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FEDERAL REGISTER

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3621

COLUMBUS DAY, 1964

By the President of the United States of America

A Proclamation

WHEREAS four hundred and seventy-two years ago Christopher Columbus embarked on a daring voyage into an unknown sea and discovered a new world; and

WHEREAS, in the ensuing centuries, the continents of the world have been brought closer together in time and space by means of modern communications and transportation; and

WHEREAS closer relationships between the peoples of the world have increased our awareness of the need for a just and lasting peace; and

WHEREAS the vision, courage, and dedication of Columbus are a constant inspiration to us, both as individuals and as a Nation, as we seek a new world of peace and understanding; and

WHEREAS, in recognition of our debt to Columbus, the Congress of the United States, by a joint resolution approved April 30, 1934 (48 Stat. 657), requested the President to proclaim October 12 of each year as Columbus Day for the observance of the anniversary of the discovery of America:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate Monday, October 12, 1964, as Columbus Day; and I invite the people of this Nation to observe that day in churches, schools, and other suitable places with appropriate ceremonies in honor of the memory of Christopher Columbus.

I also direct that the flag of the United States be displayed on all public buildings on Columbus Day in honor of the great explorer.

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

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

LYNDON B. JOHNSON

By the President:

Dean Rusk,
Secretary of State.

[F.R. Doc. 64-10267; Filed, Oct. 5, 1964; 4:28 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Peace Corps

Section 213.3360 is amended to show the exception under Schedule C of the position of Staff Adviser for International Programs in the Peace Corps. Effective upon publication in the FEDERAL REGISTER, paragraph (y) is added to § 213.-3360 as set out below.

§ 213.3360 Peace Corps.

* * * * *

(y) One Staff Adviser for International Programs.

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

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

[F.R. Doc. 64–10175; Filed, Oct. 6, 1964; 8:49 a.m.]

Title 7—AGRICULTURE

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

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

Subpart A—Regulations

USE OF COPY OF COTTON CLASS CERTIFICATE IN TENDER OF COTTON

Under the authority of section 4863 of the Cotton Futures Provisions in the Internal Revenue Code of 1954 (26 U.S.C. 4863) the regulations for Cotton Classification under said legislation (7 CFR Part 27, Subpart A) are hereby amended as provided below.

Statement of considerations. The amendment is made in order to allow the use of a new form of cotton futures contract adopted by the New York Cotton Exchange to permit trading in cotton which will be held by the Commodity Credit Corporation (CCC) as security for the performance of consumption or export obligations under the 1964–66 Cotton Equalization Program—Payment-in-Kind Regulations issued by CCC pursuant to the Agricultural Act of 1964 (P.L. 88–297) (hereinafter called the PIK Regulations). If any other cotton futures exchange should adopt rules providing for a similar form of contract, consideration will be given to amending the regulations further to allow the use of such a contract.

Under the regulations for classification of cotton pursuant to the above-cited Cotton Futures Provisions, the class may be and usually is certified by a board of cotton examiners or the Appeal Board of Review Examiners on a certificate form attached to the warehouse receipt for the cotton involved. Under the PIK Regulations the holder of such a warehouse receipt may deliver the warehouse receipt to CCC to secure the performance of his obligations under the PIK Regulations. CCC will thereupon issue to him a "Custodial Receipt" reciting that CCC will deliver the warehouse receipt to any holder of the Custodial Receipt who complies with the PIK Regulations. The Custodial Receipt will contain true copies of the warehouse receipt and cotton class certificate. Amendment of the cotton classification regulations under the Cotton Futures Provisions is necessary to permit the use of such a copy of the cotton class certificate to meet the obligation to furnish a notice or cotton class certificate imposed upon the person tendering cotton for delivery on a futures contract under section 4863 of the Cotton Futures Provisions and the regulations thereunder.

Therefore a new § 27.48 is added to the cotton classification regulations to read as follows:

§ 27.48 Use of copy of cotton class certificate in tender of cotton.

Notwithstanding any contrary provisions of the regulations in this subpart, with respect to cotton tendered or delivered under section 4863 of the Act on a New York Cotton Exchange Contract No. 2, the notice or cotton class certificate to be furnished under said section 4863 and the regulations may be in the form of a copy of the cotton class certificate when attached to a copy of the warehouse receipt if such copies are contained in a Custodial Receipt issued by the Commodity Credit Corporation pursuant to regulations of the Department of Agriculture under the Agricultural Act of 1964 (Public Law 88–297), which Custodial Receipt evidences the possession by the Commodity Credit Corporation of the original warehouse receipt and the original cotton class certificate attached thereto.

(68A Stat. 582, 26 U.S.C. 4863; 19 F.R. 74, as amended)

This amendment relieves a restriction now imposed by the regulations and should be made effective as soon as possible in order to facilitate futures trading in cotton and to effectuate the objectives of the Cotton Equalization Program under the Agricultural Act of 1964. Therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that notice and other public rule-making on the amendment are impracticable and unnecessary and since the amendment relieves a restriction it may be made effective less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall become effective upon filing with the Office of the Federal Register.

Done at Washington, D.C., this 2d day of October 1964.

G. R. GRANGE,
Deputy Administrator, Agricultural Marketing Service.

[F.R. Doc. 64–10188; Filed, Oct. 6, 1964; 8:50 a.m.]

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

[Valencia Orange Reg. 103, Amdt. 1]

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

Limitation of Handling

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

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

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 908.403 (Valencia Orange Regulation 103, 29 F.R. 13378) are hereby amended to read as follows:

(ii) District 2: Unlimited movement.

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

Dated: October 2, 1964.

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

[F.R. Doc. 64–10154; Filed, Oct. 6, 1964; 8:48 a.m.]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

PART 1001—MILK IN GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

Termination of Rules and Regulations

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) and of the orders regulating the handling of milk in the Greater Boston, Springfield, and Worcester, Massachusetts, marketing areas (7 CFR Parts 1001, 1006, and 1007), it is hereby found and determined that the rules and regulations issued by me to effectuate the terms and provisions of the Boston, Springfield, and Worcester orders should be terminated effective on and after October 1, 1964.

On August 24, 1964 (29 F.R. 12236), the Secretary of Agriculture issued the Massachusetts-Rhode Island order (Part 1001) to be effective October 1, 1964. This order merges and consolidates the Boston, Southeastern New England, Springfield, and Worcester orders into one consolidated order. Some provisions of the rules and regulations presently in effect which were issued by me as Market Administrator of the Boston, Springfield, and Worcester orders have been incorporated into the Massachusetts-Rhode Island order. The other provisions of these rules and regulations are obsolete, or will become obsolete or unnecessary coincident with the effective date of the Massachusetts-Rhode Island order.

Accordingly, all of the provisions of the rules and regulations which were issued by me to effectuate the terms and provisions of the Boston, Springfield, and Worcester orders and which presently appear as a subpart of such orders (§§ 1001.101 through 1001.141 of the Boston order; §§ 1006.101 through 1006.141 of the Springfield order; and §§ 1007.101 through 1007.141 of the Worcester order) are hereby terminated effective on and after October 1, 1964.

Dated: August 25, 1964.

