

FEDERAL REGISTER

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Agencies in this issue—

Agricultural Research Service
Agriculture Department
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Commerce Department
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Federal Aviation Agency
Federal Communications Commission
Federal Power Commission
Federal Trade Commission
Food and Drug Administration
Foreign Assets Control Office
Housing and Home Finance Agency
Interior Department
Interstate Commerce Commission
Public Housing Administration
Securities and Exchange Commission
Social Security Administration

Detailed list of Contents appears inside.



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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Atlantic-Pacific Interoceanic Canal Study Commission

Section 213.3178 is added to show the exception under Schedule A of positions on the Staff of the Atlantic-Pacific Interoceanic Canal Study Commission. Effective on publication in the FEDERAL REGISTER, § 213.3178 is added as set out below.

§ 213.3178 Atlantic-Pacific Interoceanic Canal Study Commission.

(a) All positions on the Commission staff.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-7668; Filed, July 20, 1965; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Army

Section 213.3307 is amended to show the exception under Schedule C of the position of Special Assistant for Legislative Affairs to the Chief of Legislative Liaison. Effective on publication in the FEDERAL REGISTER, subparagraph (16) is added to paragraph (a) of § 213.3307 as set out below.

§ 213.3307 Department of the Army.

(a) *Office of the Secretary.* * * *
(16) Special Assistant for Legislative Affairs to the Chief of Legislative Liaison.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-7669; Filed, July 20, 1965; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Equal Employment Opportunity Commission

Section 213.3377 is added to show the exception under Schedule C of the positions of Special Assistant to the Chairman, Public Affairs Officer, Chief, Congressional Liaison Staff, one Special As-

sistant and one Secretary to each Member of the Commission, two Secretaries to the Chairman and the Secretary to the Special Assistant to the Chairman. Effective on publication in the FEDERAL REGISTER, § 213.3377 and paragraphs (a) through (f) are added as set out below.

§ 213.3377 Equal Employment Opportunity Commission.

(a) One Special Assistant to the Chairman.

(b) The Public Affairs Officer.

(c) The Chief, Congressional Liaison Staff.

(d) One Special Assistant and one Secretary to each Member of the Commission.

(e) Two Secretaries to the Chairman.

(f) One Secretary to the Special Assistant to the Chairman.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-7670; Filed, July 20, 1965; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 321—RESTRICTED ENTRY ORDERS

Subpart—Foreign Potatoes

SPECIAL PROVISION FOR IMPORTATION

Under the authority of sections 1, 5, and 9 of the Plant Quarantine Act of August 20, 1912 (7 U.S.C. 154, 159, 162; 37 Stat. 315, 316, 318), § 321.8 of the restricted entry order (7 CFR 321.1 et seq.) relating to the importation of potatoes is hereby amended to read as follows:

§ 321.8 Special provision for the importation of potatoes from Bermuda and the Dominion of Canada (except British Columbia and Newfoundland).

Potatoes may be imported from Bermuda and the Dominion of Canada (except British Columbia and Newfoundland) into the United States free of any restrictions whatsoever, until otherwise ordered, under the Plant Quarantine Act of August 20, 1912, as amended.

(Secs. 1, 5, 9, 37 Stat. 315, 316, 318; 7 U.S.C. 154, 159, 162; 29 F.R. 16210, as amended 30 F.R. 5801; 7 CFR 321.1 et seq.)

The foregoing amendment shall be effective July 21, 1965.

The purpose of this amendment is to exclude British Columbia, from the area in Canada from which potatoes may be

exported to the United States free of any plant quarantine restrictions under the restricted entry order relating to foreign potatoes. The Canadian Department of Agriculture has reported the discovery of an infestation of the golden nematode (*Heterodera rostochiensis*) on Vancouver Island in the province of British Columbia. Consequently, it is necessary immediately to prohibit the importation of potatoes, a host of the golden nematode, from British Columbia.

This action affecting all of British Columbia is being taken as an emergency measure. Although present indications are that the infestation of the golden nematode is limited to Vancouver Island, the frequent movement of potatoes from Vancouver Island to the remainder of British Columbia makes it possible that the infestation may have spread to the mainland and renders it necessary to apply the restriction to all of British Columbia. Surveys are now being conducted to determine the actual extent of the infestation, and the restriction in this order may later be modified, depending upon the results of the surveys.

Inasmuch as this amendment imposes restrictions necessary to prevent the importation into the United States of the golden nematode, it should be made effective promptly to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and contrary to the public interest, and good cause is found for making this revision effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of July 1965.

[SEAL] E. P. REAGAN,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 65-7650; Filed, July 20, 1965; 8:46 a.m.]

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

[Lemon Reg. 169, Amdt. 2]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation

and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 910.469 (Lemon Regulation 169, 30 F.R. 8747) are hereby further amended to read as follows:

§ 910.469 Lemon Regulation 169.

- (b) *Order.* (1) * * *
(ii) District 2: 390,600 cartons.

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

Dated: July 16, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 65-7692; Filed, July 20, 1965;
8:48 a.m.]

[Plum Order 17]

**PART 917—FRESH BARTLETT PEARS,
PLUMS, AND ELBERTA PEACHES
GROWN IN CALIFORNIA**

Regulation by Grade and Size

§ 917.371 Plum Order 17. (Cassel-
man).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 917, as amended), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give pre-

liminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on June 24, 1965.

(b) *Order.* (1) The provisions of § 917.335 (Plum Order 1; 30 F.R. 6903) shall not apply to Casselman plums during the period specified in subparagraph (2) of this paragraph.

(2) During the period beginning at 12:01 a.m., P.s.t., July 26, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no shipper shall ship any package or container of Casselman plums, unless:

(i) Such plums grade at least U.S. No. 1, except that healed cracks emanating from the stem and which do not cause serious damage shall not be considered as a grade defect with respect to such grade;

(ii) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack; and

(iii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth ($\frac{1}{4}$) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) When used herein, "U.S. No. 1," "standard pack," and "serious damage"

shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520-51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(4) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

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

Dated: July 16, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Mar-
keting Service.

[F.R. Doc. 65-7693; Filed, July 20, 1965;
8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[CCC Grain Price Support Regs., Amdt. 3]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—General Regulations Governing Price Support for the 1964 and Subsequent Crops

APPLICATION FEE AND ADDITIONAL SERVICE CHARGES

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 2686 and containing the general regulations governing price support for the 1964 and subsequent crops of grain and related commodities are hereby amended as follows:

Section 1421.60(b) is amended to add the words, "identity preserved and modified commingled warehouse storage loans," after the words "farm-storage loans" so that the paragraph as amended reads as follows:

§ 1421.60 Application fee and additional service charges.

(b) *Additional service charges.* A service charge, in addition to the application fee, shall be paid by producers and shall be based on the quantity of the commodity delivered to CCC. The rate will be set forth in applicable commodity supplements. In the case of farm-storage loans, identity preserved and modified commingled warehouse storage

loans, and purchases, such service charge shall be paid at time of settlement. In the case of commingled warehouse storage loans such service charge shall be deducted from loan proceeds. The charge paid on any commodity redeemed (excluding the amount of the application fee) will be credited to the producer's account.

Effective date upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 16, 1965.

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

[P.R. Doc. 65-7694; Filed, July 20, 1965; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 120, 121, 125); § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, De Kalb, Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Macon, Madison, Marion, Marshall, Mobile, Monroe, Morgan, Pike, Randolph, Russell, St. Clair, Shelby, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, and Winston Counties;

Arizona. The entire State;

Arkansas. The entire State;

California. The entire State;

Colorado. Alamosa, Archuleta, Baca, Chaffee, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Eagle, Fremont, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jefferson, Kiowa, Kit Carson, La Plata, Las Animas, Lincoln, Logan, Mesa,

Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Phillips, Pitkin, Prowers, Pueblo, Rio Grande, Saguache, San Juan, San Miguel, Sedgwick, Teller, Washington, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Columbia, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Santa Rosa, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Hawaii. Honolulu and Kauai Counties;

Idaho. The entire State;

Illinois. The entire State;

Indiana. Adams, Allen, Bartholomew, Benton, Blackford, Boone, Brown, Carroll, Cass, Clark, Clay, Clinton, Crawford, Daviess, Dearborn, Decatur, De Kalb, Delaware, Dubois, Elkhart, Fayette, Floyd, Fountain, Franklin, Fulton, Gibson, Grant, Greene, Hamilton, Hancock, Harrison, Hendricks, Henry, Howard, Huntington, Jackson, Jasper, Jay, Jefferson, Jennings, Johnson, Knox, Kosciusko, Lagrange, Lake, La Porte, Lawrence, Madison, Marion, Marshall, Martin, Miami, Monroe, Montgomery, Morgan, Newton, Noble, Ohio, Orange, Owen, Parke, Perry, Pike, Porter, Posey, Pulaski, Putnam, Randolph, Ripley, Rush, Saint Joseph, Scott, Shelby, Spencer, Starke, Steuben, Sullivan, Switzerland, Tippecanoe, Tipton, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warrick, Washington, Wayne, Wells, White, and Whitley Counties;

Iowa. Adams, Appanoose, Audubon, Black Hawk, Boone, Bremer, Buchanan, Buena, Vista, Butler, Carroll, Cass, Cherokee, Clay, Clayton, Clinton, Crawford, Decatur, Delaware, Dickinson, Emmet, Fayette, Floyd, Franklin, Greene, Grundy, Guthrie, Hamilton, Hancock, Harrison, Humboldt, Keokuk, Kosuth, Lee, Louisa, Lucas, Lyon, Marion, Marshall, Mills, Mitchell, Monona, Monroe, O'Brien, Osceola, Page, Palo Alto, Pocahontas, Polk, Sac, Scott, Shelby, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Winnebago, Winneshiek, Woodbury, Worth, and Wright Counties;

Kansas. The entire State;

Kentucky. The entire State;

Louisiana. Ascension, Assumption, Bienville, Claiborne, Jackson, Jefferson, St. Helena, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Union, Washington, and Webster Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Benton, Chickasaw, Choctaw, Clay, Covington, De Soto, Forrest, Franklin, George, Greene, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tippah, Tishomingo, Union, Walthall, Webster, Winston, and Yalobusha Counties;

Missouri. The entire State;

Montana. The entire State;

Nebraska. Adams, Antelope, Banner, Boone, Buffalo, Burt, Butler, Case, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson,

Saline, Sarpy, Saunders, Seward, Sherman, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. The entire State;

Ohio. The entire State;

Oklahoma. Adair, Atoka, Canadian, Choctaw, Cimarron, Delaware, Garfield, Grant, Haskell, Kingfisher, Latimer, McCurtain, McIntosh, Mayes, Noble, Nowata, Okfuskee, Ottawa, Payne, Pushmataha, and Texas Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. The entire State;

South Dakota. Beadle, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay, Codington, Custer, Day, Deuel, Edmunds, Faulk, Grant, Hamlin, Hand, Harding, Jerauld, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Miner, Minnehaha, Moody, Perkins, Roberts, Sanborn, Spink, Turner, Union, Walworth, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;

Tennessee. The entire State;

Texas. Andrews, Armstrong, Bailey, Bandera, Baylor, Bell, Bexar, Blanco, Borden, Brewster, Briscoe, Brown, Burnet, Callahan, Cameron, Carson, Castro, Childress, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Edwards, El Paso, Fisher, Floyd, Gaines, Garza, Gillespie, Glasscock, Gray, Guadalupe, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hays, Hidalgo, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Jones, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lipscomb, Llano, Loving, Lubbock, Lynn, McCulloch, Martin, Mason, Medina, Menard, Midland, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parmer, Pecos, Presidio, Randall, Reagan, Real, Reeves, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Stephens, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Wheeler, Wilson, Winkler, Yoakum, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. The entire State;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Laramie, Lincoln, Natrona, Niobrara, Park, Platte, Sublette, Sweetwater, Teton, Uinta, Washakie, and Weston Counties;

Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111-113, 114a-1, 120, 121, 125; 29 F.R. 16210; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following additional areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Choctaw and Clarke Counties in Alabama; Cross County in Arkansas; Teller County in Colorado;

Black Hawk, Bremer, Buena Vista, Clay, Grundy, Hancock, Kossuth, Lee, Lucas, Marion, Monroe, Page, and Winneshiek Counties in Iowa; Jefferson and Terrebonne Parishes in Louisiana; Buffalo and Dawson Counties in Nebraska; Atoka, McIntosh, and Okfuskee Counties in Oklahoma; Bell and Gray Counties in Texas; and Converse County in Wyoming.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and it should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 16th day of July 1965.

G. H. WISE,
Acting Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 65-7695; Filed, July 20, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency [Airspace Docket No. 65-CE-19]

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

Federal Airways; Cancellation of Alteration

On June 10, 1965, a rule was published in the FEDERAL REGISTER (30 F.R. 7557), Federal Register Document 65-6005, amending Part 71 of the Federal Aviation Regulations, effective August 19, 1965, to alter airways in the vicinity of Jefferson City, Mo.

In this final rule, VOR Federal airway No. 175 was realigned from Vichy, Mo., via the Jefferson City, Mo., VOR, to the intersection of the Jefferson City 337° and Hallsville, Mo., 209° radials, thence to Hallsville. In addition, a S alternate to VOR Federal airway No. 12 from Blackwater, Mo., via Jefferson City, to Readsville, Mo., was designated. Both of these amendments were predicated upon the installation of the Jefferson City VOR.

Subsequent to publication of these amendments, it was determined from a flight inspection that the Jefferson City VOR was not satisfactory for support of the Federal airway structure and that this condition will exist for the foreseeable future. Consequently, action is taken herein to cancel these amendments and, since they are not yet effective, the pertinent portions of the airway structure remain the same.

Since this withdrawal of amendments is entirely procedural in nature, notice and public procedure hereon are unnecessary and the amendments set forth in Federal Register Document 65-6005 are hereby withdrawn.

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

Issued in Washington, D.C., on July 14, 1965.

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

[F.R. Doc. 65-7637; Filed, July 20, 1965; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission PART 14—ADMINISTRATIVE INTERPRETATIONS

Guides Against Deceptive Labeling and Advertising of Adhesive Compositions

Purpose. These Guides have been adopted and issued by the Commission to assist manufacturers and other sellers of adhesive compositions, of the type herein described, in avoiding deceptive advertising and labeling representations concerning their products and in the interest of protecting the public from such deception.

Consumers have a right to expect that products are as represented and it appears that claims made for products of this industry have resulted in widespread consumer deception. A Commission investigation of practices in the industry and tests of industry products disclosed that many adhesive compounds were being misrepresented both as to their contents and capabilities. In many instances the descriptive name of a product was itself misleading. Products described as "Liquid Steel," "Fluid Aluminum" and "Porcelain," for example, were found not to possess the properties of steel, aluminum, and porcelain. Among other things, these products did not have the heat or chemical resistance of metal or porcelain and the so-called "metal" adhesives not only lacked the strength of metal but insulated rather than conducted electrical current.

Adhesive compositions described as "Solder" or "Weld" were found not to form a metallic seal or bond and to be of no value as an electrical conductor, both of which are characteristics expected in products so designated. Some products have been represented as containing an epoxy component which has characteristics of an epoxy adhesive when in fact the epoxy component had no such characteristics but was present for an entirely different purpose and use.

The Guides prohibit all the deceptive representations made for products of this industry as disclosed by the investigation and tests conducted and by other available pertinent information. The Commission concludes that the practices

proscribed by the Guides are violative of section 5 of the Federal Trade Commission Act, and that the public interest in preventing their use is specific and substantial.

The Guides are intended to encourage voluntary compliance with the law by those whose practices are subject to the jurisdiction of the Commission. Proceedings to enforce the requirements of law set forth in the Guides may be brought under the Federal Trade Commission Act (15 U.S.C., secs. 41-58). Briefly stated, that Act makes it illegal for one to engage in "unfair methods of competition in commerce and unfair or deceptive acts or practice in commerce."

Application. These Guides relate to the advertising and labeling of adhesive compositions which are offered for sale or sold to the purchasing public usually in liquid or paste form and principally for home or hobby use in repairing, patching, mending, or filling holes, depressions, or crevices in products made of metal, plastic, porcelain, rubber, or other materials, or for use in sealing, or for soldering or bonding materials to other materials. The type of adhesive mixtures covered are those composed of adulterated vinyl or acrylic resins, those composed of epoxy resins with or without other ingredients, and similar products. The Guides do not relate to unadulterated casein, glycerol, chrome, bone, and vinyl glues or ordinary muckage.

Effective date. These Guides were published in the FEDERAL REGISTER on July 21, 1965, and become effective January 21, 1966.

Inquiries and requests for copies of the Guides should be directed to the Bureau of Industry Guidance, Federal Trade Commission, Washington, D.C., 20580.

§ 14.13 Guides against deceptive labeling and advertising of adhesive compositions.

(a) **Metal composition products.** Products which do not, after application, have the same physical and chemical properties of metal, or of a particular represented metal, shall not be represented as metal or as having the intrinsic characteristics of metal, or of the particular metal indicated. Thus, neither the term "metal" nor the terms "iron," "steel," "aluminum" or other names of metal shall be used to designate in brand names or otherwise any product of the kind herein described. While this paragraph (a) does not prohibit truthful representations in advertising and labeling of the percentage of content of any metallic substances in such products (e.g., contains 20 percent powdered aluminum) it does prohibit with respect thereto the use of representations such as, but not limited to, the following:

"Plastic Steel."
"Dries to steel."
"Hardens into metal."
"Steel in paste form."
"Liquid aluminum."
"Instant aluminum."
"Real metallic putty."
"Fluid Steel."

[Guide 1]

(b) **Use of the term "solder" or "weld."** Products which, when used, do

not form a metallic seal or bond, shall not be represented as solders or as welding products unless it is clearly disclosed in connection therewith that they are nonmetallic, as for example, "Plastic Solder" or "Plastic Weld". A "solder" or "weld" product which is nonmetallic shall not be represented as producing a metallic seal or bond. This paragraph (b) does not prohibit an accurate representation of the percentage of metallic substance contained in a product. [Guide 2]

(c) *Use of the word "porcelain."* (1) The word "porcelain" shall not be used to designate in brand names or otherwise any product which, after application, does not possess all of the chemical and physical properties of porcelain. Under this paragraph (c) products of the type herein described shall not be represented as being, among other things:

- "Porcelain."
- "Porcelain Glaze."
- "Liquid Porcelain."
- "Porcelain in Paste Form."
- "Plastic Porcelain."
- "Porcelain restorer."
- "Porcelain renewer."

(2) This paragraph (c) does not prohibit truthful representations of the actual percentage of porcelain contained in an industry product as, for example,

"Contains 25% powdered porcelain."

[Guide 3]

(d) *Epoxy adhesives.* (1) No products shall be represented as being an epoxy adhesive unless the epoxy component thereof is derived from an epoxide or oxirane which, when applied in use, chemically reacts with a hardener or curing agent to form a substantially infusible and insoluble bond.

(2) No product containing an epoxy shall be represented as having the characteristics and capabilities of an epoxy adhesive, where the epoxy component present in the product is in an amount not sufficient to produce the characteristics and capabilities represented.

(3) No representation shall be made that the epoxy component in an industry product is present to produce the characteristics and capabilities of an epoxy adhesive where such component is not productive of such characteristics and capabilities, but is present for a different purpose and use. [Guide 4]

(e) *Use of the word "rubber," etc.* (1) The word "rubber" or other words denominating rubber shall not be used to designate, in brand names or otherwise, any product which, after application, does not possess the essential characteristics of rubber. Under this paragraph (e) such a product shall not be represented as, for example, "Rubber," "Plastic Rubber," "Liquid Rubber," etc.

(2) This paragraph (e) does not prohibit truthful representation of the actual percentage of rubber contained in a product. [Guide 5]

(f) *Misrepresentation (general).* (1) No representation shall be made in any manner respecting any adhesive products to which the Guides are applicable which is likely to mislead or deceive purchasers as to their nature, composition, characteristics, uses, effectiveness, capabilities, durability, toughness, hardness, adhesive strength, lasting effect, thermal or

electrical properties, resistance to water, steam, gas, or chemicals, or in any other material respect.

(2) Among the representations prohibited by this paragraph (f) are the following:

(i) Representations that a product will seal, repair or mend "anything" when, in fact, there are certain materials which it cannot seal, repair or mend.

(ii) Representations that a product is proof against or will withstand any specified temperature when in fact the product is adversely affected in any way when subjected to such temperature for any period of time.

(iii) Representations that a product will effect permanent repairs if, in fact, the repairs made by use of the product will not last as long as the product so repaired.

(iv) Representations that a product makes any product like new if it does not actually restore the part thereof repaired to its original new condition. [Guide 6]

(g) *Guarantees, warranties, etc.* Industry members shall not represent in advertising or otherwise that a product is "guaranteed" without a clear and conspicuous disclosure in close conjunction with such representation of:

- (1) The nature and extent of the guarantee; and
- (2) Any material conditions or limitations in the guarantee which are imposed by the guarantor; and
- (3) The manner in which the guarantor will perform thereunder; and
- (4) The identity of the guarantor.

Note: The Commission's April 26, 1960 Guides Against Deceptive Advertising of Guarantees (25 F.R. 3772) furnish additional guidance respecting guarantee representations and are to be considered as supplementing this paragraph (g). Copies are available upon request.

[Guide 7]

(h) *Placing deceptive material in the hands of others.* Manufacturers and distributors shall not place in the hands of wholesalers, jobbers, retailers, or others, promotional material by or through which they may deceive or mislead the purchasing and consuming public concerning any product. [Guide 8]

(Secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46)

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-7808: Filed, July 20, 1965; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Importation of and Dealings in Certain Merchandise

Section 500.204, Appendix, is being amended to authorize the importation of

certain dyed striped hog bristles subject to physical examination. Certain artists' brushes are being authorized to be imported without a certificate of origin or a specific license. The statement of licensing policy relating to antiques in item (112) is being amended to reflect certain changes in the acceptability of documents.

* Section 500.204, Appendix, item (112) is hereby amended to read as follows:

(112) *Goods of mainland Chinese, North Korean or North Viet-Nameese origin.* Licenses for articles of mainland Chinese, North Korean or North Viet-Nameese origin are generally issued only on submission of documentary evidence satisfactory to the Control of the location outside mainland China, North Korea or North Viet-Nam of the merchandise at all times since the respective effective date, and of the absence of any Communist Chinese, North Korean or North Viet-Nameese interest in the merchandise during that period. Except as noted below, affidavits from persons purporting to have knowledge of the location and ownership of the merchandise are not satisfactory documentary evidence of such facts. Bills of lading, insurance policies, museum catalogues, etc., may constitute such evidence.

In the case of antiques, if no satisfactory documentary evidence, such as exhibition catalogues dated prior to the respective effective date, is available, an affidavit from a disinterested person who can from his own knowledge affirm as to the location and ownership of the antique at all times on and since the respective effective date may be acceptable. In general, such affidavits will not be accepted when the antique has been in Hong Kong, Macao or Southeast Asia since the respective effective date.

Section 500.204, Appendix, is hereby amended by the addition of the following items:

(211) *Bristles, hog.* The following dyed hog bristles are hereby authorized to be treated as if they were undyed hog bristles for the purposes of § 500.539: Bristles of a type commonly used in shaving brushes, bearing a dyed stripe of about 3/8 of an inch in width located 1/2 to 1 inch from the tip of the bristle.

(212) *Brushes, artists.* The following hair pencils subject to § 500.204(a)(2)(H) are hereby authorized to be imported without a certificate of origin or specific license, provided there has been no interest therein of a designated national: Artists' brushes, and parts thereof, which are round at the handle end of the ferrule, the brush end consisting of natural white hog bristles (bleached or unbleached) curving inward at or near the working tip.

This authorization does not apply to fitch brushes.

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

[F.R. Doc. 65-7662: Filed, July 20, 1965; 8:47 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VII—Under Secretary of Commerce for Transportation

T-1—SHIPPING RESTRICTIONS

Transportation Order T-1 (15 F.R. 8777, Dec. 8, 1950), as amended (26 F.R. 2711, March 31, 1961, 26 F.R. 5927, July 1, 1961, 27 F.R. 9102, Sept. 13, 1962, 28

F.R. 12225, November 19, 1963), is hereby amended to read as follows:

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950, as amended. Consultation with industry in advance of the issuance of this order has been rendered impracticable by the need for immediate issuance.

Sec.

1. Prohibited transportation and discharge.
2. Applications for adjustment or exceptions.
3. Reports.
4. Records.
5. Defense against claims for damages.
6. Violations.

AUTHORITY: Secs. 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U.S.C. App. 2154, as amended; Interpret or apply secs. 101, 705, 64 Stat. 799, as amended; 50 U.S.C. App. 2071; E.O. 10480, 18 F.R. 4939, 3 CFR, 1953 Supp.

Section 1. Prohibited transportation and discharge.

No person shall transport in any ship documented under the laws of the United States or in any aircraft registered under the laws of the United States any commodity at the time not identified by the symbol B in the last column of the Commodity Control List (399.1 of the Comprehensive Export Schedule, issued by the Bureau of International Commerce, Department of Commerce (15 CFR Parts 368-399), any article designated as arms, ammunition, and implements of war in the United States Munitions List (22 CFR Parts 121-128), or any commodity, including fissionable materials controlled for export under the Atomic Energy Act of 1954, as amended, to any destination at the time in country groups X, Y, or Z as set forth in the Comprehensive Export Schedule (15 CFR 370.1(g)(2)), and no person shall discharge from any such ship or any such aircraft any such commodity or article at any such port or place or at any other port or place in transit to any such destination, unless a validated export license under the Export Control Act of 1949, as amended, under section 414 of the Mutual Security Act of 1954, as amended, or under the Atomic Energy Act of 1954, as amended, has been obtained for the shipment, or unless authorization for the shipment has been obtained from the Under Secretary for Transportation. This prohibition applies to the owner of the ship or aircraft, the master of the ship or aircraft, or any other officer, employee or agent of the owner of the ship or aircraft who participates in the transportation. The consular officers of the United States are furnished with current copies of the Commodity Control List and will advise which commodities are subject to this restriction.

Sec. 2. Application for adjustment or exceptions.

Any person affected by any provisions of this order may file an application for an adjustment or exception upon the ground that such provision works an

exceptional hardship upon him, not suffered by others, or that its enforcement against him would not be in the interest of the national defense program. Such an application may be made by letter or telegram addressed to the Under Secretary for Transportation, Washington, D.C., 20230, reference T-1. If authorization is requested, any such application should specify in detail the material to be shipped, the name and address of the shipper and of the recipient of the shipment, the ports or places from which and to which the shipment is being made and the use to which the material shipped will be put. The application should also specify in detail the facts which support the applicant's claim for an exception.

Sec. 3. Reports.

Persons subject to this order shall submit such reports to the Under Secretary for Transportation as he shall require, subject to the terms of the Federal Reports Act.

Sec. 4. Records.

Each person participating in any transaction covered by this order shall retain in his possession, for at least 2 years, records of shipments in sufficient detail to permit an audit that determines for each transaction that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

Sec. 5. Defense against claims for damages.

No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this order or any provision thereof, notwithstanding that this order or such provision shall thereafter be declared by judicial or other competent authority to be invalid.

Sec. 6. Violations.

Any person who willfully violates any provisions of this order or willfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person, denying him the privileges generally accorded under this order.

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

Dated: July 14, 1965.

JOHN T. CONNOR,
Secretary of Commerce.

[F.R. Doc. 65-7641; Filed, July 20, 1965; 8:45 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 F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ETHYLENE-METHYL ACRYLATE COPOLYMER RESINS

In the matter of amending § 121.2528 of the food additive regulations, no comments were received with reference to the notice of proposed rule making published in the FEDERAL REGISTER of May 15, 1965 (30 F.R. 6689). Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785 et seq.; 21 U.S.C. 348), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), the proposed regulation is adopted as proposed and reads as published below.

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, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. 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.

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

(Sec. 409, 72 Stat. 1785 et seq.; 21 U.S.C. 348)

Dated: July 13, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

Section 121.2528 is revised to read as follows:

§ 121.2528 Ethylene-methyl acrylate copolymer resins.

Ethylene-methyl acrylate copolymer resins may be safely used as articles or components of articles intended for use in contact with food, in accordance with the following prescribed conditions:

(a) For the purpose of this section, the ethylene-methyl acrylate copolymer resins consist of basic copolymers produced by the copolymerization of ethylene and methyl acrylate such that the

copolymers contain no more than 25 weight percent of polymer units derived from methyl acrylate.

(b) The finished food-contact article, when extracted with the solvent or solvents characterizing the type of food and under the conditions of time and temperature characterizing the conditions of its intended use as determined from tables 1 and 2 of § 121.2526(c), yields net chloroform-soluble extractives (corrected for zinc extractives as zinc oleate) in each extracting solvent not to exceed 0.5 milligram per square inch of food-contact surface when tested by the methods described in § 121.2526(d). If the finished food-contact article is itself the subject of a regulation in this Subpart F, it shall also comply with any specifications and limitations prescribed for it by that regulation.

(Note: In testing the finished food-contact article, use a separate test sample for each required extracting solvent.)

(c) The provisions of this section are not applicable to ethylene-methyl acrylate copolymer resins used in food-packaging adhesives complying with § 121.2520.

[F.R. Doc. 65-7672; Filed, July 20, 1965; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Sterility Tests for Certain Antibiotic Drugs

In the matter of amending the regulations providing tests and methods of assay for penicillin and penicillin-containing drugs to establish alternative sterility tests for the procaine penicillin drugs specified:

No comments were received in response to the notice of proposed rule making setting forth the proposal of the Commissioner of Food and Drugs in the above-identified matter published in the FEDERAL REGISTER of May 19, 1965 (30 F.R. 6795). The Commissioner has concluded that the proposed amendments should be adopted without change. Therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated by him to the Commissioner (21 CFR 2.90), §§ 141a.26, 141a.29, and 141a.46 are amended as follows:

1. Section 141a.26 is amended by changing paragraph (b) to read as follows:

§ 141a.26 Procaine penicillin.

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) or (2) of that section, except if using the method in paragraph (e)(1) of that section, add sufficient penicillinase to diluting fluid A and swirl the flask to completely solubilize the procaine penicillin before filtration, and if using the method in para-

graph (e)(2) of that section, use medium B in lieu of medium A.

2. Section 141a.29 is amended by changing paragraph (b) to read as follows:

§ 141a.29 Procaine penicillin for aqueous injection.

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except add sufficient penicillinase to diluting fluid A and swirl the flask to completely solubilize the procaine penicillin before filtration. However, if the preparation contains homogenizers or suspending agents which prevent solubilization, proceed as directed in paragraph (e)(2) of that section, except use medium B in lieu of medium A.

3. Section 141a.46 is amended by changing paragraph (b) to read as follows:

§ 141a.46 Procaine penicillin in streptomycin sulfate solution; procaine penicillin in dihydrostreptomycin sulfate solution veterinary.

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except add sufficient penicillinase to diluting fluid A and swirl the flask to completely solubilize the procaine penicillin before filtration. However, if the preparation contains homogenizers or suspending agents which prevent solubilization, proceed as directed in paragraph (e)(2) of that section, except use medium B in lieu of medium A.

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

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

Dated: July 13, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-7673; Filed, July 20, 1965; 8:47 a.m.]

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Capsules Penicillin-Tetracycline Phosphate Complex-Novobiocin-Nystatin Veterinary

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), the regulations for the certification of capsules penicillin-tetracycline phosphate complex-novobiocin-nystatin veterinary (21 CFR 146a.21) are amended by extending the expiration date to 24 months. As

amended, paragraph (c)(1)(iv) of the section cited reads as follows:

§ 146a.21 Capsules penicillin-tetracycline phosphate complex-novobiocin-nystatin veterinary.

(c) * * *
(1) * * *

(iv) The statement "Expiration date -----" the blank being filled in with the date that is 18 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such period of time.

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

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

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

Dated: July 14, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-7674; Filed, July 20, 1965; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter III—Bureau of Federal Credit Unions, Social Security Administration, Department of Health, Education, and Welfare

PART 301—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Accounting Manual

Notice of proposed rule making, public procedures thereon, and delay in the effective date in the issuance of the following amendment have been omitted for the following reasons:

Section 301.14—*Accounting Manual for Federal Credit Unions* is revised to permit Federal credit unions to develop substitute accounting forms for the standard forms listed and illustrated in the Accounting Manual without requiring individual and specific advance approval by the Bureau: *Provided*, Such substitute accounting forms meet the applicable criteria set forth in the Accounting Manual.

In the past, § 301.14 listed the prescribed accounting forms, and any Federal credit union which desired to adopt variations in these prescribed forms was first required to obtain the approval of the Bureau of Federal Credit Unions fol-

lowing presentation of convincing evidence of convenience or advantage.

Since this amendment will enable the Bureau to provide better service to Federal credit unions and at the same time reduce workload for the Bureau of Federal Credit Unions as well as for Federal credit unions, the Director finds that advance notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest.

Part 301, Chapter III, Title 45 of the Code of Federal Regulations is revised by amending § 301.14 as follows:

§ 301.14 Accounting Manual for Federal Credit Unions.

The Bureau has promulgated for use by Federal credit unions the Accounting Manual for Federal Credit Unions (Form FCU-544). A copy of this manual is furnished to each Federal credit union at the time the approved organization certificate is delivered to the incorporators by the Bureau. This manual specifies the type of records to be maintained and the standard accounting forms to be used by Federal credit unions. A

Federal credit union may develop a substitute for any of the standard accounting forms and place it in use without advance approval of the Bureau: *Provided*, It meets the applicable criteria set forth in the Accounting Manual.

(Sec. 21, Federal Credit Union Act, 73 Stat. 635; 12 U.S.C. 1766)

Effective date. This regulation shall become effective upon the date of publication in the FEDERAL REGISTER.

Dated: June 1, 1965.

[SEAL] J. DEANE GANNON,
Director,
Bureau of Federal Credit Unions.

Approved: June 17, 1965.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: July 15, 1965.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education,
and Welfare.

[P.R. Doc. 65-7683; Filed, July 20, 1965;
8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 931]

[Docket No. AO-351]

HANDLING OF FRESH BARTLETT PEARS GROWN IN THE STATES OF OREGON AND WASHINGTON

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to a Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate 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 a proposed marketing agreement and order regulating the handling of fresh Bartlett pears grown in the States of Oregon and Washington, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act". Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the close of business of the tenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed marketing agreement and order (hereinafter referred to collectively as the "order") were formulated, was held at Yakima, Wash., May 19-20, 1965, pursuant to a notice thereof which was published in the May 6, 1965, issue of the FEDERAL REGISTER (30 F.R. 6355). Such notice set forth a proposed marketing agreement and order which had been presented to the Department of Agriculture by the Pacific Bartlett Pear Growers, Inc., with a petition for a hearing thereon.

Material issues. The material issues presented on the record of the hearing are as follows:

- (1) The existence of the right to exercise Federal jurisdiction in this instance;
- (2) The need for the proposed regulatory program to effectuate the declared purposes of the act;
- (3) The definition of the commodity and determination of the production area to be affected by the order;
- (4) The identity of the persons and transactions to be regulated; and
- (5) The specific terms and provisions of the order including:
 - (a) Definition of terms used therein which are necessary and incidental to

attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions:

(b) The establishment, maintenance, composition, powers, and duties of a committee which shall be the administrative agency for assisting the Secretary in the administration of the order;

(c) The incurring of expenses and the levying of assessments;

(d) Authority to establish marketing research and development projects;

(e) The method for regulating the handling of pears grown in the production area;

(f) The granting of exemptions from regulation of pears, including pears used for such special purposes as the committee, with the approval of the Secretary, may specify;

(g) The establishment of reporting and related recordkeeping requirements upon handlers;

(h) The requirement of compliance with all provisions of the order and with regulations issued pursuant thereto; and

(i) Additional terms and conditions as set forth in sections 63 through 71 and published in the FEDERAL REGISTER (30 F.R. 6355) on May 6, 1965, which are common to marketing agreements and orders, and certain other terms and conditions as set forth in sections 72 through 74, and also published in the said issue of the FEDERAL REGISTER, which are common to marketing agreements only.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) Bartlett pears are grown commercially in both Oregon and Washington. Pear production in Washington during the past 10 years has ranged from 47,500 tons in 1960 to 95,000 tons in 1963. Production in Oregon during this same period has ranged from 35,000 tons in 1963 to 73,750 tons in 1962. Fresh sales of Washington production during this period has ranged from 10,400 tons in 1960 to 29,100 tons in 1962. Fresh sales of Oregon production during this period has ranged from 6,900 tons in 1963 to 27,325 tons in 1955. All varieties of Bartlett pears are considered dual purpose—i.e., used for canning and the fresh market, except that Red Bartletts tend to be almost exclusively a fresh commodity, since canners do not like to use them. Bartlett pears from the production area are generally marketed throughout the United States. Among the most important markets are Chicago, New York, Detroit, Boston, Kansas City, Cleveland, San Antonio, Philadelphia, Pittsburgh, Atlanta, Miami, and Washington, D.C. Portland, Oreg., and Seattle, and Yakima within the State of Washington, are also important markets for Washington-Oregon Bartlett pears. Bartlett pears

are sold in Canada and in the State of Hawaii.

