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 regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Simsbury, Conn., an off-route point in connection with applicant's authorized regular-route operations between New York, N.Y. and Hartford, Conn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 17002 (Sub-No. 22), filed October 1, 1964. Applicant: CASE DRIVEWAY, INC., Post Office Box 1156, Huntington, W. Va. Applicant's attorney: Paul F. Sullivan, Barr Building, 910 17th Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *iron and steel*, from points in Cabell County, W. Va., to points in Tennessee, Virginia, North Carolina, South Carolina, Alabama, Georgia, Mississippi, Louisiana, and Florida, 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 Washington, D.C.

No. MC 17829 (Sub-No. 8), filed October 1, 1964. Applicant: DiSILVA TRANSPORTATION, INC., 30 Middlesex Avenue, Somerville, Mass. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road (at South Shore Plaza), Braintree 84, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses*, and in connection therewith, *equipment, materials, and supplies used in the conduct of such business* (except commodities in bulk, in tank vehicles), from Boston, Mass., to points in Maine and New Hampshire, and *returned and damaged merchandise* of the above-specified commodities, on return. RESTRICTION: The proposed operations herein will be limited to a transportation service to be performed, under a continuing contract, or contracts, with Elm Farm Foods Co. (a corporation), of Boston, Mass.

NOTE: Applicant states it currently holds contract carrier authority in Permit Nos. 17829 and Subs thereto to perform part of the service requested. However, it seeks no duplicate authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 18202 (Sub-No. 8), filed October 2, 1964. Applicant: R. C. BARSTOW TRUCKING CO., INC., 102 Middle Street, Hadley, Mass. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, insecticides and pesticides*, and *related advertising materials* when moving at the same time, from Carteret, N.J., to points in Connecticut, Massachusetts, Rhode Island, and points in Hillsboro, Cheshire, and Merrimack Counties, N.H.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 23942 (Sub-No. 15), filed September 17, 1964. Applicant: THE SEACOAST TRANSPORTATION COMPANY, a corporation, 500 Water Street, Jacksonville, Fla. Applicant's attorney: Richard D. Sanborn, Jr., Law Department, Atlantic Coast Line Railroad Company, Jacksonville, Fla. Applicant is authorized in Certificate No. MC 23942 to transport, over regular routes, between named points therein, in Virginia, North Carolina, South Carolina, Georgia, Florida, and Alabama, general commodities, without exceptions, but subject to restrictions, including certain keypoints. The purpose of the subject application is twofold: (1) Complete removal of the Fayetteville, N.C. keypoint, and (2) merger of the Rocky Mount, N.C. keypoint with the Wilmington, N.C. keypoint. Applicant states in connection

[1] Copies of 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

with (1), the amount of less-than-carload traffic handled by the Atlantic Coast Line Railroad has steadily decreased to and from the Fayetteville, N.C. area since the issuance of its original Certificate in 1950. Shipments formerly transferred at that point, are now being transferred at the keypoints of Rocky Mount, N.C., or Florence, S.C. As applicant is presently authorized to perform a motor carrier service between Rocky Mount, N.C. and Warsaw, N.C., via Fayetteville, complete removal of this keypoint restriction would result in operating economies and the ability to render a more efficient service. In connection with (2), applicant states that under its present authority it is prevented from transporting its less-than carload traffic from Rocky Mount, N.C. to Wilmington, N.C., by motor vehicle. Merger of the Rocky Mount, N.C. keypoint with the Wilmington, N.C. keypoint would allow applicant to discontinue duplicative operations and effect substantial operating economies.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Rocky Mount, N.C.

No. MC 31600 (Sub-No. 575), filed September 28, 1964. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass., 02154. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Wilmington, Mass., to East Haddam, Conn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 35540 (Sub-No. 11), filed September 28, 1964. Applicant: SCHRODER'S EXPRESS, INC., 1550 Perin Street, Cincinnati 4, Ohio. Applicant's attorney: George M. Catlett, Suite 703–706 McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Evansville, Ind. and Central City, Ky., from Evansville over U.S. Highway 41 to Nortonville, Ky., thence over U.S. Highway 62 to Central City, and return over the same route; (2) between Nortonville, Ky. and Calvert City, Ky., from Nortonville over U.S. Highway 62 to junction Kentucky Highway 95, thence over Kentucky Highway 95 to Calvert City, and return over the same route; (3) between Dawson Springs, Ky. and Evansville, Ind., from Dawson Springs over Kentucky Highway 109 to Providence, Ky., thence over Kentucky Highway 120 to junction Alternate U.S. Highway 41, thence over Alternate U.S. Highway 41 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 41, thence over U.S. Highway 41 to Evansville, and return over the same route; and (4) between Evansville, Ind. and Owensboro, Ky., from Evansville over Indiana Highway 66 to junction U.S. Highway 231, thence over U.S. Highway 231 to Owensboro, and return over the same route, serving all intermediate points on the above-described routes (1) through (4) inclusive, and off-route points within three (3) air miles of these same routes.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind.

No. MC 40270 (Sub-No. 3), filed September 30, 1964. Applicant: A. J. CRABBS, Enid, Okla. 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: *Salt and salt products and mineral feed mixtures*, between Lyons, Kans., and points within five (5) miles thereof, on the one hand, and, on the other, points in that part of Oklahoma north of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 66 to Oklahoma City, Okla., thence along U.S. Highway 62 to junction U.S. Highway 266, thence along U.S. Highway 266 to junction U.S. Highway 64, and thence along U.S. Highway 64 to the Oklahoma-Arkansas State line, including points on the indicated portions of the highways specified above.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 42963 (Sub-No. 22), filed September 28, 1964. Applicant: DANIEL HAMMN DRAYAGE COMPANY, a corporation, 2d and Tyler Streets, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks, II, 1311–12 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cadet, Mo., and points within ten (10) miles thereof, to points in Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 44300 (Sub-No. 12), filed September 30, 1964. Applicant: HESS CARTAGE COMPANY, a corporation, 17065 Hess Avenue, Melvindale, Mich. Applicant's attorney: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal rolling mill rolls, fabricated structural steel, and dies, including die parts, die checking fixtures, die models, hand jigs or tools, patterns and templates moving in connection with the dies* between Ashland, Ky., points in Michigan, Ohio, that part of West Virginia north of U.S. Highway 40, and that part of Pennsylvania west of U.S. Highway 19, including points on the indicated portions of the highways specified.

NOTE: Applicant states the requested authority is to remove existing doubts concerning applicant's transportation of the above commodities under existing authority for the movement of "steel and steel products" between points in the same territory described. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 45021 (Sub-No. 3), filed September 28, 1964. Applicant: SPEEDY TRUCKING CO., INC., Page and Schuyler Avenue, Lyndhurst, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise as is dealt in by wholesale and retail grocery houses*, between Lyndhurst, N.J., and Secaucus, N.J., on the one hand, and, on the other, points in Orange, Rockland, Putnam, Dutchess, Ulster, and Sullivan Counties, N.Y., and points in Connecticut; RESTRICTION: Under contract with Hudson Wholesale Groceries, Inc., and J. Ossola Company, Inc., and (2) *frozen foods*, between Secaucus, N.J., on the one hand, and, on the other, points in Rhode Island and points in Philadelphia, Chester, and Delaware Counties, Pa.; RESTRICTION: Under contract with J. Ossola Company, Inc.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 45158 (Sub-No. 21), filed September 30, 1964. Applicant: KILLION MOTOR EXPRESS, INC., 2305 Ralph Avenue, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Louisville, Ky., and Shoals, Ind., from Louisville over Interstate Highway 65 to junction Indiana Highway 60, thence over Indiana Highway 60 to junction U.S. Highway 50, thence over U.S. Highway 50 to Shoals, and return over the same route, serving no intermediate points, for purposes of joinder only, as an alternate route, for operating convenience only, in connection with applicant's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 52729 (Sub-No. 19), filed September 29, 1964. Applicant: FIOROT TRUCKING, INC., Box 43, Pen Arygyl, Pa. Applicant's attorney: Frank A. Doocey, 506 Hamilton Street, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos shingles, asphalt shingles, wood shingles, cedar shakes, and cedar shake panels, nails, paint, shipping pallets, and other accessories*, used in the installation of such products, from the plant sites, and warehouses of Supradur Manufacturing Corporation located at Wind Gap, Pa.,