R. D. APLIN,
Market Administrator.

[F.R. Doc. 64–10155; Filed, Oct. 6, 1964; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Oklahoma City Airport Trustees Bonds

§ 1.148 Oklahoma City Airport Trustees Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule that the Oklahoma City Airport Trustees Bonds, Series one through ten, are eligible for dealing in, underwriting, and unlimited holding by National Banks under the provisions of Paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* The purpose of the Oklahoma City Airport Trust, which was established by a Trust indenture dated April 1, 1956, pursuant to Oklahoma law, is to provide financing for the construction of facilities now used and to be used as a permanent Aeronautical Center by the Federal Aviation Agency and to plan, develop and operate airports and air navigation facilities for the use and benefit of Oklahoma City. The Trust estate, which consists primarily of leasehold rights demised to the trustee by the beneficiary, Oklahoma City, includes Will Rogers Airport, Tulakes Airport, Cimarron Airport, and certain other real estate and personal property.

(2) The trustees have issued, pursuant to the foregoing Trust indenture, from July 1, 1956, to May 1, 1963, Oklahoma City Airport Trustees Bonds in ten series, with varying maturities all payable on parity of up to 27 years. The bond-financed facilities of the Center have been leased to the United States Government whose rental obligations are unconditional for a 20-year term, ending June 30, 1983, with certain renewal options. This lease, which combines nine earlier leases, provides the primary security for Series one through nine of the bonds. The rentals thereunder are payable at a rate sufficient to cover debt service requirements over the life of each series of bonds with additional annual payments being made for maintenance, insurance and ground rental. Series ten of the bonds is secured by a similar 20-year lease with rental to begin on January 1, 1965. A secondary source of funds pledged to the debt service requirements of the bonds is the gross revenues of the City's three airports leased to the Trust from Oklahoma City. Under its lease agreement with the Trust, Oklahoma City has agreed to provide, if necessary, from its general funds, all costs of operation and maintenance of all the airport and facilities therein.

(3) The trustees have irrevocably pledged the full faith and credit of the Trust to the payment of the principal and interest on the subject bonds. The lease rental payments from the United States Government, and the income from the operations of the three airports make the Oklahoma City Airport Trust an obligor possessing resources sufficient to justify faith and credit. The bonds of the Trust are the general obligations of a political subdivision of the State of Oklahoma as defined in § 1.3 (d) and (e).

(c) *Ruling.* It is the conclusion of this Office that the subject bonds are "public securities" as set forth in § 1.3 (c), issued pursuant to 12 U.S.C. 24 Paragraph Seventh, and are therefore eligible for dealing in, underwriting and unlimited holding by National Banks.

Dated: October 1, 1964.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 64–10173; Filed, Oct. 6, 1964; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 64–CE–63]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 [New] of the Federal Aviation Regulations is to revoke an extension of the Des Moines, Iowa, control zone.

The Des Moines, Iowa, radio beacon is scheduled to be decommissioned on October 1, 1964. This will make the controlled airspace based on the beacon unnecessary.

Since this amendment is less restrictive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may become effective without regard to the 30 day statutory period.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.171 (29 F.R. 1101) the Des Moines, Iowa, control zone is amended by deleting "within 2 miles each side of the Des Moines RBn 193° bearing, extending from the 5-mile radius zone to 12 miles S of the RBn" from the text.

These amendments are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Kansas City, Mo., on September 29, 1964.

HENRY L. NEWMAN,
Acting Director, Central Region.

[F.R. Doc. 64–10122; Filed, Oct. 6, 1964; 8:45 a.m.]

[Airspace Docket No. 64-SW-41]

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

Alteration of Transition Area

On August 21, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 11977) stating that the Federal Aviation Agency proposed to alter the Hobart, Okla., transition area in the vicinity of Altus Air Force Base, Okla.

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

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

In § 71.181 (29 F.R. 556), the Hobart, Okla., transition area is amended to read as follows:

Hobart, Okla.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Hobart Municipal Airport; within 5 miles W and 8 miles E of the Hobart VOR 003° and 183° radials, extending from 5 miles N to 12 miles S of the VOR; within an 8-mile radius of the Clinton-Sherman AFB; within 5 miles W and 8 miles E of the Clinton-Sherman VOR 360° and 180° radials, extending from 5 miles N to 12 miles S of the VOR; within an 8-mile radius of the Altus AFB; within 5 miles W and 8 miles E of the 360° and 180° bearings from the Altus RBn, extending from 24 miles N to 12 miles S of the RBn; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°08'00" N., longitude 99°05'00" W.; to latitude 34°15'00" N., longitude 99°30'00" W.; to latitude 34°40'-00" N., longitude 99°59'00" W.; to latitude 35°20'00" N., longitude 99°54'00" W.; to latitude 35°50'00" N., longitude 99°43'00" W.; to latitude 35°44'00" N., longitude 99°-03'00" W.; to latitude 34°58'00" N., longitude 98°33'00" W.; to latitude 34°42'00" N., longitude 98°46'00" W.; to latitude 34°21'-00" N., longitude 98°46'00" W.; to point of beginning; and that airspace extending upward from 8,000 feet MSL bounded by a line beginning at latitude 34°40'00" N., longitude 99°59'00" W.; thence W via latitude 34°40'00" N., to and counterclockwise along the arc of a 20-mile radius circle centered at the Childress, Tex., Municipal Airport (latitude 34°25'55" N., longitude 100°-17'45" W.) to longitude 100°27'00" W.; to latitude 35°00'00" N., longitude 100°32'00" W.; to latitude 35°20'00" N., longitude 100°00'00" W.; to latitude 35°54'00" N., longitude 100°18'00" W.; to latitude 35°-50'00" N., longitude 99°43'00" W.; to latitude 35°20'00" N., longitude 99°54'00" W.; to point of beginning. The portion of the transition area extending upward from 8,000 feet MSL is excluded from Federal airways.

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

Issued in Fort Worth, Tex., on September 29, 1964.

P. M. SWATEK,
Acting Director,
Southwest Region.

[F.R. Doc. 64-10123; Filed, Oct. 6, 1964; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-420]

PART 248—SUBMISSION OF AUDIT AND RECONCILIATION REPORTS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of October 1964.

By notice of proposed rule making issued July 21, 1964, EDR-70, Docket 15422, and published at 29 F.R. 9964, the Board advised of its intention to amend Part 248 of the Economic Regulations to require each supplemental air carrier which has caused an annual audit of its books to be made by independent public accountants to file with the Board a report showing the complete reconciliation of the balance sheet and profit and loss statement included in the audit report with the balance sheet and profit and loss statements filed with the Board as a part of CAB Form 41, Report of Financial and Operating Statistics for Certificated Air Carriers.

Interested persons were afforded an opportunity to participate in the making of this rule, but no comments were received. Therefore, the Board will now make final the rule as proposed.

Inasmuch as Part 248 has not been reissued since its adoption in November of 1956 and in view of the extensive amendments herein made, the Board believes that the part should be reissued at this time. Therefore, in consideration of the foregoing, the Board hereby amends and reissues Part 248 of its Economic Regulations (14 CFR Part 248) effective November 6, 1964 as set forth below:

Sec.
248.1 Applicability.
248.2 Filing of audit reports.
248.3 Reconciliation of reports.
248.4 Time for filing reports.
248.5 Withholding from public disclosure.