Shipments of Bartlett pears usually begin about the middle of August each year and continue throughout the month of November. There are some shipments made in December, and as the use of controlled atmosphere storage increases, the period during which Bartlett pears are sold is tending to be longer—more and more sales being made in December or later.

Any handling of Bartlett pears, grown in the production area, in fresh market channels exert an influence on all other handling of such pears in fresh form. Sellers of such pears, as of other commodities, endeavor to transact their business so as to secure maximum returns for the Bartlett pears they have for sale. The sellers of Bartlett pears continually survey all accessible markets so as to take advantage of the best possible opportunity to market the fruit. Markets within the States of Washington and Oregon provide opportunities to dispose of Bartlett pears the same as markets within other States, or for export; and the sale of a quantity of Bartlett pears within Oregon or Washington exerts an influence on all other sales of Bartlett pears. If shipments of Bartlett pears to markets outside Washington or Oregon were regulated, while those within these States were unregulated, growers and handlers would attempt to market within these States all the lower quality Bartlett pears which could not be shipped under regulation. This would depress the price of Bartlett pears in Washington and Oregon markets to a level below that prevailing in markets outside such States. The existence of a lower price level for Bartlett pears marketed within Washington and Oregon will tend to depress the prices for Bartlett pears sold in interstate markets. Buyers generally have ready access to market information; and knowledge of lower prices in one market is used for bargaining for Bartlett pears to be shipped in other markets, including those outside the States of Washington and Oregon. Furthermore, with large quantities of poor quality Bartlett pears available for sale within the States of Washington and Oregon, there would be less opportunity to sell in such markets Bartlett pears meeting the requirements of the regulations established. The larger quantity of Bartlett pears, which would be required to be sold in interstate markets under such circumstances, would also tend to lower the prices in the interstate markets. Hence, it is concluded that any movement and sale of Bartlett pears, grown in the production area, whether to a market within the States of Washington and Oregon or outside thereof, affects prices of all Bartlett pears grown in the production area.

Itinerant and other truckers move quantities of Bartlett pears mainly to

intrastate markets. However, it is normal practice for such persons to sell Bartlett pears in the markets where prices are most favorable. It is more than probable that such truck shipments of pears, ostensibly destined to an intrastate market, would be diverted to markets outside the production area whenever prices were more favorable in the latter markets. It would be extremely difficult to effectuate compliance with regulations governing interstate shipments if shipments to markets within the production area were unregulated.

Some testimony was presented at the hearing proposing to restrict the application of the order to handling transactions in interstate commerce, and thus provide no restrictions on the intrastate movement of Bartlett pears. It was contended that many small towns in southern Oregon would be deprived of Bartlett pears if intrastate shipments were regulated and prohibited the shipments of third grade Bartlett pears. These southern Oregon markets are now being supplied with Bartlett pears, most of which are third grade or lower in quality. Such pears often have only one good half that is usable and the net cost of such pears may be no lower than the net cost of higher quality pears, if such were offered in these markets. Also, it was not substantiated that the purchasers in such area would not prefer a higher quality-lower waste pear. Evidence does show, however, that in other markets where lower quality pears generally have been sold, such markets readily accepted a higher quality pear when such was offered.

It is hereby found therefore, that all handling of Bartlett pears grown in the production area is either in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce; and, except as herein-after otherwise provided, all handling of Bartlett pears grown in the production area should be subject to the act and the order.

(2) Because of the severe winter freezes and the ravages of the disease "Pear decline," it is difficult to establish a recent pattern of production of Bartlett pears for fresh market. In anticipation of very serious losses expected as a result of this disease, which though serious was not as severe as expected, many growers made new plantings or interplanted their present orchards. As a result of this situation, new plantings plus the survival of more trees than expected, the Bartlett pear industry is now confronted with a very substantial increase in production due to the many, many acres of young trees which are now approaching full production. A study of "Trends and Projections in Pacific Coast Bartlett Pear Production and Utilization," issued February 23, 1963, and generally referred to at the hearing as the "Eaton Report," presents three estimated levels of Bartlett pear production in Washington, Oregon, and California for the 1967 crop—(1) minimum production would result in a crop of 566,800 tons, (2) average production would result in a crop of 595,000 tons, and (3) maximum production would result

in a crop of 623,100 tons. The 1962 crop in Washington, Oregon, and California was 493,000 tons and the 1964 crop was 514,250 tons. Thus, crops only 52,450 tons below the estimated minimum production for 1967 crop have already been attained and there remains 3 years for tree growth before the 1967 crop is produced. To what extent the freeze of 1964 will alter this trend is not known, although it is known that the damage is severe in the Yakima area. However, that area produces only about 10 percent of the Bartlett pears produced on the Pacific Coast, and the hearing evidence indicates that production of record tonnage is likely within 3 years or by 1967.

The importance of the Bartlett pear in the economy of the production area was stressed. The economy depends to a large extent on the production and handling of fruit. Pruning, thinning, harvesting, and packing of Bartlett pears occur at times when labor and facilities are not being full utilized for other fruit crops, and thus Bartlett pears are important to the efficient use of such factors in the total fruit industry.

The season average price for Washington and Oregon Bartlett pears has exceeded the parity price during five seasons of the past 10 years. However, production during such seasons ranged from 93,200 tons in 1960 to 133,500 tons in 1958. During the other seasons, the season average parity price has ranged from 44 percent (1962) to 81.1 percent (1957) of the equivalent parity price when production was generally higher.

Prices of Bartlett pears are often high at the beginning of the season and growers and handlers are anxious to start shipping in order to take advantage of such price. Under such circumstances, some of the earliest harvested fruit has not been sufficiently mature to ripen properly and give consumer satisfaction. It is believed that consumer dissatisfaction arising from the purchase and consumption of such pears curtails subsequent demand for Bartlett pears during the remainder of the marketing season and in future marketing seasons. It is particularly important in view of the prospective increase in production, which as it develops will have to be absorbed by the market, that the Bartlett pears consumers receive are of desirable grade, size, and quality. The establishment of regulations with respect to grade, size, and quality such as are contemplated under the order would provide a method whereby orderly marketing could be promoted. This would tend to effectuate the declared policy of the act.

Handlers have sometimes varied the dimensions of containers, presumably in order to gain a competitive advantage over others. The difference in dimensions of such containers may be so slight that a smaller container may be substituted for a larger one without customers being aware that it contains 2 or 3 pounds less fruit. The use of deceptive containers, particularly the smaller containers and those used for loose packs, has resulted in lack of stability in marketing Northwest Bartlett pears and has tended to alienate buyers and hence re-

duce demand and market prices for Northwest Bartlett pears.

Prices of Washington-Oregon Bartlett pears and total returns to the growers of such fruit could be augmented by restriction of shipments in fresh market channels to pears of desirable grade, size, and quality and limiting the containers used in making such shipments. When supplies are heavy, fruit of inferior grades and qualities, or of undesirable size, may be sold only at discounts, and, since competition in the marketing of pears is based to a considerable extent on price, such discount sales tend to depress prices for all Bartlett pears being marketed. Restriction on the shipment of such discounted fruit would, therefore, tend to increase prices for good quality Bartlett pears. Moreover, shipments of Bartlett pears which are of inferior grade or quality, or of undesirable size, often do not sell at prices covering even the cash costs of harvesting and marketing. Restrictions on the shipment of such fruit would not only improve the grade, size, and quality of Bartlett pears marketed and promote buyer confidence in Northwest Bartlett pears, but would also improve the average return to growers by preventing losses incurred through shipment of undesirable fruit. Moreover, the shipment of very poor quality fruit, including culls, small sizes, and deteriorated fruit is rarely ever in the interest of consumers or producers. Bartlett pears of such poor quality are not a value to the consumer because of poor flavor and excessive waste. Shipment of such pears results in consumer dissatisfaction and destruction of the reputation of quality for Northwest Bartlett pears. Even when the season average price is above the parity level, it is not in the public interest to ship such poor quality Bartlett pears.

Restrictions on the size, capacity, dimensions, and pack of the containers used in the marketing of Northwest Bartlett pears would enable buyers and handlers alike to know the exact quantity of Bartlett pears covered by prices quoted and thereby tend to increase trade confidence and stability in the marketing of the fruit.

Therefore, it is concluded that the establishment of the order, providing for the regulation of grade, size, and quality of shipments of Washington-Oregon Bartlett pears, and for the establishment of uniform containers to be used for such shipments, is necessary to effectuate the declared purposes of the act. The objective under such an order is the tailoring of the supply of Washington-Oregon Bartlett pears available for sale in fresh market channels to the demand in such outlets so that the fruit thus made available to buyers will be packaged uniformly and be of desirable grade, size, and quality. Such limitation of shipments of Washington-Oregon Bartlett pears should contribute to the establishment of more orderly marketing conditions for such fruit and tend to increase the demand therefor.

(3) The term "pears" should be defined in the order to identify the commodity to be regulated thereunder. Such

term, as used in the order, refers to all varieties of pears classified botanically as belonging to the Bartlett cultivar of *Pyrus communis*. Bartlett pears are readily distinguishable from other pears and other fruits, and the term has a specific meaning to all producers and handlers of the commodity in the production area and to those who purchase and distribute in the receiving markets Bartlett pears grown in the production area.

The term "variety" should be defined in the order, as hereinafter set forth, since it is proposed to provide authority in the order for issuance of separate regulation by variety, as, for example, Red Bartletts as distinguished from standard Bartletts. The Red Bartlett has the typical flesh color, size and time of maturity as other Bartlett pears, but is readily distinguishable from the other Bartlett by its red surface color.

The El Dorado variety of pears, sometimes called "Winkleman Bartlett" or "Winter Bartlett," should not be included within the definition of either "pears" or "variety." The El Dorado variety originated about 1925 as a chance seedling near Placerville, Calif. It was later propagated by Mr. J. A. Winkleman. It is a winter-type pear and is harvested after the Anjou variety. The fruit shape is pyriform, and often is similar to the shape of Bartlett pears. The fruit skin is clear, and attains an attractive pale yellow color when ripened. The flesh is essentially free of stone cells. This variety is grown to a limited extent in Oregon. It can readily be distinguished from Bartlett and other varieties of pears and, as it is a winter-type pear and does not now fit the marketing pattern of Bartlett pears, it should not be included within the order.

A definition of the term "production area" should be incorporated in the order to designate the specific area in which the Bartlett pears (hereinafter called "pears") to be regulated are grown. Such area should embrace all of the territory within the State of Washington and the State of Oregon. It is recognized, as the record shows, that the commercial pear producing areas in Washington and Oregon are generally referred to as the Wenatchee Valley and the Yakima Valley in Washington and the Medford area and the Hood River area in Oregon. However the evidence of record clearly shows that pears are produced or the potential for production exists in portions of all or nearly all of the counties in Washington. In addition to the production in the Wenatchee Valley and Yakima Valley, there is commercial pear production in Klickitat and Skamania Counties, in the counties along the Snake River, and also in Clark County, Wash. Similarly, most of the commercial pear production in Oregon at the present time is in Hood River and Jackson Counties. But there are several counties in the Willamette Valley and also Douglas County where commercial orchards are known to exist. Also, these States contain considerable area having soil, water conditions, and general weather pattern of such nature to be potential producing acreages. It is well established that there are areas through-

out the production area, because of soil, water, or weather conditions, where pears are not now or are not likely to be grown. However, it would not be practicable to exclude areas not producing pears which are within or adjacent to the commercial pear producing area.

To exclude from the production area, as hereinafter set forth, those areas where pears are not now grown, it is very likely that pear orchards would be established extensively in such excluded area. These orchards would not be subject to regulation and would impede the effectiveness of the order. Hence, it is concluded that the production area, as hereinafter defined, is the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act.

(4) The term "handler" should be defined in the order to identify the persons who are subject to regulation under the program. Since it is the handling of pears that is regulated, the term "handler" should apply to all persons who place pears in commerce by performing any of the activities within the scope of the term "handle", as hereinafter described. In other words, any person who is responsible for the sale, delivery, consignment, or transportation of pears, or who in any other way places pears in commerce, should be a handler under the order and be required to carry out such activities in accordance with the order provisions. However, the transportation by a common or contract carrier of pears owned by another person should not be considered as making such a carrier a "handler" as, in such instances, the carrier is performing a service for hire, and is not responsible for the quality or pack of the commodity. Of course, if the carrier is the owner of the pears being transported, such carrier would be a handler the same as any other person who may primarily be engaged in another business—such as a producer or retailer—but at times is also a handler.

The term "handle" should be defined to identify those activities that it is necessary to regulate in order to effectuate the declared policy of the act. Such activities include all phases of selling and transporting which place pears in the channels of commerce within the production area or from the production area to any point outside thereof. The handling of pears begins at the time the fruit is picked from the tree and includes each of the successive selling and transporting activities until the fruit reaches its final destination. The performance of any one or more of these activities, such as selling, consigning, delivering, or transporting by any person, either directly or through others, should constitute handling. In order to effectuate the declared policy of the act, each such person should be required, except as hereinafter indicated, to limit such handling of pears to fruit which conforms to the applicable regulations under the order.

There are some sales of pears on the tree. Also, after picking, it is usual for pears to be sorted, graded, packed, or otherwise prepared for market at a packing facility in the production area. Such

preparation for market may be performed at the orchard where the fruit is grown, or the pears may be transported to the packing facility prior to sorting, grading, and packing. The grower, in such instances, properly relies on the person preparing the pears for market to see that the fruit which is thereafter shipped meets all applicable requirements for marketing. Moreover, such activities are, of necessity, preliminary to placing the pears in marketing channels. It would not be practical and would unnecessarily complicate the administration of the order to endeavor to require persons engaged in the preparation of pears for market to meet the requirements of regulation under the program until after such preparation. Therefore, activities in connection with the preparation of pears for market should be excluded from the definition of "handle."

Testimony at the hearing established that packing facilities are generally located in or near the area where the fruit is produced. However, it was pointed out that there may be or could be a grocer or other person, located in places such as in Seattle or Portland, who owns or may purchase facilities for preparing fruit for market. Question was raised as to who would be the handler in such circumstance. No such facilities are known to exist at the present time for preparing pears for market, but even if such did exist, the location of such facility should have no bearing on the question. It is the activity which determines who is a handler and not the location of the packing facility. Facilities located in out of the way places may present problems of administration but such should be resolved by the administrative committee through rules and regulations to make sure that the regulations in effect are not circumvented.

Pears are sold, after packing, at the orchard where grown, at a roadside stand, or at a packinghouse to truckers and others who transport the pears from such points to markets within and without the said States. The sale or delivery of pears to such persons, and the subsequent movement to market, are each handling transactions. Any person who is engaged in any such transaction, whether grower, packinghouse operator, trucker, or others, would therefore be a handler under the order by virtue of such transaction. Each such person should have the responsibility of assuring himself that the pears he handles meet all applicable regulations in effect at the time of handling. Compliance with the regulations which are authorized by the order can readily be determined by the person who is responsible for grading or otherwise preparing the pears for market. The primary responsibility for determining whether a particular lot of pears conforms to the applicable regulations should rest with the person who places such lot in the current of commerce. In most cases, such persons will be the one who was responsible for grading and preparing the pears for market. However, all subsequent handlers also should be responsible for seeing that any regulations applicable to the pears are

met at the time such person handles the pears. This can readily be ascertained by determining that the pears have been inspected and certified as meeting such regulations or by having them inspected. As all handling of pears is in interstate or foreign commerce or directly burdens, obstructs, or affects such commerce, it is concluded that, except as indicated herein and as specifically exempted by the act and order, all sales, consignment, delivery, or transportation of pears within the production area or between the production area and any point outside thereof should be subject to the order and any regulations issued pursuant thereto.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the order. These terms should be defined for the purpose of designating specifically their applicability and establishing appropriate limitations on their respective meaning whenever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the U.S. Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citation for the statute pursuant to which the proposed regulatory program is to be operative and avoids the need for referring to these citations.

The definition of "person" should follow the definition of that term as set forth in the act, and will insure that it will have the same meaning as it has in the act.

The term "fiscal period" should be defined to set forth the period with respect to which financial records of the Northwest Fresh Bartlett Pear Marketing Committee, the administrative committee established by the order, are to be maintained. The most desirable period for such purpose, at the present time, is the 12-month period ending the last day of June of each year. Such a period would fix the beginning of each fiscal period reasonably close to the time harvesting and handling of pears normally begins. This would facilitate fixing the term of office of members and alternates to coincide with such period and it would allow sufficient time prior to the time of harvest for the committee to organize and develop information necessary to its functioning during the ensuing year, and would still ensure that a minimum of expense would be incurred during a fiscal period prior to the time assessment income is available to defray such expenses.

A definition of "committee" should be incorporated in the order to identify the administrative agency established under the provisions of the program. Such committee is authorized by the act, and the definition thereof, as hereinafter set forth, is merely to avoid the necessity of repeating its full name each time it is referred to.

Definitions of "grade" and "size" should be included in the order to provide a basis for expressing grade and size limitations thereunder, and thus to enable persons affected thereby to ascertain the extent and application of grade and size limitations. "Grade" should be defined as any one or more of the established grades set forth in (1) "United States Standards for Summer and Fall Pears" issued by the U.S. Department of Agriculture, effective August 20, 1965, which standards were published in the FEDERAL REGISTER (20 F.R. 5620), or (2) Standards for Pears issued by the State of Oregon or the State of Washington, or (3) amendments to any grades set forth in either of such standards, or modifications thereof, or variations based thereon. Such definition would provide the flexibility necessary to cope with the possible variations in pears due to detrimental effects of weather or other possible hazards affecting the crop. The U.S. Standards or the Washington State Department of Agriculture Standards have been used by the Washington pear growers, and the United States Standards have been adopted as official Oregon grades. Such standards, therefore, provide appropriate bases for describing grade limitations.

Pears are usually sized while being prepared for market. The pears marketed in the L.A. lug and the standard western pear box are sized and packed to count, while the size of pears in most other containers is indicated by diameter measurement expressed in terms of whole inches and fractions thereof. While there is no other method being used to denote the size of pears, research may indicate other specifications may be appropriate. Therefore, it is concluded that the term "size" should be defined in terms of count, minimum diameter, or such other specifications as may be established by the committee with the approval of the Secretary.

The term "grower" should be synonymous with "producer" and should be defined to include any person who is engaged in the production area, in the production of pears for the fresh market, and who has a proprietary interest therein. A definition of the term "grower" is necessary to determine eligibility to vote for nominees for, and serve as, grower members or alternate members of the Northwest Fresh Bartlett Pear Marketing Committee. The term "grower" should, therefore, be defined as hereinafter set forth.

"District" should be defined as set forth in the order to provide a basis for nomination and selection of the members of the committee. The districts (i.e., the geographical divisions of the production area) as established and set forth in the notice of hearing represent a reasonable basis for providing a fair, adequate, and equitable representation on the committee. The provision for redistricting is desirable because it allows the committee and the Secretary to consider, from time to time, whether the basis for representation on the committee should be improved.

"Export" should be defined in the order to mean to ship pears to any destination which is not within the 48

contiguous States, or the District of Columbia, of the United States. Shipments of pears outside the continental United States may be of different grades, sizes, or qualities than those shipped to domestic markets. This results from different market demands as between domestic and other markets. Although consumer preferences may be expected to be reasonably uniform within the continental United States, other conditions may prevail in other markets, including Alaska and Hawaii. Therefore, the order should provide authority permitting different or special regulations, or even no regulations, when warranted, with respect to such shipments out of the continental United States.

The term "pack" is commonly used throughout the pear trade and refers to a combination of factors relating to such things as grade, count, diameter, wrapping, and quantity of pears in a particular type and size of container as well as the arrangement of such pears in the container. Under certain circumstances, it may be desirable to regulate shipments of pears on the basis of particular grades or sizes, or both, that may be shipped in a specific container or containers, and to specify the arrangement of the fruit within the container. Hence, it is concluded that pack should be defined as hereinafter set forth.

The term "container" should be defined in the order to mean a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of pears. The definition of the term is needed to serve as basis for differentiation among the various shipping receptacles, in which pears are sold or moved to market, for which different regulations could be applicable.

(b) It is desirable to establish an agency to administer the order under and pursuant to the act, as an aid to the Secretary in carrying out the purpose of the order and the declared policy of the act. The term "Northwest Fresh Bartlett Pear Marketing Committee" is a proper identification of the agency and reflects the character thereof. It should be composed of 14 members, of whom 8 should represent growers and 6 should represent handlers. Alternate members should be provided to act in the place and stead of the members. Such a committee would be large enough to provide representation to all segments of the industry. At the same time, it is of such size that it can operate effectively and efficiently. The foregoing division of members between producers and handlers would provide suitable producer representation and handler experience and information. A majority of the committee should consist of producers because the program is designed to benefit producers. The provision for handler members tends to give balance to the committee by providing the handler experience and marketing information necessary to the development of economically sound regulations of pear shipments. Each handler member should be either a handler, an officer, or an employee of a handler, as handlers are often companies, either incorporated or other-

wise, and a company, as such, would be precluded from having representation on the committee unless officers and employees of handlers were authorized to serve as members of the committee. There are also growers in the production area which are companies either incorporated or otherwise, and their officers and employees should be similarly eligible for membership on the committee. Each district should be represented on the committee by two grower members and one handler member. In addition, the Yakima District and the Medford District each should have one other handler member on the committee. Such representation represents to the extent practicable the relationship of the volume of production in the four districts. Provision to reapportion membership on the committee among districts should be provided so that, if it becomes apparent that through shifts in production, reestablishment of districts, or other reasons such representation is inappropriate, the Secretary may, upon recommendation of the committee, make such reapportionment as he finds necessary.

Each grower or handler member of the committee, and his alternate, should be a producer or handler, or officer or employee of a grower or an officer or employee of a handler, as the case may be, of pears in the district from which selected. A person with such qualifications should be intimately acquainted with the problems of producing and marketing pears grown in such district and may be expected to present accurately the problems incident to the production and handling of pears grown in that district.

The term of office of committee members and alternates under the proposed program should be for 2 years beginning on the 1st day of July and continuing until June 30. This will establish an orderly procedure for changing the membership on the committee. The term of office should be for 2 years so that members and alternates will have adequate time to familiarize themselves with the operation of the program and thus be in a position to render the most effective service assisting the Secretary to carry out the declared policy of the act. The beginning of each term of office will occur during a period prior to the commencement of a marketing season and hence will allow adequate time for the committee to organize and start operating.

Provisions should be made in the order for staggered terms of office of committee members and alternates. Under this provision one-half of the committee in office on June 30 of each year would continue in office until the next year. The establishment of such staggered terms should provide for more efficient administration of the program, in that members and alternates constituting new committee membership should benefit from the guidance of experienced members who carry over. The experienced members will help insure continuity of the policies and procedures relating to the administration of the proposed order; and such continuity should contribute materially to the successful ad-

ministration of the marketing program. To provide a basis for starting staggered terms of office, the term of one-half of the initial grower members and alternates in each district and one-half of the initial handler members and alternates from the Yakima District and the Medford District and the handler member and alternate from the Wenatchee District should be from the time of appointment until the following June 30 and of the other seven committee members and alternates from the time of appointment until the second following June 30. Successor members and alternates should be appointed for 2-year terms as herein provided. Committee members and alternates should serve during the term of office for which selected, and until their successors are selected and have qualified to insure continuity of committee operations.

A procedure for the election of nominees for membership on the committee should be prescribed in the order to assist the Secretary in his selection of members and alternate members on the committee. It is recognized that the Secretary is vested with authority under the act to select the committee members; but the nomination of prospective members and alternate members is a practical method of providing the Secretary with the names of the persons that the industry desires to serve on the committee.

As the administrative committee will not be in a position to act until after the selection by the Secretary of its initial members, the order should provide a procedure for the selection of the initial members. Record evidence shows that the industry desires that names of the nominees for appointment to the initial committee be obtained from nominations made at meetings of growers and handlers, or from lists submitted by individual growers and handlers. As a practical matter such nominations must be available to the Secretary not later than the effective date of the order, if the order is to operate in an effective way for the 1965-66 marketing season. If such nominations are not made available to the Secretary by the effective date of the order, the Secretary should be free to appoint the committee without the formal nomination procedure. It was testified at the hearing that there are organizations, such as the Pacific Bartlett Pear Growers, Inc., the Washington State Fruit Commission, traffic associations, and others, which will be holding meetings in the production area and which pear growers would normally attend, which may be utilized for obtaining the names of the initial nominees and such meetings would afford larger grower and handler participation than if meetings were called solely for the purpose of obtaining the names of nominees. Thus, the nomination of prospective members and alternate members at such meetings of growers and handlers in the respective districts is a practical method of providing the Secretary with the names of the persons which the industry desires to serve on the initial committee.

Elections for the purpose of designating nominees for successor members of

the committee and their alternates whose term of office expire on the last day of June of such year should be held during such year by the committee. Such meetings should be held prior to June 1, and at such places that may be designated by the committee so that the names and addresses of the nominees can be submitted to the Secretary in time for the committee to be appointed and functioning by the beginning of the fiscal year, July 1.

The order should provide that only growers, including duly authorized officers or employees of growers who are present at nomination meetings, may participate in the nomination and election of grower members and their alternates because it is proper that growers nominate the persons who are to represent them. Each grower should be permitted only one vote for each nominee to be elected in the district in which he produces pears as this is a democratic method of voting. To prevent growers who produce pears in more than one district from having a greater voice in nominating representatives than do growers who produce pears in only one district, no grower should be permitted to participate in the election of grower nominees in more than one district in any one fiscal year.

Only eligible handlers, including duly authorized officers and employees of such handlers, who are present at nomination meetings should be permitted to participate in the nomination and election of handler members and their alternates since the handlers should be the ones to indicate the persons they desire to represent them on the committee. Also, handlers should be eligible to cast only one vote for each nominee to be elected in the district in which he handles pears and no handler should be permitted to participate in the election of handler nominees in more than one district in any one fiscal year. Such provisions are necessary and desirable in order to assure that each handler is given an equal voice in the selection of the nominees for handler membership.

There were suggestions at the hearing that the order limit grower participation at nomination meetings to those growers who marketed pears in fresh market outlets, (1) at least 1 year during the past 3 years just prior to when such nomination meetings are to be held, and (2) during each of the past 3 years prior to such meetings. However, the evidence shows that, at times at least, growers deliver pears to a handler, either a cooperative or independent, who sells pears in fresh market outlets and also processes pears or sells them to a processor for processing. In such instances the grower often does not know whether his pears went to the fresh market or to processing outlets. Likewise, testimony indicates that the records needed to carry out either proposal probably are not available. Accordingly, it is concluded that it would not be practicable to include such provisions in the order.

In order that there will be an administrative committee in existence at all times to administer the order, the Secretary should be authorized to select committee members and alternate mem-

bers without regard to nominations if, for some reason, nominations are not submitted to him in conformance with the procedure prescribed herein. Such selection should, of course, be on the basis of the representation provided in the order so that the composition of the committee will at all times continue as prescribed in the order.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will know whether or not the position has been filled. Such acceptance should be filed promptly after the notification of appointment so that the composition of the committee will not be delayed unduly.

Provision should be set forth in the order for the filling of any vacancies on the committee, including selection by the Secretary without regard to nominations where such nominations are not made as prescribed, in order to provide for maintaining a full membership on the committee.

The order should provide that an alternate member shall be selected for each member of the committee in order to insure that each district will generally have representation at meetings. Each alternate who is selected should have the same qualifications for membership as the member for whom he is an alternate so that, should the member die, resign, be removed from office, or be disqualified, the representation on the committee will remain unchanged. The alternate should serve until a successor to such member has been appointed and has qualified. So that as large a representation as possible will be present at meetings, the order should provide that, in the event neither member nor his alternate is able to attend a meeting, an alternate member who is not acting as member may be designated, as herein-after provided, to serve in such member's place and stead.

The language in the proposed order as set forth in the notice of hearing and as supported by the evidence of record, means or is intended to mean, for example, that alternate handler members may serve only for handler members and not for grower members and for those districts having only one handler member (Wenatchee and Mid-Columbia) the alternate handler member from any other district may not serve for such absent member and absent alternate member. Accordingly, it is concluded that the member or the committee may designate any other alternate member from the same district and group, i.e. handler or grower, to serve in such member's place and stead. Of course, the designation of an alternate member to serve for an absent member will be only for the said meeting.

The committee should be given those specific powers which are set forth in section 8c(7)(C) of the act. Such powers are necessary to enable an administrative agency of this character to function.

The committee's duties, as set forth in the order, are necessary for the discharge

of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by the members of the committee will be confined to those which reasonably are necessary for the committee to carry out its responsibilities as prescribed in the program. It should be recognized that these specified duties are not necessarily all-inclusive, and that it may develop that there are other duties the committee may need to perform.

At least 12 members of the committee, or alternates acting for members, should be present at any meeting of the committee in order for the committee to make decisions; and any committee action should require a minimum affirmative vote of all except two of the members present. Thus, if all 14 members are present, at least 12 affirmative votes would be required; for 13 members present, 11 affirmative votes would be required; and for 12 members (the smallest number that may be present for a quorum), 10 affirmative votes would be required. Of course, the committee may make recommendations or take other actions by a larger affirmative vote of the members present.

The committee should be authorized to hold simultaneous meetings of groups of its members assembled in two or more places. Such meetings would expedite the transaction of committee business during rush seasons. Such meetings should be subject to the establishment of proper communications, that is, all persons should be able to hear and all should be able to participate in the discussion and other action the same as at an assembled meeting at one place. Any such meeting should be considered an assembled meeting.

In addition to meetings held where the committee is assembled in one place, or when simultaneous meetings are held at two or more designated places, or a meeting takes the form of a telephone conference call, the committee should be authorized to vote by telephone, telegraph, or other means of communications when a matter to be considered is so routine that it would be unreasonable to call an assembled meeting or participate in a conference call meeting. Any votes cast in this fashion should be confirmed promptly in writing to provide a written record of the votes cast. In the case of an assembled meeting, however, all votes should be cast in person.

It is appropriate that members and alternates of the committee be reimbursed for actual out-of-pocket reasonable expenses incurred when performing committee business, since it would be unfair to require them to bear such expenses incurred in the interest of all pear growers and handlers in the production area.

In order for an alternate adequately to represent his district at any committee meeting in place of an absent member, it may be desirable that he should have attended previous meetings along with the member, so as to have a full

understanding of all background discussion leading up to action that may be taken at the meeting. Likewise, an alternate may, in future years, be selected as a member on the committee; and to this extent, attendance at meetings by alternate members could be helpful. Although, only committee members, and alternates acting as members, have authority to vote on actions taken by the committee, it is often important for the committee to obtain as wide a representation as practicable of producer and handler attitudes toward a proposed regulation or other matter. Therefore, the order should provide that the committee, at its discretion, may request the attendance of alternate members at any or all meetings notwithstanding the expected or actual presence of the respective member, when a situation so warrants. The same reimbursement of expenses that are available to members should be made available also to alternate members when they are requested and attend such meetings as alternates.

Provision should be made whereby each committee will prepare an annual report as soon as is practicable after the close of each fiscal period. It was testified that all handler reports and records would not be submitted to the committee until after the close of the fiscal period. Hence, it would not be possible to prepare an accurate annual report until after the fiscal period had ended. Such a report would provide succeeding committee members, the industry, and the Secretary with a record of the annual operations of the program and would provide a means for evaluation of the program and the need for any changes therein.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it for its maintenance and functioning and to enable it to exercise its powers and perform its duties pursuant to the order. The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of expenses by the administrative agency established under the order and requires that each order of this nature contain provisions requiring handlers to pay, pro rata, the necessary expenses. Moreover, in order to assure the continuance of the committee, the payment of assessment should be required even if particular provisions of the order are suspended or become inoperative.

Each handler should pay to the committee upon demand with respect to pears handled by him as the first handler thereof his pro rata share of such expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each fiscal period. Each handler's share of such expenses should be equal to the ratio between the total quantity of pears handled by him as the first handler thereof during the applicable fiscal period and the total quantity of pears so handled by all handlers during the same fiscal period. In this way, payments by handlers of assessments would be proportionate to the respective quantities of pears handled

by each handler and assessments would be levied on the same pears only once.

In order to provide funds for the administration of this program prior to the time assessment income becomes available during the fiscal period, the committee should be authorized to accept advance payments of assessments from handlers and also, when such action is deemed to be desirable, to borrow money for such purpose. The provision for the acceptance by the administrative agency of advance assessment payments is included in other marketing agreements and orders and has been found to be a satisfactory and desirable method of providing funds to cover costs of operation prior to the time when assessment collections are being made in an appreciable amount. During years of normal growing conditions, revenue available to the committee from assessments would provide the means of repaying any loans.

It was testified at the hearing that, because of the extensive and serious damage to many pear orchards during the extremely cold weather of last winter, the committee this year may want to meet, organize, and make recommendation with respect to regulations without incurring any expense. It is anticipated that such committee meeting could be held in conjunction with another meeting at which the grower and handler members would likely attend. Thus, there appears little likelihood that any expenses will be incurred this year in the event no regulations are recommended.

Should it develop that assessment income, during a fiscal period, plus any funds in reserve would not, at the previously fixed rate, provide sufficient income to meet expenses, the funds to cover such expenses should be obtained by means of increasing the rate of assessment. Since the act requires that the administrative expenses shall be paid by handlers, this is the only source of income to meet such expenses. The increased assessment rate should be applied to all pears handled during the particular fiscal period so that the total payments by each handler during each fiscal period will be proportional to the total volume of pears handled during that period.

Should the provisions of the order be suspended, during any portion or all of a fiscal period, it will be necessary to secure funds to cover expenses during such period unless funds in the reserve are sufficient for such purpose. The committee will continue to have duties to perform and incur expenses each fiscal period even though the order may be inoperative during a particular period. To cease incurring any expenses when operations under the order were suspended for short periods, it would be necessary to eliminate the payment of any salaries, rent, or utilities. Since such expenses will not always cease when the order is inoperative for a period, authorization should be provided to require the payment of assessments to meet any necessary expenses during such periods.

The assessment rates under the program would be set at the beginning of the season based on a crop of an esti-

mated volume. Should crop failure or partial crop loss reduce the crop so that assessment income falls below expenses, in the absence of a reserve it would be necessary for handlers in light of the reduced crop to cover the deficit. It would constitute an extra burden on the industry to increase the assessment rate after some disaster had materially reduced the crop.

Evidence was presented at the hearing to the effect that it would be equitable, and far less burdensome, for handlers to contribute to the establishment of an operating reserve during years of normal production rather than to be required to pay an excessively high rate of assessment during a year when the crop is materially reduced. The reserve fund should be built up to the desirable amount slowly, over a period of years, as funds in excess of expenses may be available. In order that reserve funds not be accumulated beyond a reasonable amount, however, a limit of not to exceed approximately one fiscal period's budgeted expenses should be provided. A reserve of that amount should be adequate to meet any foreseeable need. In view of the foregoing, it is concluded that authority should be provided, as hereinafter set forth, to permit the establishment and use of a reserve fund in the manner heretofore described.

Except as necessary to establish and maintain an operating reserve as set forth in the order, handlers who have paid part of any excess should be entitled to a proportionate refund of any excess assessments that remain at the end of a fiscal period, after first offsetting any assessments due from the handler.