and points within five (5) miles thereof, to points in Michigan, Indiana, Kentucky, North Carolina, South Carolina, Virginia, and West Virginia, and to the Port of Philadelphia, Pa., and *pallets, blocking, and other materials, used in transporting* the commodities specified above, and *damaged and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 55236 (Sub-No. 96), filed September 28, 1964. Applicant: OLSON TRANSPORTATION COMPANY, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from The Tri-City Regional Port District Complex located in Madison County, Ill., to points in Arkansas, Indiana, Illinois, Iowa, Kansas, Kentucky, Missouri, Nebraska, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 61396 (Sub-No. 113), filed September 28, 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: *Liquid fertilizer* in bulk in tank trucks from Nebraska City, Nebr., to points in South Dakota and Minnesota and *returned or rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 61440 (Sub-No. 94), filed September 28, 1964. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum and gypsum products, and materials and supplies*, used in the installation and application of such commodities from the plant site of the United States Gypsum Company, located at Southard, Okla., to points in Dallas, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall, and Childress Counties, Tex., and points in Arkansas, Kansas, and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 64932 (Sub-No. 355), filed September 24, 1964. Applicant: ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals dry*, in bulk, from points in St. Louis, Mo.-East St. Louis, Ill. commercial zone, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 64932 (Sub-No. 356), filed September 29, 1964. Applicant: ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent phosphoric acid*, in bulk, in tank vehicles from Charlotte, Mich. to Thornton, Ind.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 65516 (Sub-No. 3), filed September 23, 1964. Applicant: CHRETIEN STORAGE WAREHOUSE, INC., 300 Elm Street, Buffalo, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission (containerized), and *empty containers or other incidental facilities* (not specified) used in transporting the above-described commodity, between Buffalo, N.Y., and points in Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, and Wyoming Counties, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 69116 (Sub-No. 86), filed September 23, 1964. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South LaSalle Street, Chicago 3, Ill. 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 Green Bay, Wis., and New London, Wis., over Wisconsin Highway 54, (2) between Green Bay, Wis., and Manitowoc, Wis., over U.S. Highway 141, (3) between Fond du Lac, Wis., and Plymouth, Wis., over Wisconsin Highway 23, (4) between Manitowoc, Wis., and Sheboygan, Wis., over U.S. Highway 141, and (5) between Sheboygan, Wis., and junction U.S. Highway 141, and Wisconsin Highway 57, over U.S. Highway 141, and return over the same routes, serving no intermediate points, as alternate routes for operating convenience only in connection with applicant's regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 74846 (Sub-No. 53), filed September 29, 1964. Applicant: LEWIS G. JOHNSON, INC., Greigg Street, Port Gibson, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except frozen foods and commodities in bulk in tank vehicles), and (2) *baby foods and baby supplies*, between points in Wayne, Ontario, Yates, Orleans, and Monroe Counties, N.Y., on the one hand, and, on the other, Florence (Burlington County), N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 74857 (Sub-No. 14), filed September 24, 1964. Applicant: FULLER MOTOR DELIVERY CO., 1111 West Court Street, Cincinnati 3, Ohio. Applicant's attorney: David A. Caldwell, 900 Tri-State Building, Cincinnati, Ohio, 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles, from points in Scioto County, Ohio, to points in Ohio, Kentucky, and West Virginia.

NOTE: Applicant states that the proposed operation will be limited to service to be performed under continuing contracts with Cargill, Incorporated and Diamond Crystal Salt Co. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 76177 (Sub-No. 296), filed September 29, 1964. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham, Ala. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives and nitro carbo nitrate*, between the plant site of the Hercules Powder Company located near McAdory, Ala., and the port of entry on the International Boundary line between the United States and Canada at or near Calais, Maine.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 77572 (Sub-No. 1), filed September 25, 1964. Applicant: BOND TRANSFER AND STORAGE COMPANY, INC., 1600 Moss Street, Columbus, Miss. Applicant's attorney: Henry K. Van Every, 218½ Fifth Street North, Columbus, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Columbus, Miss., on the one hand, and, on the other, points in Lowndes County, Miss.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 86913 (Sub-No. 14), filed September 24, 1964. Applicant: EASTERN MOTOR LINES, INC., Post Office Box 649, Warrenton, N.C. Applicant's attorney: Edward G. Villalon, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), from points in Maine and New Hampshire, to points in Virginia, North Carolina, South Carolina, Georgia, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 92319 (Sub-No. 2), filed September 28, 1964. Applicant: ROY OTTIS SCHNEPP, Post Office Box 123, Sault Ste. Marie, Mich. Applicant's attorney: Quentin A. Ewert, Union Savings & Loan Building, 117 West Allegan Street, Lansing, Mich., 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages* and *nonalcoholic beverages* from Minneapolis and St. Paul, Minn., to St. Ignace and Sault Ste. Marie, Mich., 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 Lansing, Mich.

No. MC 92983 (Sub-No. 450), filed October 2, 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: *Beverages and spirits*, in bulk, in tank vehicles, from points in California, to points in Missouri on and west of U.S. Highway 63.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 102812 (Sub-No. 11), filed September 28, 1964. Applicant: LUX ART VANS SERVICE, INC., 12270 Montague, Pacoima, Calif. Applicant's attorney: Philip Jacobson, 510 West Sixth Street, Suite 723, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock* (other than ordinary), *supplies and equipment* used in the care, exhibition, and racing of livestock (other than ordinary), *mascots, lead ponies*, and the *personal effects of attendants and trainers*, to be transported in the same vehicle with such livestock, between points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE: Applicant holds corresponding authority in Certificate No. MC 102812 restricted against transportation (1) between points in California, on the one hand, and, on the other, points in Clark County, Nev., and (2) between any two points both of which are in the same State. Applicant states the purpose of this application is to delete the aforementioned restriction recited above in (1). If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 102885 (Sub-No. 4), filed September 24, 1964. Applicant: JOSEPH MAKOWSKI AND LEONARD MAKOWSKI, a partnership, doing business as MAKOWSKI HAULING, New Concord Road, Concordville, Pa. Applicant's attorney: Morris J. Winokur, Suite 1920, Two Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa., 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum dross and the product thereof*, between the plant of Federated Metals Division of American Smelting and Refining Co., in Perth Amboy, N.J., and the plant of Chester Processing Company, Chester, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 103378 (Sub-No. 297), filed September 24, 1964. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Jr., Atlantic National Bank Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Bainbridge, Ga., to points in Florida beyond 175 miles.

NOTE: Applicant states the destination territory be restricted as shown above, making it possible for service to all points in Florida. It is further noted that applicant holds authority under its Sub-No. 5 for transportation from the origin point, to points in Florida within 175 miles from origin. If a hearing is deemed necessary, applicant requests it be held in Jacksonville, Fla.

No. MC 103378 (Sub-No. 298), filed October 2, 1964. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Jr., Atlantic National Bank Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, from points in Decatur County, Ga., to points in Alabama, and Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held in Jacksonville, Fla.

No. MC 103378 (Sub-No. 299), filed October 2, 1964. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Jr., Atlantic National Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid alum*, in bulk, in tank vehicles, from Atlanta, Ga., and points within fifteen (15) miles thereof, to points in Alabama.

NOTE: If a hearing is deemed necessary, applicant requests it be held in Jacksonville, Fla.

No. MC 103378 (Sub-No. 300), filed October 2, 1964. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Jr., Atlantic National Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen solutions and anhydrous ammonia*, in bulk, in tank vehicles, from points in Decatur County, Ga., to points in Florida beyond 175 miles.

NOTE: Applicant states the destination territory be restricted as shown above, making it possible for service to all points in Florida. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 103993 (Sub-No. 188), filed September 30, 1964. Applicant: MORGAN DRIVE AWAY, INC., 2800 Lexington Avenue, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind., 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Wayne County, N.Y., to points in the United States, including Alaska.

NOTE: If a hearing be deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 103993 (Sub-No. 189), filed September 30, 1964. Applicant: MORGAN DRIVE AWAY, INC., 2800 Lexington Avenue, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Kit Carson County, Colo., to points in the United States, including Alaska, but (excluding Hawaii).