AUTHORITY: The provisions of this Part 248 issued under sec. 204(a) of the Federal Aviation Act of 1958, 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 401(n) and 407, 76 Stat. 144-145; 72 Stat. 766; 49 U.S.C. 1371, 1377; secs. 7 and 9 of Public Law 87-528, 76 Stat. 146-149; 49 U.S.C. 1371.

§ 248.1 Applicability.

The requirements of this part shall be applicable to all air carriers subject to the requirements of Part 241 of this subchapter.

§ 248.2 Filing of audit reports.

(a) Whenever any air carrier, subject to § 248.1, shall have caused an annual audit of its books, records, and accounts to be made by independent public accountants, such air carrier shall file with the Board, in duplicate, a special report consisting of a true and complete copy of the audit report submitted by such independent public accountants, including all schedules, exhibits, and certificates included in, attached to, submitted with or separately, as a part of the audit report.

(b) Each air carrier, subject to § 248.1, which does not cause an annual audit to be made of its books, records, and accounts for any fiscal year, shall, at the close of such fiscal year file with the Board, as a part of its periodic reports, a statement that no such audit has been performed.

§ 248.3 Reconciliation of reports.

Each air carrier required to comply with Part 241 of the Economic Regulations which has caused an annual audit of its books, records, and accounts to be made by independent public accountants shall file with the Board, in duplicate, as a part of its CAB Form 41 reports, a special report consisting of a complete reconciliation of the balance sheet and profit and loss statement included in the audit report with the balance sheet and profit and loss statements filed with the Board as a part of CAB Form 41, Report of Financial and Operating Statistics for Certificated Air Carriers. Such special report shall clearly set forth in all material detail the essential elements of such reconciliation.

§ 248.4 Time for filing reports.

The reports required by this part shall be filed with the Board within 15 days after the due date of the appropriate periodic CAB Form 41 report, filed for the twelve-month period covered by the audit report, or the date the accountant submits his audit report to the air carrier, whichever is later.

§ 248.5 Withholding from public disclosure.

The special reports required to be filed by § 248.2 shall be withheld from public disclosure, until further order of the Board, if such treatment is requested by the air carrier at the time of filing.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board:

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-10179; Filed, Oct. 6, 1964; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-833]

PART 13—PROHIBITED TRADE PRACTICES

Alper Furs, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155-40 Exaggerated as regular and customary. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1280 *Price.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* 13.1865-40 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Alper Furs, Inc., et al., Chicago, Ill., Docket C-833, Sept. 17, 1964]

In the Matter of Alper Furs, Inc., a Corporation, and Max Alper, Percy Alper, and Mildred Alper, Individually and as Officers of the Said Corporation

Consent order requiring manufacturing furriers in Chicago to cease violating the Fur Products Labeling Act by failing, on labels and invoices, to show the true animal name of furs in fur products and to use the term "natural" for fur that was not bleached or dyed; labeling fur products with fictitious prices; invoicing furs deceptively as "Broadtail" and "Sable"; failing to show in newspaper advertisements when fur was artificially colored; and failing in other respects to comply with requirements of the Act.

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

It is ordered, That respondents Alper Furs, Inc., a corporation, and its officers, and Max Alper, Percy Alper and Mildred Alper, individually and as officers of the said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing, directly or by implication on labels, that any price, whether accompanied or not by descriptive terminology, is the respondents' former price of fur products when such amount is in excess of the actual, bona fide prices at which respondents offered the fur products to the public on a regular basis for a reasonably substantial period of time in the recent regular course of business.

2. Misrepresenting in any manner the savings available to purchasers of respondents' fur products.

3. Falsely or deceptively representing in any manner that prices of respondents' fur products are reduced.

4. Failing to affix labels to fur products showing in words and in figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

5. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on labels affixed to fur products.

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

7. Failing to completely set out information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations thereunder on one side of the labels affixed to fur products.

8. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting on labels affixed to fur products.

9. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on labels in the sequence required by Rule 30 of the aforesaid rules and regulations.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices as the term "invoice" is defined in the Fur Products Labeling Act showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur products.

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

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

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

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

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

3. Represents directly or by implication that any price whether accompanied or not by descriptive terminology is the respondents' former price of fur products when such amount is in excess of the actual, bona fide price at which respondents offered the fur products to the public on a regular basis for a reasonably substantial period of time in the recent regular course of business.

4. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

5. Falsely or deceptively represents in any manner that prices of respondents' fur products are reduced.

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

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

Issued: September 17, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-10131; Filed, Oct. 6, 1964; 8:46 a.m.]

[Docket 8577]

PART 13—PROHIBITED TRADE PRACTICES

United Garment Mfg. Co., Michigan Division, et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–180 Location; 13.15–230 Plant and equipment; 13.15–270 Size and extent; 13.15–278 Time in business; § 13.230 *Size or weight.* Subpart—Claiming or using indorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly:* 13.330–12 Boy Scouts of America. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act; § 13.1215 *Government, official or other sanction;* § 13.1280 *Price.* Subpart—Misrepresenting oneself and goods—prices: § 13.1811 *Fictitious preticketing.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, United Garment Manufacturing Co.—Michigan Division (Iron Mountain, Mich.) et al., Docket 8577, Sept. 16, 1964]

In the Matter of United Garment Manufacturing Co.—Michigan Division, a Corporation, Lake-O-Woods Co., Inc., a Corporation, and Edward Maslon, Dorothy Palluconi, and Betty Maslon, Individually and as Officers of Said Corporations, and Albert Maslon, Individually and as an Officer of United Garment Manufacturing Co.—Michigan Division, and Warren Barrett, Individually and as an Officer of Lake-O-Woods Co., Inc.

Order requiring two associated corporations and their common officers engaged in the manufacture of sleeping bags, sporting goods, and accessories, with manufacturing plant and main office in Iron Mountain, Mich., to cease such deceptive practices as attaching fictitious prices to their sleeping bags and listing them with fictitious prices in catalogs, labeling sleeping bags with a "cut size" larger than the finished size, and labeling them falsely as official Boy Scouts equipment; stating falsely in catalogs and other advertising that they operated two manufacturing plants, one located "in the West" and "in Los Angeles, Calif.", had been in business since 1901, and had a factory in Minneapolis, Minn.; and to cease violating the Textile Fiber Products Identification Act by failing to label textile fiber products with the true generic names and the percentage of the constituent fibers; labeling as "New" sleeping bags which were not composed wholly of virgin fibers; advertising textile products as "duck", flannel" and "poplin" without setting forth required fiber content information; and failing in other respects to comply with labeling and advertising requirements of the Act.