Upon termination of the order, any funds in the reserve that are not used to defray the necessary expenses of liquidation should, to the extent practicable, be returned to the handlers from whom such funds were collected. However, should the order be terminated after many years of operation, the precise equities of handlers may be difficult to ascertain, and any requirement that there be a precise accounting of the remaining funds could involve such costs as to nearly equal the monies to be distributed. Therefore, it would be desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purposes of the order. The committee should be required, as a matter of good business practice, to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration could be subject to inspection any time by the Secretary. The committee should provide the Secretary with periodic reports at appropriate times, such as at the end of each marketing season or at such other times as may be necessary, to enable him to maintain appropriate supervision and control over the committee's activities and operations.

(d) The order should provide, as hereinafter set forth, authority for the establishment of marketing research and

development projects designed to assist, improve, or promote the marketing, distribution, and consumption of pears.

The proponent's testimony attests that there are no specific projects which the proponents recommend to pursue at this time. However, record evidence shows there are many areas where research on an industry basis is needed. For example, it was stated that there was need for a more objective means for determining the proper stage of maturity of pears to be shipped to fresh markets. This could serve as the basis for regulations setting forth more specific maturity requirements than those now provided in the grade standards and result in greater consumer acceptance for pears. Therefore, it is desirable to have authority in the order for research and development projects so that, should the committee find that specific research projects should be undertaken, it would be possible to submit such projects to the Secretary for approval without first amending the order. Prior to engaging in any such activities, the committee should, of course, submit to the Secretary for his approval the plans for each project. Such plans should set forth the details, including cost and the objectives to be accomplished, so as to insure, among other things, that the projects are within the purview of the act. The cost of any such project should be included in the budget for approval, and such cost should be defrayed by the use of assessment funds as authorized by the act.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for pears, among other commodities, as will tend to establish parity prices to growers and be in the public interest. The regulation of the handling of pears, as authorized in the order, provides a means for carrying out such policy.

In order to facilitate the operation of the program, the committee should each year, before recommending any regulation applicable to pears produced that year, prepare and adopt a marketing policy for the ensuing marketing season. A report on such policy should be submitted to the Secretary and made available to growers and handlers of pears. The policy so established would serve to inform the Secretary and persons in the industry, in advance of the marketing of the crop, of the committee's plans for regulation and the bases therefor. Handlers and growers could then plan their operations in accordance therewith. The policy also should be useful to the committee and the Secretary when specific regulatory action is being considered, since it would provide basic information necessary to the evaluation of such regulation.

In preparing its marketing policy, the committee should give consideration to the supply and demand factors, hereinafter set forth in the order, affecting marketing conditions for pears since consideration of such factors is essential to the development of an economically sound and practical marketing policy.

The committee should be permitted to revise its marketing policy so as to give appropriate recognition to the latest known conditions when changes in such

conditions are sufficiently marked to warrant modification of such policy. Such action is necessary if the marketing policy is to appropriately reflect the probable regulatory proposals of the committee and be of maximum benefit to all persons concerned. A report of each revised marketing policy should be submitted to the Secretary and made available to growers and handlers, together with the data considered by the committee in making the revision.

The committee should, as the local administrative agency under the order, be authorized to recommend such grade, size, and quality regulations, as well as any other regulations and amendments thereto authorized by the order, as will tend to effectuate the declared policy of the act. It is the key to successful operation of the order that the committee should have such responsibility. The Secretary should look to the committee, as the agency reflecting the thinking of the industry, for its views and recommendations for promoting more orderly marketing conditions and increased growers' returns for pears. The committee should, therefore, have authority to recommend such regulations as are authorized by the order whenever such regulation will, in the judgment of the committee, tend to promote more orderly marketing conditions and effectuate the declared policy of the act.

When conditions change so that the then current regulations do not appear to the committee to be carrying out the declared policy of the act, the committee should have the authority to recommend such amendment, modification, suspension, or termination of such regulations as the situation warrants.

The order should authorize the Secretary, on the basis of committee recommendations or other available information, to issue various grade, size, quality, and other appropriate regulations which tend to improve growers' returns and to establish more orderly marketing conditions for pears. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing such regulations, or amendments or modifications thereof, as may be necessary to effectuate the declared policy of the act. Also, when he determines that any regulation does not tend to effectuate such policy he should have authority to suspend or terminate the regulation, in accordance with the requirements of the act.

While the committee does not have the authority to change or modify the U.S. or State grades, the order provides that grade, size, and quality regulations may be established in terms of the U.S. or State grades, or modifications thereof or variations based thereon. For example, if the committee recommends and the Secretary issues a regulation providing that pears shall meet the requirements of the U.S. No. 2 grade except that, in the case of defects caused by hail injury or russeting, the tolerances provided for such defects in the Washington C grade shall apply, such pears containing the additional hail injury or damage by russeting could be handled. Such pears

could not, of course, be certified or labeled as U.S. No. 2, and any marking would have to show the actual grade which the pears met. The U.S. and State grades also provide that pears shall be "mature." The committee, with the approval of the Secretary, should accordingly be authorized to establish maturity requirements in terms that are presently provided in the U.S. or State grades, or modifications thereof, or variations based thereon.

The grade, size, and quality of pears which are shipped at any particular time have a direct effect on returns to growers. The poorer grades and less desirable sizes of pears marketed return lower prices than do better grades and sizes. A restriction, under the order, of the shipment of pears of lower grade should result in higher returns for the better grades marketed by eliminating the price depressing effect of the poor quality pears.

Handlers sometime have shipped in fresh fruit channels pears of low quality and of undesirable sizes. Such pears may be sold only at discount, and the returns from such sales often do not cover the cash costs of harvesting and marketing. In addition, such sales have tended to depress the price for the entire crop, for the particular year, below the level which otherwise would have existed if only pears of suitable grade, size, and quality, considering the supply and demand conditions for such fruit, had been available in the markets.

The demand for particular grades, sizes, and qualities of pears varies depending upon the volume of supplies available, the grade, size, and quality composition of such supplies, the availability of competing commodities, and other factors such as the trend and level of consumer income. The supply conditions for pears are subject to substantial changes during a particular season as the result of weather conditions affecting the volume and quality of the crop.

The grade, size, and quality composition of the pear crop and the volume of the available supply for the season as a whole and for any particular period during the season are important factors which must be considered in establishing regulations. There is generally a sufficient volume of pears harvested in the production area and available for shipment in fresh market outlets so that the market demands could generally be met without shipment of the poorer grades, sizes, and quality pears to such market outlets. The shipment of excessively small and poor quality pears has resulted in dissatisfaction of consumers; and such consumer dissatisfaction has been reflected in reduced demand and lowered returns to growers. Therefore, the order should provide for the establishment by the Secretary of regulations by grade, size, and quality, or combinations thereof, based upon limitations recommended by the committee or other available information; and such regulations should cover such period or periods as it is determined are warranted by the anticipated supply and demand conditions. In making its recommendations for such regulations, the committee should consider the heretofore enumer-

ated supply and demand factors. The committee, because of the knowledge and experience of its members, will be well qualified to evaluate such factors and to develop economically sound and practical recommendations for regulations and to advise the Secretary with respect to the supply and demand conditions under which the pear crop will be marketed.

Several varieties or strains of Bartlett pears are grown in the production area. Among these are the "red," "green," "yellow," or "regular" Bartletts, including various strains thereof, commonly known as Red Bartletts, Early Bartletts, Max-Red Bartletts, Rosired Bartletts, and Hill Bartletts. All varieties or strains are dual purpose; however, Red Bartletts tend to be almost exclusively a fresh commodity since canners do not like them. Recognition of the different varieties of pears is common throughout the production area. Therefore, because of the differences which exist, and the fact that application of identical regulation to all Bartletts may be unnecessarily restrictive for some varieties, it is concluded that the order should provide authority for issuance of different regulations for different varieties.

In recognition of existing or potential factors that may affect the production and marketing of pears in any district, the order should provide authority for the committee to recommend and the Secretary to issue regulations on a district basis when the situation so warrants.

It is important that the order provide authority for the committee to recommend and the Secretary to fix the size, weight, capacity, dimensions, or pack of the containers which may be used in the packaging or handling of pears.

Some of the containers used in the shipment of pears are the standard western pear box, the L.A. lug, the 14-pound box, and the open 28-pound western lug. Pears have been marketed in containers having the same general appearance but containing less pears. Containers resembling the 14-pound box but containing only 10 pounds or 12 pounds of pears have been used. Also, containers resembling the open 28-pound western lug but containing only 26 pounds of pears have been used. Such containers are reportedly used only to obtain a price advantage in the market place. The use of such containers, the dimensions of which vary so slightly from other containers that customers do not realize the apparent price advantage for a seemingly identical container merely reflects the smaller quantity of fruit, and results in disorderly marketing conditions. Standardization of containers to those most suitable for the packing and handling of pears, and prescribing the use of containers of sizes and capacities which can readily be distinguished from each other, would tend to establish more orderly marketing conditions and increase growers returns.

The exercise of the authority to regulate containers, however, should not be used to close the door on experimenting with new containers or to prevent the use of any new or superior containers which may be developed. Record evi-

dence shows that it is not intended nor is it necessary, that the authority to regulate containers should include the authority to prohibit the use of the standard western pear box or the 14-pound box.

The order should contain authority to regulate the packs of containers. The regulation of the packs of containers would assist the pear industry in the production area in its merchandising efforts to provide the most acceptable packs to enhance trade acceptance. The U.S. standards contain provisions with respect to standard pack and it is anticipated that these may be used with respect to count, diameter, packing, wrapping, and tolerances. It is essential that authority be included in the order for prescribing pack limitations designed to protect the reputation of packs known or found to be superior, including any for which a demand has been built through research and development. If it is found that the demand for pears is enhanced in certain containers when a particular manner of arrangement, grade, or size is used, it may be desirable to prescribe the grade, sizes, and method of arrangement which may be used in specified packages. Therefore, it is concluded that the order should contain authorization to so prescribe.

It may be necessary to limit the shipment of pears to export markets to grades, sizes, packs, or containers which are different from those permitted to be shipped to the domestic markets. Many foreign countries have restrictions with respect to importation of fruits. For example, Canada specifies the container and quality requirements for fruit commodities imported into that country. Such requirements are subject to change. Moreover, in certain areas of Canada small size pears are often in demand. Authority should therefore be included in the order to provide such flexibility in regulations and such would tend to effectuate the declared policy of the act.

It is not in the public interest to cease regulations when the season average price of pears exceeds parity. The committee should be authorized to recommend, and the Secretary to establish, such minimum standards of quality, in terms of grades and sizes, or both; and such grading and inspection requirements, during any and all periods when the season average price for pears may be above parity, as will effectuate such orderly marketing of pears as will be in the public interest. Some pears do not give consumer satisfaction regardless of the price level. Pears harvested at a time when they are insufficiently mature to ripen properly, deteriorated pears, and pears of very small sizes are examples of the type of fruit that is wasteful and does not represent a value to the consumer and should not be shipped.

The shipment of such insufficiently mature pears or fruit lacking in the quality necessary to assure delivery in satisfactory condition cause an adverse buyer reaction and tend to demoralize the market for later shipments of all fruit. Such undesirable fruit has been marketed in the past and undoubtedly would again be marketed in the absence of regulations

when the season average price is above parity. Hence, the discontinuance of regulations during seasons when the average price exceeds parity could adversely affect consumers and producers alike, and also result in dissipation of all benefits from prior operation of the program.

Adverse growing conditions and weather factors may cause some fruit to develop abnormally, or so affect the quality that it would not be in the public interest to permit its shipment. Such developments depend on the conditions in the particular season. It is necessary, therefore, that the provisions of the order contain the flexibility needed to reflect such conditions. Hence, the specific minimum standards of quality that may be made applicable during a particular year should be established by the Secretary upon the basis of the recommendation of the committee or other available information made after review of the existing conditions that year.

(f) The order should provide for some exemption from its provisions to any grower who furnishes proof, satisfactory to the administrative committee, that he will be prevented because of a grade and size regulation in effect, from shipping a percentage of his crop equal to a determined percentage of all pears permitted to be shipped from his district. Thus, the exemption provisions would afford relief to any grower from the imposition of undue inequities which, by reason of conditions beyond his control, might otherwise occur from such regulation. An exemption certificate should be issued to any grower who furnishes the requisite proof to the committee concerning his eligibility for such certificate. The committee should make such investigation of the request for exemption as may be necessary to substantiate the producers' claim. The issuance of exemption certificates should clearly be restricted to conditions determined by the committee to be beyond the growers' reasonable expectation or control, such as hail injury and frost damage, and not to conditions resulting from the lack of observance of proper cultural and harvesting practices which are necessary to produce good quality fruit.

The order should provide for the exemption from its provisions of such handling of pears which it is not necessary to regulate in order to effectuate the declared policy of the act. Insofar as practicable, such exempted handling should be stated explicitly in the order so that handlers will have knowledge of such handling as is not subject to the provisions of the program.

Pears which are handled for consumption within charitable institutions, or for distribution by relief agencies, or for commercial processing into products have little influence on the level of prices for pears sold in the domestic and export markets. Hence, pears handled for such purposes should be exempted from compliance with the regulations issued under the order.

In addition, provision should be made to authorize the committee, with the approval of the Secretary, to exempt the handling of pears, in such specified small quantities, or types of shipments, in-

cluding gift fruit shipments, or shipments made for such specified purposes as it is not necessary to regulate in order to effectuate the declared policy of the act. Such authorization is necessary to enable the exemption of such handling as may be determined necessary to facilitate the conduct of research, and handling which is found not feasible administratively to regulate and which does not materially affect marketing conditions in commercial channels. It would be impractical to set forth these exemptions in detail in the order, because to do so would destroy the flexibility which is necessary to reflect conditions affecting the handling of pears in the production area. Therefore, it should be discretionary with the committee, subject to the approval of the Secretary, whether small quantities or types of shipments, or shipments made for special purposes, should be exempted from regulation, inspection, and assessments and the period during which such exemption should be in effect.

A proposal was offered at the hearing which would have exempted Bartlett pears for gift packing purposes from regulation under the order. This exemption, if adopted as proposed, could have resulted in some handlers handling a low quality pear which could seriously harm the reputation established by reputable gift pack shippers. Under such modification, the committee would not be able, through rules and regulations, to correct this situation. It is concluded, therefore, that, in order to best afford protection to those handlers engaged in the gift fruit business and to prevent handlers to use the name "gift fruit purposes" as an avenue to evade regulations, the committee should have the authority to recommend exemption of such type of gift shipments as may be desirable rather than exempting gift shipments, as such, in the order.

The allowance of such exemptions may be found to result in avenues of escape from regulation which, if they are found to exist, should be closed. Hence, the committee should be authorized to prescribe, with the approval of the Secretary, such rules, regulations, and safeguards as are necessary to prevent pears handled for any of the exempted purposes from entering into regulated channels of trade and thereby tend to defeat the objectives of the program. For example, should it be found that a portion of the pears moving to commercial processors was being diverted to fresh fruit markets, it may be necessary for the committee to establish procedures to govern the movement of fruit for processing even though such pears do not have to comply with grade, size, quality, or other requirements. These procedures might include such requirements as filing application for authorization to move pears in exempted channels and certification by the receiver that such pears would be used only for the purpose indicated, if it is found that such requirements are necessary to the effective enforcement of the program regulations.

(g) Provision should be made in the order requiring all pears handled, during any period when handling limitations are effective, to be inspected by the Federal or Federal-State Inspection Service and certified as meeting the requirements of

the applicable regulation. Inspection and certification of all pears handled during periods of regulations are essential to the effective supervision of the regulations. Evidence of compliance with regulations issued under the program can be ascertained only through inspection and certification of all pears handled during the effective period of such regulation. As a handler of pears is the person responsible for compliance with such regulations, it is reasonable and necessary to require handlers to submit each lot of pears handled for inspection and certification and to file a copy of the certificate of inspection with the committee. It was testified that handlers are familiar with the Federal and the Federal-State Inspection Service and the certification of pears in the production area, and the use of such inspection agency under this program is desired by the industry.

Responsibility for obtaining inspection and certification should fall on each person who handles pears. In this way, not only will the handler who first ships or handles pears be required to obtain inspection and certification thereof, but also no subsequent handler may handle pears unless a properly issued inspection certificate, valid pursuant to the terms of the order and applicable regulations thereunder, applies to the shipment. Each handler must bear responsibility for determining that each of his shipments is so inspected and certified.

In instances where any lot of pears previously inspected is regarded, resorted, repackaged, or in any other way subjected to further preparation for market, such pears should be required to be inspected following such preparation and certified as meeting the requirements of the applicable regulations before such pears are handled, since the identity of the lot is lost in such preparation and the validity of the prior inspection certificate and the information shown thereon destroyed.

It was testified at the hearing that there are pear orchards, such as those located in the Snake River Valley in Washington and perhaps some areas in the Willamette Valley in Oregon, that are considerable distance from established inspection points, thus making inspection not readily available to such handlers. It would be expensive and impractical to make the inspection at the point where such pears are prepared for market and first handled as defined in the order and thus become subject to regulations. Inspection fees are the chief source of income for the Federal-State Inspection Service. For that reason, it is generally not the policy to maintain a year-round staff of the size required for peak load periods. The use of inspection personnel for such isolated inspections, where a large percentage of the time involved is spent in travel, would not utilize such personnel in an effective manner. Record evidence shows that the committee should have the authority to work out procedure with the inspection service that will be most practical to all concerned. The committee should also be authorized with the approval of the Secretary to prescribe such safeguards as are necessary

to prevent pears so handled from being marketed in fresh fruit channels without complying with the provisions of the order.

(h) The committee should have authority, with the approval of the Secretary, to require that handlers submit to the committee such reports and information as may be needed for the performance of its functions under the order. Handlers have such necessary information in their possession, and the requirement that they furnish such information to the committee in the form of reports would not constitute an undue burden. Moreover, since handlers are the only persons subject to regulation under the program, they are the only persons who could be required to furnish such information. Based upon knowledge and experience gained through the operation of other programs, namely the cherry, peach, apricot, and prune programs, it is anticipated that much of the information needed from handlers will be obtained from the inspection certificate. However, it is difficult to anticipate every type of report or kind of information which the committee may find necessary in the conduct of its operations under the order. Therefore, the committee should have the authority to request, with approval of the Secretary, reports and information, as needed, and at such times and in such manner as may be necessary.

The Secretary should retain the right to approve, change, or rescind any requests by the committee for information in order to protect handlers from unreasonable requests for reports. Any reports and records submitted for committee use by handlers should remain confidential and be disclosed to no person other than the Secretary and persons authorized by the Secretary. Under certain circumstances, the release of information compiled from handlers' reports may be helpful to the committee and the industry generally in planning for operations under the order during the marketing season. However, such reported information should not be released other than on a composite basis, and such release of information should disclose neither the identity of handlers nor their individual operations. This is necessary to prevent the disclosure of information that may affect detrimentally the trade or financial position or the business operations of individual handlers.

Since it is possible that a question could arise with respect to compliance, handlers should be required to maintain for each fiscal period complete records on their receipts, handling, and disposition of pears. Such records should be retained for not less than two years after the termination of the crop year in which the transaction occurred, so that, if needed in connection with enforcement, the requisite records will be available for that purpose.

(i) Except as provided in the order, no handler should be permitted to handle pears, the handling of which is prohibited pursuant to the order; and no handler should be permitted to handle pears except in conformity with the order. If the program is to operate effectively,

compliance therewith is essential; and, hence, no handler should be permitted to evade any of its provisions. Any such evasion on the part of even one handler could be demoralizing to the handlers who are in compliance and would tend, thereby, to impair the effective operation of the program.

(j) The provisions of §§ 931.62 through 931.71, as hereinafter set forth, are similar to those which are included in other marketing agreements and orders now operating. The provisions of §§ 931.72 through 931.74, as hereinafter set forth, also are included in other marketing agreements now operating. All such provisions are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the recommended marketing agreement and order and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

Those provisions which are applicable to both the proposed marketing agreement and the proposed order, identified by section number and heading, are as follows: § 931.62 *Right of the Secretary*; § 931.63 *Effective time*; § 931.64 *Termination*; § 931.65 *Proceedings after termination*; § 931.66 *Effect of termination or amendment*; § 931.67 *Duration of immunities*; § 931.68 *Agents*; § 931.69 *Dero-gation*; § 931.70 *Personal liability*; and § 931.71 *Separability*.

With respect to § 931.63 *Effective time*, record evidence shows that the industry is very anxious to have the program available for use during the current marketing season which is expected to begin on or about August 15, 1965. As heretofore shown, it is anticipated that the crop will not be large due to the severe freeze of December 1964 which seriously affected some areas. However, the exact size of the crop cannot be determined at this time. Therefore, the effective date of this program should be as early as is practicable so that the committee will not be precluded from making recommendation for regulations if such are found to be warranted for the 1965 crop.

With respect to § 931.64 *Termination*, record evidence shows that it is the wish of the industry that the Secretary conduct a referendum among producers within a 5-year period from the effective date of the order. Such a referendum is desirable and would provide an opportunity for each grower to appraise the effects of the program and express his wishes with respect to its continuance. It is anticipated that the Secretary will look to the committee, as representatives of the industry, to make recommendations with respect to the exact time, season, and date, within the 5-year period, when such referendum should be conducted.

Those provisions which are applicable to the proposed marketing agreement only, identified by section number and heading, are as follows: § 931.72 *Counterparts*; § 931.73 *Additional parties*; and § 931.74 *Order with marketing agreement*.

Rulings on proposed findings and conclusions. June 11, 1965, was set by the presiding officer at the hearing as the latest date by which briefs would have to

be filed by interested parties with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. No such brief was filed.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of pears grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and order prescribe, so far as practicable, such different terms applicable to different parts of the production area as are necessary, to give due recognition to the differences in the production and marketing of pears grown in the production area; and

(5) All handling of pears grown in the production area, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order are recommended as the detailed means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ 931.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 931.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933) as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

§ 931.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 931.4 Production area.

"Production area" means and includes the States of Oregon and Washington.

¹The provisions identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed order.

§ 931.5 Pears.

"Pears" means all pears grown in the production area classified botanically as belonging to the Bartlett cultivar of *Pyrus Communis*.

§ 931.6 Variety.

"Variety" means any type or strain of pears which has distinctive attributes and is designated by a common name, such as Red Bartlett.

§ 931.7 Fiscal period.

"Fiscal period" means the period beginning July 1 of any year and ending June 30 of the following year or such other period as the committee, with the approval of the Secretary, may establish.

§ 931.8 Committee.

"Committee" means the Northwest Fresh Bartlett Pear Marketing Committee established pursuant to § 931.20.

§ 931.9 Grade.

"Grade" means any one of the officially established grades of pears as defined and set forth in:

(a) United States Standards for Summer and Fall Pears (7 CFR 51.1260 et seq.) or amendments thereto, or modifications thereof, or variations based thereon; or

(b) Standards for pears issued by the State of Oregon or the State of Washington or amendments thereto, or modifications thereof, or variations based thereon.

§ 931.10 Size.

"Size" means the number of pears which can be packed in a standard western pear box 18 inches long, 11½ inches wide, and 8½ inches deep (inside measurements) when packed in accordance with the packing requirements of the U.S. Standards for Summer and Fall Pears (effective August 20, 1955), or as such standards thereafter may be modified, or "Size" means the greatest transverse diameter of the pear taken at right angles to a line running from the stem to the blossom end, or such other specifications as may be established by the committee, with the approval of the Secretary.

§ 931.11 Grower.

"Grower" is synonymous with "producer" and means any person who produces pears for fresh market and who has a proprietary interest therein.

§ 931.12 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting pears owned by another person) who handles pears.

§ 931.13 Handle.

"Handle" or "ship" means to sell, deliver, consign, or transport pears within the production area or between the production area and any point outside thereof: *Provided*, That the term "handle" shall not include the transportation within the production area from the orchard where grown to a packing facility located within such area for preparation for market.

§ 931.14 District.

"District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 931.31(m):

(a) Wenatchee District shall include the counties of King, Chelan, Douglas, Grant, Lincoln, Spokane in the State of Washington, and all other counties in Washington lying north thereof.

(b) Yakima District shall include all of the State of Washington not included in the Wenatchee District or in the Hood River-White Salmon District.

(c) Mid-Columbia District or the Hood River-White Salmon District shall include those counties in the State of Oregon not included in the Medford District and the counties of Skamania and Klickitat in the State of Washington.

(d) Medford District shall include the Counties of Jackson, Josephine, Curry, Coos, Douglas, Lane, and Klamath in the State of Oregon.

§ 931.15 Export.

"Export" means to ship pears to any destination which is not within the 48 contiguous States, or the District of Columbia of the United States.

§ 931.16 Pack.

"Pack" means the specific arrangement, size, weight, count, or grade of a quantity of pears in a particular type and size of container, or any combination thereof.

§ 931.17 Container.

"Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of pears.

ADMINISTRATIVE BODY

§ 931.20 Establishment and membership.

There is hereby established a Northwest Fresh Bartlett Pear Marketing Committee consisting of fourteen (14) members, each of whom shall have an alternate who shall have the same qualifications as the member for whom his is an alternate. Eight (8) of the members and their respective alternates shall be growers or officers or employees of growers. Six (6) of the members and their respective alternates shall be handlers or officers or employees of handlers. Each district shall be represented on the committee by two (2) grower members and their respective alternates who are producers of pears in such districts. The Yakima and Medford Districts shall each be represented on the committee by two (2) handler members and the Wenatchee and Mid-Columbia Districts each by one (1) handler member who are handlers of pears in the respective district.

§ 931.21 Term of office.

The term of office of each member and alternate member of the committee shall be for two years beginning July 1 and ending June 30: *Provided*, That the term of office of one-half of the initial grower members and alternates and one-half of the initial handler members and alter-

nates from the Yakima and Medford Districts and the handler member and alternate from the Wenatchee District shall end June 30, 1966. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 931.22 Nomination.

(a) *Initial members.* Nominations for each of the initial members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of separate group meetings of the growers and handlers concerned in each district, which shall be publicized and open to all growers and handlers. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 931.20.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than June 1 of each year, separate meetings of growers and handlers in each district for the purpose of designating nominees for successor members and alternate members of the committee, which shall be publicized and open to all growers and handlers. At each such meeting, a chairman and a secretary shall be designated by the growers and handlers eligible to participate therein. The chairman shall announce at the meeting the results of nominations for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers, including duly authorized officers or employees of growers, who are present at such nomination meetings may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces pears. No grower shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of pears, such person may vote either as a grower or as a handler but not as both.

(3) Only handlers, including duly authorized officers or employees of handlers, who are present at such nomination meetings may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles pears. No handler shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler

of pears, such person may vote either as a grower or as a handler but not as both.

§ 931.23 Selection.

From the nominations made pursuant to § 931.22 or from other qualified persons, the Secretary shall select the eight grower members of the committee, the six handler members of the committee, and an alternate for each such member.

§ 931.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 931.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 931.20.

§ 931.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 931.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 931.22 and 931.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 931.20.

§ 931.27 Alternate members.

An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other alternate member from the same district and group (handler or grower) to serve in such member's place and stead.

§ 931.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 931.31 Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent accountant at least once each fiscal year and at such time as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to pears;

(i) To submit to the Secretary such available information as he may request;

(j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To investigate compliance with the provisions of this part; and

(m) With the approval of the Secretary to redefine the districts into which the production area is divided, and to re-apportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in pear production within the districts and the production area.

§ 931.32 Procedure.

(a) Twelve members of the committee, including alternates acting for members, shall constitute a quorum, and any action of the committee shall require the concurring vote of all except two of the members present.

(b) The committee may provide for simultaneous meetings of groups of its members assembled at two or more designated places: *Provided*, That such meetings shall be subject to the establishment of communication between all such groups and the availability of loud speaker receivers for each group so that each member may participate in the discussions and other actions the same as if the committee were assembled in one

place. Any such meeting shall be considered as an assembled meeting.

(c) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 931.33 Expenses.

The members of the committee and alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part: *Provided*, That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses as aforesaid.

§ 931.34 Annual report.

The committee shall, as soon as is practicable after the close of each fiscal period, prepare and mail an annual report to the Secretary and make a copy available to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal period; (b) a review of the effect of such regulatory operations upon the pear industry; and (c) any recommendations for changes in the program.

EXPENSES AND ASSESSMENTS

§ 931.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 931.41.

§ 931.41 Assessments.

(a) Each person who first handles pears shall, with respect to the pears so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal period. Each such person's share of such expenses shall be equal to the ratio between the total quantity of pears handled by him as the first handler thereof during the applicable fiscal period and the total quantity of pears so handled by all persons during the same fiscal period. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all pears handled dur-

ing the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose.

§ 931.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands repayment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operating monetary reserve in an amount not to exceed approximately one fiscal year's operational expenses. Upon approval by the Secretary, funds in such reserve shall be available for use by the committee for all expenses authorized pursuant to § 931.40.

(3) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds will be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to his successor in office and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds and claims vested in such member pursuant to this part.

RESEARCH

§ 931.45 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consump-

tion of pears. The expense of such projects shall be paid from funds collected pursuant to § 931.41.

REGULATIONS

§ 931.50 Marketing policy.

(a) Each season prior to making any recommendations pursuant to § 931.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of pears within the production area;

(2) The expected general quality and size of pears in the production area and in other areas;

(3) The expected demand conditions for pears in different market outlets;

(4) The expected shipments of pears produced in the production area and in areas outside the production area;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of pears; and

(8) The type of regulations expected to be recommended during the season.

(b) In the event it becomes advisable, because of changes in the supply and demand situation for pears, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall maintain in its office a copy of each marketing policy report, including each revised marketing policy reports, where they may be available to growers and handlers, and may also by means of a press release or other means announce the substance thereof.

§ 931.51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of pears in the manner provided in § 931.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for pears during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 931.52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of pears whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such regulation may:

(1) Limit, during any period or periods, the shipment of any particular grade, size, quality, or pack, or any combination thereof, of any variety or varieties of pears grown in any district or districts of the production area;

(2) Limit the shipment of pears by establishing, in terms of grades, sizes, or both, minimum standards of quality during any period when the season average price is expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in packaging or handling of pears: *Provided*, That no regulations shall prohibit the use of the 14-pound box or the standard western pear box; and

(4) Prescribe requirements, as provided in this paragraph, applicable to exports of any variety of pears which are different from those applicable to the handling of the same variety to other destinations.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to growers and handlers.

§ 931.53 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 931.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of pears in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner, the Secretary may terminate any such modification or suspension. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such suspension.

§ 931.54 Special purpose and minimum quantity shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 931.41, 931.52, 931.53 and 931.55, and the regulations issued thereunder, handle pears (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements under or established pursuant to §§ 931.41, 931.52, 931.53, or 931.55, the handling of pears in such minimum quantities, in such types of shipments, including gift fruit shipments, or for such specified purposes

(including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 931.45) as the committee, with the approval of the Secretary, may prescribe.

(c) The committee shall, with the approval of the Secretary prescribe such rules, regulations, and safeguards as it may deem necessary to assure compliance with this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle pears pursuant to this section. It may be required that such applications be accompanied by a certification by the intended purchaser or receiver that the pears will not be used for any purpose not authorized by this section.

§ 931.55 Inspection and certification.

Whenever the handling of any variety of pears is regulated pursuant to §§ 931.52 or 931.53, each handler who handles pears shall, prior thereto, cause such pears to be inspected by the Federal or Federal-State Inspection Service and certified by it as meeting the applicable requirements of such regulation: *Provided*, That inspection and certification shall be required for pears which previously have been so inspected and certified only if such pears have been regarded, resorted, repackaged, or in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit or cause to be submitted to the committee a copy of the certificate of inspection issued with respect to such pears. The committee may, with the approval of the Secretary, prescribe rules and regulations modifying the inspection requirements of this section as to time and place such inspection shall be performed whenever it is determined it would not be practical to perform the required inspection at a particular location: *Provided*, That all such shipments shall comply with all regulations in effect.

§ 931.56 Exemptions.

The committee shall issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee:

(a) That by reason of a regulation he will be prevented from handling or having handled as large a proportion of his production as the average proportion of production handled by or for all producers in said applicant's production district; and

(b) That the grade, size, or quality of the applicant's pears have been adversely affected by acts beyond the applicant's reasonable expectation or control. Each certificate shall permit the producer to handle or to have handled the amount of pears specified thereon. Such certificates shall be transferred with such pears at time of shipment. The committee shall be permitted at any time to make a thorough investigation of any producer's claim for exemptions and shall determine what conditions constitute acts beyond the grower's reasonable expectation or control.

§ 931.60 Reports.

(a) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, reports of pears received and disposed of and such other information as may be necessary for the committee to perform its duties under this part.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers are authorized subject to the prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the pears received and of pears disposed of, by such handler as may be necessary to verify reports pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 931.61 Compliance.

Except as provided in this part, no person shall handle pears the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle pears except in conformity with the provisions and the regulations issued under this part.

§ 931.62 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 931.63 Effective time.

The provisions of this part and of any amendments thereto shall become effective at such time as the Secretary may declare above his signature, and shall continue in force until terminated in one of the ways specified in § 931.64.

§ 931.64 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds by a referendum or otherwise that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production area in the production of pears for market in fresh form: *Provided*, That such majority has produced for market during such period more than 50 percent of the volume of pears produced for fresh market in the production area; but such termination shall be effective only if announced on or before June 30 of the then current fiscal period: *Provided further*, That the Secretary shall conduct such a referendum not later than 5 years from the effective date of this part.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 931.65 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 931.66 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 931.67 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect

to acts done under and during the existence of this part.

§ 931.68 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 931.69 Derogation.

Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 931.70 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 931.71 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 931.72 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.***

§ 931.73 Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such new counterparts is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.***

§ 931.74 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of pears in the same manner as is provided for in this agreement.***

Dated: July 15, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-7851; Filed, July 20, 1965;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 91, 99]

[Docket No. 16106; FCC 65-625]

INDUSTRIAL RELOCATION SERVICE

Notice of Proposed Rule Making

In the matter of amendment of Parts 2, 91, and 99 of the Commission's rules insofar as they relate to the Industrial Radiolocation Service; Docket No. 16106, RM-139.

1. One of the relatively new and highly specialized uses to which radio has been disposed in recent years, relates to distance, speed, direction, and position determination, in connection, usually, with geographical, geophysical, and geological activities. Those stations which we have licensed, on a developmental basis, to accomplish these various radio determinations are designated, pursuant to our Rules, Radiolocation stations. They are not to be confused with similar stations that perform a Radionavigation service. We are, in this proceeding, concerned with the adoption of rules to govern the use of Industrial Radiolocation stations, for radiodetermination purposes other than navigation; and notice of proposed rule making in this regard is hereby given.

2. Our proposals in this proceeding are basically four in number; and are as follows:

a. To establish an Industrial Radiolocation Service in Part 91, Subpart M, of our Industrial Radio Services Rules, on a regular basis; and

b. To clarify the eligibility provisions of the Service; and

c. To incorporate into the new rules, appropriate frequency availability and other changes occasioned by the ratification, in 1961, of the Geneva (1959) Radio Regulations, and the adoption of certain Commission orders; and finally

d. To amend our Disaster Communications Service Rules (Part 99) insofar as they relate to the control of interference in the band 1750-1800 kc/s, which band is shared between the Industrial Radiolocation Service and the Disaster Communications Service.

3. The Commission, as long ago as 1948, investigated the usefulness of radio as a means of determining position, distance, and direction, for purposes other than navigation. Indeed, investigatory and rule making proceedings were conducted in 1949, 1950, and 1951; and it was on the basis of the data and information elicited in these proceedings that a Report and Order was issued in late 1951 (Docket No. 9233, 16 F.R. 13096, Dec. 28, 1951) establishing, on a developmental basis, the Industrial Radiolocation Service, in Subpart M, of the then Part 11 of our Industrial Radio Services Rules. The service was characterized as developmental—pending the accumulation of experience and technical data, which information was to be weighed subsequently in our decision to retain or not retain the Service.