NOTE: If a hearing be deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 106407 (Sub-No. 21), filed September 24, 1964. Applicant: T. E. MERCER TRUCKING CO., a corporation, 920 North Main Street, Fort Worth, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, between points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 106914 (Sub-No. 20), filed September 3, 1964. Applicant: HAROLD FINE, doing business as AMERICAN CARTAGE COMPANY, 1575 Fairfield Avenue, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 5275 Ridge Road, Cleveland, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, commodities in bulk and those requiring special equipment), between Lordstown, Trumbull County, Ohio, on the one hand, and, on the other, Cleveland, Ohio.

NOTE: Applicant states he seeks to tack the above authority with his presently authorized operation. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 107107 (Sub-No. 319) (CLARIFICATION), filed September 8, 1964, published FEDERAL REGISTER, issue of September 24, 1964, amended October 5, 1964, and republished as clarified, this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami, Fla. 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, chocolate, cocoa, syrup, sauces, toppings, cocoa butter, chocolate coating*, and *milk and chocolate and/or cocoa compounds*, from Derry Township, located in Dauphin County, Pa., to points in Florida.

NOTE: The purpose of this republication is to locate Derry Township. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 107107 (Sub-No. 321), filed September 25, 1964. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Allapattah Station, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food ingredients and food materials, and related advertising and promotional materials*, from points in Dade and Broward Counties, Fla., to points in Alabama, Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 107162 (Sub-No. 15), filed October 1, 1964. Applicant: NOBLE GRAHAM, Brimley, Mich. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as defined in Appendix 5 to Ex Parte No. MC 45, 61 M.C.C. 209, from the port of entry on the international boundary line between the United States and Canada located at or near Sault Sainte Marie, Mich., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, Ohio, South Dakota, and Wisconsin, and *materials, supplies, machinery and machinery parts used or useful in the manufacture of iron and steel articles*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 107403 (Sub-No. 579), filed September 25, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, in specialized equipment, from Cincinnati, Ohio, to points in Arkansas and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107698 (Sub-No. 33), filed September 28, 1964. Applicant: BONANZA, INC., Post Office Box 5526, Midwest City, Okla. Applicant's attorney: Wilburn L. Williamson, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Okmulgee, Okla., to Arvada, Colo., Union City, Calif., and points in Oregon and Washington 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 Oklahoma City, Okla.

No. MC 108207 (Sub-No. 144), filed September 25, 1964. Applicant: FROZEN FOOD EXPRESS (TEX. CORP.), 318 Cadiz Street, Dallas, Tex. 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 packinghouses*, from Columbus Junction, Iowa, to points in Oklahoma and Arkansas. RESTRICTION: Against tacking or inter-lining at point of origin.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 109397 (Sub-No. 103), filed September 28, 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 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear and radioactive materials*, between the facilities of United Nuclear Corporation, located at Hematite, Mo., on the one hand, and, on the other, San Diego, San Jose, and Canoga Park, Calif., Lynchburg, Va., Apollo and Pittsburgh, Pa., New Haven and Windsor, Conn., Schenectady, N.Y., Attleboro, Mass., Cleveland and Sandusky, Ohio, White Plains and Hicksville, N.Y., Oak Ridge National Laboratory, Oak Ridge, Tenn., and Los Alamos National Laboratory, Los Alamos, N. Mex.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 109682 (Sub-No. 30), filed September 28, 1964. Applicant: BOLIN DRIVEAWAY CO., a corporation, 2208 Superior Viaduct, Cleveland, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and trucks*, in initial and import secondary movements in both truckaway and driveaway movements, from South Bend, Ind., to points in Tennessee, North Carolina, South Carolina, Arkansas, Louisiana, Mississippi, Alabama, Georgia, and Florida, and *damaged, refused, and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 110420 (Sub-No. 384), filed September 28, 1964. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Cedartown, Ga., to points in Illinois, Indiana, Iowa, Minnesota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 385), filed September 28, 1964. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk from Tri-City Regional Port Complex located in Madison County, Ill., to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110420 (Sub-No. 386), filed September 28, 1964. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast and blends and derivatives thereof*, in bulk, from Belleville, Ill., and points within ten (10) miles thereof, to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110525 (Sub-No. 681), filed September 23, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C., and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, between Mount Vernon, Ind., and points within ten (10) miles thereof, on the one hand, and, on the other, points in California, Oregon and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 682), filed September 29, 1964. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C., and Edwin H. van Deusen, 520 East Lancaster Avenue, Downingtown, Pa. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bulk, in tank vehicles, (1) from Balitmore, Md., to points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia, and (2) from points in Virginia (except Chesapeake, Va.) to points in North Carolina and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110563 (Sub-No. 25), filed September 25, 1963. Applicant: COLD-WAY FROZEN EXPRESS, INC., 600 West North Street, Sidney, Ohio. Applicant's attorney: Joseph Scanlan, 111 West Washington Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confections and confectionery products, and advertising matter, premiums, and display materials*, when shipped in the same vehicle with the foregoing commodities, from Hackettstown, N.J., to points in Ohio, Kentucky, Michigan, Indiana, Illinois, Wisconsin, and Missouri, and *refused and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110264 (Sub-No. 31), filed September 29, 1964. Applicant: ALBUQUERQUE PHOENIX EXPRESS, INC., 4500 McLeod Road NE. (Post Office Box 404), Albuquerque, N. Mex. Applicant's attorney: Paul F. Sullivan, Barr Building, 910 17th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (1) between Dallas, Tex., and Albuquerque, N. Mex., from Dallas, over city streets thence over U.S. Highways 80 and 180 to Fort Worth, Tex., thence over U.S. Highway 180 to Snyder, Tex., thence over U.S. Highway 84, to Post, Tex., thence over U.S. Highway 84 to Fort Sumner, N. Mex., thence over U.S. Highway 60 to Encino, N. Mex., thence over U.S. Highway 285 to Clines Corners, N. Mex., thence over U.S. Highway 66 to Albuquerque, N. Mex., and return over the same routes, serving the intermediate point of Post, Tex., for point of joinder only, and serving the intermediate point of Lubbock, Tex., for point of interchange only, (2) between Snyder, Tex., and Roswell, N. Mex., from Snyder over U.S. Highway 180 to Hobbs, N. Mex., thence over U.S. Highways 62 and 180, to the junction of New Mexico Highway 8 to junction of Farm Road 529 to the junction of New Mexico Highway 83, thence over New Mexico Highway 83 to Artesia, N. Mex., thence over U.S. Highway 285, to Roswell, N. Mex., and return over the same route, serving all intermediate points, and (3) between Roswell, N. Mex., and El Paso, Tex., (a) from Roswell over U.S. Highway 380 to Carrizozo, N. Mex., thence over U.S. Highway 54, to El Paso, Tex., and return over the same routes, serving all intermediate points, and (b) from Roswell, over U.S. Highway 380 to Carrizozo, N. Mex., thence over U.S. Highway 54, to Alamogordo, N. Mex., thence over U.S. Highway 70 to Las Cruces, N. Mex., thence over U.S. Highway 85 to El Paso, Tex., and return over the same routes, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, or Las Cruces, N. Mex., and Dallas, Tex.

No. MC 110686 (Sub-No. 25), filed September 23, 1964. Applicant: McCORMICK DRAY LINE, INC., Avis, Pa. Applicant's attorney: David A. Sutherlund, 1120 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel forgings*, from points in Ohio to Williamsport, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Williamsport or Philadelphia, Pa.

No. MC 110988 (Sub-No. 92), filed September 30, 1964. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. 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: *Commodities*, in bulk, having prior movement by rail, between points in Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Oklahoma, Nebraska, North Dakota, South Dakota, and Wyoming.

NOTE: Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111434 (Sub-No. 58), filed September 28, 1964. Applicant: DON WARD, INC., Post Office Box 1488, Durango, Colo. (Mailing address) 241 56th Avenue, Denver, Colo. Applicant's attorney: J. Albert Sebald, Equitable Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bags or other containers, from points in South Dakota to points in Wyoming and to points in that portion of Nebraska on and west of U.S. Highway 83, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak.