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

It is ordered, That respondents United Garment Manufacturing Co.-Michigan Division, a corporation, Lake-O-Woods Co., Inc., a corporation, Edward Maslon and Betty Maslon, individually and as officers of said corporations, their officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the manufacture, offering for sale, sale or distribution of sleeping bags or other merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising, labeling, representing in a catalog or otherwise representing the "cut", "cut size" or dimensions of material used in their construction, unless such representation is accompanied by a description of the finished or actual size, with the latter description being given at least equal prominence;

2. Misrepresenting the size of such products on labels or in any other manner;

3. Preticketing said merchandise with any amount or price in excess of the price at which said merchandise is being offered for sale, or otherwise representing in advertising or labeling that said merchandise is being offered at retail at a reduction from a higher price, when the preticketed amount or represented higher price appreciably exceeds the highest retail price at which substantial sales of the merchandise are being made in the trade area in which respondents are doing business;

4. Using the words "scout", "eagle scout", "cub scout" or "the scout deluxe" or any other word or words of similar import or meaning, to designate, describe or refer to respondents' sleeping bags or other products, or otherwise representing that said sleeping bags or other products are sponsored, endorsed, or approved by the organization known as the Boy Scouts of America or that said sleeping bags or other products form a part of the equipment of members of said organization;

5. Furnishing to others any means or instrumentality by or through which the public may be misled as to the prevailing retail price of respondents' merchandise or as to the size, endorsement, or approval of said merchandise;

6. Misrepresenting the length of time respondents have actually been engaged in the business of manufacturing sleeping bags, or in any other business;

7. Using the words "High Sierra Brand Made in the West", "High Sierra Brand Made in Los Angeles, Calif.", "Manufactured by" or "Made by United Garment Manufacturing Co. of Minneapolis, Minnesota" or otherwise representing that they own, operate or control a plant or factory wherein such products are manufactured at the stated locations;

8. Representing that they have a factory or manufacturing plant at any place other than the place in which a factory or plant owned, operated or controlled by them is located.

It is further ordered, That respondents United Garment Manufacturing Co.—Michigan Division, a corporation, Lake-O-Woods Co., Inc., a corporation, Edward Maslon and Betty Maslon, individually and as officers of said corporations, their officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment, in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product", are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Failing to affix labels to such textile fiber products showing in a clear, legible and conspicuous manner each element of information required to be disclosed by Section 4(b) of the Textile Fiber Products Identification Act.

2. Using a generic name or fiber trademark on any label, whether required or non-required, without making a full and complete fiber content disclosure on such label in accordance with the Act and Regulations the first time such generic name or fiber trademark appears on the label.

3. Failing to separately set forth the required information as to fiber content on the required label in such a manner as to separately show the fiber content of the separate sections of textile fiber products containing two or more sections where such form of marking is necessary to avoid deception.

4. Using the terms "New" or "Virgin" as descriptive of a textile fiber product, or any fiber or part thereof, where the product or part so described is not composed wholly of new or virgin fiber which has never been reclaimed from any spun, woven, knitted, felted, bonded or similarly manufactured product.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations, by disclosure or by implication, as to the fiber contents of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber products, unless the same information required to be shown on the stamp, tag, label or other means of identification under sections 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to separately set forth the information as to fiber content in the required fiber content disclosure in such a manner as to separately show the fiber content of the separate sections of textile fiber products containing two or more sections where such form of marking is necessary to avoid deception.

3. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to the respondents Dorothy Palluconi, Albert Maslon and Warren Barrett, without prejudice to any further action on the part of the Federal Trade Commission should it be made to appear that remedial action against them is or will become necessary.

It is further ordered, That respondents United Garment Manufacturing Co.—Michigan Division, Lake-O-Woods Co., Inc., Edward Maslon, and Betty Maslon shall within sixty (60) days after service upon them of this order file with the Commission a report, in writing, setting forth in detail the manner and form in

which they have complied with the order to cease and desist.

Issued: September 16, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 64-10132; Filed, Oct. 6, 1964; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

HYGROMYCIN B

Correction

In F.R. Doc. 64-8799, appearing at page 12461 of the issue for Tuesday, September 1, 1964, the following correction is made in Table 1 of § 121.213(d): In the "Limitations" entry for Principal ingredient item 1c, Hygromycin B, the last phrase should read "plus streptomycin sulfate" instead of "plus bacitracin sulfate".

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO, THE VIRGIN ISLANDS, AND AMERICAN SAMOA

Compensation of Committee Members

Pursuant to authority contained in the Fair Labor Standards Act of 1938 (29 U.S.C. 201), Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004), and General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), I hereby amend 29 CFR 511.4 by changing its provision for industry member per diem compensation from $55 to $60.

As this amendment concerns only a matter of agency practice, notice of proposed rule making, opportunity for public participation, and delay in effective date are not required by section 4 of the Administrative Procedure Act (5 U.S.C. 1003). I do not believe such procedures will serve a useful purpose here. Accordingly, the amendment shall become effective immediately.

As amended, § 511.4 shall read as follows:

§ 511.4 Compensation of committee members.

Each member of an industry committee will be allowed a per diem of $60 for each day actually spent in the work of the committee, and will, in addition, be reimbursed for necessary transportation and other expense incident to traveling in accordance with Standard Government Travel Regulations then in effect. All travel expenses will be paid on travel vouchers certified by the Administrator or his authorized representative. Any other necessary expenses which are incidental to the work of the committee may be incurred by the committee upon approval of, and shall be paid upon certification of, the Administrator or his authorized representative.

(52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.; 5 U.S.C. 55a)

Signed at Washington, D.C., this 2d day of October 1964.

CLARENCE T. LUNDQUIST, *Administrator.*

[F.R. Doc. 64-10205; Filed, Oct. 6, 1964; 8:52 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 56—INTER-SERVICE TRANSFER OF OFFICERS (REGULAR)

The Secretary of Defense approved the following revision to Part 56 on September 1, 1964:

Sec.
56.1 Purpose.
56.2 Applicability and scope.
56.3 Policy.
56.4 Procedures.

AUTHORITY: The provisions of this Part 56 issued under sec. 716, Title 10, United States Code.

§ 56.1 Purpose.

This part establishes the policies which will govern implementation of 10 U.S.C., section 716 (P.L. 85-599) with respect to the transfer of commissioned officers between the Regular components of the Army, Navy, Air Force, and Marine Corps.

§ 56.2 Applicability and scope.

The provisions of this part apply to officers holding Regular commissions in the armed services, except officers of the medical services. The inter-service transfer of Regular officers holding commissions in the medical services will continue to be accomplished under existing regulations (DoD Instruction 1205.1, "Implementation of the Universal Military Training and Service Act with Respect to Medical and Dental Registrants," Section XI., September 27, 1960).

§ 56.3 Policy.

(a) It is the policy of the Department of Defense that a Regular officer of any military service who is especially qualified to contribute to the success of an activity of another service will be given an opportunity to do so without interruption of his service career, by being transferred from one service and appointed in another.

(1) No officer will be so transferred without his consent, nor will an officer transferred from one service be appointed in another service with a higher rank or precedence than that he held on the date prior to his transfer.

(2) Transfers will be made only within authorized strength limitations.

(b) While intended for use primarily in the technical fields to permit the full utilization of specialists, transfer between services is not restricted to technical specialists.

§ 56.4 Procedures.

(a) Requests for transfer will be initiated by (1) an appropriate agency of the military department desiring the services of an officer serving in another department, or by (2) the officer himself:

(i) *By a Military Department Agency.* If the transfer is initiated by other than the officer himself, request for transfer will be forwarded to the Secretary of Defense through the Secretaries of the gaining and losing Departments and will be accompanied by a statement that the officer concerned consents to the proposed transfer.

(ii) *By the officer.* (*a*) If initiated by the officer himself, the request will be forwarded through military channels to the Secretary of the military department in which he is presently commissioned, and will be accompanied by a justification of the requested transfer as being in the interest of national defense and the individual officer.

(*b*) The Secretary of the losing Department will forward the request to the Secretary of Defense through the Secretary of the gaining Department. Both Departmental Secretaries will indicate their concurrence or non-concurrence in the requested transfer.