4. Since 1951, the Commission has authorized approximately 300 Industrial

Radiolocation stations, representing over 800 transmitters, to serve a wide variety of radiodetermination needs. Licensees of radiolocation stations have been required to submit annual developmental reports for our study and analysis. Among other things, information relating to the technical characteristics of equipment, techniques of operation, accuracy of results, hours of operation, and so on, has been required to be submitted. On the basis of the data and information which we have before us, it appears that much progress has been made in the development of radiolocation devices and techniques. This being so, we are disposed to consider the advisability of establishing the Industrial Radiolocation Service on a regular basis.

Regularization of service. 5. In drafting proposed Rules to govern the Industrial Radiolocation Service, our starting point has been the present set of rules which has governed the service in its developmental status. The "preamble", so to speak, of these developmental rules (§ 91.601, Nature of Service) notes that they were designed to facilitate the establishment of the Service on a regular basis. The effects of our inauguration of the Industrial Radiolocation Service into the category of "regular" services will be several. First, licenses may be issued for terms in excess of the present 1-year periods; second, many of our technical standards will have to be met; and finally, compliance with most of our station operating requirements will become mandatory. In terms of relief, licensees will no longer be required to submit annual and lengthy developmental reports of operation.

6. One of the Commission's prime reasons for not establishing a regular Radiolocation Service in 1951, when the present developmental rules were adopted, is very clearly noted in that section of the rules which we have characterized as the "preamble". The Commission said that "Since there does not appear to be any single radiolocation system which is satisfactory in all respects, all stations licensed under this Subpart will be authorized only on a developmental basis." The obvious interpretation of this language is that the Commission was seeking the ideal or optimum system or radiolocation technique and the one which would best serve the public interest. To date, this ideal or optimum system or technique has not been determined. What has been determined, however, is the fact that different and diverse systems and techniques are not so incompatible as was originally believed. Accordingly, our proposed rules are not geared or directed to favor the establishment of one technique or system over another. Rather, we have enumerated frequencies in our frequency table which are available to all applicants, subject of course to certain appropriate limitations.

Eligibility. 7. The Commission has found, from its experience in administering the developmental Industrial Radiolocation Service, that those provisions of the rules which govern entry into the Service are essentially adequate. However, a literal interpretation of § 91.602 (a) of the developmental rules, with its

reference to "commercial" and "industrial" enterprises, would seem to preclude the use of radiolocation stations by educational or scientific users. Such, however, was not, and is not, our intention. Accordingly, we are proposing that § 91.601 (a), of the new or regular rules reflect the eligibility of both educational and scientific users.

Geneva and other changes. 8. One of the determinative factors in our decision to institute this proceeding, was the ratification, by the United States in 1961, of the Geneva (1959) Radio Regulations (TIAS 4893). With the adoption of the regulations, radiodetermination by radiolocation means was accorded an international recognition that had not previously obtained. The terms radiolocation, radiolocation service, radiolocation station, etc. were "coined," defined, and incorporated into the new Geneva Regulations. By previous Commission Orders, these new definitions were adopted and included in our glossaries in Parts 2 and 91 (§ 91.3) of our rules. They will of course be reflected in the proposed rules for the new Industrial Radiolocation Service; and all references to the now obsolete "radiopositioning" term will be deleted.

9. As a result of the adoption of the Geneva (1959) Regulations and other allocations changes, the following "new" bands are now available for assignment in the Industrial Radiolocation Service:

Kc/s
70-90
110-130
1605-1715
1715-1750

The following changes relating to previously available bands were also made:

Mc/s
change 5250-5440 to read 5350-5650
change 9320-9500 to read 9300-9500

We hasten to add that the frequency allocations made, are on a shared basis with other Services. And that radiolocation stations access to these bands will, in some instances, be limited by reason of the existing occupancy of the band by other services. Nonetheless, there will be many areas wherein radiolocation station operation on frequencies from within the subject bands will prove most satisfactory. The new bands, as well as the band changes noted above, appear in the new frequency table proposed for the Industrial Radiolocation Service. Appropriate frequency limitations have also been included, which note the services that must be protected, and the conditions upon which operation will be allowed or not allowed.

10. The 1750-1800 kc/s band has, since the inception of the Radiolocation Service, been the so-called "workhorse" band. It is within this band that most systems designed for geophysical and geological activities operate. Pursuant to our developmental rules, these systems have been required to operate exclusively in connection with the activities of the petroleum industry; and subject to certain geographic restrictions. To compound, so to speak, these restrictions, radiolocation licensees have been required to share the subject band with

the Disaster Communications Service, which is administered pursuant to Part 99 of our rules.

11. Because of the Geneva (1959) regulations, some of the restrictions noted above may now be lifted. Specifically, operation of radiolocation stations in the 1750-1800 kc/s band will no longer be restricted to the Gulf of Mexico and State of California shoreline and 150-mile offshore areas. Moreover, the use of these frequencies need not be tied to the activities of the petroleum industry. At the same time, however, we would point out that internationally, the band 1605-1800 kc/s is allocated to the radiolocation service on a secondary basis. Thus, on an international basis, radio services other than radiolocation have a primary claim, so to speak, on the subject band and must be protected from interference caused by radiolocation stations. Within the United States, however, radiolocation stations operating in the 1605-1800 kc/s band will enjoy the same status as that afforded other Services operating within the same band. Two exceptions to this status are contained in NG (nongovernment) footnotes 14 and 18 to § 2.106 of our rules. These exceptions are also noted in appropriate "limitations" to the proposed frequency table (§ 91.604) for the new Industrial Radiolocation Service.

12. Being retained, however, are the criteria governing the minimum geographical separations between stations of two different radiolocation systems—when such stations are operated on the same frequency or on different frequencies separated by less than 5 kc/s. Additionally, Radiolocation Land stations will be authorized for operation at unspecified or temporary locations.

13. As we have noted, the 1750-1800 kc/s band is shared by the Industrial Radiolocation Service and the Disaster Communications Service. This sharing arrangement will continue. However, because of the removal of those geographical restrictions noted above in paragraph 11, it will be necessary to revise those portions of our Industrial Radiolocation and Disaster Communications Service Rules governing the sharing aspect of the subject band to reflect a common and nationwide formula for the determination of sunrise and sunset times. This necessity stems from the fact that the sharing arrangement between the two Services provides basically that radiolocation licensees have a daytime priority, except of course, when a disaster is occurring or imminent, while Disaster Communications Service licensees have a nighttime priority.

14. To simplify the sunrise and sunset determination problem, we are proposing that, irrespective of the time zones involved, actual local sunrise and sunset times be used. These times will be derived by interpolation from the tables of the 1946 American Nautical Almanac, (issued by the Nautical Almanac Office of the U.S. Naval Observatory) in accordance with a standardized procedure described therein.

15. Intimately associated with frequency changes in the medium frequency band, particularly 1605-1800 kc/s, is a

request from Hastings-Raydist, Inc.,¹ that access be allowed to frequencies in the 3230-3400 kc/s band on a noninterference basis. It appears that this request is dictated by reason of the fact that certain radiolocation systems or techniques—notably that of Hastings-Raydist—require harmonically related pairs of frequencies in order to function properly. The Commission is disposed to consider this request, and accordingly an amendment to Part 2 of our rules is proposed in this proceeding. The amendment takes the form of a new US footnote, to the frequency band 3230-3400 kc/s. In addition, the band 3230-3400 kc/s is being included in the frequency table for the Industrial Radiolocation Service with an appropriate limitation.

16. The Hastings-Raydist petition, mentioned above, was, in all other respects, considered and disposed of in a rule making proceeding conducted and concluded by the Commission some time ago. (Docket 13928, Second Memorandum Opinion and Order, 26 F.R. 10655, Nov. 15, 1961.) The instant proceeding will therefore consider that portion of the Hastings-Raydist petition which was left unresolved in Docket No. 13928.

17. When the proceeding which established the present Industrial Radiolocation Service was concluded in 1951, it was noted, in the Report and Order in Docket No. 9233, that " * * * the Commission is not now in a position to decide whether, or under what conditions, if any, an Industrial Radiolocation Service licensee might be considered to be rendering a communications common carrier service subject to regulation under Title II of the Communications Act of 1934, as amended. Decision on this subject is specifically reserved until the termination of the developmental program on or subsequent to July 1, 1954." We have not proposed the establishment of the Industrial Radiolocation Service as a radio common carrier, within Title II of the Communications Act of 1934, as amended. However, Industrial Radiolocation Service licensees and other interested persons are requested to include in their comments herein a description of each of the services in which stations in the Industrial Radiolocation Service are, or have been, employed, describing in detail the part played by such stations in the rendition of each service and stating whether a separate charge is made for use of such stations or whether the use of the stations is encompassed in the charges for a more comprehensive service, for example, production of a chart, a survey, etc.

18. The proposed amendments of the rules, as set forth below, are issued pursuant to the authority contained in sections 4(f) and 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

19. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file com-

ments on or before November 15, 1965, and reply comments on or before December 15, 1965. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. The Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

20. In accordance with the provisions of § 1.419(b) of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: July 14, 1965.

Released: July 16, 1965.

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

Parts 2, 91, and 99 are amended as follows:

§ 2.106 [Amended]

1. In § 2.106, a new footnote designator, US..., is added in column 7 for the frequency bands 3230-3240 and 3240-3400 kc/s; and a new footnote is added to the table to read as follows:

US... On the express condition that harmful interference is not caused to stations operating in accordance with the Table of Frequency Allocations, frequencies in the bands 3230-3240 and 3240-3400 kc/s may be assigned to radiolocation systems which are also assigned frequencies in the 1605-1800 kc/s band, provided the use of frequencies in the bands 3230-3240 and 3240-3400 kc/s are necessary for the proper functioning of the particular radiolocation system.

2. In § 91.102(a), the table is amended to read as follows:

§ 91.102 Frequency stability.

(a) * * *

Frequency range	Transmitter (input) power			
	Fixed and base stations		Mobile stations	
	Over 300 watts	300 watts or less	Over 3 watts	3 watts or less
Mc/s	Percent	Percent	Percent	Percent
Below 25 1...	0.005	0.01	0.01	0.02
25 to 50.....	.002	.002	.002	.005
50 to 1000....	.0005	.0005	.0005	.003
Above 1000...	(1)	(2)	(2)	(2)

¹ Industrial Radiolocation Service stations operating in the frequency bands 70-90 kc/s and 110-130 kc/s will be required to maintain the carrier frequency of each authorized transmitter within 91 percent of the assigned frequency. Industrial Radiolocation Service stations operating in frequency bands above 130 kc/s must comply with the stability requirements indicated in the column for fixed and base stations in the table of this subsection.

² For microwave fixed equipment, see § 91.111. For other equipment, tolerances will be specified in the station authorization.

3. In Part 91, Subpart M (§§ 91.601-91.611) is amended to read as follows:

Subpart M—Industrial Radiolocation Service

- Sec.
91.601 Eligibility.
91.602 Availability and use of service.

- Sec.
91.603 Station limitations and exemptions.
91.604 Frequencies available.
91.605 Unlisted frequencies.

Subpart M—Industrial Radiolocation Service

§ 91.601 Eligibility.

Any of the following persons who have a substantial need, in connection with their various activities, to establish direction, distance, or position by means of radiolocation devices, for purposes other than navigation, are eligible to hold authorizations to operate radio stations in the Industrial Radiolocation Service:

(a) Any person engaged in a commercial, industrial, scientific, or educational activity.

(b) A corporation or association organized for the purpose of furnishing a radiolocation service to persons eligible under paragraph (a) of this section.

§ 91.602 Availability and use of service.

(a) The initial application from a person claiming eligibility in the Industrial Radiolocation Service must be accompanied by a statement in sufficient detail to indicate clearly his eligibility.

(b) Stations licensed in the Industrial Radiolocation Service on frequencies from within the band 1750-1800 kc/s shall be required to provide service, upon reasonable request therefor, and without discrimination, to any person eligible under the provisions of § 91.601(a).

(c) Stations licensed in the Industrial Radiolocation Service on frequencies in bands other than 1750-1800 kc/s may be required to provide service, upon reasonable request therefor, and without discrimination, to any person eligible under the provisions of § 91.601(a).

(d) Each application for a new station in this service shall be accompanied by:

(1) A functional description of the manner in which the system will operate, including the interrelationship and function of each unit in the system;

(2) A map of the area which it is proposed to serve, showing the location of each station.

§ 91.603 Station limitations and exemptions.

(a) Nontype accepted equipment will be authorized to be operated in this service, pending the establishment of engineering standards. All nontype accepted equipment must, however, meet the frequency tolerance specifications enumerated in Subpart C of this part.

(b) Stations licensed in this service may transmit only those signals necessary to the rendition of the radiolocation service involved.

§ 91.604 Frequencies available.

(a) The following tabulation indicates the frequencies or bands of frequencies available for assignment to land and mobile stations in the Industrial Radiolocation Service, and the specific limitations, which are enumerated in paragraph (b) of this section:

¹ Petition for rule making (RM-139), dated Sept. 22, 1959, filed by Hastings-Raydist, Inc.

Industrial Radiolocation Service Frequency Table

Frequency or band	Class of station(s)	Limitation(s)
<i>Kc/s</i>		
70-90.....	Radiolocation land or mobile.	1
110-130.....	do.	1
1605-1715.....	do.	6, 9
1715-1760.....	do.	9
1780-1800.....	do.	9, 14, 15
3230-3240.....	do.	13
3240-3400.....	do.	13
<i>Mcs</i>		
220.....	do.	2
250.....	do.	2
310.....	do.	2
2450-2500.....	do.	3
2900-3100.....	do.	4, 5
3100-3246.....	do.	10
3296-3300.....	do.	10
4350-4660.....	do.	4, 7
5490-5470.....	do.	4, 8
5470-5600.....	do.	4, 5
5900-5950.....	do.	1, 4
9000-9200.....	do.	4, 7
9200-9800.....	do.	10
9300-9500.....	do.	4, 8, 10
10000-10500.....	do.	1, 11
10500-10650.....	do.	12

(b) Explanation of assignment limitations appearing in the frequency tabulation of this section.

(1) This band is allocated to the radiolocation service on a secondary basis to those services having primary status in the table of frequency allocations.

(2) Radiolocation land and radiolocation mobile stations making use of SHORAN equipment may be authorized the use of this frequency for the radiolocation activities of the petroleum industry only, at locations within 150 miles of the respective shorelines of Alaska, California, Oregon, Washington (including the area in and about Puget Sound), and the Gulf of Mexico provided that no harmful interference is caused to services operating in accordance with the Table of Frequency Allocations and provided that SHORAN operations are coordinated locally in advance with Federal Government authorities making use of frequencies in this band in the same area.

(3) This band is allocated to the radiolocation service on a secondary basis. Radiolocation stations operating within this band shall not cause harmful interference to the fixed or mobile services. Further, they must accept any harmful interference that may be experienced from such services or from the industrial, scientific and medical equipment operating in accordance with Part 18 of this chapter, rules and regulations relating to Industrial, Scientific and Medical Equipment.

(4) Speed measuring devices will not be authorized in this band.

(5) The non-Government radiolocation service in this band is secondary to the maritime radionavigation service and to the Government radiolocation service.

(6) The non-Government radiolocation service in this band is secondary to the aeronautical radionavigation service.

(7) The non-Government radiolocation service in this band is secondary to the aeronautical radionavigation service and to the Government radiolocation service.

(8) The non-Government radiolocation service in this band is secondary to the radionavigation service and to the Government radiolocation service.

(9) Station assignments on frequencies in this band will be made subject to the conditions that the maximum plate power input to the final radio frequency stage shall not exceed 500 watts and the maximum bandwidth shall not exceed 3 kc/s.

(10) Stations authorized to operate on frequencies in this band prior to April 16, 1958, whose authorizations have been renewed and are currently valid, may continue to operate. Such authorizations will be subject, upon proper application therefor, to renewal on the condition that harmful interference will not be caused to the Government radiolocation service. In the event of a change in ownership of a licensee's business, consideration will be given an application for transfer of assignment with the business for which the authorization was granted. No new station assignments will be made on frequencies in this band.

(11) The non-Government radiolocation service is limited to survey operations using transmitters with a power not to exceed one watt into the antenna. Pulsed emissions are prohibited.

(12) This band is restricted to radiolocation systems using type AO emission with a power not to exceed 40 watts into the antenna.

(13) Frequencies in this band may be assigned to radiolocation stations which are also assigned frequencies in the 1605-1800 kc/s band, provided the use of frequencies in this band is necessary for the proper functioning of the particular radiolocation system, and on the express condition that harmful interference is not caused to stations operating in accordance with the Table of Frequency Allocations.

(14) Frequency assignments from within this band will be made on an exclusive basis within the daytime primary service area of the station to which assigned. The daytime primary service area of an Industrial Radiolocation station operating in the 1750-1800 kc/s band is defined as the area within which the signal intensities are adequate for radiolocation purposes during the hours from sunrise to sunset from all stations in the radiolocation system of which the station in question is a part, that is, the primary service area of the station coincides with the primary service area of the system. The normal minimum geographical separation between stations of two different radiolocation systems shall be not less than 360 miles when the stations are operated on the same frequency or on different frequencies separated by less than 5 kc/s. Any person desiring geographical separation of less than 360 miles under these circumstances will be required to show that the desired separation will result in a protection ratio of at least 20 db throughout the daytime primary service area of other stations. Where the number of applicants requesting authority to serve an area exceeds the number of frequencies available for assignment; or where

it appears to the Commission that fewer applicants or licensees than the number before it should be given authority to serve a particular area; or where it appears that an applicant, either directly or indirectly, seeks to use more than 25 kc/s of the available spectrum space in this band, the applications may be designated for hearing.

(15) Frequencies from within this band are available on a shared basis with stations in the Disaster Communications Service (see Part 99 of this chapter). Stations in the Industrial Radiolocation Service shall not cause harmful interference to stations in the Disaster Communications Service between local sunset and local sunrise, or at any time during an actual or imminent disaster in any area. Local sunrise and sunset times shall be derived by interpolation from the tables of the 1946 American Nautical Almanac, in accordance with a standardized procedure described therein.

(16) Radiolocation installations will be coordinated with the meteorological aids service, and, insofar as practicable, will be adjusted to meet the needs of the meteorological aids service.

§ 91.605 Unlisted frequencies.

Radiolocation stations in this service may be authorized, on request, to use frequencies allocated exclusively to Federal Government stations, in those instances where the Commission finds, after consultation with the appropriate Government agency or agencies, that such assignment is necessary or required for coordination with Government activities.

4. Section 99.29 is amended to read as follows:

§ 99.29 Limitations on use of frequencies.

(a) Frequencies in the band 1750-1800 kc/s are available to stations in this service on a shared basis with stations in the Industrial Radiolocation Service: *Provided, however,* That, except when transmitting in connection with an actual or imminent disaster in any area, stations in the Disaster Communications Service shall not cause harmful interference to stations in the Industrial Radiolocation Service between local sunrise and local sunset: *And, provided further,* That stations in the Industrial Radiolocation Service shall not cause harmful interference to stations in the Disaster Communications Service between local sunset and local sunrise, or at any time during an actual or imminent disaster in any area. Local sunrise and sunset times shall be derived by interpolation from the tables of the 1946 American Nautical Almanac, in accordance with a standardized procedure described therein.

(b) During the periods specified in paragraph (a) of this section when stations in the Disaster Communications Service shall not cause harmful interference to stations in the Industrial Radiolocation Service, the operation of a disaster station for the purpose of drills or tests shall not be permitted if the licensee of such station has reason

to believe or has been informed that such operation might reasonably be expected to cause harmful interference to stations in the Industrial Radiolocation Service.

[F.R. Doc. 65-7697; Filed, July 20, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 8, 141]

[Docket No. R-276]

LICENSED HYDROELECTRIC PROJECTS

Inventory of Recreational Facilities

JULY 15, 1965.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that the Commission is proposing to prescribe rules providing for an inventory of existing and potential recreational use and development at hydroelectric projects licensed pursuant to the Federal Power Act.

2. The nation's recreational needs are expected to triple by the year 2000. Availability of the nation's water resources for recreational use is therefore becoming increasingly important. The Commission has initiated a program to ensure that non-Federal projects under its jurisdiction, which form a large segment of the nation's water-based recreation resources, will be fully utilized to meet these needs. In furtherance of this objective the Commission, and other interested agencies, need to know how present needs are being met at those licensed projects and where additional efforts should be made to meet these and future needs. It is therefore important that an inventory be made of the existing and potential recreational resources of licensed projects. The Commission's operations in compiling recreation data, including that to be collected on the inventory forms here being proposed, have been and will continue to be, coordinated with the Bureau of Outdoor Recreation of the Department of the Interior.¹ They are in line with the President's February 8 message to the Congress on "Natural Beauty" which established guidelines and made recommendations for conservation programs.

3. For many years the Commission has required licensees of hydroelectric projects to allow public access to project waters and lands for recreational purposes. More recently, standard conditions in licenses require the licensee to provide such recreational facilities as the Commission may prescribe after notice and opportunity for hearing. Two years ago we instituted our present program of promoting a more intensive development of recreational resources. Since January 1, 1963, all licenses that have been issued for projects having a potential for recreational use have con-

tained special conditions requiring the submission of recreational use plans or have included an approved Exhibit R, the licensee's proposed plan for full public utilization of project waters and lands for recreational purposes. Since June 1, 1963, applicants for licenses have been required to file a recreational use plan as a part of their application (18 CFR 4.41, Exhibit R, prescribed by Order No. 260-A, issued April 18, 1963, 28 F.R. 4092, 29 FPC 777). Effective July 1 of this year, furthermore, licensees will be required to inform the public of the location and other details concerning recreational facilities at their projects (18 CFR, Part 8, adopted by Order No. 299, issued May 27, 1965, 30 F.R. 7313, — FPC —).

4. The recreational use plans described above provide the necessary information with respect to projects licensed since January 1, 1963, and those which will be licensed in the future. Only incomplete information is available, however, concerning projects licensed before that date. The proposed forms² are designed to fill that gap and, with respect to pre-1963 licenses, will in effect constitute an initial inventory.

Since the information requested in the forms is generally similar to that required by special license conditions and Exhibit R, we intend to provide that the initial inventory required by the proposed forms need not be filed by any licensee or applicant who has submitted similar information in compliance with a special license condition or an approved Exhibit R.

Finally, so that all recreation inventories and development data can be kept current in the future, we are proposing also that the forms be used by all licensees to report, biennially (or otherwise if so required by special license conditions) regarding any changes or other developments that may have occurred in the interim.

5. Any interested person may submit to the Federal Power Commission, Washington, D.C., 20426, on or before August 23, 1965, data, views, and comments in writing concerning the new forms proposed herein. The Commission will consider these written submissions before taking any action upon this proposal. An original and nine copies of any such submissions should be filed.

6. These amendments to the Commission's regulations are proposed to be issued under the authority granted by the Federal Power Act, as amended, particularly sections 4(g), 10, 304, and 309 thereof (41 Stat. 1065, 1068; 49 Stat. 839, 842, 855, 858; 16 U.S.C. 797, 803, 825c, 825h).

7. In consideration of the foregoing, it is proposed to amend Subchapter B, Regulations Under the Federal Power Act, and Subchapter D, Approved Forms, Chapter I, Title 18 of the Code of Federal Regulations, as follows:

a. Add in Part 8 the following new section:

² Filed as part of original document.

§ 8.11 Information respecting use and development of public recreational opportunities.

(a) Except as provided in paragraph (b) hereof, each licensee of a project under major or minor Commission license shall prepare with respect to each such project owned and file by

-----, 1966 (within 6 months after issuance of this regulation) and biennially thereafter, an original and two conformed copies of FPC Form No. 80 or Form No. 80-A (appended hereto as ATTACHMENTS A (Form 80); B (Form 80-A); C (Instructions), as appropriate, prescribed by §§ 141.14 and 141.15 of this chapter for use by licensees of major and minor projects, respectively. Forms filed subsequently to the 1966 filing need be completed only to the extent necessary to correct, supplement, update, or add to the information supplied in a previously filed form. One copy of the report should be retained by the correspondent in its files.

(b) A licensee or applicant who submits a statement that it has previously filed an acceptable recreational use plan pursuant to a special license condition or § 4.41 Exhibit R of this chapter will not be required to file Form 80 or 80-A until -----, 1968 (i.e., 30 months after issuance of the Form), or at such time as may be required by a special license condition. Such a statement shall indicate the document previously so filed and its status, i.e., whether approved as being an accepted recreational use plan submitted pursuant to a special license condition, or as an Exhibit R in a pending license application, or as the case may be.

b. Insert in Part 141 the following new §§ 141.14 and 141.15:

§ 141.14 Form No. 80, Recreation inventory—major projects.

The form of report, Recreation Inventory—Major Projects, designated as FPC Form No. 80, for use by the licensees of projects of more than 2,000 horsepower installed capacity (major) in reporting information with respect to the recreational use and development data relating to the project, is approved and prescribed for use as provided in § 8.11 of this chapter.

§ 141.15 Form 80-A, Recreation inventory—minor projects.

The form of report, Recreation Inventory—Minor Projects, designated as FPC Form No. 80-A, for use by the licensees of projects of 2,000 horsepower or less installed capacity (minor) in reporting information with respect to the recreational use and development data relating to the project, is approved and prescribed for use as provided in § 8.11 of this chapter.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-7664; Filed, July 20, 1965; 8:47 a.m.]

¹ Established pursuant to the Act of May 28, 1963; P.L. 88-29, 77 Stat. 49; to promote the coordination and development of effective programs relating to outdoor recreation.

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KANSAS, NEW JERSEY, AND
NORTH CAROLINA

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 in the States of Kansas, New Jersey, and North Carolina natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperatives lending agencies, or other responsible sources.

<i>Kansas</i>	
Chase	Lyon
<i>North Carolina</i>	
Pitt	
<i>New Jersey</i>	
Atlantic	Middlesex
Burlington	Monmouth
Camden	Morris
Cape May	Ocean
Cumberland	Salem
Gloucester	Somerset
Hunterdon	Sussex
Mercer	Warren

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Kansas counties after December 31, 1966, or in the above-named New Jersey and North Carolina counties after June 30, 1966, 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 15th day of July, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-7652; Filed, July 20, 1965;
8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 56447]

SHELL OIL CO.

Notice of Qualification as a Citizen of U.S.

JULY 15, 1965.

This is to give notice that pursuant to § 3.21, customs regulations, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as amended by the Act of September 2, 1958 (46 U.S.C. 883-1), the Shell Oil Co. of 50 West 50th Street, New York 20, N.Y., incorporated under the laws of the State of Delaware, did on July 7, 1965, file with the Acting Commissioner of Customs, in duplicate,

an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in customs Form 1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Acting Commissioner of Customs having found this oath to be in compliance with the law and regulations, on July 15, 1965, issued to the Shell Oil Co. a certificate of compliance on customs Form 1262 as provided in § 3.21(d) of the regulations. The certificate and any authorization granted thereunder will expire 3 years from the date thereof unless there first occurs a change in the corporate status requiring a report under § 3.21(h) of the regulations.

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

[F.R. Doc. 65-7661; Filed, July 20, 1965;
8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

PONCA TRIBE OF NATIVE
AMERICANS OF NEBRASKA

Notice of Final Membership Roll and of Tribal Referendum Favoring Division of Tribal Assets and Withdrawal of Federal Supervision

Pursuant to section 1 of the Act of September 5, 1962 (76 Stat. 429), a roll of members of the Ponca Tribe of Native Americans of Nebraska who were living on September 5, 1962, was prepared and published in the FEDERAL REGISTER on June 26, 1965. All adult members who names appeared on said roll have been given timely opportunity to indicate their agreement or disagreement with a division of tribal assets in accordance with the terms of said Act. A total of 252 ballots have been cast. 230 adult tribal members indicated their agreement and 22 adult members indicated their disagreement with said proposed division of the tribal assets. A majority

of those voting in said referendum having favored the division of tribal assets in accordance with the provisions of the Act of September 5, 1962, said Act is effective in its entirety, and the roll of members of the Ponca Tribe of Native Americans of Nebraska as published June 26, 1965, in 30 F.R. 8231, is closed and is declared to be the Final Membership Roll of the Ponca Tribe of Native Americans of Nebraska as of the date of publication of this notice.

STEWART L. UDALL,
Secretary of the Interior.

JULY 16, 1965.

[F.R. Doc. 65-7738; Filed, July 20, 1965;
9:09 a.m.]

LESTER R. GAMBLE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 1, 1965.

Dated: July 9, 1965.

LESTER R. GAMBLE.

[F.R. Doc. 65-7642; Filed, July 20, 1965;
8:45 a.m.]

ANDREW PAT JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of June 30, 1965.

Dated: July 6, 1965.

A. PAT JONES.

[F.R. Doc. 65-7643; Filed, July 20, 1965;
8:45 a.m.]

VIVAN B. JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Pro-

duction Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of July 6, 1965.

Dated: July 6, 1965.

VIVAN B. JONES.

[P.R. Doc. 65-7644; Filed, July 20, 1965; 8:45 a.m.]

MAX R. LLEWELLYN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 6, 1965.

Dated: July 6, 1965.

MAX R. LLEWELLYN.

[P.R. Doc. 65-7645; Filed, July 20, 1965; 8:45 a.m.]

CLARENCE WILBUR MAYOTT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 6, 1965.

Dated: July 6, 1965.

CLARENCE WILBUR MAYOTT.

[P.R. Doc. 65-7646; Filed, July 20, 1965; 8:45 a.m.]

ALEXANDER H. WADE, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of July 6, 1965.

Dated: July 6, 1965.

ALEXANDER H. WADE, JR.

[P.R. Doc. 65-7647; Filed, July 20, 1965; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

LOS ALAMOS, N. MEX.

Agreement With Housing and Home Finance Agency Regarding Lots Within Certain Subdivisions

Pursuant to Executive Order 11105, dated April 18, 1963 (3 CFR, 1959-1963 Comp. p. 763), and in particular subsection 2(b) thereof, it is agreed that all duties, functions and responsibilities of the Atomic Energy Commission under subsection 57b. of the Atomic Energy Community Act of 1955, as amended, 42 USCA section 2347, as to lots within the following subdivisions to be platted at Los Alamos, N. Mex., are hereby transferred to the Housing and Home Finance Administrator:

- Eastern Area Subdivisions Nos. 1, 2 and 3.
- Western Area Subdivisions Nos. 1 and 2.
- North Community Subdivisions Nos. 1, 2, and 3.
- North Mesa Subdivision No. 1.

With respect to these lots, the Atomic Energy Commission will retain its powers, duties, and responsibilities designated under subsection 2(a) of said Executive Order and its other functions, duties and responsibilities not otherwise transferred to the Housing and Home Finance Administrator.

Dated: June 9, 1965.

ROBERT E. HOLLINGSWORTH,
General Manager,
Atomic Energy Commission.

Dated: June 21, 1965.

ROBERT C. WEAVER,
Administrator,
Housing and Home Finance Agency.

[P.R. Doc. 65-7635; Filed, July 20, 1965; 8:45 a.m.]

[Docket No. 50-73]

GENERAL ELECTRIC CO.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 3, set forth below, to Facility License No. R-33. The license authorizes General Electric Co. ("the licensee") to operate its Nuclear Test Reactor (NTR), ("the reactor") located at its Vallecitos Atomic Laboratory in Alameda County, Calif. The amendment authorizes the licensee to receive, possess, and use at the NTR facility up to 20 grams of plutonium for neutron radiography experiments.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment, and (2) a related safety evaluation prepared by the Research & Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 13th day of July 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,

Division of Reactor Licensing.

[License No. R-33; Amdt. No. 3]

FACILITY LICENSE AMENDMENT

The Atomic Energy Commission having found that:

- a. The application for license amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;
- b. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated; and
- c. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public;

Facility License No. R-33, which authorizes General Electric Company to operate its Nuclear Test Reactor (NTR) located at the Vallecitos Atomic Laboratory in Alameda County, California, is hereby further amended in accordance with the application.

- 1. Subparagraph 3.B. is amended to read as follows:

"3.B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, 'Special Nuclear Material,' to receive, possess and use four (4) kilograms of contained uranium-235 as fuel for operation of the reactor and up to twenty (20) grams of plutonium for neutron radiography experiments in the reactor thermal column; and"

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

Date of issuance: July 13, 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[P.R. Doc. 65-7636; Filed, July 20, 1965; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2469]

ARIZONA PUBLIC SERVICE CO.

Notice of Land Withdrawal; Correction

GILA AND SALT RIVER MERIDIAN, ARIZONA

JULY 15, 1965.

Notice of land withdrawal dated April 2, 1965, appearing in the FEDERAL REGISTER issued Thursday, April 8, 1965 (30 F.R. 4563) column 3, under T. 41 N., R. 8 E., sec. 27: should read N $\frac{1}{2}$ NE $\frac{1}{4}$ instead of N $\frac{1}{2}$, NE $\frac{1}{4}$.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-7665; Filed, July 20, 1965;
8:47 a.m.]

DEPARTMENT OF HEALTH, EDU- CATION, AND WELFARE

Food and Drug Administration

ALLIED CHEMICAL CO. ET AL.

Notice of Filing of Petition for Food Additive Polyethylene Glycol

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 4L1477) has been filed by Allied Chemical Corp. (National Aniline Division), 40 Rector Street, New York, N.Y.; The Dow Chemical Co., Midland, Mich.; General Aniline & Film Corp., 111 West 50th Street, New York, N.Y.; Jefferson Chemical Co., Inc., Post Office Box 4128, Austin, Tex.; Olin Mathieson Chemical Corp., 460 Park Avenue, New York, N.Y.; Union Carbide Corp., 270 Park Avenue, New York, N.Y.; and Wyandotte Chemicals Corp., Wyandotte, Mich., proposing the issuance of a regulation to provide for the safe use of polyethylene glycol as a component of non-food articles designed for food contact; as a component in the processing of tableted foods, vitamin, and mineral preparations, and nonnutritive sweeteners; and as a defoamer in food processing.

Dated: July 14, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner
for Regulations.

[F.R. Doc. 65-7675; Filed, July 20, 1965;
8:47 a.m.]

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additive Chlortetracycline

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 5C1758) has been filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J., 08540, proposing an amendment to § 121.208 *Chlortetracycline* to provide for the safe use of chlortetracycline in feed for breeding swine as follows:

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
Chlortetracycline	Gm. per head-per day 0.5-1.0			For breeding swine; feed for 1 week before breeding and for 3 weeks after breeding.	Aid in the maintenance and improvement of reproductive efficiency.

Dated: July 13, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-7676; Filed, July 20, 1965; 8:47 a.m.]

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additive Silicon Dioxide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 5C 1668) has been filed by American Cyanamid Co., Wayne, N.J., 07470, proposing an amendment to § 121.229 of the food additive regulations to provide for the safe use of silicon dioxide as an anticaking agent in piperazine and piperazine salts for animal feeds.

Dated: July 13, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner
for Regulations.

[F.R. Doc. 65-7677; Filed, July 20, 1965;
8:47 a.m.]

DEPARTMENT OF THE ARMY

Notice of Filing of Petition for Food Additives Packaging Materials for Use in Radiation Preservation of Prepackaged Foods

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 5B1645) has been filed by Department of the Army, U.S. Army Natick Laboratories, Natick, Mass., proposing that § 121.2543 *Packaging materials for use in radiation preservation of prepackaged foods* be amended by adding new items to the packaging materials described in paragraph (c), as follows:

Polymers	Limitations
Polyethylene.	Not to exceed 1 per cent by weight of the polymer.
Polyethylene terephthalate.	
Vinyl chloride-vinyl acetate copolymers.	Do.
Nylon 6 resins complying with the specifications prescribed in the table in § 121.2502(b), item 6.1.	Do.
Adjuvants	Not to exceed 1 per cent by weight of the polymer.
Aluminum, calcium, magnesium, potassium, and sodium stearate.	
Amides of erucic, linoleic, oleic, palmitic, and stearic acids.	Do.
BHA	Do.
BHT	Do.
Calcium and sodium propionate.	Do.