No. MC 111729 (Sub-No. 26), filed September 25, 1964. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bank checks, drafts, and other bank stationery*, from Portland, Maine, to points in Connecticut, Massachusetts, and New Hampshire, on behalf of shippers other than banks and banking institutions, and (2) *business papers, records, and audit and accounting media of all kinds* (excluding plant removals), (a) between Menlo Park (Middlesex County), N.J., on the one hand, and, on the other, Audubon (Camden County), N.J. (via Pennsylvania and New York routes), and Newburgh (Orange County), N.Y., and (b) between Audubon (Camden County), N.J., on the one hand, and, on the other, King of Prussia (Montgomery County), and Philadelphia (Philadelphia County), Pa.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 112750, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 111812 (Sub-No. 261), filed September 25, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. 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: (1) *Frozen foods* (2) *potato products*, other than frozen, with or without ingredients, cooked, diced, flaked, powdered, shredded and sliced, from Greenville, Mich., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111812 (Sub-No. 262), filed September 28, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, from Rapid City, S. Dak., Newcastle, Wyo., and points within ten miles thereof, to Minneapolis and St. Paul, Minn., Milwaukee, Wis., points in Connecticut, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 111812 (Sub-No. 263), filed October 1, 1964. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Box 747, Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Impression paper*, from Watervliet, N.Y., to Sioux City, Iowa, and

Brookings, Pierre, Sioux Falls, and Vermillion, S. Dak.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 112893 (Sub-No. 24), filed October 2, 1964. Applicant: BULK TRANSPORT COMPANY, a corporation, Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between Junction City, Wis., and points within fifteen (15) miles thereof, on the one hand, and, on the other, points in the Upper Peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 113267 (Sub-No. 135), filed October 1, 1964. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., Post Office Box No. 548, Caseyville, Ill. Applicant's attorney: Ray H. Burroughs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from LaPorte, Ind., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, North Carolina, South Carolina, and Tennessee, restricted against the transportation of commodities in bulk, in tank vehicles.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113495 (Sub-No. 15), filed September 28, 1964. Applicant: GREGORY HEAVY HAULERS, INC., 2 Main Street, Nashville, Tenn. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Earthmoving, construction, mining and maintenance machinery and equipment, and* (2) *parts, implements, attachments, and accessories* for the commodities named in (1) above, between Raleigh, N.C., and points within 15 miles thereof, on the one hand, and, on the other, points in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113623 (Sub-No. 1), filed September 28, 1964. Applicant: WILLIAM W. EDMOND AND WESLEY C. HAYHURST, a partnership, doing business as ACME TRANSFER & STORAGE, 163 Yolano Drive, Vallejo, Calif. Applicant's attorney: G. Alfred Roensch, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission in 17 M.C.C. 467, between points in Solano, Napa, Sonoma, Contra Costa Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 113678 (Sub-No. 84), filed September 30, 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: *Frozen foods*, from LaPorte, Ind., to points in Colorado, Nebraska, Iowa, Missouri, Minnesota, North Dakota, South Dakota, Wisconsin, Ohio, Pennsylvania, New Jersey, Connecticut, Rhode Island, Massachusetts, New York, Vermont, New Hampshire, Maine, Delaware, Maryland, District of Columbia, West Virginia, Virginia, Kentucky, Illinois, Michigan, and Kansas.

NOTE: If a hearing is deemed necessary, applicant does not specify place.

No. MC 113843 (Sub-No. 82), filed September 28, 1964. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston 10, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cleveland, Ohio to points in Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 113855 (Sub-No. 97) (AMENDMENT), filed September 10, 1964, published in FEDERAL REGISTER issue of September 24, 1964, amended October 5, 1964, and republished as amended this issue. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52, South, Rochester, Minn. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, farm machinery, and parts and attachments for agricultural implements, and farm machinery*, from Glencoe, Minn., and points within five miles thereof, and Bloomington, Ill., to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, Wyoming, and the ports of entry located on the international boundary line between the United States and Canada in Minnesota and North Dakota.

NOTE: The purpose of this republication is to add eleven states as destination states in the above described territory. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113908 (Sub-No. 148), filed September 28, 1964. Applicant: ERICKSON TRANSPORT CORPORATION, Post Office Box 3180, 706 West Tampa, Springfield, Mo. Applicant's attorney: Turner White III, 805 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal and poultry feed supplements*, in bulk, and in tank vehicles, from Springfield, Mo., to points in Alabama, Delaware, Georgia, Illinois, Iowa, Kentucky, Louisiana, Maryland, Kansas, Arkansas, Virginia, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, South Carolina, and Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 114364 (Sub-No. 92), filed October 1, 1964. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and canned fruits*, from Delta, Colo., to Joplin, Mo., points in Oklahoma and Texas, points in Nebraska west of U.S. Highway 281, and points in Kansas (except points on and east of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 77 to junction U.S. Highway 40 and on and north of a line extending from said junction along U.S. Highway 40 to the Kansas-Missouri State line).

NOTE: Applicant states it holds authority to transport these commodities from this origin to these destinations, subject to a restriction that the frozen fruits and canned fruits move in the same vehicle at the same time. The purpose of this application is to remove that restriction. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114457 (Sub-No. 21), filed September 25, 1964. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn., 55104. Applicant's attorney: James R. Madler, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Perry, Iowa, to points in Illinois, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, Missouri, and Iowa.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 114569 (Sub-No. 68), filed September 28, 1964. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, syrups, sauces, toppings, and chocolate products* (except in bulk, in tank vehicles), and *advertising materials and displays* and *dispensing equipment and premiums*, when moving in connection with confectionery, syrups, sauces, toppings and chocolate products (except in bulk, in tank vehicles), from Oakdale, Calif., to points in Arizona, New Mexico, Texas, Colorado, Utah, Nevada, Wyoming, Montana, Idaho, Oregon, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114725 (Sub-No. 15), filed September 25, 1964. 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: *Anhydrous ammonia and fertilizer*, in bulk, in tank vehicles, from the site of Phillips Petroleum Co., Anhydrous Ammonia Plant located at or near Hoag, Nebr., to points in Iowa, Kansas, points in Missouri on and west of U.S. Highway 63, and points in South Dakota, and *damaged or rejected shipments* of the above named commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115364 (Sub-No. 8), filed September 29, 1964. Applicant: GOODMAN MOTOR TRANSPORT CO., LTD., 5650 Kingston Road, Vancouver 8, British Columbia, Canada. Applicant's attorney: George B. LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between ports of entry on the international boundary line between the United States and Canada, at or near Blaine, Sumas and Lynden, Wash., on the one hand, and, on the other, points in Washington.

NOTE: Applicant states the above proposed transportation service will be performed for the account of Barnett Lumber Industries, Ltd. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 115841 (Sub-No. 202), filed September 28, 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: *Foodstuffs*, in mixed shipments with frozen foods, from Westfield and Buffalo, N.Y., and Erie and North East, Pa., to points in North Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 115841 (Sub-No. 203), filed September 28, 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: *Foodstuffs*, from Westfield and Buffalo, N.Y., and Erie and North East, Pa., to points in Florida, Georgia, and South Carolina.

NOTE: Applicant states that it already holds the following authorities: (1) Grape products and fruit and vegetable juices, unfrozen, from North East and Erie, Pa., to points in Georgia and those in Florida on and north of a straight line extending between St. Augustine and Panama City, Fla., restricted to the transportation of traffic in consolidated lots moving on a single bill of lading, the components of which are destined to points in more than one state, and (2) frozen foods and canned goods (unfrozen) in mixed shipments consisting of frozen and unfrozen products moving in the same vehicle, from Westfield, N.Y., and North East, Pa., to points in Georgia and South Carolina and points in that part of Florida, on and north of a line beginning at the Alabama-Florida State line, and extending along U.S. Highway 98 to Perry, Fla., thence over U.S. Highway 27 to Highway Springs, Fla., thence over U.S. Highway 441 to Gainesville, Fla., thence over Florida Highway 20 to Palatka, Fla., thence over Florida Highway 207 to St. Augustine, Fla., and the Atlantic Ocean. If a hearing is deemed necessary, applicant requests it be held at either Buffalo, N.Y., or Washington, D.C.