(b) Inter-service transfers will be approved by the Secretary of Defense for the President.

(c) Termination of presently held commissions and reappointment in another service will be accomplished by the two Services affected without interruption of the continuity of the officer's total military service.

(d) An officer transferred under provisions of this Part will be placed on the applicable promotion list or lineal list of the armed force to which he is transferred in an appropriate position as determined by the amount of promotion-list service with which he was credited in his parent service on the day prior to his transfer. His permanent grade and date of rank will be determined by applying that amount of promotion-list service to the appointment laws in effect for the service to which he is being transferred. His temporary grade and date of rank will remain the same as that he held in his parent service on the day prior to his transfer.

(e) An officer transferred under provisions of this Part will be credited with the unused leave with which he was credited at the time of transfer, and with the

total military service with which he was credited on the date prior to his transfer.

MAURICE W. ROCHE,
Administrative Secretary
OASD (Administration).

[F.R. Doc. 64-10152; Filed, Oct. 6, 1964; 8:48 a.m.]

PART 137—STANDARDS OF CONDUCT

Gratuities

The Deputy Secretary of Defense approved an amendment to § 137.5(a) on September 25, 1964, effective November 24, 1964. Amended § 137.5(a) now reads as follows:

§ 137.5 Gratuities.

(a) DoD personnel will not accept any favor, gratuity, or entertainment directly or indirectly, from any person, firm, corporation, or other entity which is engaged, or is endeavoring to engage in procurement activities or business transactions of any sort with any agency of the DoD except as provided in subparagraphs (1), (2), and (3) of this paragraph. Favors, gratuities, or entertainment bestowed upon members of the immediate families of DoD personnel are viewed in the same light as those bestowed upon DoD personnel. Acceptance of entertainment, gifts, or favors (no matter how innocently tendered or received) from those who have or seek business dealings with the Department of Defense may be a source of embarrassment to the Department and to the personnel involved, may affect the objective judgment of the recipient and impair public confidence in the integrity of business relations between the Department and industry.

(1) In some circumstances the interests of the Government may be served by participation of Defense personnel in widely-attended lunches, dinners and similar gatherings sponsored by industrial, technical and professional associations for the discussion of matters of mutual interest to Government and industry. Participation by Defense personnel is appropriate where the host is the association and not an individual contractor. However, acceptance of entertainment or hospitality from private companies in connection with such association activities is prohibited.

(2) In some circumstances the interests of the Government may be served by participation of Defense personnel in activities at the expense of individual Defense contractors. These activities include public ceremonies of mutual interest to industry, local communities and the Department of Defense, such as the launching of ships or the unveiling of new weapons systems; industrial activities which are sponsored by or encouraged by the United States Government as a matter of United States Defense or economic policy, such as sales meetings to promote off-shore sales involving foreign industrial groups or governments; and luncheons or dinners at a contractor's plant, on an infrequent basis, where the conduct of official business within the plant will be facilitated and where no provision can be made for individual payment.

(3) There may be a limited number of additional situations where, in the judgment of the individual concerned, the Government's interest would be served by participation by Department of Defense personnel in activities comparable to those enumerated above. In any such cases in which Department of Defense personnel accept any favor, gratuity or entertainment directly or indirectly from any person, firm, corporation, or other entity which is engaged or is endeavoring to engage in business transactions of any sort with the Department of Defense, a report of the circumstances will be made within forty-eight hours to the designee of the Secretary of the military department concerned, or to the designee of the Secretary of Defense in the case of Department of Defense personnel not within one of the military departments.

(R.S. 161, 5 U.S.C. 22)

MAURICE W. ROCHE,
Administrative Secretary,
OASD (Administration).

[F.R. Doc. 64-10153; Filed, Oct. 6, 1964; 8:48 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 803—DISPOSITION OF PERSONAL PROPERTY

A new Part 803 is added as follows:

Sec.
803.0 Purpose.

Subpart A—General Provisions

803.1 Definitions.
803.2 Authority for shipping property of deceased and missing persons.

Subpart B—Property of Deceased Active Duty Military Personnel

803.10 Persons responsible for disposing of property.
803.11 Persons entitled to receive property.
803.12 When legal representative or next of kin is present.
803.13 When legal representative or next of kin is known but not present.
803.14 When no legal representative or next of kin can be located.

Subpart C—Property of Deceased U.S. Civilians

803.20 Which civilians are covered.
803.21 When legal representative or next of kin is present.
803.22 When legal representative or next of kin is not present.

Subpart D—Property of Missing Persons

803.30 Disposing of the property of missing persons.

AUTHORITY: The provisions of this Part 803 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012, except as otherwise noted.
SOURCE: AFR 143-6, July 9, 1963.

§ 803.0 Purpose.

This part tells how to dispose of the personal property of certain deceased and missing Air Force military personnel and civilians when such property is under the control of the Air Force.

Subpart A—General Provisions

§ 803.1 Definitions.

(a) *Personal property.* This term includes:

(1) Household goods and household effects.

(2) Personal effects and property or estate, except real property, that is temporary, movable and subject to personal use or ownership.

(3) A privately owned motor vehicle. Also, a wheeled motor vehicle that is primarily for personal use as a passenger-carrying vehicle, including automobiles, station wagons, and similar vehicles; jeeps; motorcycles; motorscooters (2- or 3-wheeled); pick-up or panel trucks (not to exceed ¾ ton capacity); and small autobuses (not to exceed 9-passenger capacity).

(b) *Continental United States (CONUS).* The 48 contiguous States and the District of Columbia.

(c) *Missing person.* One reported as missing under the provisions of the Missing Persons Act, as amended (50 U.S.C. App. 1001-1016). If there is a question as to whether a person is subject to the Act, request a determination from a staff judge advocate.

§ 803.2 Authority for shipping property of deceased and missing persons.

(a) AFM 75-4 (Movement of Personnel and Personal Property) contains authority for shipping personal property at Government expense. A military member's property is limited to 11,000 pounds net, exclusive of professional books, papers and equipment which are without weight limitation. A civilian employee's property is limited as to weight by AFM 40-10 (Civilian Travel Manual).

(b) One privately owned motor vehicle may be shipped at Government expense as personal property provided:

(1) It is located outside the CONUS. (A privately owned vehicle located within CONUS cannot be shipped at Government expense.)

(2) The motor vehicle was the property of the sponsor involved or his lawful dependent and the ownership can be legally established.

(3) The motor vehicle was moved to the oversea location or lawfully procured there by the sponsor involved or his lawful dependent prior to the date the individual died or became missing.

(4) The motor vehicle is in a usable condition or is sufficiently valuable to warrant the expenditure of Government transportation funds.

Subpart B—Property of Deceased Active Duty Military Personnel

§ 803.10 Persons responsible for disposing of property.

(a) The commander of the activity at or nearest to the place where the personal property is located will collect, safeguard and immediately dispose of that property which is under Air Force jurisdiction.

(1) If the legal representative or next of kin is not present to receive the property, the commander of the activity at/nearest the place where the property is

located will appoint a summary court to dispose of it.

(2) If the property is at two or more widely separated locations, the commander of each activity at/nearest the place where the property is located will appoint a summary court to work out disposition arrangements with the immediate commander of the organization to which the deceased was assigned.