Adjuvants	Limitations
Epoxidized soybean oil.	Not to exceed 5 percent by weight of the polymer.
Petroleum wax	Not to exceed 1 percent by weight of the polymer.
Polypropylene, non-crystalline.	Not to exceed 2 percent by weight of the polymer.
Triethylene glycol (diethylene glycol content not to exceed 0.1 percent).	Not to exceed 1 percent by weight of the polymer.
White mineral oil	Do.

Dated: July 13, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner
for Regulations.

[F.R. Doc. 65-7678; Filed, July 20, 1965;
8:47 a.m.]

COMMERCIAL SOLVENTS CORP.

Notice of Withdrawal of Petition for Food Additive

There was published in the FEDERAL REGISTER of August 7, 1964 (29 F.R. 11426), a notice of filing of petition (FAP 4C1436) proposing the issuance of a regulation to provide for the safe use of monosodium glutamate in swine feed. The notice of filing identified the additive as monosodium glutamate, whereas it should have been correctly named "Dried *Brevibacterium divercatum* fermentation product."

The petitioner has requested that the petition be withdrawn. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348 (b)), and in accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), notice is given that Commercial Solvents Corp. has withdrawn this petition (FAP 4C1436).

The withdrawal of this petition is without prejudice to a future filing.

Dated: July 14, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner
for Regulations.

[F.R. Doc. 65-7679; Filed, July 20, 1965;
8:47 a.m.]

HAZLETON LABORATORIES, INC.

Notice of Filing of Petition for Food Additive Aluminum Phosphide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec.

409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5H1650) has been filed by Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va., 22046, on behalf of Hollywood Termite Control Co., Inc., 2221 Poplar Boulevard, Alhambra, Calif., 91801, proposing the issuance of a regulation to provide for the safe use of aluminum phosphide to generate phosphine in the fumigation of cereal flours and related products defined in Part 15 (21 CFR Part 15), cottonseed cake, dried vegetables (such as beans, carrots, peas, and spinach), dried milk, macaroni, and noodle products, and spices, such as cayenne pepper, curry powder, ground chill pepper, ground black pepper, marjoram, paprika, and turmeric.

Dated: July 14, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner
for Regulations.

[F.R. Doc. 65-7681; Filed, July 20, 1965;
8:47 a.m.]

THE PROCTER AND GAMBLE CO.

Notice of Filing of Petition for Food Additive Stearoyl Propylene Glycol Hydrogen Succinate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5A1795) has been filed by The Procter and Gamble Co., 6000 Center Hill Road, Cincinnati, Ohio, 45224, proposing the issuance of a regulation to provide for the safe use of stearoyl propylene glycol hydrogen succinate as an emulsifier in or with shortenings and edible oils intended for use in nonstandardized baked goods, baking mixes, icings, fillings, and toppings.

Dated: July 14, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner
for Regulations.

[F.R. Doc. 65-7682; Filed, July 20, 1965;
8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. SA-383/4]

ACCIDENTS NEAR SEATTLE, WASH., AND WHITEMAN AFB, MO.

Notice of Hearing Regarding Investigation

In the matter of investigation of accidents involving aircraft of United States registry: N6541C, which crashed into Mount Rainier, near Seattle, Wash., April 23, 1965; and N6579C which crashed at Whiteman AFB, Mo., May 18, 1965; Docket Nos. SA-383/4.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 1 p.m. (local time), on Tuesday, August 17,

1965, in the Williamsburg Room, Olympic Hotel, Seattle, Wash.

Dated this 16th day of July 1965.

[SEAL] WILLIAM R. HENDRICKS,
Hearing Officer.

[F.R. Doc. 65-7684; Filed, July 20, 1965;
8:48 a.m.]

[Order No. E-22447]

CHICAGO AVENUE TRANSFER, INC., ET AL.

Order Amending Order Regarding Air Freight Forwarder Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of July 1965.

Applications of Chicago Avenue Transfer, Inc., Starck Van Lines, Inc., Atlas Van Lines, Inc., International Sea Van, Inc., Imperial Household Shipping Co., Inc., Suddath Moving & Storage Co., Inc.; for domestic and international air freight forwarder authority pursuant to parts 296 and 297 of the Board's Economic Regulations.

By Order E-22185, dated May 20, 1965, the Board tentatively concluded as a matter of policy that a grant of more than one domestic and international air freight forwarder operating authorization to a group of inter-related household goods movers would be contrary to the public interest, and that financial and interlocking relationships between companies authorized to perform the same type of air freight forwarder services could lead to discriminatory practices, and could hinder enforcement of the Board's regulations. Furthermore, the Board tentatively concluded that interlocking relationships, common ownership interests, and close operational ties between household goods movers could lead to unfair competitive practices in the event more than one company in the group is granted air freight forwarder authority.

In reviewing the applications for air freight forwarder authority filed by Atlas Van Lines, Inc. (Atlas), Chicago Avenue Transfer, Inc. (Chicago), Imperial Household Shipping Co., Inc. (Imperial), International Sea Van, Inc. (International) and Starck Van Lines, Inc. (Starck), we tentatively found that the financial and interlocking relationships linking the applicants could be contrary to the public interest in the event each applicant were granted air freight forwarder authority. In accordance with the tentative conclusions expressed above, we proposed to consider Atlas, Chicago, Imperial, International, and Starck as a single operational entity. Consequently, we proposed to grant no more than one domestic and one international air freight forwarder operating authorization to this group of household goods movers.

Subsequent to issuance of the preceding order, we noted that financial relationships of the type that exist between Atlas, Chicago, Imperial, International and Starck also exist between Atlas, Im-

perial, and Columbia Export Packers, Inc. (Columbia).¹ In addition, Suddath Moving & Storage Co., Inc. (Suddath), which was identified as an affiliate of Atlas in Order E-22185, has filed an application for domestic and international air freight forwarder authority. Accordingly, we now propose to consider Atlas, Chicago, Imperial, International, Starck, Suddath and Columbia as a single operational entity. Since Columbia has already been granted international air freight forwarder authority,² we now propose to grant only one domestic air freight forwarder operating authorization to this group of household goods movers.

Atlas, Chicago, Imperial, International, Starck and Suddath could conform to our amended tentative decision by terminating their financial and interlocking relationships, or by electing a single applicant to receive domestic air freight forwarder authority on behalf of the group. In addition, Atlas, Chicago, Imperial, International, Starck and Suddath could elect a single applicant to receive a grant of international air freight forwarder authority on behalf of the group of applicants in the event Mr. Carl Leon Joyce terminates all financial relationships and managerial positions with Columbia, or all financial relationships with Atlas.

Before making final our amended tentative findings and conclusions, we shall afford all interested persons an opportunity to file comments.

Accordingly, it is ordered:

1. That Atlas, Chicago, Imperial, International, Starck, Suddath and Columbia, and all other interested persons, be and they hereby are, afforded fifteen days from the date of service of this Order to file comments on the aforementioned amended tentative findings and conclusions;³

2. That processing of the applications for air freight forwarder authority filed by Atlas, Chicago, Imperial, International, Starck and Suddath be, and it hereby is, deferred pending consideration of the comments filed pursuant to ordering paragraph 1; and

¹ Mr. Carl Leon Joyce and Mr. D. E. Rowe own, as tenants in common trust, certificates representing 30 shares of class A and 65 shares of class AA common stock of Atlas. Mr. Joyce owns 15 percent of the common stock of Columbia Export Packers, Inc. Mr. D. E. Rowe owns all of the common stock of Imperial, and Messrs. Joyce and Rowe each own 50 percent of Columbia Van Lines. Mr. Joyce serves as Vice President and Director of Columbia Export Packers, Inc. and Atlas Van Lines.

² Columbia Export Packers, Inc. was granted an international air freight forwarder operating authorization restricted to the movement of used household goods on March 10, 1965.

³ Comments by applicants and interested parties shall conform to the general requirements of the Board's rules of practice in Economic Proceedings, and should be submitted in triplicate to the Board's Bureau of Economic Regulation. Since we are providing for the submission of comments, petitions for reconsideration of this Order will not be entertained.

3. That copies of this Order shall be served upon all persons listed in Appendix A,¹ and the Military Traffic Management and Terminal Service, Department of the Army.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-7685; Filed, July 20, 1965;
8:48 a.m.]

[Docket No. 15419; Order No. E-22446]

SLICK CORP. AND AIRLIFT INTERNATIONAL, INC.

Order of Investigation Regarding Proposed Blocked-Space Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of July 1965.

By tariff filing of June 17, 1965, for effectiveness July 19, 1965, The Slick Corporation (Slick) and Airlift International, Inc. propose to establish joint general commodity rates in blocked-space service between Atlanta and Los Angeles.² The traffic would be interchanged at Indianapolis. The proposed rates are at the same level as the currently effective blocked-space rates of The Flying Tiger Line Inc. (Tiger), and The Slick Corporation in other transcontinental markets, namely, 7 to 15 percent below standard service rates. No complaints against the proposed rates have been filed.

Accordingly, the Board will permit the proposed rates to become effective, pending investigation as to the lawfulness thereof, and will consolidate such investigation with that in Docket 15419,³ concerning the blocked-space rates of Tiger and Slick. Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof: *It is ordered, That:*

1. An investigation be instituted to determine whether the rates, charges, and provisions of the Slick Corporation C.A.B. No. 18, including subsequent revisions or reissues thereof, and rules, regulations or practices affecting such rates, charges, and provisions, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, charges, and provisions, and rules, regulations, or practices affecting such rates, charges, and provisions;

2. This investigation is consolidated with the proceeding in Docket 15419; and

3. Copies of this order shall be served upon Airlift International, Inc. which is hereby made a party to this proceeding.

¹ By revisions effective July 30, 1965, Slick also proposes to add rates between Atlanta and San Francisco.

² Blocked-Space Rate Investigation, Docket 15419.

³ Appendix A filed as part of original document.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-7686; Filed, July 20, 1965;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15875, 15876; FCC 65M-930]

ERWAY TELEVISION CORP. AND CHESAPEAKE ENGINEERING PLACEMENT SERVICE, INC.

Order Scheduling Further Prehearing Conference

In re applications of Erway Television Corp., Baltimore, Md., Docket No. 15875, File No. BPCT-3058; Chesapeake Engineering Placement Service, Inc., Baltimore, Md., Docket No. 15876, File No. BPCT-3479; for construction permit for new television broadcast station (Channel 72).

On the Examiner's own motion, *it is ordered*, This 15th day of July 1965, that a further prehearing conference in the above-entitled matter, be, and the same is, hereby scheduled for July 23, 1965 at 9:00 a.m.

Released: July 16, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-7698; Filed, July 20, 1965;
8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration NEW YORK REGIONAL OFFICE

Delegations of Final Authority

Section II, Delegations of Final Authority, is amended as follows:

Paragraph E10 is changed to read as follows:

E10. In connection with operation and management of Project CONN-6-1, Waterbury, Conn., known as Berkeley Heights (said Project being in possession of the PHA), to exercise all powers, duties, and functions which are vested in the Commissioner.

Assistant Director for Management, New York Regional Office.

Chief of Management Review Section, Area B, New York Regional Office, but only during absence of the Assistant Director for Management.

This delegation is effective as of May 1, 1960, and is to continue during the period of PHA's possession of the Berkeley Heights Project. All previous actions taken by the New York Regional Director

on or since May 1, 1960, in connection with the said Project and the administration thereof are hereby approved, ratified, and affirmed.

This delegation supersedes the delegation approved October 27, 1962 (27 F.R. 10777, November 3, 1962).

Approved: July 14, 1965.

[SEAL] MARIE C. MCGUIRE,
Commissioner.

[F.R. Doc. 65-7671; Filed, July 20, 1965;
8:47 a.m.]

Office of the Administrator LOS ALAMOS, N. MEX.

Agreement With Atomic Energy Commission Regarding Lots Within Certain Subdivisions

CROSS REFERENCE: For an agreement with the Atomic Energy Commission regarding lots within certain subdivisions at Los Alamos, N. Mex., see Atomic Energy Commission, F.R. Doc. 65-7635, supra.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JULY 15, 1965.

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 six 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 July 16, 1965, through July 25, 1965, both dates inclusive.

By the Commission.

[SEAL] Orval L. DuBois,
Secretary.

By: NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 65-7638; Filed, July 20, 1965;
8:45 a.m.]

[812-1798]

MIDLAND CAPITAL CORP.

Notice of Filing of Application for Order Exempting Transactions Between Affiliated Persons

JULY 15, 1965.

Notice is hereby given that Midland Capital Corp. ("Midland"), 110 William Street, New York 38, N.Y., a New York corporation licensed under the Small Business Investment Company Act of 1958 ("SBI Act") and a registered closed-end, nondiversified management investment company, has filed an application under section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act certain proposed transactions between Midland and Florence Nightingale Inc. ("Florence"), a small business concern as defined by the Small Business Administration for purposes of the SBI Act. Section 17(a), as here pertinent, makes it unlawful for an affiliated person of a registered investment company, or an affiliated person of such a person, to sell to or buy from such a company any security or property unless the Commission upon application grants an exemption from such prohibition, after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act. Midland owns 10 percent of the outstanding voting securities of Florence and as such Florence is an "affiliated person" of Midland as defined in the Act. Accordingly, the proposed transactions involve the sale of a security which is prohibited by section 17(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Midland and Florence entered into a Loan and Stock Purchase Agreement and Indenture ("Loan Agreement") on December 13, 1963, which provided for the lending by Midland to Florence of up to \$496,500 to construct and operate a nursing home pursuant to section 232 of the National Housing Act on its property located at 167-175 East 98th Street in New York City. Such loan was to be disbursed from time to time on or before October 1, 1965, on the conditions stated in the Loan Agreement, and each disbursement to be evidenced by and made against delivery of one or more promissory notes of Florence ("Notes") bearing interest at the rate of 8½ percent per annum. The Notes are to be repayable in monthly installments commencing November 1, 1966. The Loan Agreement further provided for the purchase by Midland of 8½ percent convertible debentures of Florence in the aggregate principal amount of \$2,730 ("Debentures") with stock purchase warrants attached, and for the purchase by Midland of 22 shares or 10 percent of the Common Stock of Florence ("Shares"). The Loan Agreement was entered into pursuant to Midland's application for

exemption from section 17(a) of the Act, dated November 15, 1963, as amended, and the Commission's Order of exemption pursuant to section 17(b), Investment Company Act Release No. 3858.

Pursuant to the Loan Agreement, the Debentures and Shares were purchased by Midland and \$200,000 of the loan has been made. The remaining portion of the loan is not to be disbursed until Florence has obtained a firm commitment for permanent or long-term financing in an amount sufficient to finance construction of the nursing home, and a firm commitment from the Federal Housing Administration ("FHA") for Project Mortgage Insurance securing such permanent or long-term financing.

Florence now represents to Midland that because of certain policies and requirements of the FHA, the terms of the Notes and Debentures for payment of principal and interest and various other aspects of the transactions under and pursuant to the Loan Agreement will prevent Florence from obtaining a commitment from the FHA to insure a first mortgage on the property. Florence also represents that the FHA commitment is necessary for Florence to secure permanent or long-term financing for construction of the nursing home. Midland is willing to agree to the modifications and changes requested by Florence upon the terms and conditions set forth in the proposed form of Agreement Supplementing and Amending Loan and Stock Purchase Agreement and Indenture (the "Supplemental Agreement").

The principal effects of the Supplemental Agreement are to permit Florence to: (a) Form a wholly owned subsidiary which will receive and hold title to the property and construct, own and operate the nursing home; (b) transfer substantially all of its assets to the subsidiary; and (c) assign to the subsidiary all of Florence's rights arising out of or connected with its application to FHA for project mortgage insurance, all contracts, rights, agreements, licenses, permits, privileges, and all applications therefor, which are incident to the construction, holding and operation of the nursing home and to permit and cause the subsidiary to take all other action necessary or incident to the construction, holding and operation of the nursing home.

Upon receipt of an FHA commitment for first mortgage insurance in the amount of at least \$4,000,000, Florence will transfer its assets to the subsidiary in exchange for promissory notes of the subsidiary, bearing interest at 8½ percent. The notes of the subsidiary will be subject to all of the terms and conditions governing the notes of Florence to Midland under the Loan Agreement except as required by the FHA regulatory agreement. Midland will continue to be obligated, subject to the terms of the Loan Agreement, to lend up to an additional \$296,500 to Florence.

Notice is further given that any interested person may, not later than July 29, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his inter-

est, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Director, Office of Investment Assistance, Small Business Administration, Washington, D.C., 20416.

For the Commission (pursuant to delegated authority).

[SEAL]

Orval L. DuBois,
Secretary.By: NELLYE A. THORSEN,
Assistant Secretary.[P.R. Doc. 65-7639; Filed, July 20, 1965;
8:45 a.m.]

[File No. 70-4290]

NATIONAL FUEL GAS CO. ET AL.

Notice of Proposed Issue and Sale of Debentures and Long-Term and Short-Term Notes

JULY 15, 1965.

Notice is hereby given that National Fuel Gas Co. ("National"), 30 Rockefeller Plaza, New York, N.Y., 10020, a registered holding company, and three of its gas utility subsidiary companies, Iroquois Gas Corp. ("Iroquois"), United Natural Gas Co. ("United"), and Pennsylvania Gas Co. ("Penn"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43, 45, and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

National proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, \$19,500,000 principal amount of -- percent Sinking Fund Debentures due 1990. The interest rate of the debentures (which shall be a multiple of one-eighth of 1 percent) and the

price, exclusive of accrued interest, to be paid to National (which shall be not less than 100 percent nor more than 102 3/4 percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will mature on August 15, 1990, will be issued under an indenture to be dated as of August 15, 1965, between National and Manufacturers Hanover Trust Co., New York, N.Y., Trustee, and will be issued only in fully registered form.

National proposes to use the net proceeds from the sale of the debentures (1) to prepay its outstanding notes due to a bank, amounting to \$12,000,000 and maturing December 31, 1965, and (2) to acquire for cash \$7,500,000 principal amount of long-term notes from its three gas utility subsidiary companies, Iroquois, United, and Penn. In addition, National proposes to acquire \$12,000,000 principal amount of long-term notes from such subsidiaries in replacement of an equal amount of their short-term notes, maturing December 31, 1965, held by National; the three subsidiary companies propose to issue and sell said long-term notes to National, as shown below.

	Long-term notes for cash	Long-term notes in replacement of short-term notes	Total long-term notes to be issued
Iroquois.....	\$3,900,000	\$10,900,000	\$14,800,000
United.....	2,200,000		2,200,000
Penn.....	1,400,000	1,100,000	2,500,000
	7,500,000	12,000,000	19,500,000

The long-term notes will be issued and sold to National between August 27, 1965, and December 31, 1965. Each note will be issued in an amount equal to one-twentieth of the maximum principal amount proposed to be borrowed by each subsidiary company; namely, \$740,000 for Iroquois, \$110,000 for United, and \$125,000 for Penn. The first note of each company will mature on August 15, 1969, followed by one each succeeding August 15th. The notes will bear interest at the same rate as that set forth in National's proposed new debentures and will be prepayable at any time, in whole or in part, without premium.

The net proceeds from the proposed long-term notes are to be used by the subsidiary companies, together with funds available from other sources, to make additions to utility plant and to increase and replenish working capital. Construction expenditures for 1965 are estimated at \$7,520,000 for Iroquois, \$3,533,000 for United, and \$2,231,000 for Penn.

United also proposes to issue from time to time during 1965 not in excess of \$3,000,000 face amount of unsecured short-term notes to the following banks, the maximum amount to be borrowed and outstanding at any one time from each such bank being as follows:

Bradford National Bank, Bradford, Pa.....	\$281,250
Du Bois Deposit National Bank, Dubois, Pa.....	187,500
Elk County Bank & Trust Co., Ridgeway, Pa.....	75,000
Emporium Trust Co., Emporium, Pa.....	112,500

Exchange Bank & Trust Co., Franklin, Pa.....	\$140,625
First National Bank of Mercer County, Greenville, Pa.....	140,625
First Seneca Bank & Trust Co., Oil City, Pa.....	562,500
McDowell National Bank, Sharon, Pa.....	346,875
Northwest Pennsylvania Bank & Trust Co., Oil City, Pa.....	468,750
The Pennsylvania Bank & Trust Co., Titusville, Pa.....	468,750
Producers Bank & Trust Co., Bradford, Pa.....	65,625
The St. Marys National Bank, St. Marys, Pa.....	150,000
	3,000,000

Penn also proposes to issue from time to time during 1965 not in excess of \$2,500,000 face amount of unsecured short-term notes to the following banks: First National Bank of Erie, Erie, Pa., \$650,000, and Warren National Bank, Warren, Pa., \$1,850,000.

The short-term notes to be issued by United and Penn will be dated as of the date of issue, will mature not later than 9 months from the date thereof, will bear interest at the prime rate in effect at The Chase Manhattan Bank, New York, on the date of issue of each note, and will be prepayable at any time, in whole or in part, without penalty or premium. The proceeds of the short-term notes will be used by United and Penn to finance their underground gas storage inventories.

The proposed notes will aggregate about 7.5 percent of the principal amount and par value of United's other securities outstanding and about 12 percent of the principal amount and par value of Penn's other securities outstanding. Any amount in excess of 5 percent may be issued only pursuant to an order under section 6(b) of the Act.

The proposed issue and sale of long-term notes by Iroquois have been authorized by the Public Service Commission of New York, the State commission of the State in which Iroquois is organized and doing business; the proposed issue and sale of long-term notes by United and Penn have been authorized by the Pennsylvania Public Utility Commission, the State commission of the State in which both United and Penn are organized and doing business.

Fees and expenses incident to the proposed issue and sale of the new debentures are estimated at \$67,000, including counsel fees of \$6,000, accounting fees of \$2,500, and \$6,000 charges by EBS Management Consultants Inc. The fees and disbursements of counsel for the underwriters of the new debentures, to be paid by the successful bidders, are estimated at \$9,750. Expenses to be incurred by the companies in connection with the other proposed transactions are estimated to aggregate \$6,700, including filing fees of \$3,200 and counsel fees and expenses of \$2,050.

Notice is further given that any interested person may, not later than August 9, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order

a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL]

Orval L. DuBois,
Secretary.

By: NELLYE A. THORSEN,
Assistant Secretary.

[P.R. Doc. 65-7640; Filed, July 20, 1965;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 794]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FOR- WARDER APPLICATIONS

JULY 16, 1965.

The following applications are governed by Special Rule 1.247¹ of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such

¹Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 1693 (Sub-No. 1), filed June 29, 1965. Applicant: P. J. FLYNN, INC., Jacobus Avenue, South Kearney, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay, colors, minerals, pumice, talc, coloring pigments*, from South Kearney, N.J., to Port Jervis and Yonkers, N.Y. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 2202 (Sub-No. 279), filed June 25, 1965. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, 44309. 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 irregular routes, transporting: *Silver bullion*, from Dallas, Houston, and San Antonio, Tex., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 3009 (Sub-No. 61), filed June 28, 1965. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis, Tenn., and Raleigh, Miss.; (a) from Memphis over U.S. Highway 51 to Vaiden, Miss., and thence over Mississippi Highway 35 to Raleigh, and return over the same route, and (b) from Memphis over Interstate Highway 55 to Vaiden, and thence over Mississippi Highway 35 to Raleigh, and return over the same route, serving no intermediate points in (a) and (b) above. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Hattiesburg, Miss.

No. MC 5429 (Sub-No. 14), filed June 14, 1965. Applicant: LYON VAN LINES, INC., 3416 South La Cienega Boulevard, Los Angeles, Calif., 90016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nevada, on the one hand, and, on the other, points in Oregon, California, and Utah. **NOTE:** Applicant states that it intends to tack the above-proposed author-

ity with that authority previously granted in Certificate No. MC 5429 and subs, wherein applicant is authorized to serve points in the States of Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Montana, Missouri, Michigan, Minnesota, New Mexico, Nebraska, Nevada, North Dakota, Oregon, Ohio, Oklahoma, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 6078 (Sub-No. 50), filed June 29, 1965. Applicant: D. F. BAST, INC., 1425 North Maxwell Street, Allentown, Pa. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural and fabricated steel, construction and erection equipment*, from the plantsite and warehouse of Harris Structural Steel Co., Inc., located at New Market, N.J., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Ohio, West Virginia, and the District of Columbia, and returned and rejected shipments, on return; and (2) *steel*, used or useful in production of structural and fabricated steel, from the above-described destination points, to Harris Structural Steel Co., Inc., located at New Market, N.J., and returned and rejected shipments, on return. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 9325 (Sub-No. 26), filed June 25, 1965. Applicant: K LINES, INC., Post Office Box 216, Lebanon, Ore. Applicant's attorney: Norman E. Sutherland, 1200 Jackson Tower, Portland, Ore., 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground barytes* (drilling mud), from Toledo, Ore., to Newport, Ore. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 20858 (Sub-No. 12), filed June 21, 1965. Applicant: J. P. HUNTER TRANSPORTATION CO., INC., Box No. 304, Elmira, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials*; namely, asphalt shingles, roll roofing, building papers, coatings, cements, asphalt felt, roof insulation and nails; *vinyl siding*; namely, panels, roof edge, starter course, door channel, inside and outside corner posts, from East Walpole, Mass., and Phillipsdale, R.I., to points in Broome, Cayuga, Chemung, Chenango, Cortland, Delaware, Franklin, Hamilton, Herkimer, Jefferson, Lewis, Madison, Monroe, Oneida, Onondaga, Ontario, Oswego, Otsego, St. Lawrence, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, and Yates Counties, N.Y., and points in Bradford, Tioga, and Susquehanna Counties, Pa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 21077 (Sub-No. 4), filed June 25, 1965. Applicant: A.E.F. TRANS-

PORTATION, INC., Industrial Highway, Eddystone, Pa. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Containers*, fiberboard, paperboard, or pulpboard, or fiberboard, paperboard, or pulpboard with metal or wood combined, and (2) *materials, supplies, and equipment* used in the manufacture of containers and covers, serving Spotswood, N.J., as an off-route point in connection with applicant's regular-route operations between Philadelphia, Pa., and New York, N.Y. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 24435 (Sub-No. 2), filed June 30, 1965. Applicant: CITY VAN & STORAGE, a corporation, 1530 West 12th Street, Long Beach, Calif. Applicant's attorney: Carl H. Fritze, 1010 Wilshire Boulevard, Los Angeles, Calif., 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Los Angeles, Orange, San Diego, Ventura, Santa Barbara, Kern, Riverside, and San Bernardino Counties, Calif. **NOTE:** Applicant states no duplication of authority is sought. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 26088 (Sub-No. 6), filed June 25, 1965. Applicant: THE SANDERS TRUCK TRANSPORTATION COMPANY, INC., Main Street, Allendale, S.C. Applicant's attorney: Ariel V. Conlin, Suite 626, Fulton National Bank Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, from Augusta, Ga., and points within a 10 mile radius thereof, to points in South Carolina. **NOTE:** If a hearing is deemed necessary applicant requests it be held at Columbia, S.C.

No. MC 26739 (Sub-No. 47), filed June 28, 1965. Applicant: CROUCH BROS., INC., Transport Building, St. Joseph, Mo. 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, from Perry, Iowa, to points in Illinois, Kansas, and Missouri. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 29566 (Sub-No. 106), filed June 25, 1965. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum and petroleum products*, in containers, (2) *advertising matter, articles distributed by wholesale or retail suppliers, marketers, or distributors*, of petroleum or petroleum products, and *such commodities* as are used by wholesale or retail suppliers,

marketers, or distributors of petroleum or petroleum products in the conduct of their business, when shipped in mixed loads with petroleum and petroleum products, in containers, from Ponca City, Okla., to points in Nebraska. RESTRICTION: Any duplication between the authority sought herein and any other authority held by carrier shall be considered as resulting in a single operating right only, not severable by sale or otherwise. NOTE: If a hearing is deemed necessary applicant requests it be held at Kansas City, Mo.

No. MC 29910 (Sub-No. 68), filed June 28, 1965. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. Applicant's attorney: Edward G. Bazelon, 39 South La Salle 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, livestock, and household goods as defined by the Commission), serving East Troy, Wis., as an off-route point in connection with applicant's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 31600 (Sub-No. 594), filed June 28, 1965. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass., 02154. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20008. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, dry, in bulk, from Montezuma, Cayuga County, N.Y., to points in Connecticut, Delaware, 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 Washington, D.C.

No. MC 39167 (Sub-No. 4) (AMENDMENT), filed April 5, 1965, published FEDERAL REGISTER issue April 21, 1965, and amended July 6, 1965, and republished as amended this issue. Applicant: CHARLES J. ROGERS TRANSPORTATION COMPANY, a corporation, 2947 Greenfield Road, Melvindale, Mich. Applicant's attorney: Walter N. Bleneman, Suite 1700, One Woodward Avenue, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products*, (1) between Pittsburgh, Donora, Ellwood City, and Vandergrift, Pa., on the one hand, and, on the other, points in Illinois, Indiana, and the Lower Peninsula of Michigan, and (2) between Cleveland, Lorain, and McDonald, Ohio, on the one hand, and, on the other, points in Illinois and Indiana. NOTE: The purpose of this republication is to add (2) above to the authority requested. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 52709 (Sub-No. 268), filed June 28, 1965. Applicant: RINGSBY

TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, livestock, and commodities in bulk), between Los Angeles, Calif., and Grand Junction, Colo., from Los Angeles over Interstate Highway 10 to junction Interstate Highway 15 at or near Colton, Calif., thence over Interstate Highway 15 (also over U.S. Highway 91) to junction Interstate Highway 70 at or near Cove Fort, Utah, thence over Interstate Highway 70 to Grand Junction, Colo. (also from junction Interstate Highway 15 and Utah Highway 20 approximately 16 miles south of Beaver, Utah, over Utah Highway 20 to junction U.S. Highway 89, thence over U.S. Highway 89 to junction Utah Highway 22, thence over Utah Highway 22 to junction Utah Highway 62, thence over Utah Highway 62 to junction unnumbered highway near Koonsharem, Utah, thence over unnumbered highway to junction Utah Highway 24, thence over Utah Highway 24 to junction Interstate Highway 70 near Green River, Utah, thence over Interstate Highway 70 to Grand Junction, Colo.; also from junction unnumbered highway and Utah Highway 24 over Utah Highway 24 to junction U.S. Highway 50, thence over U.S. Highway 50 to Grand Junction), and return over the same routes, serving the intermediate point of Las Vegas, Nev., and serving the intermediate point of Cove Fort, Utah, for the purpose of joinder only with carrier's other routes through that point. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 55889 (Sub-No. 22), filed June 7, 1965. Applicant: COOPER TRANSFER CO., INC., Post Office Box 426, Brewton, Ala. Applicant's attorney: J. Douglas Harris, 410-411 Bell Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between New Orleans, La., and Geneva, Ala., from New Orleans over U.S. Highway 90 to junction U.S. Highway 31, thence over U.S. Highway 31 through Bay Minette, Ala., and Atmore, Ala., to Flomaton, Ala., thence over U.S. Highway 29 through Brewton, Ala., to Andalusia, Ala., thence over U.S. Highway 84 to Opp, Ala., thence over Alabama Highway 52 to Geneva, and return over the same route, serving the intermediate points of Bay Minette, Atmore, Flomaton, Brewton, Andalusia, and Opp, Ala. NOTE: Applicant states it proposes to tack authority applied for with its existing authority at Brewton and/or Opp, Ala. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 60014 (Sub-No. 14), filed June 25, 1965. Applicant: AERO TRUCKING, INC., Post Office Box 278, Rural Delivery No. 1, Oakdale, Pa. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Pittsburgh, Vandergrift, Donora, Ellwood City, Allenport, Monessen, Munhall, Homestead, Irwin, McKeesport, McKees Rocks, Oil City, Clairton, Duquesne, Aliquippa and Braddock, Pa., and Cleveland, Lorain, and Youngstown, Ohio, to points in Michigan, Illinois, Indiana, Ohio, and Wisconsin, and St. Louis, Mo., and Louisville, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61396 (Sub-No. 138), filed June 28, 1965. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizers, and fertilizer ingredients*, in bulk, between points in Illinois, Indiana, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 66900 (Sub-No. 29), filed June 29, 1965. Applicant: HOUFF TRANSFER, INCORPORATED, Post Office Box 91, Weyers Cave, Va. 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: *Iron or steel castings*, rough; *wheels*, balance or fly; *agricultural implement parts*, other than hand (except articles which because of size, shape, or weight require the use of special equipment and/or special handling), from Lynchburg, Va., to New Holland, Mountville, and Intercourse, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 67020 (Sub-No. 8), filed June 28, 1965. Applicant: SEATTLE TRANSFER & STORAGE COMPANY, a corporation, 26 South Hanford Street, Seattle, Wash. Applicant's attorney: George H. Hart, 1100 IBM Building, Seattle, Wash., 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, and those injurious or contaminating to other lading), restricted to shipments having prior or subsequent movement by air, between points in King, Pierce, and Snohomish Counties, Wash., on the one hand, and on the other, points in Washington and points in Multnomah, Washington, and Clackamas Counties, Oreg. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 67020 (Sub-No. 9), filed June 28, 1965. Applicant: SEATTLE TRANSFER & STORAGE COMPANY, a corporation, 26 South Hanford Street, Seattle, Wash. Applicant's attorney: George H. Hart, 1100 IBM Building, Seattle, Wash., 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, and those injurious or contaminating to other lading), restricted to shipments having a prior or subsequent movement by air, between points in King, Pierce, and Snohomish Counties, Wash., on the one hand, and, on the other, points in King, Pierce, Snohomish, Skagit, and Whatcom Counties, Wash. NOTE: Common control may be involved. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 89492 (Sub-No. 30), filed June 1, 1965. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, Post Office Box 97, Clinton, Ky. Applicant's attorney: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, commodities in bulk, commodities requiring special equipment and commodities injurious or contaminating to other lading), between Arlington and Clinton, Ky., on the one hand, and, on the other, Evansville, Ind. NOTE: Applicant states that it intends to tack the above-proposed authority with that authority previously granted in Certificate No. 69492, wherein applicant is authorized to serve certain points in Kentucky, Missouri, Illinois, Tennessee, Indiana, and Ohio, with the above operation restricted against handling traffic originating at, destined to, or interchanged at Paducah, Ky., St. Louis, Mo., and Memphis, Tenn., and their respective commercial zones. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 84511 (Sub-No. 25), filed June 28, 1965. Applicant: COMMERCIAL FREIGHT LINES, INC., 1700 West Ninth Street, Kansas City, Mo. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans., 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and 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 786 (except commodities in bulk), from Perry, Iowa, to points in Illinois, Wisconsin, Missouri, Kansas, and Indiana. NOTE: If a hearing is deemed necessary applicant requests it be held at Kansas City, Mo.

No. MC 89523 (Sub-No. 8), filed June 28, 1965. Applicant: MID-STATES TRUCKING CO., a corporation, 2517 North Grand, Enid, Okla. Applicant's attorney: Donald E. Leonard, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Golden, Colo., to Oklahoma City and Tulsa, Okla., under a continuing contract with Ford Distributing, Inc. NOTE: If a hearing is deemed necessary,

applicant requests it be held at Oklahoma City, Okla.

No. MC 94201 (Sub-No. 55), filed July 1, 1965. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala. Applicant's attorney: H. Charles Ephraim, 1411 K Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including *household goods* as defined by the Commission (except those of unusual value, Classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Memphis, Tenn., and points in Tennessee, Mississippi, and Arkansas within 15 miles of Memphis, Tenn., on the one hand, and, on the other, points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 94350 (Sub-No. 112), filed June 30, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Greenville, S.C. Applicant's Attorney: Henry P. Willimon, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings* traveling on their own or removable undercarriages which are designed to be joined together to form a complete structure, equipped with hitch ball coupler (excluding trailers or mobile homes designed to be drawn by passenger automobiles, and oil or industrial buildings), from points in Louisiana to points in the United States, including Alaska (but excluding Hawaii), and *damaged and rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La.