No. MC 115841 (Sub-No. 204), filed September 29, 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, meat products, and meat byproducts* (except commodities in bulk or tank vehicles), in vehicles equipped with mechanical refrigeration from Bellefontaine, Ohio, to points in Tennessee, Kentucky, and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 116014 (Sub-No. 16), filed September 21, 1964. Applicant: RALPH OLIVER AND MRS. SCOTT OLIVER, doing business as OLIVER TRUCKING CO., Bloomfield Road, Winchester, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, animal and poultry feed ingredients, and materials, equipment, and supplies used in the manufacture and distribution of animal and poultry feeds* (except in bulk in tank vehicles) between Winchester, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Missouri, Tennessee, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116254 (Sub-No. 42) (AMENDMENT), filed September 14, 1964, published FEDERAL REGISTER issue of September 24, 1964, amended September 29, 1964, and republished as amended this issue. Applicant: CHEM-HAULERS INC., Post Office Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, Nashville Bank and Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk (except cement and fly ash), from points in Tennessee on and west of U.S. Highway 27 and east of the western traversal of the Tennessee River (except points in Hamilton County, Tenn.), to points in Alabama.

NOTE: The purpose of this republication is to set forth the exact scope of authority sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham, or Montgomery, Ala.

No. MC 116273 (Sub-No. 34), filed October 1, 1964. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, 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: *Acids and chemicals*, in bulk, in tank vehicles, from the Tri-City Regional Port District in Madison County, Ill., to points in Arkansas, Indiana, Illinois, Iowa, Kansas, Kentucky, Missouri, Nebraska, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 172), filed September 24, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in truckload shipments and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with bananas, from Los Angeles and San Francisco, Calif., to Boise and Twin Falls, Idaho.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 117119 (Sub-No. 173), filed September 25, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh, frozen and canned fruits and berries*, and *frozen foods* from points in Michigan to points in Arizona, New Mexico, Colorado, Missouri, Nebraska, and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 117119 (Sub-No. 174), filed September 28, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, chilled and frozen bakery products, frozen fruits, frozen vegetables, frozen berries, frozen french fries, frozen pizza, and pizza pie ingredients*, between points in Colorado, Oklahoma, Texas, and New Mexico.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 117119 (Sub-No. 175), filed October 1, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals, and drugs*, in vehicles equipped with controlled temperature units, from Vineland, N.J., to Springdale, Ark.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 117119 (Sub-No. 176), filed October 2, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard boxes, paper boxes* (other than corrugated), knocked down in vehicles equipped with controlled temperature units, from Newnan, Ga., to Fayetteville, Ark.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 117303 (Sub-No. 3), filed September 28, 1964. Applicant: HUDSON VALLEY CEMENT LINES, INC., Post Office Box 23, Claverack, N.Y. Applicant's attorney: Martin Werner, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the town of Greenport, Columbia County, N.Y., to Plainville, Conn., and *returned, refused, and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 117509 (Sub-No. 18), filed September 23, 1964. Applicant: BEN R. SCHILLI, doing business as SCHILLI TRANSPORTATION, 1308 North 13th Street, East St. Louis, Ill. Applicant's attorney: Thomas F. Kilroy, Suite 1250 Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate*, from Neosho, Mo., to points in Florida, Mississippi, West Virginia, Tennessee, Georgia, Kentucky, Alabama, North Carolina, South Carolina, and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117815 (Sub-No. 27) (AMENDMENT), filed September 14, 1964, published in FEDERAL REGISTER issue of September 30, 1964, amended October 1, 1964, and republished as amended this issue. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa 50317. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa 50316. 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 of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Perry, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, North Dakota, Nebraska, South Dakota, Wisconsin, and Michigan.

NOTE: The purpose of this republication is to add Wisconsin and Michigan to the destination States. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 117820 (Sub-No. 3), filed September 30, 1964. Applicant: MICHIGAN FISH TRANSPORT, INC., 1903 Bancroft, Port Huron, Mich. Applicant's attorney: Robert D. Schuler, Suite 1700, One Woodward Avenue, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish and shellfish, cheese, pickles and olives*, in mechanically refrigerated equipment, from New York City, N.Y., Farmingdale, Jersey City, and Newark, N.J., Philadelphia and New Holland, Pa., to Cleveland and Toledo, Ohio, and Detroit, Mich.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 118014 (Sub-No. 1), filed September 28, 1964. Applicant: PAUL J. RAMEY, 406 South Street James Boulevard, Evansville, Ind. Applicant's attorney: William L. Mitchell, 314–15–16 Old National Bank Building, Evansville, 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., Jacksonville, Fla., and Mobile, Ala., to Evansville, Ind.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind.

No. MC 118793 (Sub-No. 1), filed September 30, 1964. Applicant: J. FRANCES McCARTHY, doing busines as MAC TRANSPORT LINES, 102 Nursery Street, Springfield, Mass. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and malt beverage containers*, from Willimansett, Mass., to points in Connecticult, Rhode Island, New York, and New Jersey, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119577 (Sub-No. 6), filed October 2, 1964. Applicant: OTTAWA CARTAGE, INC., Post Office Box 458, Ottawa, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile and clay products*, from Carol Stream, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Missouri, Kentucky, Ohio, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, and *rejected tile and clay products*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119767 (Sub-No 32), filed October 1, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potato products*, from Greenville, Mich, to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Missouri, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

NO. MC 120979 (Sub-No. 1), filed October 2, 1964. Applicant: BRIGHTWOOD TRANSFER, INC., 5210 East 25th Street, Indianapolis, Ind. Applicant's attorney: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis, Ind., 46204. Applicant sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, and empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between Indianapolis, Ind., and points in Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 123212 (Sub-No. 1), filed September 25, 1964. Applicant: WHITE MOTOR TRANSPORTATION CO., INC., 125 Hillside Avenue, South River, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile, fluetile, chimney lining, drain tile, building tile, and shale pipe*, (1) from Belle Mead, N.J., Sharon Hill, Quakertown, and Somerset, Pa., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New York, Rhode Island, and Virginia, within 250 miles of South River, N.J., (2) from Belle Mead, N.J., to points in Pennsylvania within 250 miles of South River, N.J., and (3) from Sharon Hill, Quakertown, and Somerset, Pa., to points in New Jersey.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 123212 (Sub-No. 2), filed September 25, 1964. Applicant: WHITE MOTOR TRANSPORTATION CO., INC., 125 Hillside Avenue, South River, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime, limestone, and limestone products*, from Plymouth Meeting, Devault, and Malvern, Pa., to points in New Jersey, (2) *brick*, from Belle Mead, Bordentown, Winslow, and Fieldsboro, N.J., Crum Lynne, Phoenixville, Quakertown, Shoemakersville, and Wyomissing, Pa., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and Virginia within 250 miles of South River, N.J., and (3) *brick*, from East Windsor Hill, Conn., to points in New Jersey, New York, and Pennsylvania within 250 miles of South River, N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 123212 (Sub-No. 3), filed September 25, 1964. Applicant: WHITE MOTOR TRANSPORTATION CO., INC., 125 Hillside Avenue, South River, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' equipment and supplies*, from Philadelphia, Pa., to points in New Jersey, New York, Maryland, Delaware, Connecticut, Massachusetts, and Rhode Island.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 124047 (Sub-No. 27), filed September 28, 1964. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Cement*, in packages, from Ironton, Ohio, to West Virginia Highway Projects near Parsons, W. Va.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124669 (Sub-No. 7), filed October 1, 1964. Applicant: TRANSPORT, INC. OF SOUTH DAKOTA, 1012 West 41st Street, Post Office Box 502, Sioux Falls, S. Dak. Applicant's attorney: Ronald B. Pitsenbarger, Post Office Box 396, Moorhead, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the site of the Phillips Petroleum Co. Anhydrous Ammonia plant located at or near Hoag, Nebr., to points in South Dakota, Minnesota, and Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 125722 (Sub-No. 6), filed September 23, 1964. Applicant: GREAT WESTERN PACKERS EXPRESS, INC., Post Office Box 16886, Denver, Colo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Denver, Colorado Springs, and Pueblo, Colo., to Phoenix, Tucson, and Prescott, Ariz.

NOTE: Applicant states the purpose of this application is to convert to irregular route authority, the regular route authority being acquired by applicant in No. MC-FC 65666 on "dairy products", without restriction. Such authority was sought in its Docket No. MC 125722 (Sub-No. 3), published in FEDERAL REGISTER, issue of August 5, 1964. Erroneous reference made in that issue to "dairy products" as described in Appendix I, Section B to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 necessitates this application. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 125982 (Sub-No. 2), filed September 28, 1964. Applicant: LOUIS D. PERRETT III, doing business as A. & G. TRANSPORT CO., 650 South Galvez Street, New Orleans, La. 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: *Newsprint, printing* and *ground wood paper* from Natchez-Adams County Port, located near Natchez, Miss., to Alexandria, La.