(b) The aircraft commander (or the commanders of troops, as appropriate), will have the personal property of a person who dies aboard an air or water transport collected, inventoried, and safeguarded. He will turn the property over to the commander of the Air Force activity at, or nearest the base or port where the remains are off-loaded.

§ 803.11 Persons entitled to receive property.

(a) The following persons, listed in the order of precedence, are entitled to receive the property of a deceased military member (that is, to be "the recipient"):

(1) Surviving spouse or legal representative.
(2) Son.
(3) Daughter.
(4) Father (if he had not abandoned support of his family).
(5) Mother.
(6) Brother.
(7) Sister.
(8) Next of kin.
(9) Beneficiary named in the will of the deceased.

(b) If a dispute or question arises, or is expected to arise, over who is to be the recipient, request legal assistance from a staff judge advocate in making the determination.

(c) When the recipient is a minor, forward the property in care of the guardian or adoptive parent.

§ 803.12 When legal representative or next of kin is present.

(a) Turn over all property in quarters or at the decedent's duty station to the legal representative or next of kin. Be careful not to release property to a relative or friend of the deceased, simply because that person is present at the time, or because that person proceeded to the place of death to claim the property. Even though a friend or relative is present, determine who is entitled to receive the property as directed in § 803.11. Do not release this property to another person without the written request or approval of the legal recipient.

(1) Deliver all currencies, commercial paper, stocks, bonds, checks, etc., (except funds belonging to the Government, Government checks payable to the deceased which are drawn on the Treasurer of the United States or on foreign depositories, and military payment orders payable to the deceased) with other property.

(2) Prepare AF Form 1122, "Personal Property Inventory," in duplicate, for the property in Air Force custody; have the recipient sign the original of the form and retain the duplicate copy.

(b) Pack and ship the property at Government expense as authorized and requested by the legal representative or next of kin.

§ 803.13 When legal representative or next of kin is known but not present.

The Summary Court will:

(a) Inventory the property, and prepare AF Form 1122 in 4 copies.

(b) Forward the property to the recipient as quickly as possible and not later than 4 weeks from date of death. Do not delay shipment of all property pending the sale of motor vehicles and/or collection of outstanding debts. Ship other property and advise the recipient of actions pending and approximate date they will be completed.

(c) Shipping notification: When the property is shipped, send a letter, and 2 copies of AF Form 1122, to the addressee, giving the date and method of shipment and the anticipated date of arrival. Also, state that shipment of the property is being made as required by Federal law and that the vesting of title thereto is dependent upon the laws of the State of the decedent's legal residence. Enclose a self-addressed envelope, and ask that he sign the original and one copy of the AF Form 1122 upon receipt of the property, and return it to the Summary Court.

(d) Debt collection: To the extent feasible, collect all local debts due the decedent.

(e) Payment of debts: Pay undisputed local creditors with any available cash belonging to the decedent and obtain receipt for such payment.

(f) Other settlement: Advise the recipient by letter:

(1) Of all known unsettled debts due or owed by the decedent.

(2) Of any items which cannot be shipped at Government expense (for example, any motor vehicle in the CONUS; more than one motor vehicle located outside CONUS; airplanes; buses; boats; trucks). Request that the recipient arrange to dispose of this property, or submit a power of attorney authorizing the Summary Court to sell it by public or private sale.

(g) Funds: Dispose of funds (including proceeds from sales of property), commercial instruments, stocks, bonds, etc.

(h) Cash records: Record each sale and cash transaction on AF Form 1122a (in 3 copies); attach a certified copy of each bill of sale, and each receipt for payment of a creditor, to one copy of the AF Form 1122a, and mail to the recipient.

(i) After the recipient has signed and returned the AF 1122, give the signed copies and the AF Form 1122a to the commander for approval and signature, together with a detailed account of all transactions of the Summary Court:

(1) The original signed form, together with the account of the transactions of the Summary Court, is placed in the file established in accordance with AFM 143–1 (Mortuary Affairs).

(2) The duplicate becomes part of the records of the Summary Court.

(j) After reasonable efforts have been made, without success, to obtain signed copies of AF Form 1122, the case may be closed; include in the official file of the deceased, a statement of all such action taken in this regard.

§ 803.14 When no legal representative or next of kin can be located.

The Summary Court will:

(a) Inventory the property, and prepare AF Form 1122 in 3 copies.

(b) After collecting from local debtors and paying undisputed local creditors of the deceased, sell all property except the following; articles having value chiefly as keepsakes (as defined in 10 U.S.C. 9712(e), stocks, bonds, evidence of bank accounts, or other forms of purely commercial paper.

(1) Property will be sold only when the Summary Court, after diligent effort, has not been able to discover the existence or address of any of the persons entitled to receive the property and has stated this formally in writing.

(2) Do not sell property until at least 30 days after the death of the person to whom they belonged.

(c) Pay any remaining undisputed local creditors of the deceased with funds derived from sale of the property.

(d) Record all sales and cash transactions on an AF Form 1122a (in 3 copies).

(e) Forward all cash and checks remaining after settlement of debts (with the original and 2 copies of AF Form 1122a), to the local accounting and finance officer, for deposit as prescribed in AFM 177–108 (Paying and Collecting Transactions at Base Level). The accounting and finance officer will indicate receipt of the funds by signing and returning all copies of AF Form 1122a.

(f) Give the original and two copies of AF Form 1122 and 1122a and a detailed account of all transactions of the Summary Court to the commander for his approval and signature.

(1) Place the signed original form, together with the account of the transactions of the Summary Court in the file established in accordance with AFM 143–1.

(2) Forward one copy of the forms, together with any insignia, decorations, medals, other articles valuable chiefly as keepsakes, and all purely commercial papers such as stocks, bonds, evidence of bank accounts, etc., to the United States Soldiers Home, Washington, D.C., under the provisions of 10 U.S.C. 9712(f).

(3) Retain the remaining copy for the records of the Summary Court.

Subpart C—Property of Deceased U.S. Civilians

§ 803.20 Which civilians are covered.

Any civilian serving with, employed by or accompanying Armed Forces personnel at a place or command under the jurisdiction of the Air Force.

§ 803.21 When legal representative or next of kin is present.

Permit legal representative or next of kin to take possession of the property.

§ 803.22 When legal representative or next of kin is not present.

(a) *In U.S. and U.S. possessions.* If property cannot be delivered or is not claimed within a reasonable time, deliver it with all available information to the recipient (in this case, the person designated by the judicial officer or by the

local civil government with jurisdiction over the estates of deceased persons). Upon request of the local civil official concerned, personal property of deceased employees located outside the CONUS may be shipped to the place he designates as directed in § 803.2 and AFM 75–4 (Movement of Personnel and Personal Property).

(b) *In a foreign country.* The commander will collect and safeguard the property, and request the nearest U.S. consulate to take possession and dispose of it in accordance with State Department instructions. Upon request of the State Department official concerned, personal property may be shipped to the place he designates, as directed in § 803.2 and AFM 75–4.

Subpart D—Property of Missing Persons

§ 803.30 Disposing of the property of missing persons.

Safeguard and hold personal property of a missing person for 30 days, or longer if circumstances warrant.

(a) If his status is officially changed from missing to dead, dispose of the property as directed in Subparts B and C of this part.