No. MC 95876 (Sub-No. 45), filed June 23, 1965. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. Applicant's attorney: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite, marble, slate, and stone*, (1) from points in Gillespie, Burnet, and Llano Counties, Tex., to points in Colorado, Idaho, Montana, Oregon, Utah, Washington, and Wyoming, and (2) from points in Greer, Kiowa, Johnston, and Tillman Counties, Okla., to points in Colorado, Idaho, Montana, Oregon, Utah, Washington, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 99334 (Sub-No. 3), filed June 23, 1964. Applicant: TARHEEL EXPRESS, INC., Post Office Box 622, Hickory, N.C. Applicant's attorney: Edward G. Villalon, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *General commodities* (except those requiring special equipment), between points in Buncombe, Burke, Alexander, Harnett, Lincoln, Scotland, Robeson, Hoke, Moore, Wake, Wayne, Columbus,

Willson, and Pasquotank Counties, N.C.; (B) *cotton*, in bales and *lumber*, between points in that part of North Carolina on and east of U.S. Highway 321. NOTE: Applicant states that it intends to transport bagging and ties on return trips in connection with (B) above. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 99798 (Sub-No. 6), filed June 28, 1965. Applicant: DODDS TRUCK LINE, INC., 623 Lincoln, West Plains, Mo. Applicant's attorney: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo., 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plant or mine site of American Metal Climax Co. located at or near Buick, Mo., as an off-route point in connection with applicant's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 99798 (Sub-No. 7), filed June 28, 1965. Applicant: DODDS TRUCK LINE, INC., 623 Lincoln, West Plains, Mo. Applicant's attorney: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo., 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plant or mine site of Montana Phosphate Products Co. located approximately two (2) miles south of Bixby, Mo., as an off-route point in connection with applicant's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 100666 (Sub-No. 73) filed June 25, 1965. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. 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: *Siding*, except asbestos, from Shreveport, La., to points in Alabama, Kansas, Arkansas, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, Texas, and those in Florida west of the Apalachicola River. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 100666 (Sub-No. 74), filed July 1, 1965. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. 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: *Building board, wall board, insulation board*, finished or not finished, with or without decorative or protective material, and accessories and supplies used in the installation thereof, from Wright City, Mo., to points in the United States including Alaska, but excluding Hawaii. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 103880 (Sub-No. 339), filed June 29, 1965. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio. 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: *Fertilizer, fertilizer materials, and fertilizer ingredients*, in bulk, in tank vehicles, from Carmel, Ind., and points within 5 miles thereof, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106400 (Sub-No. 55), filed June 28, 1965. Applicant: KAW TRANSPORT COMPANY, a corporation, 701 North Sterling, Sugar Creek, Mo., 64054. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Kansas City, Kans., to points in Alabama, Arkansas, Georgia, Louisiana, and Mississippi. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 106603 (Sub-No. 76), filed June 28, 1965. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from River Rouge, Mich., to points in Illinois, Indiana, Iowa, Kentucky, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin. **NOTE:** Applicant has contract carrier authority under MC 46240, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 107107 (Sub-No. 349) (AMENDMENT), filed June 17, 1965, published FEDERAL REGISTER issue July 8, 1965, and republished as amended this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 458, Allapattah Station, Miami, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and 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 the plantsite of Missouri Beef Packers, Inc., located at or near Phelps City, Mo. (restricted to traffic originating at such facilities), to points in Alabama, Florida,

Georgia, North Carolina, South Carolina, and Tennessee (except Memphis). **NOTE:** The purpose of this republication is to add destination state Tennessee with the exception of Memphis. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107496 (Sub-No. 385), filed July 1, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ink*, in bulk, from St. Louis, Mo., to points in Kansas, Iowa, Illinois, Kentucky, Tennessee, Indiana, and Missouri. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 107643 (Sub-No. 69), filed June 21, 1965. Applicant: ST. JOHNS MOTOR EXPRESS CO., a corporation, 10145 North Portland Road, Portland, Ore., 97203. Applicant's attorney: Earle V. White, 2130 Southwest Fifth Avenue, Portland, Ore., 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Dry fertilizers and fertilizer compounds*, between points in that part of Idaho in and south of Adams, Valley, Lemhi, Clark, and Fremont Counties; (B) *liquid fertilizers and fertilizer compounds*, in bulk, in tank vehicles, (1) between Finley, Wash., and points within three (3) miles thereof, on the one hand, and, on the other, points in that part of Idaho in and south of Adams, Valley, Lemhi, Clark, and Fremont Counties; (2) between Kellogg, Idaho, on the one hand, and, on the other, points in that part of Idaho in and south of Adams, Valley, Lemhi, Clark, and Fremont Counties; and (3) between Portland, Ore., on the one hand, and, on the other, points in that part of Idaho in and south of Adams, Valley, Lemhi, Clark, and Fremont Counties. **NOTE:** Applicant states that it intends to tack the above-proposed authority with that authority previously granted in Certificate No. MC 107643 (Sub-No. 53), wherein applicant is authorized to serve points in the States of Idaho, Oregon, Montana, and Washington. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 107839 (Sub-No. 78), filed June 28, 1965. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York Street, Denver, Colo. Applicant's attorney: Duane W. Ackle, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in Louisiana, to points in Iowa, Kansas, Minnesota, Nebraska, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 107839 (Sub-No. 80), filed July 1, 1965. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York Street, Denver, Colo. Applicant's attorney: Duane W. Ackle, NSEA Building, 3d Floor, 14th & J

Streets, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 109 and 766 (except hides and commodities in bulk in tank vehicles), from Sioux City, Iowa, and points in Dakota County, Nebr., to points in Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, Wyoming, Utah, Oklahoma, Texas, Tennessee (except Memphis), Alabama, Georgia, and Florida, and *damaged and rejected shipments*, on return. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 109294 (Sub-No. 6), filed June 25, 1965. Applicant: COMMERCIAL TRUCK CO. LTD., 230 Brunette Street, New Westminster, British Columbia, Canada. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 3d Avenue, Seattle, Wash., 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Clark, Cowlitz, Skamania, Wahkiakum, Pacific, Grays Harbor, Jefferson, Clallam, Mason, Kitsap, Lewis, and Thurston Counties, Wash., on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada, located at or near Blaine and Sumas, Wash., restricted to traffic originating or terminating in British Columbia, Canada. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 109533 (Sub-No. 25), filed June 23, 1965. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, 1100 Commerce Road, Post Office Box 1216, Richmond, Va., 23209. Applicant's representative: C. H. Swanson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Norlina, N.C., and Virginia Beach, Va.; from Norlina over U.S. Highway 158 to Murfreesboro, N.C., thence over U.S. Highway 258 to Franklin, Va., thence over U.S. Highway 58 to Virginia Beach and return over the same route, serving all intermediate points. **NOTE:** Applicant states that the purpose of this application is to acquire the right to tack at Norlina, N.C., the above-proposed authority with that authority granted in Certificate No. MC 109533 (Sub-No. 1), wherein applicant is authorized to operate over a regular route between Richmond, Va., and Winston-Salem, N.C. Duplication of present authority will be eliminated. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Raleigh, N.C.

No. MC 109533 (Sub-No. 26), filed June 29, 1965. Applicant: OVERNITE TRANSPORTATION COMPANY, a cor-

poration, 1100 Commerce Road, Post Office Box 1216, Richmond, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving Etowah, Tenn., as an off-route point in connection with applicant's regular-route operations between Rossville, Ga., and Bristol, Va. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn., or Washington, D.C.

No. MC 109584 (Sub-No. 131), filed June 30, 1965. Applicant: ARIZONA PACIFIC TANK LINES, a corporation, 3201 Ringsby Court, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, (1) from Sumner, Wash., to Salt Lake City, Utah, and (2) from Oakland, Calif., to Albuquerque, N. Mex. and points within 15 miles of Albuquerque. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 109708 (Sub-No. 39), filed June 22, 1965. Applicant: ERVIN J. KRAMER, doing business as MARYLAND TANK TRANSPORTATION CO., 401 Highland Street, Frederick, Md. 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: *Vinegar*, in bulk, in tank vehicles, (1) from Baltimore, Md., to points in Illinois and Michigan; (2) from Peekskill, N.Y., to points in Michigan, and (3) from Lyons, North Rose, and Lyndonville, N.Y., to points in Virginia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 110098 (Sub-No. 61), filed June 29, 1965. Applicant: ZERO REFRIGERATED LINES, a corporation, 815 Merida Street, Box 7249, Station A, San Antonio, Tex. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat 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, from Fort Worth, Tex., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110698 (Sub-No. 305), filed June 22, 1965. Applicant: RYDER TANK LINE, INC., Post Office Box 8418, Greensboro, N.C. Applicant's attorney: Francis W. McNerny, 1000 16th Street NW., Washington, D.C., 20036. Author-

ity sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caprolactam*, in bulk, from points in Richmond County, Ga., to points in Iowa, Kansas, Massachusetts, and New Hampshire. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110698 (Sub-No. 307), filed June 22, 1965. Applicant: RYDER TANK LINE, INC., Post Office Box 8418, Greensboro, N.C. Applicant's attorney: Francis W. McNerny, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical* (except petrochemicals), in bulk, from Swanton, Ohio, to points in Florida, Georgia, Kentucky, North Carolina, Pennsylvania, South Carolina, and Tennessee. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 110988 (Sub-No. 135), filed June 29, 1965. 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: *Fertilizer and fertilizer materials*, dry, in bulk and in bags, from Streator and Marseilles, Ill., to points in Iowa, Wisconsin, Michigan, Indiana, Minnesota, and Ohio. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111611 (Sub-No. 17), filed June 29, 1965. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Avenue, Lewistown, Pa. Applicant's attorney: John E. Fullerton, 509 North Second Street, Harrisburg, Pa., 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and steel articles*, from Burnham, Pa., to points in Connecticut, Rhode Island, and Massachusetts. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 102), filed June 25, 1965. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, Commonwealth Building, 1625 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, and audit and accounting media* (except cash letters), between Clarksburg, W. Va., on the one hand, and, on the other, Alliance and Columbiana, Ohio. **RESTRICTION:** The operations applied for herein are subject to the following restriction: No service shall be performed under the authority granted herein for any bank or banking institution; namely, any national bank, State bank, Federal Reserve bank, savings and loan association, or savings bank. **NOTE:** Applicant is also authorized to conduct operations as a contract carrier in permit No. MC 112750 and Subs thereunder, therefore, dual operations may be involved. If a

hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 112750 (Sub-No. 214), filed June 25, 1965. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, Commonwealth Building, 1625 K Street NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments, including originals and copies of checks, drafts, notes, money orders, travelers checks, and canceled bonds, and accounting papers relating thereto, including originals and copies of cash letters, letters of transmittal, summary sheets, adding machine tapes, deposit records, withdrawal slips, and debit and credit records* (except coin, currency, bullion, and negotiable securities) under continuing contracts with banks and banking institutions only; namely, national banks, State banks, Federal Reserve banks, savings and loan associations, and savings banks, (1) between Toledo, Ohio, and Buffalo, N.Y., (2) between Cincinnati, Ohio, on the one hand, and, on the other, Pittsburgh, Pa., and Chicago, Ill., and (3) between Columbus, Ohio, on the one hand, and, on the other, Parkersburg, Point Pleasant, Ravenswood, Ripley, Wheeling, and Vienna, W. Va. **NOTE:** Applicant also has pending common carrier authority in Docket No. MC 111729 and Subs. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 113041 (Sub-No. 7), filed June 24, 1965. Applicant: AC TRANSPORTATION, INC., Mutton Hollow Road, Woodbridge, N.J. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y., 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road binding compounds*, liquid, in bulk, in tank vehicles, between New York, N.Y., on the one hand, and, on the other, points in Virginia, West Virginia, North Carolina, Kentucky, Ohio, Georgia, Tennessee, and South Carolina. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 113267 (Sub-No. 155), filed June 21, 1965. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Applicant's attorney: Dale Woodall, 150 East Court Avenue, Memphis, Tenn., 38101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Humboldt, Tenn., to points in Alabama, Arkansas, Delaware, Connecticut, Florida, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, West Virginia, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Memphis, Tenn.

No. MC 113325 (Sub-No. 45), filed June 28, 1965. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and limestone products*, from Kansas City, Mo., to points in Kansas, Missouri, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 113325 (Sub-No. 46), filed June 28, 1965. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo., 63104. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, dry, in bulk, from Mosher, Mo., to points in Madison County, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 113325 (Sub-No. 47), filed June 28, 1965. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and liquid fertilizer solutions*, in bulk, in tank vehicles, from the Consumers Cooperative Association plant located near Fort Dodge, Iowa, to points in Nebraska, North Dakota, South Dakota, Minnesota, Missouri, Kansas, Wisconsin, and Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113325 (Sub-No. 49), filed July 1, 1965. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo., 63104. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ethylene*, in bulk, in shipper-owned tank vehicles, from the plantsite of Monsanto Chemical Company, at Texas City, Tex., to plants of Monsanto Chemical Company, at St. Louis, Mo. NOTE: Applicant states that it now holds authority to transport the above described commodity from the plant of Monsanto, at Texas City to the Monsanto plant at Creve Coeur (St. Louis), Mo., and the purpose of this application is to enable applicant to serve the other facilities of Monsanto located at St. Louis, Mo. If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 113843 (Sub-No. 89), filed June 28, 1965. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass., 02210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and frozen products, including frozen animal and poultry food* from New

Bedford, Mass., and points within 20 miles thereof to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin and including the ports of entry on the international boundary line between the United States and Canada for the purpose of transfer of shipments destined to points in the Dominion of Canada, and returned and rejected shipments on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 113843 (Sub-No. 90), filed June 28, 1965. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass., 02210. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Foods, food ingredients, and advertising and promotional materials, when related to and moving with shipments of foods and food ingredients*, from points in Massachusetts on and east of Massachusetts Highway 12, to points in Texas and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 113843 (Sub-No. 91), filed June 28, 1965. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass., 02210. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, prepared, or preserved (other than frozen), from Fruitland, Md., and points in Sussex County, Del., to points in Wisconsin, Minnesota, Iowa, Kansas, Nebraska, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114019 (Sub-No. 140), filed June 22, 1965. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and 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 the plantsite of Missouri Beef Packers, Inc., located at or near Phelps City, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, 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 St. Louis, Mo.

No. MC 114045 (Sub-No. 180), filed June 28, 1965. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sec-

tions 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 the plantsite of Missouri Beef Packers, Inc., at or near Phelps City, Mo. (restricted to traffic originating at such facilities), to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, 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 Kansas City, Mo., or Omaha, Nebr.

No. MC 114377 (Sub-No. 4), filed June 24, 1965. Applicant: G. EDWARD WIKEL, doing business as WIKEL MILK CARTAGE, Route 1, Huron, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and fruit juices*, from the plantsite of the Sealtest Foods Division, National Dairy Products Corp., at Cleveland, Ohio, to Detroit, Mich., Pittsburgh, Porterville, and Erie, Pa., and Wheeling W. Va. NOTE: Applicant states the operations proposed are limited to a transportation service to be performed, under a continuing contract or contracts, with National Dairy Products Corp., Cleveland, Ohio. Applicant has common carrier authority under MC 124579, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 114848 (Sub-No. 24), filed June 28, 1965. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. Applicant's attorney: James N. Clay III, 340 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having prior movement by rail, water, or pipeline, between points in Arkansas, Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Tennessee, Texas, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 116063 (Sub-No. 72), filed July 1, 1965. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Kansas City, Kans., and Kansas City, Mo., to points in Arkansas, Louisiana, Mississippi, Alabama, and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 116077 (Sub-No. 181) (AMENDMENT), filed May 3, 1965, published FEDERAL REGISTER issue of May 19, 1965, republished as amended June 3, 1965, further amended July 1, 1965, and republished as amended this issue. Applicant: ROBERTSON TANK LINES, INC., Post Office Box 9527, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 721 Brown Building, Austin, Tex., 78701. Author-

ity sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having prior or subsequent movement by rail, water, or pipeline, between points in Texas, Louisiana, and Mississippi. **NOTE:** The purpose of this republication is to more clearly set forth the territorial description. Applicant states that it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 116254 (Sub-No. 58), filed June 21, 1965. Applicant: CHEM-HAULERS, INC., Post Office Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville 3, Tenn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Feldspar*, from points in Jasper County, Ga., to points in Alabama, Arkansas, Florida, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga., Birmingham, Ala., Montgomery, Ala., or Nashville, Tenn.

No. MC 116273 (Sub-No. 45), filed June 28, 1965. 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: *Coal tar and coal tar products* (except coal tar chemicals), and *asphalt and asphalt products*, from Joliet, Ill., to points in Indiana, Iowa, Michigan, Missouri, and Wisconsin. **NOTE:** If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 116763 (Sub-No. 54), filed June 30, 1965. Applicant: CARL SUBLER TRUCKING, INC., Auburndale, Fla. Mailing Address: North West Street, Versailles, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Canned, prepared, and preserved foodstuffs*, from Haddock, Ga., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, and Texas, (2) *canned, prepared, and preserved foodstuffs*, from Haddock, Ga., to points in Indiana, Michigan (Lower Peninsula only), and Ohio and (3) *animal and poultry feed and supplements therefore, including animal foods*, from points in Arkansas, Mississippi, Missouri, and Tennessee to points in Illinois, Indiana, Michigan, and Ohio. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116763 (Sub-No. 55), filed June 30, 1965. Applicant: CARL SUBLER TRUCKING, INC., Auburndale, Fla. Mailing address: North West Street, Versailles, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned, prepared, and preserved foodstuffs*, from Archbold, Columbus, Covington, Defiance, Delphos, New Bavaria,

Northwood, Orrville, Pemberville, and Rockford, Ohio; Covington, Ky.; Austin and Portland, Ind.; and points in Michigan (Lower Peninsula only), to points in New York, New Jersey, Pennsylvania, Baltimore, Md., and Washington, D.C. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117119 (Sub-No. 224), filed June 28, 1965. 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: *Food products*, from Columbus, Ohio, to points in Arkansas, Kansas, and Kansas City, Mo. **NOTE:** If a hearing is deemed necessary applicant requests it be held at Columbus, Ohio.

No. MC 117119 (Sub-No. 226), filed June 28, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wahoo, Nebr., to points in Arizona, California, Colorado, and New Mexico. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 117119 (Sub-No. 228), filed July 6, 1965. 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: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses* (except hides and commodities in bulk, in tank vehicles), as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Darr, Nebr., to points in Arkansas, Oklahoma, Texas, Louisiana, New Mexico, Arizona, Nevada, and California. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 117119 (Sub-No. 229), filed July 6, 1965. 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: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses*, 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 commodities in bulk, in tank vehicles, and hides), from Sioux City, Iowa, and points in Dakota County, Nebr., to points in Colorado, New Mexico, Louisiana, Arkansas, Oklahoma, Texas, Kansas, and Missouri. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 117119 (Sub-No. 231), filed July 6, 1965. Applicant: WILLIS SHAW

FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Lawton, Mich., to points in Idaho, Montana, Wyoming, and Utah. **NOTE:** If a hearing is deemed necessary applicant requests it be held at Denver, Colo.

No. MC 117119 (Sub-No. 232), filed July 6, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Lawton, Mich., to points in Missouri. **NOTE:** If a hearing is deemed necessary applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 117344 (Sub-No. 149), filed June 25, 1965. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Syrup, sweeteners and blends thereof*, in bulk, in tank vehicles, from Edinburg, Ind., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin. **NOTE:** If a hearing is deemed necessary applicant requests it be held at Columbus, Ohio.

No. MC 117344 (Sub-No. 150), filed June 25, 1965. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Syrup, sweeteners and blends thereof*, in bulk, in tank vehicles, from Edinburg, Ind., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. **NOTE:** If a hearing is deemed necessary applicant requests it be held at Columbus, Ohio.

No. MC 117427 (Sub-No. 43), filed June 29, 1965. Applicant: G. G. PARSONS TRUCKING CO., a corporation, Post Office Box 746, North Wilkesboro, N.C. Applicant's attorney: Earl F. Rieger, Room 1366, National Press Building, Washington, D.C., 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Missouri to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, New Jersey, North Carolina, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. **NOTE:** Applicant is also authorized to conduct operations as a contract carrier in Permit MC 116145 and Sub, therefore dual operations may be involved. If a hear-

ing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117675 (Sub-No. 4), filed June 23, 1965. Applicant: FELTON METTS, doing business as METTS TRUCKING COMPANY, 5966 Jacks Road, Jacksonville, 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: *Bananas and fresh fruits, berries and vegetables*, when transported in the same vehicle with bananas, from Gulfport, Miss., to points in Florida. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 117815 (Sub-No. 44), filed June 28, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, shortening, lard, tallow, salad dressings, and table sauces* (except commodities in bulk, in tank vehicles), from Jacksonville, Ill., and points within one (1) mile thereof, to points in Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 117815 (Sub-No. 45), filed June 28, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses and such commodities* as are used by meat-packers in the conduct of their business when destined to and for use by meat-packers, as described in sections A, B, C, and D 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 points in Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 117815 (Sub-No. 46), filed June 28, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glassware and glass containers*, with or without their equipment of *caps, covers, tops, or stoppers, paper cartons or accessories for glass containers*, from the plantsite of Anchor Hocking Glass Corp. at Gurnee, Ill., to points in Wisconsin, Iowa, Minnesota, Missouri, Nebraska and the Upper Peninsula of Michigan; and (2) *materials, supplies, and equipment* as are used in the manufacture of glassware, from points in Wisconsin, Iowa, Minnesota, Missouri, Nebraska and the Upper Peninsula of Michigan, to the plantsite of Anchor Hocking Glass Corp. at Gurnee, Ill. **NOTE:** If a hearing is deemed neces-

sary, applicant requests it be held at Chicago, Ill.

No. MC 117815 (Sub-No. 47), filed June 28, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products and bakery product ingredients*, (1) from Carrollton, Mo., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin; and (2) from Seelyville, Ind., to points in Iowa, Minnesota, Nebraska, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 117815 (Sub-No. 48), filed June 28, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food preparations, and foodstuffs*, from St. Louis, Mo., to points in Iowa, Kansas, and Nebraska. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 118130 (Sub-No. 28), filed June 21, 1965. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive West, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, 24th Floor, Continental Life Building, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Humboldt, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Illinois, Iowa, Louisiana, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, South Carolina and Texas. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 118196 (Sub-No. 33), filed June 28, 1965. Applicant: RAYE & COMPANY TRANSPORTS, INC., Post Office Box 613, Highway 71 North, Carthage, Mo. 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* as defined by the Commission, from Darr, Nebr., and points within ten (10) miles thereof, to points in California, Arizona, Washington, Oregon, Nevada, Idaho, Montana, Minnesota, Wisconsin, Missouri, Oklahoma, Arkansas, Texas, Louisiana, Illinois, Mississippi, Alabama, Georgia, Florida, Tennessee, Wyoming, Utah, Colorado, New Mexico, North Dakota, South Dakota, Kansas, and Iowa. **NOTE:** Applicant does not specify place of hearing, if one is deemed necessary.

No. MC 118196 (Sub-No. 35), filed June 30, 1965. Applicant: RAYE & COMPANY TRANSPORTS, INC., Highway 71 North, Post Office Box 613, Carthage, Mo. 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*, from points in Atchison County, Mo., to points in Kan-

sas, California, Arizona, Washington, Oregon, Nevada, Idaho, Montana, Wyoming, Utah, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Iowa, Minnesota, Wisconsin, Oklahoma, Arkansas, Louisiana, Illinois, Mississippi, Alabama, Georgia, Florida, Tennessee, and Texas. **NOTE:** If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 118756 (Sub-No. 1), filed June 21, 1965. Applicant: LLOYD R. McCANDLISH, doing business as McCANDLISH TRUCKING, 302 Mulberry Street, Bremen, Ohio. Applicant's attorney: Paul F. Beery, Columbus Center, 100 East Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, seasonal between April and October, inclusive, transporting: *Chain*, from Bremen, Ohio, to Toledo and Cleveland, Ohio. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119539 (Sub-No. 4), filed June 28, 1965. Applicant: BEVERAGE TRANSPORT, INC., East Bloomfield, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Rochester, N.Y., to points in Ohio, Pennsylvania, and New York, N.Y., and Long Island, N.Y. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 119558 (Sub-No. 3), filed June 25, 1965. Applicant: A. F. TISCHER, 3305 Oregon Drive, Spenard, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bungalows, motel units, cabin or house trailers, and trailers and their contents designed to be drawn by passenger automobiles*, set up, in initial and secondary movements, in truckaway service, between points in that part of Alaska west of an imaginary line constituting a southward extension of the Alaska-Canada boundary line, on the one hand, and, on the other, Haines, Alaska. **NOTE:** Applicant states that it intends to tack or combine the above-proposed authority with that authority previously granted in Certificate No. MC 119558 and Subs thereunder, wherein applicant is authorized to serve points in the States of Alaska, Colorado, Idaho, Indiana, Kansas, Michigan, Minnesota, Montana, Nebraska, Oklahoma, South Dakota, Washington, and Wisconsin. Applicant also states that it intends to interline with other carriers at Haines, Alaska, for transportation beyond. If a hearing is deemed necessary, applicant requests it be held at Anchorage, Alaska.

No. MC 119702 (Sub-No. 15) (AMENDMENT), filed February 5, 1965, published March 3, 1965, amended and republished April 14, 1965, and further amended July 1, 1965, and republished this issue. Applicant: STAHLY CARTAGE CO., a corporation, 130-A Hillsboro Avenue, Edwardsville, Ill. Applicant's attorney: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill., 62707.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizers, and fertilizer ingredients*, in bulk, in tank vehicles, from East Dubuque, Ill., and points in Illinois within ten (10) miles thereof, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin. NOTE: The purpose of this republication is to more clearly set forth the proposed operations. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 119864 (Sub-No. 10), filed June 24, 1965. Applicant: HOFER MOTOR TRANSPORTATION CO., a Corporation, 26740 Eckel Road, Perrysburg, Ohio, 43551. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware and glass containers*, with or without caps, covers, or stoppers, and *paper cartons* used in the packing of glassware and glass containers, from Winchester, Ind., to points in Illinois, Missouri, Ohio, Wisconsin, Michigan, and Kentucky, and *damaged and rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119934 (Sub-No. 99), filed June 28, 1965. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products*, including but not restricted to corn grits, cornmeal, and corn flour, dry, in bulk, in pressurized bulk trailers, from Indianapolis, Ind., to points in Ohio, Kentucky, Illinois, and Michigan, and *damaged and rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 120098 (Sub-No. 10), filed June 30, 1965. Applicant: UINTAH FREIGHTWAYS, a corporation, 348 West 1370 South, Salt Lake City, Utah. Applicant's attorney: William S. Richards, Walker Bank Building, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and fly ash*, in bulk pneumatic equipment, from points in Carbon County, Utah, to the Atomic Energy Commission test site near Mercury, Nev., and *rejected shipments* of the commodities specified above, on return. If a hearing is deemed necessary, applicant requests it be held at Las Vegas, Nev.

No. MC 123048 (Sub-No. 63), filed June 23, 1965. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, tractor attachments, and farm machinery*, from Rock Island, and East Moline, Ill., to points in Missouri on and west of U.S. Highway 65, and in Wisconsin on and south of U.S. Highway 10, and *rejected shipments* of the commodities specified, on return. NOTE: If a

hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 123048 (Sub-No. 64), filed June 29, 1965. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery, potato harvesting and grading equipment, irrigation equipment and parts thereof* when being transported with the machines for which they are intended (except those commodities that require the use of special equipment or special handling), from Hammond, Ind., to points in Alabama, California, Colorado, Florida, Idaho, Illinois, Indiana, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Washington, and Wisconsin, and (2) *materials equipment, and supplies* used in the manufacture and distribution of the commodities described in (1) above and *rejected shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 124047 (Sub-No. 32), filed June 23, 1965. 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's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, between points in Indiana, Kentucky, and Ohio, restricted to shipments having a prior or subsequent movement by water or rail. NOTE: Applicant states no duplication of authority is sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 124078 (Sub-No. 146), filed July 2, 1965. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, in bulk, from Montpelier, Iowa, to points in Ohio, Michigan, Pennsylvania (on and west of U.S. Highway 219), Kentucky, Tennessee, Mississippi, and Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124154 (Sub-No. 15), filed July 1, 1965. Applicant: W. D. WINGATE, doing business as WINGATE TRUCKING COMPANY, Post Office Box 1372, Albany, Ga. Applicant's attorney: Ariel V. Conlin, Suite 626, Fulton National Bank Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides and insecticide materials*, between points in Dougherty County, Ga., and points in Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, Ga.

No. MC 124306 (Sub-No. 6), filed June 29, 1965. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, Post Office Box 2933, West Durham Station, Durham, N.C., 27705. Applicant's attorney: Louis Reznick, 5009 Keokuk Street, Washington 16, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Phosphate products*, in bulk, and (2) *phosphatic fertilizer solutions*, in bulk, from points in Beaufort County, N.C., south of the Pamlico River and east of Durham Creek, to points in Virginia, North Carolina, and South Carolina, and *refused and unclaimed products*, on return. NOTE: If a hearing is deemed necessary applicant requests it be held at Raleigh, N.C.

No. MC 124774 (Sub-No. 18), filed June 28, 1965. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 384, Norfolk, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles* distributed by meat packinghouses, from Gordon and Norfolk, Nebr., to points in Oklahoma. NOTE: Applicant states it proposes to transport exempt commodities, on return. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124774 (Sub-No. 19), filed June 28, 1965. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 384, Norfolk, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses, from Gordon, Nebr., to points in Oregon, Washington, Idaho, and California. NOTE: Applicant states that it proposes to transport exempt commodities, on return. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 125474 (Sub-No. 14), filed June 28, 1965. Applicant: BULK HAULERS, INC., 1901 Wooster Street, Wilmington, N.C. Applicant's attorney: John C. Bradley, Suite 618, Perpetual Building, 1111 E Street NW., Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Phosphate products*, in bulk, from points in Beaufort County, N.C., south of the Pamlico River and east of Durham Creek, to points in Virginia, South Carolina, and North Carolina, and (2) *phosphatic fertilizer solutions*, in bulk, from points in Beaufort County, N.C., south of the Pamlico River and east of Durham Creek, to points in Virginia, South Carolina, and North Carolina. NOTE: If a hearing is deemed necessary applicant requests it be held at Raleigh, N.C.

No. MC 125602 (Sub-No. 1), filed June 28, 1965. Applicant: GERALD J. LOCKWOOD, doing business as JERRY LOCKWOOD, Route 1, Box 254, Prairie View, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock*, other than ordinary

livestock, race and show horses, mascots used in the care and exhibition of such animals, the personal effects of attendants, and stable equipment, between Prairie View, Ill., and points within fifty (50) miles of Prairie View, on the one hand, and, on the other, points in Kentucky, Ohio, New York, Maryland, Texas, West Virginia, Virginia, Florida, Louisiana, Missouri, Arkansas, Arizona, and New Mexico. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126300 (Sub-No. 2), filed June 24, 1965. Applicant: RICHARD L. MILLER, Keysville Road, Taneytown, Md. Applicant's representative: Donald E. Freeman, Post Office Box 880, 172 East Green Street, Westminster, Md., 21157. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Wooden stair parts*, from Taneytown, Md., to points in Illinois (except Chicago), Indiana, Michigan, and Ohio. Note: Applicant states the proposed operations will be under a continuing contract or contracts with Shower Lumber & Millwork Co., Taneytown, Md. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126472 (Sub-No. 1), filed June 24, 1965. Applicant: WILLCOXSON TRANSPORT, INC., Bloomfield, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Corydon, Iowa, to points in Missouri. Note: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 126557 (Sub-No. 2), filed June 23, 1965. Applicant: S. D. SESSIONS, doing business as SESSIONS TRUCKING COMPANY, Highway 109 North, Post Office Box 537, Wadesboro, N.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Limestone*, in bulk, from points in Cherokee County, S.C., to points in Anson, Stanly, Montgomery, Moore, Richmond, Scotland, Robeson, Hoke, and Union Counties, N.C. Note: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 126906 (Sub-No. 1), filed June 22, 1965. Applicant: CLIFFORD A. MILLIKEN, JR., doing business as NORTH COUNTRY DELIVERY SERVICE, Post Office Box 582, Conway, N.H. Applicant's attorney: William J. Augello, Jr., 2 West 45th Street, New York, N.Y., 10036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, in 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the town of Conway, N.H., and points in Carroll County, N.H. Note: Applicant states the proposed operations will be re-

stricted to traffic having a prior or subsequent movement by motor common carrier in interstate commerce, and restricted against tacking. If a hearing is deemed necessary, applicant requests it be held at Conway, N.H.

No. MC 127147 (Sub-No. 1), filed June 28, 1965. Applicant: JOHN THOMAS MATTINGLY, JR., Mechanicsville, Md. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber* (except veneer and plywood), from points in St. Marys, Charles, Calvert, and those in that part of Prince Georges and Anne Arundel Counties, Md., on and south of U.S. Highway 50, to points in New York, New Jersey, Pennsylvania, Ohio, Virginia, and North Carolina. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127150 (Sub-No. 1), filed June 24, 1965. Applicant: GARLAND R. BOYD, doing business as BOYD TRUCKING COMPANY, 637 South Hamilton Street, Dalton, Ga. Applicant's attorney: Virgil H. Smith, Suite 236, Title Building, Atlanta, Ga., 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Textiles, textile products, carpets, carpeting, carpet remnants, and rugs*, from points in Bartow, Catoosa, Chattooga, Cherokee, Dade, Floyd, Gilmer, Gordon, Murray, Pickens, Walker, and Whitfield Counties, Ga., to Dalton, Ga. Note: If a hearing is deemed necessary applicant requests it be held at Atlanta, Ga.

No. MC 127163 (Sub-No. 1) (AMENDMENT), filed June 11, 1965, published FEDERAL REGISTER issue July 9, 1965, amended July 13, 1965, and republished as amended this issue. Applicant: LOUIS MAURO, 134 Dakar Street, Port Elizabeth, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the warehouse of L & M Stores, Inc., located at Elizabethport, N.J., to points in Connecticut. The purpose of this republication is to change the origin point to Elizabethport, N.J. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127177 (Sub-No. 1), filed June 30, 1965. Applicant: DUANE E. HAACK, Remsen, Iowa. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Corrugated metal culvert pipe and related appurtenances*, (1) from Shakopee, Minn., to Sioux City and Des Moines, Iowa, and (2) from Sioux City, Iowa, to points in Nebraska and South Dakota, and *damaged and defective shipments* on return. Note: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 127225 (Sub-No. 2), filed June 24, 1965. Applicant: LAMONI PACKING COMPANY, INC., doing business as THOMPSON LIVESTOCK COMMISSION CO., Davis City, Iowa. Applicant's

representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Hides*, from Davis City, Iowa, to Chicago, Ill. Note: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 127274 (Sub-No. 4), filed July 1, 1965. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Post Office Box 2189, Muncie, Ind. Applicant's attorney: Howell Ellis, Suite 616-618, Fidelity Building, 111 Monument Circle, Indianapolis, Ind., 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas*, and *coconuts and pineapples* when transported in the same vehicle with bananas, from Mobile, Ala., and New Orleans, La., to points in Indiana. Note: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 127327 (AMENDMENT), filed June 7, 1965, published FEDERAL REGISTER issue of July 9, 1965, amended and republished this issue. Applicant: INTERSTATE DRIVERS SERVICE INC., c/o T. Stanley Bloch, Esq., 32 Broadway, Room 714, New York, N.Y., 10004. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used automobiles, station wagons, and small trucks under 1-ton capacity*, in a driveaway service, with or without baggage, personal effects and pets, between points in New York, New Jersey, and Connecticut on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii. Note: The purpose of this republication is to clearly set forth the territory sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127364, filed June 21, 1965. Applicant: PARAMUS TAXI CO., INC., S-30, Route No. 17, Paramus, N.J. Applicant's attorney: Anthony Anzalone, 215 Union Street, Hackensack, N.J. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Computer data*, with or without passengers carrying computer data, from Paramus, N.J., to New York, N.Y., and points in Nassau, Suffolk, Westchester, and Dutchess Counties, N.Y., and Fairfield County, Conn., and *returned processed materials*, on return. Note: Applicant states that the above-proposed service will be performed for I.T.T. Data Processing of Paramus, N.J. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 127390, filed June 23, 1965. Applicant: FLOYD MONTGOMERY, Belmont, Miss. Applicant's attorney: Cecil L. Summers, 311 South Fulton Street, Iuka, Miss. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from Jackson, Miss., to points in Alabama, Arkansas, Louisiana, Indiana, Illinois, Mississippi, Ken-

tucky, Ohio, Michigan, Georgia, and Tennessee, and (2) grain, flour, and feed ingredients, from points in Illinois and Memphis, Tenn., to Red Bay, Ala., and grain, flour, feed, and feed ingredients, in bags and bulk, on return in (1) and (2) above. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 127391, filed June 28, 1965. Applicant: FARRELL BARNES, doing business as USED CARS, 304 Harrison Avenue, Mt. Sterling, Ky. Applicant's attorney: Rudy Yessin, Sixth floor, McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Used cars, from Dayton and Cleveland, Ohio, South Bend and Dyer, Ind., and Detroit, Mich., to points in Montgomery County, Ky. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 127395, filed June 24, 1965. Applicant: GEORGE E. KELBAUGH, Rural Delivery No. 7, York, Pa. Applicant's attorney: Russell F. Griest, 128 East King Street, York, Pa., 17403. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pulverized limestone in bulk, by spreader type vehicle only, from Thomasville, Pa., to points in Frederick, Carroll, Baltimore, Harford, Montgomery, Howard, Anne Arundel, and Cecil Counties, Md. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 127397, filed July 1, 1965. Applicant: McCALLUM TRANSPORT (QUEBEC), LIMITED, Coteau Landing, Quebec, Canada. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Automobiles, trucks, and buses, as defined by the Commission in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, including parts and accessories thereof, moving at the same time and with the vehicle of which they are a part and on which they are to be installed, via truckaway and driveway methods, in initial and secondary movements, between points on the international boundary line between the United States and Canada, located along the northern boundaries of the States of New York, Vermont, New Hampshire and Maine, on the one hand, and, on the other, points in Clinton and Franklin Counties, N.Y., Franklin, Orleans, Essex, and Grand Isle Counties, Vt., Coos County, N.H., and Aroostook, Franklin, Somerset and Oxford Counties, Maine. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 127406 filed June 30, 1965. Applicant: ALFRED BLACKBURN, doing business as KINGSWAY DISTRIBUTORS, 48 Park Ridge Avenue, New Rochelle, 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: Lumber (including plywood), from

New Rochelle, N.Y., to points in Dutchess, Orange, Putnam, Rockland, and Westchester Counties, N.Y., and points in Fairfield County, Conn., and returned, refused and rejected shipments of lumber (including plywood), on return. **NOTE:** If a hearing is deemed necessary applicant requests it be held at New York, N.Y.