NOTE: Applicant states the proposed operations will be restricted to traffic having a prior movement by water. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126233 (Sub-No. 1), filed September 29, 1964. Applicant: P. W. CAMPBELL, Lawrenceburg, Tenn. Applicant's attorney: Charles H. Hudson, Jr., 417 Stahlman Building, Nashville, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Anse La Butte and Baldwin, La., to points in Tennessee and points in Daviess, Union, Ohio, Hopkins, Muhlenberg, Logan, Todd, Christian, and Henderson Counties, Ky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 126316 (Sub-No. 1) (CORRECTION), filed September 22, 1964, published in FEDERAL REGISTER, issue of October 7, 1964, and republished as corrected this issue. Applicant: CARL R. ALLEN, doing business as ALLEN TRUCKING CO., Route 2, Box 51, Keithville, La.

NOTE: The purpose of this republication is to show applicant's correct subnumber, No. MC 126316 (Sub-No. *1*), in lieu of that previously published.

No. MC 126409 (Sub-No. 2), filed September 29, 1964. Applicant: TIGER TANK LINES, INC., 1600 South Joyce, Arlington, Va. Applicant's attorney: J. William Cain, Madison Building, 1155 Fifteenth Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bulk, in tank vehicles, (1) from Baltimore, Md., to points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia, and (2) from points in Virginia (except Chesapeake, Va.), to points in North Carolina and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126488 (Sub-No. 1), filed September 24, 1964. Applicant: LEDFORD SEBASTIAN, doing business as LEDFORD SEBASTIAN TRUCKING COMPANY, 144 Winston Avenue, Lexington, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods* from Cincinnati, Ohio, to Lexington, Ky., 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 Frankfort, Ky.

No. MC 126548 (Sub-No. 1), filed September 23, 1964. Applicant: ROBERT R. REED, 304 1st Avenue, Grinnell, Iowa. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber (native hardwoods, rough sawn), raggle boards, pallets, and skids*, from Belle Plaine, Iowa, to points in Indiana, Ohio, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 126582 (Sub-No. 1), filed September 28, 1964. Applicant: JOHN J. CANOVA, doing business as CANOVA MOVING & STORAGE COMPANY AND SOLANO MOVING AND STORAGE COMPANY, 1336 Woolner Avenue, Fairfield, Calif. Applicant's attorney: G. Alfred Roensch, 100 Bush Street, 21st Floor, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission in 17 M.C.C. 467, between points in Sonoma, Napa, Solono, Contra Costa, Yolo, Sacramento, Sutter, Butte, Yuba, Nevada, and Placer Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126584 (Sub-No. 1), filed September 1, 1964. Applicant: DOROTHY JEANNE SWOFFORD, ADMINISTRATRIX of the estate of JACK W. SWOFFORD, doing business as SWOFFORDS VAN & STORAGE, a fiduciary, 1061 Sonoma Boulevard, Vallejo, Calif. Applicant's attorney: G. Alfred Roensch, 100 Bush Street, 21st Floor, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission in 17 M.C.C. 467, between points in Solano, Napa, Sonoma, and Contra Costa Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126592 (Sub-No. 1), filed September 28, 1964. Applicant: GERALD WAYNE CAMPBELL, R.F.D. 1, Centerville, Iowa. Applicant's attorney: Carll V. Kretsinger, Suite 510, Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Putnam County, Mo., to Centerville, Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 126596, filed September 23, 1964. Applicant: MERVYN RINEHART, Sub. Post Office 22, Edmonton, Alberta, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General*

commodities (except those of unusual value, Classes A and B explosives, and commodities requiring special equipment), from the international boundary line between the United States and Canada at or near Beaver Creek, Alaska, via Tok Junction, Alaska, to Fairbanks, Alaska, and *empty Canadian beer bottles*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Anchorage, Alaska.

No. MC 126599, filed September 23, 1964. Applicant: EMBASSY MOVING & STORAGE CO., INC., 5150 Lawrence Place, Hyattsville, Md. Applicant's attorney: Alan F. Wohlstetter, One Farragut Square, South, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points within a fifty (50) mile radius of Washington, D.C., including Washington, D.C.

NOTE: Applicant states such area includes all points within the District of Columbia, Baltimore, Md., and Alexandria, Va., and points in the following counties within a radius of fifty (50) miles of Washington, D.C., namely, Montgomery, Howard, Frederick, Carroll, Baltimore, Anne Arundel, Prince Georges, Calvert, Charles, and St. Marys Counties, Md.; and Arlington, Fairfax, Prince William, Stafford, Spotsylvania, King George, Fauquier, and Loudoun Counties, Va. It is further stated the proposed operations will be restricted to (a) shipments having a prior or subsequent movement beyond said 50 mile radius of Washington, D.C., in containers, and (b) pickup and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126600, filed September 25, 1964. Applicant: EHRSAM TRANSPORT, INC., 108 North Factory, Enterprise, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials handling and processing equipment, elevator equipment, power transmission equipment, foundry castings, materials and supplies*, used in the manufacture of stated products, between Enterprise, Wichita, and Clay Center, Kans., on the one hand, and, on the other, points in the United States (excepting Hawaii).

NOTE: Applicant states that the transportation service requested will be under continuing contracts with the Simlo, Inc.; Ehrsam Wichita Foundry, Inc., Ehrsam Inc., and The J. B. Ehrsam & Sons Manufacturing Company. If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 126601, filed September 23, 1964. Applicant: A. C. LAING AND R. W. LAING, a partnership, 601 11th Street, Franklin, Pa. Applicant's attorney: Robert Y. Daniels, Green Building, Franklin, Pa., 16323. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand and gravel*, from points in Warren County, Pa., to points in Chautauqua County, N.Y., and (2) *amesite, blacktop, and other asphalt materials*, from points in Chautauqua County, N.Y., to points in Warren and McKean Counties, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Erie or Pittsburgh, Pa.

No. MC 126602, filed September 23, 1964. Applicant: GENERAL TERMINALS, INC., Post Office Box 53086, 1820 Tchoupitoulas Street, New Orleans, La., 70150. Applicant's attorney: Alan F. Wohlstetter, One Farragut Square S., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points within a radius of seventy (70) air miles of New Orleans, La., including New Orleans, La.

NOTE: Applicant states such area includes points in the following counties: Hancock, Harrison, Pearl River and Stone Counties, Miss., and in the following parishes: Orleans, Jefferson, St. Charles, St. Bernard, St. Tammany, Washington, Plaquemines, Lafourche, Terrebonne, St. Mary, St. Martin, St. James, Assumption, Iberia, Iberville, St. Helena, East Baton Rouge, West Baton Rouge, Ascension, Livingston, Tangipahoa, and St. John the Baptist Parishes, La. It is further stated the proposed operations will be restricted to (a) shipments having a prior or subsequent movement beyond New Orleans, La., and a 70 air mile radius thereof, in containers, and (b) pickup and delivery service incidental to and in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such shipments, but will include local drayage service between riverfront terminals in the performance of carloading operations. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 126605, filed September 23, 1964. Applicant: J. M. BEAVER, doing business as BEAVER'S DUMP TRUCK SERVICE, 1734 Helvingston Street, Live Oak, Fla. Applicant's attorney: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building and construction aggregates*, in bulk, between points in that part of Georgia on and south of U.S. Highway 280, on the one hand, and, on the other, points in that part of Florida on and east of Florida Highway 59, and on and north of Florida Highway 50.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 126606, filed September 24, 1964. Applicant: WILLIAM H. O'BRIEN, Post Office Box 37, Dixon, Ill. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Empty tin cans*, from Dixon, Ill., to Lewisburg, Tenn., and (B) *milk beverages in cans*, and *evaporated milk in cans*, from Lewisburg, Tenn., to Dixon and Chicago, Ill.