(b) If the person is still carried as missing after the prescribed waiting period expires, transfer the property to the custody of the person who would legally be entitled to receive it if the individual died.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lt. Colonel, United States Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 64–10138; Filed, Oct. 6, 1964; 8:46 a.m.]

SUBCHAPTER C—PUBLIC RELATIONS

PART 826—GIFTS TO INDIVIDUALS OF THE AIR FORCE

Miscellaneous Amendments

Sections 826.9 and 826.10 are revised to read as follows:

§ 826.9 Constitutional prohibition.

(a) Article 1, section 9, clause 8 of the United States Constitution provides as follows: "No title of Nobility shall be granted by the United States: and no Person holding any office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State."

(b) Under policies of the Department of Defense and the United States Air Force, no person holding any office of profit or trust under the United States shall, without the consent of the Congress, accept any decoration, award, gift, emolument, office or title of any kind whatever from any King, Prince or official of a foreign government. This policy applies to:

(1) All service members of the Department of the Air Force on active duty and to all civilian employees of the Air Force.

(2) All members of Reserve components of the Air Force whether or not on active duty.

(3) Retired officers of the Regular Air Force.

§ 826.10 Members of military assistance advisory groups and aid missions.

As an exception to the general policy and procedures set forth in § 826.9, personnel performing any duty whatever in connection with the Military Assistance Program may not accept the tender of, or physically assume the possession of, any gift from foreign governments or officials for duty of this nature. Participation in ceremonies involving any such tender is not authorized. To avoid embarrassment, the appropriate foreign officials should be advised of this prohibition. However, awards proffered in recognition of actual combat services or heroism involving the saving of life are excepted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFR 11–27A, July 16, 1964]

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 64–10140; Filed, Oct. 6, 1964; 8:47 a.m.]

PART 828—REWARDS FOR RECOVERY OF LOST AIR FORCE PROPERTY

A new Part 828 is added as follows:

Sec.
828.1 Purpose.
828.2 Who may offer rewards.
828.3 Eligibility for rewards.
828.4 When to pay rewards.

AUTHORITY: The provisions of this Part 828 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 67–5, August 18, 1958.

§ 828.1 Purpose.

This part authorizes monetary rewards to individuals and organizations for the recovery of, or information leading to the recovery of, lost Air Force property. It does not apply to stolen property.

§ 828.2 Who may offer rewards.

All commanders are authorized to offer rewards for the recovery of, or information leading to the recovery of, lost Air Force property. In doing so they will study carefully each offer of a reward. They will not only consider the dollar value of the property but also the importance of the recovery of the item to the Air Force. The following table will govern the monetary amounts of rewards offered.

Item	Standard amount	Maximum amount
Aircraft	$100	$500
Missiles	100	500
Communications and electronic equipment	50	200
Any airborne item lost in flight or from crashed aircraft not located by search and rescue	25	100
Flying clothing and equipment	25	50
Other items	25	50

§ 828.3 Eligibility for rewards.

(a) Rewards will not be paid:

(1) To military or civilian personnel of the Armed Forces of the United States or any other officer or employee of the U.S. Government.

(2) To agencies of the U.S. Government.

(3) When payment would be inconsistent with local laws, prevailing customs or practices, governing treaties or international agreements.

(b) Rewards will not be offered when such offer would be inconsistent with local laws, prevailing customs or practices, governing treaties or international agreements.

§ 828.4 When to pay rewards.

Commanders are authorized to pay rewards in the following instances provided that there has been a prior publication of the offer:

(a) To a person or organization who, having knowledge of the fact that a reward is being offered for the return of particular Air Force property or for information leading to its recovery, submits such property or information.

(b) To a person or organization who, having knowledge of the fact that there is a general practice of offering rewards for the return of lost Air Force property or for the submission of information leading to its recovery, submits property or information covered by a publicized offer.

By order of the Secretary of the Air Force.

FEDERICK A. RYKER,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 64–10141; Filed, Oct. 6, 1964; 8:47 a.m.]

PART 830—PROFESSIONAL ENTERTAINMENT PROGRAM IN OVERSEAS AREAS

A new Part 830 is added as follows:

Sec.
830.1 Purpose.
830.2 Air Force oversea entertainment policy.
830.3 How the program operates.
830.4 Sources of entertainment and types of entertainment units.
830.5 Local entertainment.

AUTHORITY: The provisions of this Part 830 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 34–38, October 22, 1959.

§ 830.1 Purpose.

This part establishes policies and procedures governing the Armed Forces Professional Entertainment Program overseas.

§ 830.2 Air Force oversea entertainment policy.

(a) Entertainment will be allocated on a priority basis to oversea commands with a high proportion of remote and isolated installations.

(b) Appropriate unified and specified commands will be recognized in all correspondence on professional entertainment.

(c) Entertainment units which exceed the maximum criteria for type, size and number indicated by the oversea commanders will not be furnished.

(d) Gratuitous entertainment units will not be accepted when the value of the attraction offered to the Armed Forces is obviously less than that accruing to the entertainer or entertainment unit.

(e) Certification of press representatives and publicity agents as entertainers is prohibited.

(f) Delays en route at no expense to the Government may be granted only for the convenience of the Department of Defense (limited engagements or bookings at United States military installations or for operational reasons), or for the Department of State on a reimbursable basis, or for personal travel or convenience, provided the delay is prearranged and does not disrupt or delay scheduled military air transportation or special mission aircraft.

(g) Commercial bookings on the local economy or employment in other commercial ventures are specifically prohibited.

§ 830.3 How the program operates.

(a) As directed by the Secretary of Defense, the Secretary of the Army is responsible for determining, coordinating, and administering the Armed Forces Professional Entertainment Program.

(b) Under the supervision of the Deputy Chief of Staff, Personnel, Department of the Army, a joint activity has been established in the Office of The Adjutant General to coordinate and administer the professional entertainment program. This activity will:

(1) Determine the extent and scope of the program annually in conjunction with representatives of the other military departments and the Office of the Assistant Secretary of Defense (MP&R).

(2) Provide all services relative to accepting, rejecting, processing for travel, and otherwise making units available for oversea commands. Strict compliance with this provision is necessary to avoid embarrassment to the Department of Defense.

(3) Arrange for transportation within the United States and for military air transportation from the aerial port of embarkation to the oversea command and return. No military transportation will be provided to or from overseas for troop entertainment except as authorized by this agency.

§ 830.4 Sources of entertainment and types of entertainment units.

The recognized primary agency for the supply of professional entertainment is USO through its paid service. When USO is unable to furnish the desired amount or quality of paid service entertainment, the Department of the Army may negotiate for such additional entertainers or units from other appropriate sources. Types of entertainment units are:

(a) USO paid service consisting of entertainers who receive a salary under contract with USO, and are supported by the Department of Defense with transportation to and from the oversea theater, and are given per diem allowance.

(b) Commercially sponsored units consisting of entertainers who receive salary from manufacturers of nationally known products and who are assembled into a unit and provided to the Department of Defense in return for limited advertising privileges. Such units are supported by the Department of Defense with transportation to and from the oversea theater and are given per diem allowances.

(c) Gratuitous units consisting of entertainers who serve without salary but are supported by the Department of Defense with transportation to and from the oversea theater and are given per diem allowances.

§ 830.5 Local entertainment.