No. MC 127408 filed June 25, 1965. Applicant: S K F TRANSPORT COMPANY, a corporation, Beccaria, Clearfield County, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Lumber and lumber products, from the plantsites of K & F Wood Products Co., located at Beccaria Township, Clearfield County, Pa., and the Smith Lumber Co., located at or near Portage, Cambria County, Pa., to points in New York, New Jersey, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, Rhode Island, Ohio, Indiana, Illinois, Michigan, Wisconsin, Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Kentucky, and Tennessee. **NOTE:** Applicant states the proposed operations will be under continuing contract with K & F Wood Products Co. of Beccaria, Pa., and the Smith Lumber Co. of Portage, Pa. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 95622 (Sub-No. 1), filed June 28, 1965. Applicant: E. WILLIS AVERY, ROSE AVERY, MILLARD AVERY, RAYMOND AVERY, AND FRANK AVERY, a partnership, doing business as AVERY TRANSPORTATION, Beachlake, Pa. Applicant's attorney: Alfred J. Howell, Foster Building, Honesdale, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage in round trip charter operations, beginning and ending at points in Wayne and Pike Counties, Pa., and extending to points in New York, New Jersey, Delaware, Maryland, Virginia, Ohio, Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts, and the District of Columbia. **NOTE:** Applicant is also authorized to conduct operations as a common property carrier in Docket No. MC 59295. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 115116 (Sub-No. 17), filed June 25, 1965. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. Applicant's attorney: Michael J. Marzano, 17 Academy Street, Newark, N.J. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Passengers and their baggage, and newspapers and express in the same vehicle with passengers, between South Brunswick Township, N.J., and Trenton, N.J., from the junction of New Road and U.S. Highway 1 in South Brunswick Township, N.J., over U.S. Highway 1 to Trenton, N.J., and return over the same

route, serving all intermediate points. **NOTE:** Applicant states it proposes to provide service to and from New York, N.Y. by joining the proposed route to its presently authorized routes. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 116668 (Sub-No. 2), filed June 25, 1965. Applicant: ALFONSE S. GAVIN, 1111 Walnut Street, Niagara Falls, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in special operations, in round-trip sightseeing or pleasure tours, limited to the transportation of not more than eight passengers in any one vehicle, but not including the driver thereof and not including children under 10 years of age who do not occupy a seat or seats, in seasonal operations, between May 1 and October 31, both inclusive of each year, beginning and ending at Niagara Falls, N.Y., and points in Niagara County, N.Y., within 6 miles thereof, and extending to ports of entry on the international boundary line between the United States and Canada, located at Niagara Falls and Lewiston, N.Y. **NOTE:** Applicant states it holds the authority described above except limited to the transportation of not more than seven passengers. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

WATER CARRIER APPLICATIONS

WATER CARRIER OF PROPERTY

No. W-1189 (Sub-No. 3) (BULK FOOD CARRIERS, INC.—Exemption Application). Applicant: BULK FOOD CARRIERS, INC., 311 California Street, San Francisco, Calif., 94104. Applicant's attorney: J. Raymond Clark, Investment Building, Washington, D.C., 20005. Application filed July 1, 1965, for exemption from Part III, section 303(e) (2) of the Interstate Commerce Act, as a contract carrier in the transportation of ammonium sulphate, in bulk from Hopewell, Norfolk, and other Virginia ports to Sacramento, Calif., and other Pacific Coast ports. Applicant states no common carrier by any mode has or could transport ammonium sulphate between the involved points.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 110193 (Sub-No. 86), filed March 1, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, South Bend, Ind. Applicant's attorney: Howell Ellis, 616-18 Fidelity Building, Indianapolis, Ind. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: (1) General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chicago, Ill., on the one hand, and, on the other, New York, N.Y., from Chicago, Ill., to New York, N.Y.; (1) U.S. Highway 6 to junction U.S. Highway 20, located near Fremont, Ohio; (2) U.S. Highway 421 from junction U.S. Highway 6 to U.S. Highway 30; (3) U.S.

Highway 30 from junction U.S. Highway 421 to junction U.S. Highway 30N, thence over U.S. Highway 30N to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Interstate Highway 71, thence over Interstate Highway 71 to Cleveland, Ohio; (4) Indiana Highway 2 from junction U.S. Highway 6 to South Bend, Ind.; (5) U.S. Highway 20 from South Bend, Ind., to Auburn, N.Y.; (6) U.S. Highway 23 from junction U.S. Highway 6 to junction U.S. Highway 224; (7) U.S. Highway 224 from junction U.S. Highway 23 to junction Ohio Highway 7 at Boardman, Ohio; (8) U.S. Highway 250 from junction U.S. Highway 20 to junction U.S. Highway 224; (9) Ohio Highway 18 from junction U.S. Highway 20 to Akron, Ohio; (10) Ohio Highway 10 from junction U.S. Highway 20 to Cleveland, Ohio; (11) U.S. Highway 42 to junction Interstate Highway 80N to Cleveland, Ohio; (12) Interstate Highway 77 from Akron, Ohio, to Cleveland, Ohio; (13) Interstate Highway 90 from Chicago, Ill., to junction Interstate Highway 87 near Albany, N.Y., thence over Interstate Highway 87 to junction Interstate Highway 287.

Thence over Interstate Highway 287 to junction Interstate Highway 87, thence over Interstate Highway 87 to New York, N.Y.; (14) New York Highway 17 from junction Interstate Highway 87 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to New York, N.Y.; (15) U.S. Highway 9 from Albany, N.Y., to New York, N.Y.; (16) U.S. Highway 62 from junction U.S. Highway 20 to Buffalo, N.Y.; (17) New York Highway 76 from junction Interstate Highway 90 to junction New York Highway 5; (18) New York Highway 75 from junction Interstate Highway 90 to Buffalo, N.Y.; (19) New York Highway 5 from junction Interstate Highway 90 at New York-Pennsylvania State line to Albany, N.Y.; (20) U.S. Highway 6N from junction Interstate Highway 90 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Pennsylvania Highway 89, thence over Pennsylvania Highway 89 to junction Interstate Highway 90; (21) New York Highway 33 from Buffalo, N.Y., to Rochester, N.Y.; (22) U.S. Highway 15 from junction U.S. Highway 20 to Rochester, N.Y.; (23) Interstate Highway 490 from junction Interstate Highway 90 to Rochester, N.Y.; (24) New York Highway 98 from junction U.S. Highway 20 to junction Interstate Highway 90; (25) New York Highway 96 from Rochester, N.Y., to Waterloo, N.Y.; (26) New York Highway 90 from junction New York Highway 5 to junction New York Highway 31; (27) New York Highway 31 from junction Interstate Highway 490 to junction New York Highway 5; (28) New York Highway 31C from junction New York Highway 31 to junction New York Highway 5; (29) U.S. Highway 11 from Syracuse, N.Y., to junction New York Highway 31, thence over New York Highway 31 to junction New York Highway 365, thence over New York Highway 365 to junction New York Highway 49, thence over New York Highway 49 to junction New York Highway

5; (30) Ohio Highway 7 from junction U.S. Highway 224 to North Lima, Ohio; (31) Interstate Highway 80 from Chicago, Ill., commercial zone to junction Interstate Highway 90 near Burns Harbor, Ind.; (32) Interstate Highway 80N from junction Interstate Highway 90 to junction Interstate Highway 80S, thence over Interstate Highway 80S to junction Interstate Highway 280, near Norristown, Pa., thence over Interstate Highway 280 to junction with New Jersey Turnpike.

Thence over New Jersey Turnpike to New York, N.Y.; (33) Interstate Highway 80 from junction Interstate Highway 90 north of Milan, Ohio, to Hackensack, N.J.; (34) U.S. Highway 15 or U.S. Highway 11 from junction Interstate Highway 80S to Harrisburg, Pa., thence over U.S. Highway 22 to New York, N.Y.; (35) New Jersey Highway 24 from junction U.S. Highway 22 east of Easton, Pa., to junction Interstate Highway 80; (36) U.S. Highway 46 from junction Interstate Highway 80 near Pine Brook, N.J., to junction New Jersey Highway 3, thence over New Jersey Highway 3 to New York, N.Y. (1) Highways and routes described above may be used singly or in combination with each other to provide service proposed. (2) Service proposed at all intermediate points on said highways in the territory as described in Note A. (3) Service also proposed at all off-route points in the territory as described in Note A. (4) Return intended over the same routes. NOTE (A): (1) Between points in the Chicago, Ill., commercial zone as defined by the Commission, and points in Illinois within ten (10) miles of Chicago, Ill., not included in the commercial zone, on the one hand, and, on the other, points and places in New York, except Bellona, Endicott, Hall, Hornell, Ithaca, Norwich, Olean, Oneonta, Salamanca, Pearl River, Mineola, Mt. Vernon, and Peekskill, N.Y., Ohio south of U.S. Highway 20 extending from the Indiana-Ohio State line to and including Toledo, Ohio, and on and north of U.S. Highway 40, and Erie and North East, Pa.

(2) Between Chicago, Ill., on the one hand, and, on the other, Endicott, Hall, Hornell, Ithaca, Norwich, Olean, and Oneonta, N.Y.; (3) between points in the Chicago, Ill., commercial zone as defined by the Commission and points in Illinois within ten (10) miles of Chicago not included within Chicago commercial zone, on the one hand, and, on the other, points in Westchester and Rockland Counties, N.Y., New York, N.Y., and points within twenty (20) miles of New York, N.Y., and points in Hudson, Essex, Union, Passaic, Middlesex, Mercer, and Hunterdon Counties, N.J.; (4) from points in Chicago, Ill., commercial zone, as defined by the Commission, and points in Illinois within ten (10) miles of Chicago, Ill., not included in the commercial zone, to points in that part of Indiana south of U.S. Highway 20, extending from the Indiana-Illinois State line to the Indiana-Ohio State line, and on, north and east of U.S. Highway 52 between the Indiana-Illinois State line and Indianapolis, Ind., and U.S. Highway 40 extending between Indianapolis, Ind., and the Indiana-Ohio State line, with no transportation for compensation on re-

turn except as otherwise authorized. (II) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between New York, N.Y., and Philadelphia, Pa.; (1) U.S. Highway 1; (2) U.S. Highway 130 to U.S. Highway 1, thence over U.S. Highway 1; (3) New Jersey Highway 38, from U.S. Highway 140 to junction with New Jersey Highway 73, thence over New Jersey Highway 73 to the New Jersey Turnpike, thence over the New Jersey Turnpike, with service at all intermediate points on said highways in the territory as described in Note B, with service also proposed at all off-route points in the territory described in Note B, and return over the same route. NOTE (B): Between New York, N.Y., and points in Essex, Hudson, Union, and Passaic Counties, N.J., on the one hand, and, on the other, Philadelphia, Pa., and points within twenty (20) miles thereof. RESTRICTION: The authority specified immediately above is restricted against the transportation of any shipment where both the origin and destination points are east of the Pennsylvania-Ohio State line. It is further noted that this application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular-route motor carrier operations. SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 115093 (Sub-No. 3), filed February 23, 1965. Applicant: MERCURY MOTOR EXPRESS, INC., Post Office Box 3391, Tampa, Fla. 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 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 Boston, Mass., and Key West, Fla.: From Boston over U.S. Highway 1 to Petersburg, Va., thence over U.S. Highway 301 to Wilson, N.C., thence over U.S. Highway 117 to Goldsboro, N.C., thence over U.S. Highway 13 to Fayetteville, N.C., thence over U.S. Highway 15 to Bishopville, S.C., thence over South Carolina Highway 34 to Camden, S.C., thence over U.S. Highway 1 to Key West, and return over the same route, serving all intermediate points; (2) between Newton Grove, N.C., and Punta Gorda, Fla.: From Newton Grove, over U.S. Highway 701 to Charleston, S.C., thence over U.S. Highway 17 to Punta Gorda, and return over the same route, serving all intermediate points; (3) between Fayetteville, N.C., and Bradenton, Fla.: From Fayetteville over U.S. Highway 301 to Bradenton, Fla., and return over the same route, serving all intermediate points; (4) between Augusta, Ga., and Columbus, Ga.: From Augusta over U.S. Highway 278 to junction Georgia Highway 16, thence over

Georgia Highway 16 to Sparta, Ga., thence over Georgia Highway 22 to Milledgeville, Ga., thence over Georgia Highway 49 to Macon, Ga., thence over U.S. Highway 80 to Columbus, and return over the same route, serving all intermediate points; (5) between Bennettsville, S.C. and Columbus, Ga.: From Bennettsville over South Carolina Highway 9 to Spartanburg, S.C., thence over U.S. Highway 29 to La Grange, Ga., thence over U.S. Highway 27 to Columbus, and return over the same route, serving all intermediate points; (6) between Macon, Ga., and Pensacola, Fla.: From Macon over Georgia Highway 49 to junction Georgia Highway 27, thence over Georgia Highway 27 to Americus, Ga., thence over U.S. Highway 19 to Meigs, Ga.

Thence over Alternate U.S. Highway 19 to Thomasville, Ga., thence over U.S. Highway 319 to Tallahassee, Fla., thence over U.S. Highway 90 to Pensacola and return over the same route, serving all intermediate points; (7) between Jacksonville, Fla., and Pensacola, Fla.: From Jacksonville over U.S. Highway 90 to Tallahassee, Fla., thence over Florida Highway 20 to junction U.S. Highway 231, thence over U.S. Highway 231 to Panama City, Fla., thence over U.S. Highway 98 to Pensacola, and return over the same route, serving all intermediate points; (8) between Tallahassee, Fla., and Panama City, Fla.: From Tallahassee over Florida Highway 369 to junction U.S. Highway 319, thence over U.S. Highway 319 to junction U.S. Highway 98, thence over U.S. Highway 98 to Panama City, and return over the same route, serving all intermediate points; (9) between Daytona Beach, Fla., and St. Petersburg, Fla.: From Daytona Beach over U.S. Highway 92 to St. Petersburg, and return over the same route, serving all intermediate points; (10) between Greenville, S.C., and Atlanta, Ga.: From Greenville over U.S. Highway 123 to junction U.S. Highway 23, thence over U.S. Highway 23 to Atlanta, and return over the same route, serving all intermediate points; (11) between Rome, Ga., and Gainesville, Ga.: From Rome, over Georgia Highway 53 to Gainesville, and return over the same route, serving all intermediate points; (12) between Miami, Fla., and Calhoun, Ga.: From Miami over U.S. Highway 41 to Calhoun, and return over the same route, serving all intermediate points; (13) between Cartersville, Ga., and Rome, Ga.: From Cartersville over U.S. Highway 411 to Rome, and return over the same route, serving all intermediate points; (14) between Columbia, S.C., and Atlanta, Ga.: From Columbia over U.S. Highway 378 to Washington, Ga.

Thence over Georgia Highway 44 to Union Point, Ga., thence over U.S. Highway 278 to Atlanta, and return over the same route, serving all intermediate points; (15) between Washington, Ga., and Atlanta, Ga.: From Washington over U.S. Highway 78 to Atlanta, and return over the same route, serving all intermediate points; (16) between Chester, S.C., and Athens, Ga.: From Chester over South Carolina Highway 72 to South Carolina-Georgia State line,

thence over Georgia Highway 72 to Athens, and return over the same route, serving all intermediate points; (17) between Macon, Ga., and Savannah, Ga.: From Macon over U.S. Highway 80 to Savannah, and return over the same route, serving all intermediate points; (18) between Augusta, Ga., and Statesboro, Ga.: From Augusta over U.S. Highway 25 to Statesboro, and return over the same route, serving all intermediate points; (19) between Greenville, S.C., and Augusta, Ga.: From Greenville over U.S. Highway 25 to Augusta, and return over the same route, serving all intermediate points; (20) between Thomasville, Ga., and Miami, Fla.: From Thomasville over U.S. Highway 19 to junction Alternate U.S. Highway 27, thence over Alternate U.S. Highway 27 to Williston, Fla., thence over U.S. Highway 27 to Miami, and return over the same route, serving all intermediate points; (21) between Kissimmee, Fla., and Miami, Fla.: From Kissimmee over U.S. Highway 441 to Miami, and return over the same route, serving all intermediate points; (22) between Bunnell, Fla., and Deland, Fla.: From Bunnell over Florida Highway 11 to Deland, and return over the same route, serving all intermediate points; (23) between Albany, Ga., and the Georgia-Alabama State line: From Albany, Ga., over Georgia Highway 62 to the Georgia-Alabama State line and return over the same route, serving all intermediate points; (24) between the Georgia-Alabama State line and the Alabama-Florida State line: From the Georgia-Alabama State line over Alabama Highway 52 to the Alabama-Florida State line and return over the same route, serving no intermediate points; (25) between the Alabama-Florida State line and DeFuniak Springs, Fla.: From the Alabama-Florida State line over Florida Highway 2 to junction Florida Highway 83, thence over Florida Highway 83 to DeFuniak Springs, Fla., and return over the same route, serving no intermediate points; (26) between Indian River City, Fla., and St. Petersburg, Fla.: From Indian River City over Florida Highway 50 to junction U.S. Highway 19.

Thence over U.S. Highway 19 to St. Petersburg, and return over the same route, serving all intermediate points; (27) between Palatka, Fla., and Orlando, Fla.: From Palatka over Florida Highway 19 to junction U.S. Highway 441, thence over U.S. Highway 441 to Orlando, and return over the same route, serving all intermediate points; (28) between Eustis, Fla., and Lakeland, Fla.: From Eustis over Florida Highway 19 to Groveland, Fla., thence over Florida Highway 33 to Lakeland, and return over the same route, serving all intermediate points; (29) between Bishopville, S.C., and junction U.S. Highway 17: From Bishopville over U.S. Highway 15 to junction U.S. Highway 21, thence over U.S. Highway 21 to junction U.S. Highway 17 and return over the same route, serving all intermediate points; (30) between Holopaw, Fla., and Melbourne, Fla.: From Holopaw over Florida Highway 192 to Melbourne, and return over the same route, serving all intermediate points;

(31) between Yulee, Fla., and Fernandina Beach, Fla.: From Yulee over Florida Highway 200 to Fernandina Beach, and return over the same route, serving all intermediate points; (32) between Louisville, Ga., and Albany, Ga.: From Louisville, over U.S. Highway 221 to junction U.S. Highway 319, thence over U.S. Highway 319 to Dublin, Ga., thence over U.S. Highway 80 to junction Georgia Highway 26, thence over Georgia Highway 26 to Hawkinsville, Ga., thence over Georgia Highway 27 to junction U.S. Highway 41, thence over U.S. Highway 41 to Cordele, Ga., thence over Georgia Highway 257 to Albany, Ga., and return over the same route, serving all intermediate points; (33) between Griffin, Ga., and Americus, Ga.: From Griffin over U.S. Highway 19 to Americus, and return over the same route, serving all intermediate points; (34) between Atlanta, Ga., and Columbus, Ga.: From Atlanta, over Georgia Highway 85 to Columbus, and return over the same route, serving all intermediate points; (35) between Midway, Ga., and Thomasville, Ga.: From Midway over U.S. Highway 82 to Waycross, Ga.

Thence over U.S. Highway 84 to Thomasville, and return over the same route, serving all intermediate points; (36) between Atlanta, Ga., and junction U.S. Highway 1: From Atlanta over U.S. Highway 23 to junction U.S. Highway 1 and return over the same route, serving all intermediate points; (37) between Columbia, S.C., and Hardeeville, S.C.: From Columbia over U.S. Highway 321 to Hardeeville, and return over the same route, serving all intermediate points; (38) between Clearwater, Fla., and Vero Beach, Fla.: From Clearwater over Florida Highway 60 to Vero Beach and return over the same route, serving all intermediate points; (39) between Okeechobee, Fla., and West Palm Beach, Fla.: From Okeechobee over Florida Highway 710 to West Palm Beach, and return over the same route serving all intermediate points; (40) between Florence, S.C., and Columbia, S.C.: From Florence over U.S. Highway 76 to Columbia, and return over the same route, serving all intermediate points; (41) between Waldo, Fla., and Williston, Fla.: From Waldo over Florida Highway 24 to junction Florida Highway 121, thence over Florida Highway 121 to Williston, and return over the same route, serving all intermediate points; (42) between Florence, S.C., and Charleston, S.C.: From Florence over U.S. Highway 52 to Charleston, and return over the same route, serving all intermediate points; (43) between Wilson, N.C., and Smithfield, N.C.: From Wilson over U.S. Highway 301 to Smithfield, and return over the same route, serving all intermediate points; (44) between Blakely, Ga., and Brunswick, Ga.: From Blakely, Ga., over U.S. Highway 27 to Brunswick, and return over the same route, serving all intermediate points; (45) between Boston, Mass., and New Haven, Conn.: From Boston over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway

5 to New Haven, and return over the same route, serving all intermediate points; (46) between junction U.S. Highway 20 and Bridgeport, Conn.: From junction U.S. Highway 20 over Massachusetts and Connecticut Highway 15 to Hartford, Conn.

Thence over U.S. Highway 6 to Bristol, Conn., thence over Connecticut Highway 8 to Bridgeport, and return over the same route, serving all intermediate points; (47) between Providence, R.I., and Hartford, Conn.: From Providence over U.S. Highway 6 to Hartford, and return over the same route, serving all intermediate points; (48) between Pittsfield, Mass., and Norwalk, Conn.: From Pittsfield, over U.S. Highway 7 to Norwalk, and return over the same route, serving all intermediate points; (49) between Albany, N.Y., and Newark, N.J., from Albany over U.S. Highway 9W to Newark and return over the same route, serving all intermediate points; (50) between Albany, N.Y., and New York, N.Y.: From Albany over U.S. Highway 9 to New York, and return over the same route, serving all intermediate points; (51) between Albany, N.Y., and Pittsfield, Mass.: From Albany over U.S. Highway 20 to Pittsfield, and return over the same route, serving all intermediate points; (52) between New Brunswick, N.J., and junction U.S. Highway 40: From New Brunswick over U.S. Highway 130 to junction U.S. Highway 40 and return over the same route, serving all intermediate points; (53) between Baltimore, Md., and junction U.S. Highway 130: From Baltimore over U.S. Highway 40 to junction U.S. Highway 130 and return over the same route, serving all intermediate points; (54) between Baltimore, Md., and Harrisburg, Pa.: From Baltimore over U.S. Highway 40, to junction U.S. Highway 11, thence over U.S. Highway 11 to Harrisburg, and return over the same route, serving all intermediate points; (55) between Binghamton, N.Y., and Roanoke, Va.: From Binghamton, over U.S. Highway 11 to Roanoke, and return over the same route, serving all intermediate points; (56) between Sunbury, Pa., and Williamsport, Pa.: From Sunbury, over U.S. Highway 15 to Williamsport, and return over the same route, serving all intermediate points; (57) between Scranton, Pa., and Philadelphia, Pa.: From Scranton over U.S. Highway 611 to Philadelphia, and return over the same route, serving all intermediate points; (58) between Scranton, Pa., and Philadelphia, Pa.: From Scranton over U.S. Highway 309 to Philadelphia, and return over the same route, serving all intermediate points; (59) between Allentown, Pa., and Harrisburg, Pa.: From Allentown, over U.S. Highway 22 to Harrisburg, and return over the same route, serving all intermediate points; (60) between Erie, Pa., and Harrisburg, Pa.: From Erie over U.S. Highway 19 to Meadville.

Thence over U.S. Highway 322 to Harrisburg, and return over the same route, serving all intermediate points; (61) between Meadville, Pa., and Newton Grove, N.C.: From Meadville over U.S. Highway 19 to Princeton, W. Va., thence over U.S. Highway 460 to Roanoke, Va., thence

over U.S. Highway 220 to Greensboro, N.C., thence over U.S. Highway 70 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 701, thence over U.S. Highway 701 to Newton Grove, and return over the same route, serving all intermediate points; (62) between Pittsburgh, Pa., and Baltimore, Md.: From Pittsburgh over U.S. Highway 30 to Gettysburg, Pa., thence over U.S. Highway 140 to Baltimore and return over the same route, serving all intermediate points; (63) between Allentown, Pa., and Havre de Grace, Md.: From Allentown, over U.S. Highway 222 to Havre de Grace, and return over the same route, serving all intermediate points; (64) between Harrisburg, Pa., and Philadelphia, Pa.: From Harrisburg over U.S. Highway 422 to Philadelphia, and return over the same route, serving all intermediate points; (65) between Philadelphia, Pa., and Gettysburg, Pa.: From Philadelphia over U.S. Highway 30 to Gettysburg, and return over the same route, serving all intermediate points; (66) between Harrisburg, Pa., and Raleigh, N.C.: From Harrisburg over U.S. Highway 15 to junction North Carolina Highway 50, thence over North Carolina Highway 50 to Raleigh, and return over the same route, serving all intermediate points; (67) between Wheeling, W. Va., and Richmond, Va.: From Wheeling over U.S. Highway 250 to Richmond, and return over the same route, serving all intermediate points; (68) between Pittsburgh, Pa., and Baltimore, Md.: From Pittsburgh over Pennsylvania Highway 51 to Uniontown, Pa.

Thence over U.S. Highway 40 to Baltimore, and return over the same route, serving all intermediate points; (69) between Frederick, Md., and Washington, D.C.: From Frederick over U.S. Highway 240 to Washington, and return over the same route, serving all intermediate points; (70) between Washington, Pa., and Beckley, W. Va.: From Washington over U.S. Highway 40 to Wheeling, W. Va., thence over West Virginia Highway 2 to Parkersburg, W. Va., thence over U.S. Highway 21 to Beckley and return over the same route, serving all intermediate points; (71) between Charleston, W. Va., and Huntington, W. Va.: From Charleston over U.S. Highway 60 to Huntington, and return over the same route, serving all intermediate points; (72) between Culpeper, Va., and Durham, N.C.: From Culpeper over U.S. Highway 29 to Danville, Va., thence over North Carolina Highway 86 to Durham, and return over the same route, serving all intermediate points; (73) between Wilmington, Del., and Goldsboro, N.C.: From Wilmington over U.S. Highway 13 to Goldsboro, and return over the same route, serving all intermediate points; (74) between Goldsboro, N.C., and Clinton, N.C.: From Goldsboro over U.S. Highway 117 to Faison, N.C., thence over North Carolina Highway 403 to Clinton, and return over the same route, serving all intermediate points; (75) between Dunn, N.C., and Cherry Point, N.C.: From Dunn over North Carolina Highway 55 to New Bern, N.C.

Thence over U.S. Highway 70 to Cherry Point, and return over the same route,

serving all intermediate points; (76) between Camp LeJeune, N.C., and junction North Carolina Highway 55: From Camp LeJeune over U.S. Highway 258 to junction North Carolina Highway 55 and return over the same route, serving all intermediate points; (77) between Norfolk, Va., and Emporia, Va.: From Norfolk over U.S. Highway 58 to Emporia, and return over the same route, serving all intermediate points; (78) between Franklin, Va., and Farmville, N.C.: From Franklin over U.S. Highway 258 to Farmville, and return over the same route, serving all intermediate points; (79) between Norfolk, Va., and Wilson, N.C.: From Norfolk, over U.S. Highway 17 to Williamston, N.C., thence over U.S. Highway 64 to junction North Carolina Highway 42, thence over North Carolina Highway 42 to Wilson, and return over the same route, serving all intermediate points; (80) between Richmond, Va., and junction U.S. Highway 40: From Richmond over U.S. Highway 301 to junction U.S. Highway 40 and return over the same route, serving all intermediate points; (81) between Norfolk, Va., and Richmond, Va.: From Norfolk over U.S. Highway 60 to Richmond, Va., and return over the same route, serving all intermediate points; (82) between Portsmouth, Va., and Petersburg, Va.: From Portsmouth over U.S. Highway 460 to Petersburg, Va., and return over the same route, serving all intermediate points; (83) between Norfolk, Va., and Winchester, Va.: From Norfolk over U.S. Highway 17 to Fredericksburg, Va., thence over Virginia Highway 17 to junction U.S. Highway 50.

Thence over U.S. Highway 50 to Winchester, and return over the same route, serving all intermediate points; (84) between Williamsport, Pa., and Bedford, Pa.: From Williamsport over U.S. Highway 220 to Bedford, and return over the same route, serving all intermediate points; (85) between Pittsburgh, Pa., and junction U.S. Highway 220: From Pittsburgh, Pa., over U.S. Highway 22 to junction Pennsylvania Highway 56 thence over Pennsylvania Highway 56 to junction U.S. Highway 220 and return over the same route, serving all intermediate points; (86) between Roanoke, Va., and Richmond, Va.: From Roanoke over U.S. Highway 460 to junction U.S. Highway 360, thence over U.S. Highway 360 to Richmond, and return over the same route, serving all intermediate points; (87) between Salisbury, Md., and Baltimore, Md.: From Salisbury over U.S. Highway 50 to Annapolis, Md., thence over Maryland Highway 2 to Baltimore, and return over the same route, serving all intermediate points; (88) between Stroudsburg, Pa., and Newark, N.J.: From Stroudsburg over U.S. Highway 46 to junction New Jersey Highway 10, thence over New Jersey Highway 10 to Newark, and return over the same route, serving all intermediate points. NOTE: Applicant states it will serve (A) all points in Connecticut, Rhode Island, Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, South Carolina, Georgia, and Florida not on regular routes as off route points; (B) serve all points in New

York State on and south of New York Highway 7 not on regular routes as off-route points; (C) serve all points in North Carolina on and east of U.S. Highway 220 not on regular routes as off-route points; and (D) all service proposed above will be between points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, District of Columbia, and North Carolina on the one hand, and, on the other, points in Florida, Georgia, and South Carolina. This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations. **SPECIAL NOTE:** Protests to this application may be filed within 45 days instead of 30 days.

No. MC 126758 (Sub-No. 1), filed June 23, 1965. Applicant: EUGENE J. GLOSIER AND LEROY P. SOMMER, a partnership, doing business as GLOSIER SERVICE CO., St. Charles, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in glass and in metal cans, and in barrels, from Belleville, Ill., to Montgomery City and St. Charles, Mo., and *empty bottles* in cases, *barrels*, and *pallets*, on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 127396, filed July 7, 1965. Applicant: JOHN F. STEWART AND JOHN D. R. STEWART, doing business as STEWART'S BUS LINES, Main Street, Lyn, Ontario, Canada. Applicant's attorney: James N. Jacobi, 2000 K Street NW., Washington, D.C., 20006. 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 the ports of entry located on the international boundary line between the United States and Canada located in New York, and extending to points in New York. **NOTE:** Applicant states that the above-proposed operation will be a charter operation in foreign commerce beginning and ending in the Province of Ontario, Canada.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 65-7657; Filed, July 20, 1965;
8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 16, 1965.

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. 39910—*Liquid caustic soda* to Cedartown, Ga. Filed by Southwestern Freight Bureau, agent (No. B-8749), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from

Corpus Christi, Freeport, Houston, and Port Neches, Tex., also Lake Charles, La., to Cedartown, Ga.

Grounds for relief—Market competition.

Tariffs—Supplements 187 and 80 to Southwestern Freight Bureau, agent, tariffs ICC 4450 and 4534, respectively.

FSA No. 39911—*Liquid caustic soda* to Cedartown, Ga. Filed by Southwestern Freight Bureau, agent (No. B-8750), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Plaquemine, La., to Cedartown, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 187 to Southwestern Freight Bureau, agent, tariff ICC 4450.

FSA No. 39912—*T.O.F.C. rates from and to points in North Carolina*. Filed by Western Trunk Line Committee, agent (No. A-2415), for interested rail carriers. Rates on property moving on class and commodity rates loaded in trailers and transported on railroad flatcars, between points in North Carolina, on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 8 to Western Trunk Line Committee, agent, tariff ICC A-4582.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 65-7653; Filed, July 20, 1965;
8:46 a.m.]

[Notice 359]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 16, 1965.

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

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 81), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, 44309, filed July 6, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: Between junction U.S.

Highway 41 and Indiana Highway 63 near Carbondale, Ind. and junction U.S. Highway 41 and Indiana Highway 63 near Clinton, Ind. (Parke County) over Indiana Highway 63, for operating convenience only. The notice indicates that the carrier is authorized to transport the same commodities over a pertinent service route as follows: Between junction U.S. Highways 41 and 52 and Evansville, Ind. over U.S. Highway 41.

No. MC 96498 (Deviation No. 5) BONIFIELD BROTHERS TRUCK LINES, INC., 1200 East 2d Street, Metropolis, Ill. Applicant's representative: R. W. Burgess, 8514 Midland, St. Louis, Mo., 63114, filed July 7, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Metropolis, Ill. over U.S. Highway 45 to junction Illinois Highway 145, thence over Illinois Highway 145 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction Illinois Highway 141, thence over Illinois Highway 141 to the Illinois-Indiana State line, thence over Indiana Highway 62 to Mt. Vernon, Ind. and return over the same route for operating convenience only. The notice indicates that the carrier is authorized to transport the same commodities over a pertinent service route as follows: From Metropolis, Ill. over U.S. Highway 45 to Norris City, Ill., thence over Illinois Highway 1 to Crossville, Ill., thence over U.S. Highway 460 to New Harmony, Ind., thence over Indiana Highway 69 to Mt. Vernon, Ind., and return over the same route.