NOTE: Applicant states that the above proposed service will be performed for The Borden Company. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126609, filed September 28, 1964. Applicant: ORLAND J. DUNNE, doing business as DUNNE TRUCKING COMPANY, 1810 Chaney Road, Dubuque, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat scraps, animal feeds, animal feed ingredients*, in bulk, in open top equipment, with canvas and plastic covers, from Dubuque, Iowa, to points in Boone, Bureau, Carroll, DeKalb, Fulton, Grundy, Hancock, Henderson, Henry, Jo Davies, Kane, Kendall, Knox, Lake, La Salle, Lee, Livingston, Marshall, McDonough, McHenry, McLean, Mercer, Ogle, Peoria, Putnam, Rock Island, Stark, Stephenson, Tazewell, Warren, Whiteside, Winnebago, and Woodford Counties, Ill.

NOTE: Applicant states the proposed service is to be "under contract with the Dubuque Packing Company, Dubuque, Iowa." If a hearing is deemed necessary, applicant does not specify a desired location.

No. MC 126610, filed September 28, 1964. Applicant: OREN TROY PARKER, 1724 Stella Street, Wenatchee, Wash. Applicant's attorney: George R. Labissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale and retail grocery establishments, from points in California on and north of U.S. Highways 152, and 140, to points in Washington.

NOTE: Applicant states the proposed service to be "under contract and for the account of Pacific Gamble Robinson Co." If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 126611, filed September 29, 1964. Applicant: LARRY SPACE, doing business as MIDTOWN TRUCKING, Rural Delivery No. 3, Route 22, Somerville, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Fertilizer* in bags, *herbicides*, in bottles, *lawn seed spreaders, and bird feeders in the same vehicle with grass and bird seed*, from Bound Brook, N.J., to New York, N.Y., and points in Westchester, Dutchess, Suffolk, and Nassau Counties, N.Y.; points in Philadelphia, Bucks, Montgomery, Delaware, and Chester Counties, Pa.; points in Maryland on and east of U.S. Highway 15; Wilmington, Del.; and points in Connecticut.

NOTE: Applicant states the proposed operations will be under a continuing contract or contracts with Lofts Pedigreed Seed, Inc. of Bound Brook, N.J. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 126612, filed September 24, 1964. Applicant: SALVATORE GIARRAPUTO, doing business as SEMOLINA HAULAGE COMPANY, 56 Kent Avenue, Brooklyn, N.Y. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in specially equipped

trailers, from Brooklyn, N.Y., to Newark and Irvington, N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126613, filed September 25, 1964. Applicant: GARDEN GROVE TRANSFER & STORAGE CO., a corporation, 11521 Anabel Avenue, Garden Grove, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household goods*, crated and uncrated, new and used, and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in (1) above, between points in Los Angeles, and Orange Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 126615, filed October 2, 1964. Applicant: G. FRED BIXLER, INC., 15 Hamilton Avenue, Weehawken, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Collapsible mobile house trailers, sheds, equipment, and supplies* on vehicles equipped with mechanical loading and unloading devices from Carlstadt, N.J., to points in the United States (except Alaska and Hawaii).

NOTE: Applicant states the proposed operation will be under a continuing contract with Quaker City Industries, Inc., Carlstadt, N.J. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126617, filed October 1, 1964. Applicant: WELDON J. LUCAS, doing business as DEPTFORD PARCEL DISPATCH, Walker and Kahler Streets, Woodbury, N.J. Applicant's attorney: Wadsworth Cresse, Jr., 44 Cooper Street, Woodbury, N.J., 08096. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air freight*, between Philadelphia International Airport, Philadelphia, Pa., and points in Burlington, Ocean, Atlantic, Cape May, Cumberland, Salem, Gloucester, and Camden Counties, N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., Camden or Trenton, N.J.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 364), filed September 21, 1964. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Frying (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Franklin Township, and Montgomery Township, Somerset County, N.J., from the junction of Interstate Highway 287 and Weston Canal Road in Franklin Township, over Interstate Highway 287 to junction of U.S. Highway 22, thence over U.S. Highway 22 to junction of U.S. Highway 206, thence over U.S. Highway 206, to the Reading Railroad Station at Belle Mead, Montgomery Township, and return over the same route, using access roads at the junctions, and serving no intermediate points (except those on U.S. Highway 206 between the Reading Railroad Station at Belle Mead, Montgomery Township, N.J., and the Raritan River Bridge at the boundary line of the Borough of Somerville, and Township of Hillsborough, N.J.).

NOTE: Applicant states it "intends to tack the above-described route with its existing routes." If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J.

No. MC 3647 (Sub-No. 365), filed September 25, 1964. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, within the Borough of Totowa, N.J.; from junction U.S. Highway 46 and Union Blvd., Totowa, over Union Blvd. to junction River View Drive, thence over River View Drive to junction U.S. Highway 46, and return over the same route, serving all intermediate points.

NOTE: Applicant states that the above-described route will be tacked to existing routes. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 109865 (Sub-No. 6), filed September 28, 1964. Applicant: GEORGE H. KUSS, doing business as VALLEY TRANSPORTATION, Five Bank Street, Seymour, Conn. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers in special operations, (1) between Bridgeport, Conn., and points on U.S. Highway 1 between Bridgeport, Conn., and the Connecticut-New York State line, on the one hand, and, on the other, the site of the Saratoga Springs Racetrack at Saratoga Springs, N.Y., and (2) between Waterbury, Naugatuck, Beacon Falls, Seymour, Ansonia, Derby, and Shelton, Conn., on the one hand, and, on the other, Bridgeport, Conn., restricted to traffic moving to and from racetracks in the New York, N.Y., area.

NOTE: Applicant states that the above proposed operation in section (2) above will be tacked with its existing authority between Bridgeport, Conn., and various racetracks in the New York area, which applicant states it is currently authorized to serve, as well as the authority applied for in section (1) above between Bridgeport and Saratoga Springs Racetrack, so as to permit service by applicant from the named Connecticut points between Bridgeport and Waterbury to all the various racetracks in the New York, N.Y., area which applicant is authorized to serve. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 111347 (Sub-No. 1), filed September 24, 1964. Applicant: PRIGGE'S CHARTERED BUSES, INC., 930 North Ninth Street, Sheboygan, Wis. Applicant's attorney: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis., 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round trip charter operations beginning and ending at points in Sheboygan, Ozaukee, Manitowoc, Fond du Lac, Green Lake, and Milwaukee Counties, Wis., and extending to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 156), filed October 5, 1964. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Collapsible containers*, when moving at the same time and on the same vehicle when transporting transformer oils, in bulk, in tank vehicles, from Port Arthur, Tex., to points in Alabama (except Fox), Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant states it is presently authorized under Docket No. MC 531 Subs 21, 84, 95, 137, and 139 to transport transformer oil in bulk, in tank vehicles, from Port Arthur, Tex. to all of the destinations set forth above. The purpose of this application is to transport collapsible containers on the same vehicle at the same time it is transporting transformer oil in bulk, in tank vehicles. No additional territory is being sought.

No. MC 113828 (Sub-No. 65), filed September 29, 1964. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Winston-Salem, N.C., to points in Bedford, Bland, Botetourt, Campbell, Craig, Giles, Montgomery, Pulaski, and Roanoke Counties, Va., and Roanoke, Va.

No. MC 118788 (Sub-No. 2), filed October 2, 1964. Applicant: ROBERT PARRISH, ROBERT G. PARRISH AND BUFORD PARRISH, a partnership, doing business as PARRISH BROS. IMPLEMENT CO., 905 Fehr Avenue, Louisville, Ky. Applicant's attorney: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, Ky., 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, green salted, (a) between Louisville, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Mary-

land, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia; and (b) from Louisville, Ky., to points in Maine.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 59), filed September 22, 1964. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago, Ill., 60603. Applicant's attorney: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers. A. *Revision of California Route No. 1 on Certificate Sheet No. 5* Reroute regular route No. 1 over relocated segments of U.S. Highway 101, in lieu of and in revocation of the presently authorized segments over former U.S. Highway 101, now unnumbered highways with the exception of item (5), which has been renumbered as California Highway 254, between the following points: (1) Hamboldt Hill Road Junction and Salmon Avenue Junction; (2) North Fields Landing Junction and South Fields Landing Junction; (3) North Whites Slough Junction and South Whites Slough Junction; (4) North Fortuna Interchange and South Rohnerville Overcrossing; (5) Myers Flat Overcrossing and Maple Hill Bridge; (6) Forsythe Creek Junction and Ford Road Junction; (7) North Hiatt Road Junction and South Washington School Road Junction; and (8) North Healdsburg Junction and South Healdsburg Junction; to read as follows: "between the Oregon-California State line north of Smith River and San Francisco: from the point where U.S. Highway 101 intersects the Oregon-California State line, over U.S. Highway 101 to junction Business Route U.S. Highway 101 (North Santa Rosa Junction), thence over Business Route U.S. Highway 101 through Santa Rosa to junction U.S. Highway 101 (South Santa Rosa Junction), thence over U.S. Highway 101 to junction unnumbered highway north of Cotati (North Cotati Junction), thence over unnumbered highway through Cotati and Petaluma to junction U.S. Highway 101 (Petaluma Junction), thence over U.S. Highway 101 to San Francisco (connects with Oregon route 8). Authority is granted to serve all intermediate points and also the points of Fortuna and Healdsburg over available access highways to U.S. Highway 101)." B. *Revision of Proposed California Route No. 3 on Certificate Sheet No. 5.* Revise Route No. 3, as proposed in pending Form BMC–78 application in Docket No. MC 1515 (Sub-No. 23) (formerly Docket No. MC 1501 (Sub-No. 290)), to include a segment of former U.S. Highway 101 (to be renumbered as California Highway 254) between Myers Flat and Maple Hills Bridge, to read as follows: "between Dyerville and Maple Hills Bridge: from junction U.S. Highway 101 and California Highway 254 (Dyerville), over California Highway 254 via Weott and Miranda to junction U.S. Highway 101 (Maple Hills Bridge)," and return over the same routes in A. and B., serving all intermediate points, subject to the general conditions and orders set forth on First Revised Sheet No. 1A of former Certificate No. MC 1501 (Sub-No. 138), now assigned No. MC 1515 (Sub-No. 7).

NOTE: The changes in operating authority hereinabove shown and explained are proposed to be incorporated in the designated revised sheet to former Certificate No. MC 1501 (Sub-No. 138), now assigned No. MC 1515 (Sub-No. 7).

No. MC 109865 (Sub-No. 5), filed September 22, 1964. Applicant: GEORGE H. KUSS, doing business as VALLEY TRANSPORTATION CO., 5 Bank Street, Seymour, Conn. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in special operations, during the racing season, between Bridgeport, Conn., and points on U.S. Highway 1 between Bridgeport, Conn., and the Connecticut-New York State line, on the one hand, and, on the other, the sites of the Aqueduct, Jamaica, and Belmont racetracks, Long Island, N.Y., and the sites of the Roosevelt Raceway at Westbury, N.Y., and the Yonkers Raceway at Yonkers, N.Y.

NOTE: Applicant states that the purpose of this application is to convert the regular route authority embraced in Certificate No. MC 109865, to irregular route authority, and to remove the seasonal restriction therein with respect to its special racetrack operations.

No. MC 125569 (Sub-No. 11), filed September 28, 1964. Applicant: VALLEY TRANSPORTATION COMPANY, a corporation, 829 State Street, Lemoyne, Pa. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, during the authorized racing seasons between Carlisle, Pa., on the one hand, and, on the other, Hagerstown Race Track, Hagerstown, Md., Charles Town Race Track, Charles Town, W. Va., and Shenandoah Downs Race Track, Charles Town, W. Va.

By the Commission.

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

[F.R. Doc. 64–10445; Filed, Oct. 13, 1964; 8:47 a.m.]

[Notice 1060]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 9, 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 66984. By order of October 7, 1964, the Transfer Board approved the transfer to Maggie Hayes, doing business as Hayes Truck Line, Post Office Box 97, Luther, Okla., 73054, of Certificate of Registration No. MC 54684 Sub 2, issued March 19, 1964, to Walter L. Hayes, doing business as Hayes Truck Line, Post Office Box 97, Luther, Okla., evidencing the right to engage in interstate or foreign commerce between specified points in Oklahoma, over a regular route.

No. MC–FC 67013. By order of October 7, 1964, the Transfer Board approved the transfer to Charles M. Taylor, doing business as Taylor Truck Lines, Eudora, Kans., of the operating rights in Certificate No. MC 65004, issued February 21, 1956, to Delbert Reusch and Charles M. Taylor, doing business as Taylor Truck Line, Eudora, Kans., authorizing the transportation, over regular routes, of: Various specifically named commodities of a general commodity nature, between specified points, and serving named intermediate and off-route points in Kansas and Missouri. D. S. Hults, Box 225, Lawrence, Kans., attorney for applicants.

No. MC–FC 67052. By order of October 7, 1964, the Transfer Board approved the transfer to William G. Webster, doing business as Bill Webster & Sons, Barstow, Calif., of the operating rights in Certificate No. MC 104094, and those evidenced by Certificates of Registration in Nos. MC 56617 Sub 2 and MC 104094 Sub 4, issued by the Commission October 25, 1943, April 2, 1964, and May 12, 1964, respectively, to Lloyd F. Harvey, Barstow, Calif., authorizing the transportation under the Certificate of passengers and their baggage, and of express, and mail, in the same vehicle with passengers, over regular routes, between Yermo, Calif., and Death Valley Junction, Calif.; and under Certificates of Registration, general commodities, between Barstow, Calif., and Stovepipe Wells, Calif., subject to restrictions; and passengers and their baggage, between Barstow, Calif., and Stovepipe Wells, Calif., subject to restrictions. Ivan McWhinney, 639 South Spring Street, Los Angeles, Calif., attorney for applicants.

No. MC–FC 67159. By order of October 7, 1964, the Transfer Board approved the transfer to Mueller Cartage Company, a corporation, St. Louis, Mo., of the operating rights in Permit No. MC 114496 Sub 1, issued March 5, 1954, to B & B Trucking Company, a corporation, Alton, Ill., authorizing the transportation, over irregular routes, of: Brick, tile and clay products, from and to specified

points in Illinois and Missouri. Robert C. Martin, 300 American Building., Cincinnati, Ohio, attorney for applicants.

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

[F.R. Doc. 64-10446; Filed, Oct. 13, 1964; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 9, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39314: *Lime to Wellsville, Ohio.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2744), for interested rail carriers. Rates on lime, hydrated, quick or slaked, in bulk, in carloads, subject to minimum shipment of 255 net tons, from Mosher and Ste. Genevieve, Mo., to Wellsville, Ohio.

Grounds for relief: Barge competition.

Tariff: Supplement 26 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-238.

FSA No. 39315: *Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 282), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 16th revised page 47-A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39316: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers, Association, Inc., agent (No. 283), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central, southwestern and middlewest territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 18th revised page 69 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39317: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 284), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 24th revised page 222 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39318: *Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 285), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 16th revised page 47-A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39319: *Sulphur dioxide to Coosa Pines, Ala.* Filed by O. W. South, Jr., agent (No. A4573), for interested rail carriers. Rates on sulphur dioxide, in steel cylinders, in carloads, and tank carloads, from Baton Rouge and North Baton Rouge, La., also West Norfolk, Va., to Coosa Pines, Ala.

Grounds for relief: Market competition.

Tariffs: Supplements 93 and 30 to Southern Freight Association, agent, tariffs I.C.C. S-207 and S-397, respectively.

FSA No. 39320: *Liquid caustic soda to points in Alabama and Georgia.* Filed by O. W. South, Jr., agent (No. A4574), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Acme and Wilmington, N.C., and Charleston, S.C., to Fairfax, Lanett and Opelika, Ala., and Columbus and Thomaston, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 93 to Southern Freight Association, agent, tariff I.C.C. S-207.

FSA No. 39322: *Iron or steel articles to Bay St. Louis, Miss.* Filed by Illinois Freight Association, agent (No. 262), for interested rail carriers. Rates on iron or steel plate or sheet, noibn, galvanized or plain, corrugated or not corrugated, in carloads, from Chicago, Sterling and Lemont, Ill., to Bay St. Louis, Miss.

Grounds for relief: Barge-rail competition.

Tariff: Supplement 15 to Illinois Freight Association, agent, tariff I.C.C. 1033.

AGGREGATE-OF-INTERMEDIATES

FSA No. 39321: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 520), for interested rail carriers. Rates on petroleum refinery treating waste, in tank carloads, from Sheerin, Tex, to Evadale, Tex.

Grounds for relief: Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 20 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

By the Commission.

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

[F.R. Doc. 64-10441; Filed, Oct. 13, 1964; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—OCTOBER

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