No. MC 107500 (Deviation No. 24), BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Applicant's representative: John W. Murray (same address as applicant's), filed July 2, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: Between Kansas City, Mo. and Denver, Colo. over Interstate Highway 70, for operating convenience only. The notice indicates that the carrier is authorized to transport the same commodities over pertinent service routes as follows: (1) Between Kansas City, Mo. and Des Moines, Iowa over U.S. Highway 69; (2) from Chicago, Ill. over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to junction U.S. Highway 34 (also from junction U.S. Highway 34 and Illinois Highway 65 over U.S. Highway 34 to junction Illinois Highway 31), thence over U.S. Highway 34 to Glenwood, Iowa, thence over U.S. Highway 275 to junction Iowa Highway 375, thence over Iowa Highway 375 to Council Bluffs, Iowa, and thence over U.S. Highway 6 to Omaha, Nebr., and return over the same route; (3) from Omaha, Nebr. over U.S. Highway 6 to junction unnumbered highway about 4 miles southwest of Atlanta, Nebr., thence over unnumbered highway via Mascot, Nebr. to Oxford, Nebr., thence over Nebraska Highway 3 via Edison, Nebr. to junction U.S. Highway 6, thence over U.S. Highway 6 to McCook, and return over the same route, and (4) between Denver,

Colo. and McCook, Nebr. over U.S. Highway 6.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 256), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif., 94106. Applicant's attorney: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94106, filed July 6, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage and express and newspapers*, in the same vehicle with passengers over a deviation route as follows: From junction U.S. Highway 101 and California Highway 134 (Ventura Freeway Junction), over California Highway 134 to junction Interstate Highway 5, thence over Interstate Highway 5 to junction California Highway 134, thence over California Highway 134 to Glendale, Calif., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follow: (1) Between San Luis Obispo, Calif. and Los Angeles, Calif. over U.S. Highway 101, and (2) from junction Delongpre Avenue and Vine Street, Hollywood, over Vine Street to Sunset Boulevard, thence over Sunset Boulevard to Western Avenue, thence over Western Avenue to Los Feliz Boulevard, thence over Los Feliz Boulevard to Brand Boulevard, Glendale, thence over Brand Boulevard to junction California Highway 134, thence over California Highway 134 to Pasadena, Calif., and return over the same route.

No. MC 13028 (Deviation No. 6), THE SHORT LINE, INC., Post Office Box 1116, Annex Station, Providence, R.I., 02901, filed July 6, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers*, in the same vehicle with passengers over a deviation route as follows: Between junction Atwells Avenue and entrance to Interstate Highway 95 in Providence, R.I. and junction Interstate Highway 95 and U.S. Highway 1 at Sharon, Mass. over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follow: (1) From Providence, R.I. over U.S. Highway 1 to North Attleboro, Mass., thence over U.S. Highway 1A to Dedham, Mass., thence over U.S. Highway 1 to Boston, Mass., and return over the same route, and (2) between Providence, R.I. and Boston, Mass. over U.S. Highway 1.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 65-7654; Filed, July 20, 1965;
8:46 a.m.]

[Notice 793]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 16, 1965.

The following publications are governed by the new Special Rule 1.247 of

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

Special notice. The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 103490 (Sub-No. 58), filed July 7, 1965. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Petrolia and Karns City (Butler County), Pa., to points in Connecticut, New Hampshire, Massachusetts, Maine, Rhode Island, and Vermont.

HEARING: July 30, 1965, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 108188 (Sub-No. 10), filed July 7, 1965. Applicant: ROLLO TRUCKING CORPORATION, INC., 295 Broadway, Keyport, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Petrolia and Karns City (Butler County), Pa., to points in Connecticut, New Hampshire, Massachusetts, Maine, Rhode Island, and Vermont.

HEARING: July 30, 1965, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

MOTOR CARRIERS OF PASSENGERS

No. MC 126114 (AMENDMENT), filed March 16, 1964, published in FEDERAL REGISTER issue of April 15, 1964, amended January 21, 1965, and republished as amended this issue. Applicant: WILLINGHAM BUS LINES, INC., doing business as AZTEC BUS LINES, 4437 Twain Avenue, San Diego, Calif. Applicant's attorney: James H. Lyons, Equitable Life Assurance Building, 411 West Fifth Street, Los Angeles, Calif., 90013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, in round-trip or one-way service, beginning and/or ending at points in San Diego County, Calif., and extending to points in Arizona and Nevada. NOTE: The purpose of this republication is to more clearly set forth applicant's proposed operations.

CONTINUED HEARING: September 9, 1965, at the U.S. Court Rooms, San Diego, Calif., before Joint Board No. 166, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 44605 (Sub-No. 27), (REPUBLICAN) filed February 23, 1965, published FEDERAL REGISTER issue of April 21, 1965, and republished, this issue. Applicant: MILNE TRUCK LINES, INC., Salt Lake City, Utah. By application filed February 23, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of *Classes A and B explosives*, restricted to single shipments not exceeding 1,500 pounds and not to exceed 1,500 pounds per vehicle, between the points as specified below. An order of the Commission, dated June 30, 1965, and served July 12, 1965, 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, of *Classes A and B explosives*, restricted to single shipments not exceeding 1,500 pounds and not to exceed 1,500 pounds per vehicle, (1) between Salt Lake City, Utah, and Jackson, Wyo.; from Salt Lake City over Interstate Highway 15 to junction U.S. Highway 89, thence over U.S. Highway 89 to junction Interstate Highway 80N at Uintah, Utah, thence over Interstate Highway 80N to junction Interstate Highway 80, thence over Interstate Highway 80 through Evanston, Wyo., to junction U.S. Highway 189, thence over U.S. Highway 189 to junction U.S. Highway 187 near Daniel, Wyo., thence over U.S. Highway 187 to Jackson and return over the same route, serving all intermediate points between Evanston and Jackson, Wyo., and those off-route points in Salt Lake and Davis Counties, Utah; (2) between Idaho Falls, Idaho, and Jackson, Wyo.; from Idaho Falls over U.S. Highway 26 to junction U.S. Highway 89, thence over U.S. Highway 89 to junction U.S. Highway 187 at Hoback Junction, Wyo., thence over U.S. Highways 89 and 187 to Jackson and return over the same route, serving no intermediate points.

(3) Between Idaho Falls, Idaho, and Evanston, Wyo.; from Idaho Falls, to Hoback Junction, Wyo., as specified above, thence over U.S. Highways 187 and 189 to junction U.S. Highways 187 and 189 near Daniel, Wyo., thence over U.S. Highway 189 to junction Interstate Highway 80, thence over Interstate Highway 80 to Evanston, Wyo., and return over the same route, serving no intermediate points; (4) between Idaho Falls, Idaho, and Pinedale, Wyo.; from Idaho Falls to junction U.S. Highways 187 and 189 near Daniel, Wyo., as specified above, thence over U.S. Highway 187 to Pinedale and return over the same route, serving no intermediate points; and (5) between Salt Lake City, Utah, and Pinedale, Wyo., from Salt Lake City to junction U.S. Highways 187 and 189 near Daniel, Wyo., as specified above,

thence over U.S. Highway 187 to Pine-dale and return over the same route, serving no intermediate points and serving those off-route points in Salt Lake and Davis Counties, Utah, subject to the condition that it shall be limited in point of time to a period expiring 5 years from the effective date thereof, 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, and that because it is possible that other parties, who have 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 in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 86003 (Sub-No. 13) (REPUBLICATION), filed December 14, 1964, published FEDERAL REGISTER issue of December 30, 1964, and republished this issue. Applicant: HOWARD G. SLAUGHTER, doing business as SLAUGHTER BEVERAGE TRANSPORT, Townsend, Del. By application filed December 14, 1964, Howard G. Slaughter, doing business as Slaughter Beverage Transport, of Townsend, Del., seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of rotex dust, from Dover, Del., to Camden, N.J., under a continuing contract with U.S. Cocoa Corp., of Camden, N.J. An order of the Commission, Operating Rights Board No. 1, dated May 21, 1965, and served July 12, 1965, 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 rotex dust from Dover, Del., to Camden, N.J.; 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, and that because it is possible that other parties, who have 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 in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and within 30 days from the date of such publication, any proper party in interest may file an appropriate protest or other pleading.

No. MC 125512 (Sub-No. 3) (REPUBLICATION) filed March 22, 1965, published FEDERAL REGISTER issue of April 8, 1965, and republished, this issue. Applicant: RONALD DETJENS, Wausau, Wis. By application filed March 22, 1965, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier

by motor vehicle, over irregular routes, of wood chips, in bulk, from the plant-site and facilities of Johnson Lumber Co. located at or near Hermansville, Mich., to Tomahawk, Rothschild, and Nekoosa, Wis., restricted to a service to be performed under a continuing contract or contracts with Johnson Lumber Co. of Hermansville, Mich. An order of the Commission, Operating Rights Board No. 1, dated June 30, 1965, and served July 12, 1965, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier, by motor vehicle over irregular routes, of wood chips, in bulk, from the facilities of Johnson Lumber Co. located near Hermansville, Mich., to Tomahawk, Rothschild, Nekoosa, and Kaukauna, Wis., under a continuing contract with Johnson Lumber Co., of Hermansville, Mich., will be consistent with the public interest and the national transportation policy, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder, and that because it is possible that other parties, who have 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 in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and the issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 126852 (REPUBLICATION), filed December 28, 1964, published FEDERAL REGISTER issue of January 20, 1965, clarified and republished March 3, 1965, and further republished, this issue. Applicant: HERBERT WHITWORTH, doing business as HERB WHITWORTH EXPRESS & MOVING, St. Louis, Mo. By application filed December 28, 1964, Herbert Whitworth, an individual doing business as Herb Whitworth Express & Moving, of St. Louis, Mo., seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of uncrated new household furniture, household furnishings, household appliances and pianos, from St. Louis, Mo., and points in St. Louis County, Mo., to points in Illinois south of a line beginning at the Mississippi River and extending along U.S. Highway 34 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, and used, damaged, and rejected household furnishings, household furniture, household appliances, and pianos, on return. An order of the Commission, Operating Rights Board No. 1, dated June 30, 1965, and served July 12, 1965, 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

uncrated new household furniture, household furnishings, household appliances, and pianos, from St. Louis, Mo., and points in St. Louis County, Mo., to points in Illinois as follows:

South of a line beginning at junction U.S. Highway 34 and the Iowa-Illinois State line, near Burlington, Iowa, extending east along U.S. Highway 34 to junction U.S. Highway 34 and Illinois Highway 116, thence east along Illinois Highway 116 to junction Illinois Highway 116 and U.S. Highway 24, at Peoria, Ill., thence east along U.S. Highway 24 to junction U.S. Highway 24 and the Illinois-Indiana State line; 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, and that because it is possible that other parties, who have 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 in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

NOTICE OF FILING OF PETITIONS

No. MC 125364 (PETITION TO ADD CONTRACT), filed July 6, 1965. Petitioner: CAREL TRUCKING CORP., Omaha, Nebr., Petitioner's attorney: Donald E. Leonard, Box 2028, Lincoln, Nebr. Petitioner states that it is authorized in MC 125364 to conduct motor contract carrier operations, transporting meat and packinghouse products, from the plant of Glenwood Packing Co., at Glenwood, Iowa, to New York, N.Y., for the account of Charles Holzer. By the instant petition, petitioner requests the Commission approve the addition of the contract with Glenwood Packing Co., of Glenwood, Iowa, to the above-referred to Permit. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 20824 (Sub-No. 22), filed July 2, 1965. Applicant: COMMERCIAL MOTOR FREIGHT, INC. OF INDIANA, 111 East McCarty Street, Indianapolis, Ind. Applicant's attorney: Walter F. Jones, Jr., 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Indianapolis, Ind., and Shelbyville, Ind., over U.S. Highway 421

(also over Interstate Highway 74), serving the intermediate points of New Bethel and Pleasant View, Ind., and the off-route points of Five Points, Acton, London and Fairland, Ind.; and (2) between Shelbyville, Ind., and the Indiana-Ohio State line; from Shelbyville over U.S. Highway 421 (formerly Indiana Highway 29) to junction Indiana Highway 46, thence over Indiana Highway 46 to junction Indiana Highway 101, thence over Indiana Highway 101 to junction Indiana Highway 48, thence over Indiana Highway 48 to junction U.S. Highway 50, thence over U.S. Highway 50 to the Indiana-Ohio State line and return over the same route, serving the intermediate points of St. Omer, Greensburg, New Point, Batesville, Morris, Penntown, Sunman, Manchester, Kyle, Wright Corners, Greendale and Lawrenceburg, Ind., and off-route point of Waldron, Ind. Note: This is a matter directly related to MC-F 9108, published in FEDERAL REGISTER issue of May 12, 1965.

No. MC 114877 (Sub-No. 2) (AMENDMENT), filed May 6, 1965 published FEDERAL REGISTER issue of June 9, 1965, amended July 8, 1965, and republished as amended this issue. Applicant: CARGO-IMPERIAL FREIGHT LINES, INC., 257 4th Street, Buffalo, N.Y. Applicant's attorney: Lawrence J. Gallick, Liberty Bank Building, Buffalo, N.Y., 14202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between points in Erie County, N.Y.; (2) from points in Erie County, N.Y., to points in Cattaraugus and Wyoming Counties, N.Y.; and (3) from points in Cattaraugus and Niagara Counties, N.Y., to points in Erie County, N.Y. Note: The purpose of this republication is to more clearly set forth the territorial description. This is a matter directly related to MC-F 9087, published in FEDERAL REGISTER issue of April 28, 1965.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9059 (OWL TRUCK CO.—PURCHASE—LANG VENTURA CO.), published in the March 31, 1965, issue of the FEDERAL REGISTER on page 4225. Application filed July 6, 1965, for temporary authority under section 210a(b), together with petition to amend the application by substitution of GENE M. LANG CONGDON and JACQUELYN LANG MACDONALD, doing business as LANG VENTURA COMPANY in lieu of LANG VENTURA COMPANY, transferors.

No. MC-F-9162. Authority sought for purchase by KENMORE MOVING &

STORAGE CO., INC., 16 Lincoln Boulevard, Kenmore 17, N.Y., of the operating rights of EDWARD DAIGLER (ELIZABETH DAIGLER, VINCENT DAIGLER and CECILIA POULSEN, EXECUTORS), doing business as KENMORE MOVING & STORAGE CO., 16 Lincoln Building, Kenmore, 17, N.Y., and for acquisition by VINCENT A. DAIGLER, also of Kenmore, N.Y., of control of such rights through the purchase. Applicants' attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo 1, N.Y. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a common carrier over irregular routes, between points in Erie County, N.Y., on the one hand, and, on the other, points in Connecticut, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania, Virginia, and the District of Columbia. Vendee holds no authority from this Commission. However, VINCENT A. DAIGLER, its controlling stockholder, is also joint executor of transferor, who in turn is a minor shareholder of NORTH AMERICAN VAN LINES, Post Office Box 988, Lincoln Highway, East, Port Wayne, Ind., which is authorized to operate as a common carrier in all States in the United States (except Hawaii), and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9163. Authority sought for purchase by OLD DOMINION FREIGHT LINE, Box 1189, High Point, N.C., of the operating rights and certain property of BRUCE JOHNSON TRUCKING COMPANY, INC., Charlotte, N.C., and for acquisition by L. C. CROWDER, 1229 Coventry Road, High Point, N.C., E. E. CONGDON, JR., 1231 Coventry Road, High Point, N.C., and J. R. CONGDON, 109 Walsing Drive, Richmond, Va., of control of such rights and property through the purchase. Applicants' attorneys: Francis W. McInerney, 1000 Sixteenth Street NW., Washington, D.C., 20036, and Harry A. Berry, Jr., Johnston Building, Charlotte, N.C. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a common carrier, over irregular routes, between Charlotte, N.C., and certain specified points in North Carolina, on the one hand, and, on the other, certain specified points in Virginia, between Charlotte, N.C., and points in North Carolina within 40 miles of Charlotte, on the one hand, and, on the other, Charleston, S.C., and certain specified points in Virginia and South Carolina; *general commodities*, except coal, ammunition and explosives, and commodities requiring special equipment, from Charleston, S.C., to points in North Carolina, South Carolina, and Georgia, except Savannah, from Savannah, Ga., to Charlotte, N.C., from Augusta, Ga., Charlotte and Wilmington, N.C., and points within 15 miles of Charleston, S.C., to Charleston, S.C.; *general commodities*, except those of unusual value, Classes A and B explosives, brick, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Lancaster,

Heath Springs, and Kershaw, S.C., on the one hand, and, on the other, Charlotte, and Monroe, N.C.; *the commodities listed in A and B of the appendix to the report in Modification of Permits—Packing House Products*, 46 M.C.C. 23, from Charlotte, N.C., to points in South Carolina; *empty containers*, for the above-specified commodities, from points in South Carolina to Charlotte, N.C.

Frozen foods, from Charlotte, N.C., to points in South Carolina; *building paper, roofing materials, burlap bags, bagging material, cotton bagging and cotton ties*, in truckload lots, from Port Wentworth, Ga., to points in South Carolina, and those in North Carolina within 75 miles of the South Carolina-North Carolina State line; *cast iron pipe and fittings*, in truckload lots, from Charlotte, N.C., to certain specified points in South Carolina and Georgia; *plumbing material*, in truckload lots, from Savannah, Ga., to points in South Carolina on and east of U.S. Highway 1, except Charleston, S.C.; *farm machinery and parts*, in truckload lots, from Charlotte, N.C., to certain specified points in South Carolina; *plumbing and heating materials*, from Chattanooga, Tenn., to Savannah and Augusta, Ga.; *petroleum products*, in containers, in truckload lots, from North Charleston, S.C., to certain specified points in South Carolina and Georgia; *empty containers* for petroleum products, from the above Georgia points to North Charleston, S.C.; *petroleum products*, in containers, in shipments of not less than 10,000 pounds, from Bayonne, N.J., to points in North Carolina, and *empty drums*, from points in North Carolina to Bayonne, N.J. Vendee is authorized to operate as a common carrier in Virginia, North Carolina, and South Carolina. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9164. Authority sought for purchase by CANA TRANSPORT CO., INC., 706 Franklin Avenue, Endicott, N.Y., of the operating rights of OLEAN TRANSPORTATION LINES, INC. (INTERNAL REVENUE SERVICE, SUCCESSOR IN INTEREST), 108 Grand Central Avenue, Elmira Heights, N.Y., and for acquisition by RICHARD MARINO, 1700 1/2 Watson Boulevard, Endicott, N.Y., and ROBERT FISCHER, 3700 Country Club Road, Endwell, N.Y., of control of such rights through the purchase. Applicants' attorney: Donald C. Carnien, 300 Press Building, Binghamton, N.Y. Operating rights sought to be transferred: *Empty glass containers*, as a contract carrier, over irregular routes from Olean, Elmira, and Horseheads, N.Y., to certain specified points in Virginia and West Virginia; *damaged, defective, or returned shipments* of the above-described commodities, and *articles used in the manufacture, sale, and distribution* of glass containers, from the above destination points to Olean, Elmira, and Horseheads, N.Y.; *glass containers*, from Horseheads, N.Y., to points in Delaware, Maryland, New Jersey, the District of Columbia, New York, N.Y., that part of Long Island, N.Y., east of New York, N.Y., points in Pennsylvania, and certain specified points in Ohio;

damaged, defective, or returned shipments of the above-described commodities, from the above destination points to Horseheads, N.Y.;

Glass bottles and other glass containers, in cartons, from Elmira and Olean, N.Y., to points in Delaware, Maryland, the District of Columbia, and the West Virginia counties of Brooke, Ohio, Hancock, and Marshall; broken bottles and other broken glass containers, from points in Delaware, Maryland, the District of Columbia, and the West Virginia counties of Brooke, Ohio, Hancock, and Marshall to Elmira and Olean, N.Y.; glass bottles and other glass containers, in cartons, from Olean and Elmira, N.Y., to points in Pennsylvania and New Jersey, certain specified points in Ohio, to New York, N.Y., and to points on Long Island, N.Y., east of New York City; empty cartons and ingredients used in the manufacture of glassware, from the above destination points to Olean and Elmira, N.Y.; and pallets, platforms, and skids used in the transportation of glass containers, from New York, N.Y., points on Long Island, N.Y., east of New York, N.Y., points in Pennsylvania, Delaware, Maryland, New Jersey, certain specified points in Ohio, and the District of Columbia, to Elmira, and Horseheads, N.Y. RESTRICTIONS: The immediately above-described operations are limited to a transportation service to be performed under a continuing contract, or contracts, with the Thatcher Glass Manufacturing Co., Inc., a New York corporation, at Elmira, N.Y. Vendee is authorized to operate as a contract carrier in New York, Pennsylvania, Mississippi, and Tennessee. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-7655; Filed, July 20, 1965;
8:46 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JULY 16, 1965.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

No. 139—8

MOTOR CARRIERS OF PROPERTY

State Docket No. assigned 12952; filed July 6, 1965. Applicant: JAMES C. RUSSELL, doing business as ABLE MOVING & STORAGE COMPANY, 709 Scott Street, Charleston, S.C. Applicant's attorney: Vernon R. Scott, 1313 Marion Street, Columbia, S.C. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: Household goods and related articles, as defined in Motor Truck Rate Bureau, agent, household goods tariff, Motor Freight Tariff No. 8-C SCPSC-MF No. 79, supplements thereto or reissues thereof, crated and uncrated, and uncrated office and restaurant furniture and fixtures, (1) between points in Charleston, Dorchester, and Berkeley Counties, S.C., and (2) between points in Charleston, Dorchester, and Berkeley Counties and points within South Carolina.

HEARING: September 7, 1965, at 11 a.m. at the Commission's Offices in Wade Hampton State Office Building, Columbia, S.C. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Wade Hampton State Office Building, Columbia, S.C., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-7658; Filed, July 20, 1965;
8:46 a.m.]

[Notice 8]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 16, 1965.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 87720 (Sub-No. 33 TA), (CORRECTION) filed July 6, 1965, published FEDERAL REGISTER, issue of July 13, 1965 and republished this issue. Applicant:

BASS TRANSPORTATION CO., INC., Star Route A, Old Croton Road, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes transporting: Asbestos fiber, in bags, from the ports of entry on the international boundary line between the United States and Canada, located in New York and Vermont, to Hamilton Township (Mercer County), N.J. RESTRICTED: To traffic originating at East Broughton, Quebec, for 180 days. SUPPORTING SHIPPER: American Biltrite Rubber Co., Inc., Trenton, N.J., 08607. SEND PROTESTS TO: District Supervisor, Raymond T. Jones, Bureau of Operations and Compliance, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J., 08608. Note: The purpose of this republication is to show that the traffic will originate at East Broughton, Ontario, as shown in the previous publication, in error.

No. MC 88368 (Sub-No. 12 TA), filed July 14, 1965. Applicant: SUNVAN LINES, INC., 104 Northwest 36th Street, Seattle, Wash., 98107. Applicant's representative: George LaBissoniere, 333 Central Building, Seattle, Wash., 98104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between points in California, for 180 days. SUPPORTING SHIPPERS: AALCI Moving & Storage, 940 South Santa Fe Avenue, Compton, Calif.; I-Go Van & Storage, 506 18th Street, Bakersfield, Calif.; Karevan, Inc., 3028 Cascadia Avenue South, Seattle, Wash.; Smyth Worldwide Movers, 11616 Aurora Avenue North, Seattle, Wash.; Del Rey Van & Storage, 4941 West Rosecrans Avenue, Hawthorne, Calif.; Ace-High Moving & Storage, 151 South Joyce, Rialto, Calif.; Bayside Van Lines, 315 West 30th Street, National City, Calif.; Boulevard Movers & Storage Co., Inc. 110 Mill Street, San Rafael, Calif.; Isle City Moving & Storage, 631 Buena Vista Avenue, Alameda, Calif.; Barnett Van & Storage, 2171 Middlefield Road, Mountain View, Calif. SEND PROTESTS TO: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash., 98101.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-7659; Filed, July 20, 1965;
8:46 a.m.]

[Notice 1205]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 16, 1965.

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 per-

son 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-67645. By order of July 14, 1965, the Transfer Board approved the transfer to Aarow Van Lines, Inc., Jefferson City, Mo., of the operating rights issued by the Commission December 2, 1964, under Certificate No. MC-61626, to Edwin G. Mueller, doing business as Bernskoetter Moving & Storage, Jefferson City, Mo., authorizing the transportation of household goods, between points in Cole County, Mo., on the one hand, and, on the other, points in Missouri, Iowa, Nebraska, Kentucky, Oklahoma, Illinois, Texas, and Kansas. Herman W. Huber, 101 East High Street, Jefferson City, Mo., attorney for applicants.

No. MC-FC-67757. By order of July 14, 1965, the Transfer Board approved the transfer to Ruby Matson, Twin Falls, Idaho, of the authority granted to Larry Matson, doing business as Larry's Delivery Service, Twin Falls, Idaho, by the compliance order entered February 20, 1964, in No. MC-121394 (Sub-No. 1), conditionally authorizing a Certificate of Registration corresponding in scope to Permit No. 5432, First Amended, dated December 30, 1960, issued by the Idaho Public Utilities Commission. John R.

Coleman, Fidelity Bank Building, Twin Falls, Idaho, 83301, attorney for applicants.

No. MC-FC-67822. By order of July 14, 1965, the Transfer Board approved the transfer to Leighton Trans., Inc., Boston, Mass., of the operating rights in Certificate No. MC-3130 issued April 10, 1943 to Candeloro J. Maggio, Anna Maggio, Joseph Maggio, Leo Maggio, and Peter Maggio, a partnership, doing business as Maggio Transportation Company, Brookline, Mass., authorizing the transportation of: Carbonated, alcoholic, and malt beverages, materials, and supplies used or useful in the production thereof, and beverage containers, between Boston, Mass., and Princeton, N.J., over specified regular routes, and serving intermediate and off-route points located in Connecticut, New York, New Jersey, and serving points in New Hampshire. Gerard J. Donovan, 37 Leighton Road, Hyde Park 36, Mass., practitioner for applicants.

No. MC-FC-67877. By order of July 14, 1965, the Transfer Board approved the transfer to Wm. J. Kopp and William Chas. Kopp, a partnership, doing business as Pendleton-Pilot-Rock Stage Line, 614 Southeast Byers, Pendleton, Oreg., of the operating rights issued by the Commission April 13, 1942, under Certificate No. MC-5874, to William J. Kopp and Joe Kopp, a partnership, doing business as Pendleton-Pilot-Rock Stage Line, 614 Southeast Byers, Pendleton, Oreg., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Pendleton, Oreg., and Pilot Rock, Oreg., over regular route.

No. MC-FC-67925. By order of July 14, 1965, the Transfer Board approved the transfer to Murray T. Fuller, doing business as Horton's Towing Service, Lakeway and Ellis, Bellingham, Wash., of the operating rights issued by the Commission April 16, 1965, under Certificate No. MC-110131, to Murray Fuller and Merle Brooks, a partnership, doing business as Horton's Towing Service, Lakeway and Ellis, Bellingham, Wash., authorizing the transportation, over irregular routes, of disabled automobiles, in truckaway service, between the boundary of the United States and Canada at the ports of entry at or near Blaine, Wash., the Pacific Highway, Lynden, Wash., and Sumas, Wash., on the one hand, and, on the other, points in Whatcom and Skagit Counties, Wash.

No. MC-FC-67939. By order of July 14, 1965, the Transfer Board approved the transfer to Commercial Cargo Carriers, Inc., New York, N.Y., of License No. MC-12040, issued by the Commission July 10, 1941, to Albert F. Reinert, New York, N.Y., authorizing the brokerage operations in connection with transportation by motor vehicle in interstate or foreign commerce, of general commodities, excluding household goods, loose bulk commodities, and other specified commodities, between points in New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia. Thomas P. Barrett, 52 Vanderbilt Avenue, New York, N.Y., 10017, attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-7660; Filed, July 20, 1965; 8:46 a.m.]

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IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

IN RE: THE ESTATE OF JOHN W. WALKER, DECEASED

JOHN W. WALKER, DECEASED, by and through his executor, JOHN W. WALKER, JR.,

vs.

JAMES W. WALKER, JR.,

and

JOHN W. WALKER, JR.,

vs.

JAMES W. WALKER, JR.,

and

JOHN W. WALKER, JR.,

vs.

JAMES W. WALKER, JR.,

and

JOHN W. WALKER, JR.,

vs.

JAMES W. WALKER, JR.,

and

JOHN W. WALKER, JR.,

vs.

JAMES W. WALKER, JR.,

and

JOHN W. WALKER, JR.,

vs.

JAMES W. WALKER, JR.,

and

JOHN W. WALKER, JR.,

vs.

JAMES W. WALKER, JR.,

and

JOHN W. WALKER, JR.,

vs.

JAMES W. WALKER, JR.,

and

JOHN W. WALKER, JR.,

vs.

JAMES W. WALKER, JR.,

and

JOHN W. WALKER, JR.,

vs.

JAMES W. WALKER, JR.,

and

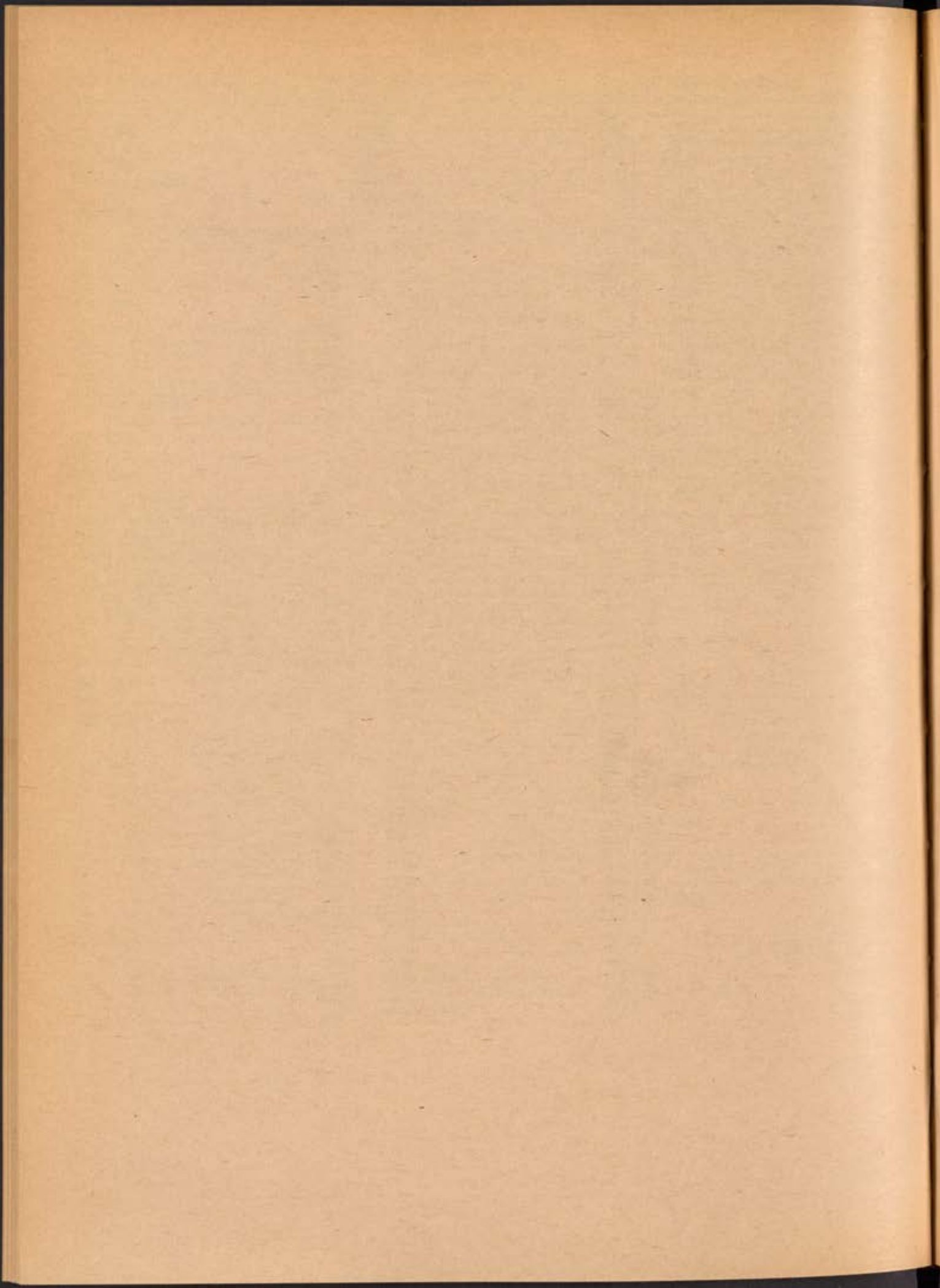
JOHN W. WALKER, JR.,

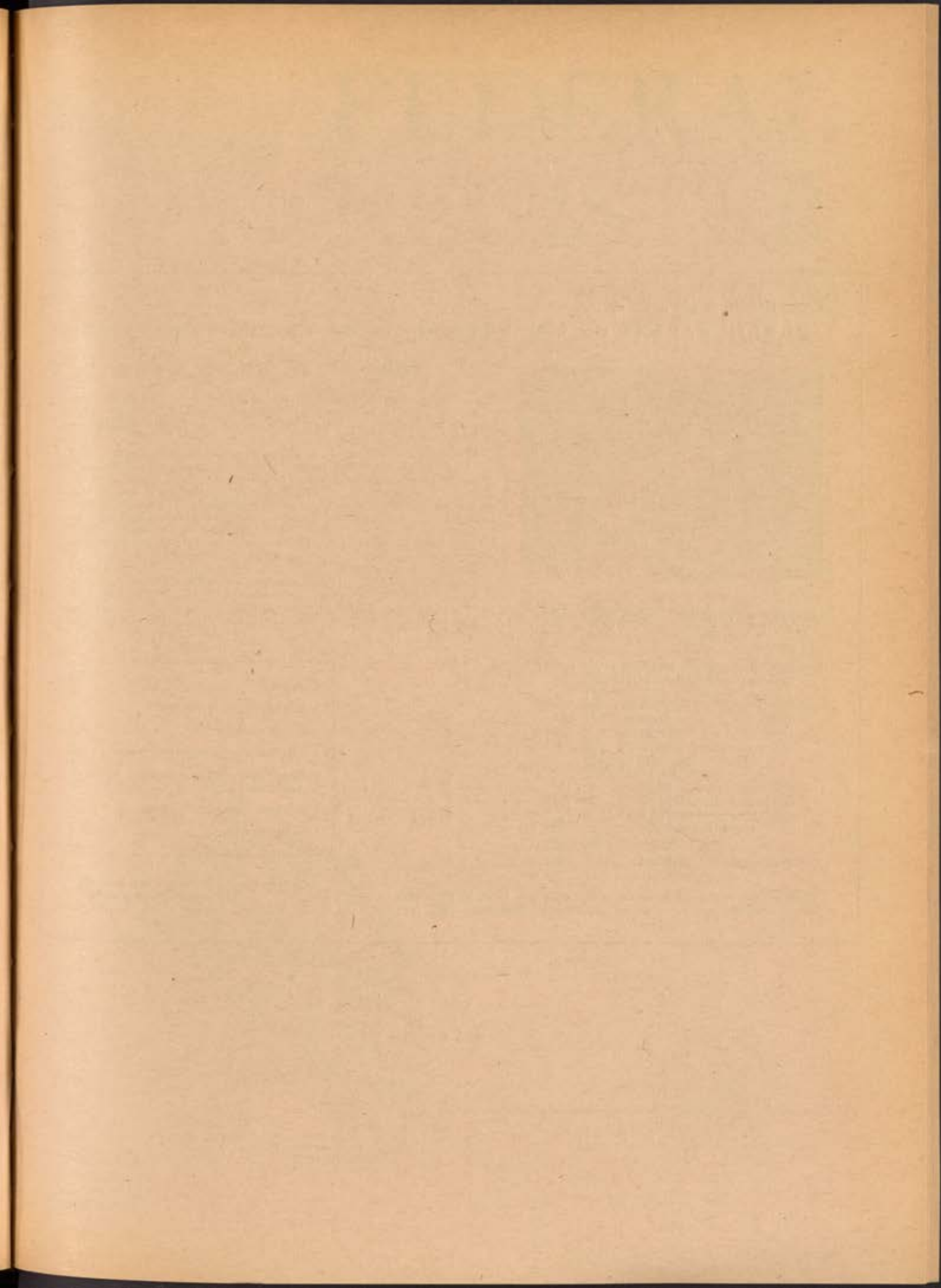
vs.

JAMES W. WALKER, JR.,

and

JOHN W. WALKER, JR.,





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