This part does not preclude oversea commanders from accepting or scheduling locally available entertainment for presentation to personnel within their commands.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lt Colonel, U.S. Air Force, Chief, Special Activities Group, Office of the Judge Advocate General.

[F.R. Doc. 64-10142; Filed, Oct. 6, 1964; 8:47 a.m.]

PART 831—AWARDS TO ENTERTAINERS AND SPONSORS OF ENTERTAINMENT UNITS

A new Part 831 is added as follows:

Sec.
831.1 Purpose.
831.2 Definitions.
831.3 Policy on giving awards.
831.4 Eligibility criteria.
831.5 Publicity and presentations of awards.

AUTHORITY: The provisions of this Part 831 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 34-56, January 20, 1960.

§ 831.1 Purpose.

This part establishes policies and procedures governing the award of Certificates of Esteem or Letters of Appreciation to entertainers and sponsors who have given gratuitous entertainment to United States Armed Forces personnel in oversea areas.

§ 831.2 Definitions.

(a) *Entertainer.* Any performer (professional or amateur), theatrical or nontheatrical, including sports exhibitionists, whose sole purpose is to amuse or entertain military personnel. The term includes both United States citizens and foreign nationals.

(b) *Gratuitous entertainment performance.* Any performance given by an entertainer for which no compensation is paid by the United States Government or by any agency designated by the Department of Defense to procure officially such entertainment for Department of Defense personnel. Travel and/or subsistence shall not be considered compensation.

(c) *Sponsor of entertainment units* (hereafter referred to as sponsor). Any organization, private or public, local, national, or international, which sponsors gratuitous entertainment performances for military personnel.

(d) *High-quality performance.* Entertainment which, in the opinion of the Assistant Secretary of Defense (MP&R), promotes a well rounded morale, welfare, and recreation program for Armed Forces personnel.

§ 831.3 Policy on giving awards.

(a) Letters of Appreciation and Certificates of Esteem are given in recognition of entertainment services which advance the morale, welfare, and recreational program of the Armed Forces. Indiscriminate recommendations will be avoided to preserve the value of these awards.

(b) (1) Awards normally will be made on a one-time basis. A sponsor or an entertainer who has received a Certificate of Esteem usually will not be awarded this certificate for subsequent contributions to Armed Forces entertainment. Similarly, an entertainer who has received a Letter of Appreciation will not receive a second award of this nature, or a Certificate of Esteem.

(2) Exception: Subsequent awards will be made only when the sponsor or entertainer again fills the requirements of § 831.4 and the Secretary of Defense or the Secretary of the Army (acting as executive agent) determines, based on recommendations of the major air commander concerned, that a most outstanding contribution has been made after receipt of the initial award.

(c) The Certificate of Esteem may be awarded posthumously to entertainers, and presented to the next of kin in the following order: Widow or widower; eldest son; eldest daughter; father; and mother.

§ 831.4 Eligibility criteria.

(a) A Letter of Appreciation may be awarded to entertainers who have:

(1) Received in advance official clearance to give performances (see Part 830); and

(2) Given a minimum of 20 gratuitous high-quality performances before United States Armed Forces personnel in oversea areas.

(b) A Certificate of Esteem may be awarded:

(1) To sponsors who have provided gratuitously (see Part 830 of this chapter) an entertainment unit that has given 20 or more high-quality performances before United States Armed Forces personnel in oversea areas.

(2) In exceptional cases, to an individual performer in lieu of a Letter of Appreciation when either the Secretary of the Army (acting as executive agent) or the major air commander concerned recommends such action because of an exceptionally meritorious contribution to entertainment of United States Armed Forces personnel in oversea areas.

(c) Exceptions:

(1) The requirement that a minimum of 20 performances must have been given to attain eligibility may be waived when either the Secretary of the Army (acting as executive agent) or the major air commander concerned so recommends on the basis of justifiable circumstances.

(2) Entertainers or sponsors shall not be eligible for these awards when the value of the entertainment to the audience is considered to be less than the value the entertainer or sponsor receives in terms of experience, publicity, or other benefit.

§ 831.5 Publicity and presentations of awards.

Normally, awards will not be announced publicly. However, releases may be issued through normal Air Force public information channels.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 64-10143; Filed, Oct. 6, 1964; 8:47 a.m.]

PART 832—EMPLOYMENT OF CIVIL AIR PATROL

A new Part 832 is added as follows:

Sec.
832.1 Purpose.
832.2 What the CAP is.
832.3 How CAP services are obtained and supported.
832.4 Use of the CAP.
832.5 What funds are used.
832.6 Training assistance authorized.

AUTHORITY: The provisions of this Part 832 issued under sec. 8012, 9441, 70A Stat. 488, 572; 10 U.S.C. 8012, 9441.

SOURCE: AFR 46-5, July 22, 1964.

§ 832.1 Purpose.

This part explains the Civil Air Patrol (CAP) services that the Air Force will use to fulfill its noncombatant mission in peace and during a military emergency.

§ 832.2 What the CAP is.

Title 10, U.S.C. 9441, establishes the CAP as a volunteer civilian auxiliary air organization trained and equipped to assist in national and local emergencies. Besides conducting a Nation-wide program of aerospace education, its senior members operate and maintain light aircraft, mobile land rescue teams, and a Nation-wide radio communications network. The Air Force is authorized to use these services in fulfilling its noncombatant mission.

§ 832.3 How CAP services are obtained and supported.

Since CAP participation in any mission is voluntary, it must be formally requested, rather than directed by competent Air Force authority. The Air Force will supply the CAP with fuel and lubricants when it requests CAP's participation in specific missions.

§ 832.4 Use of the CAP.

The CAP may be used by the Air Force in the following missions:

(a) *Air search and ground rescue.* CAP voluntarily supports the national search and rescue mission by conducting search and rescue operations. Air Rescue Service (MATS) through its Rescue Coordination Centers (RCC) and the Air Force commanders in Alaska, Puerto Rio, Hawaii, and the Commander CAP-USAF may request the voluntary assistance of the CAP and authorize, coordinate, supervise, and control CAP resources in assisting the Air Force in its air search and ground rescue activities.

(b) *Air Force Reserve Recovery units.* CAP resources may be used by the Air Force in the support of the U.S. Air Force Survival, Recovery and Reconstitution Plan (USAFSRR Plan). Each CONAC (Continental Air Command) Air Force Reserve Region is authorized through its Reserve Recovery unit commanders to consummate agreements with CAP wing and squadron commanders for the use of CAP resources within their geographic areas.

(c) *Domestic emergency and disaster relief.* CAP resources may be used to assist the Air Force in fulfilling its authorized emergency and disaster relief mission. In the CONUS (Continental United States), CONAC, through its Air Force Reserve Regions may request, authorize, and coordinate the use of CAP capabilities.

(d) *Civil Defense assistance.* To help the Air Force accomplish its responsibilities during a Civil Defense emergency, CAP will be employed under Civil Defense direction, consistent with its other missions as a civilian auxiliary of the Air Force. CAP civil defense training and emergency responsibilities and tasks include, but are not limited to:

(1) Aerial radiological monitoring,
(2) Courier and messenger service,
(3) Aerial surveillance of surface traffic,
(4) Light transport flights for emergency personnel and supplies,
(5) Reconnaissance flights, and
(6) Radio communications.

(e) *Support of Air Force installations.* The CONAC Air Force Reserve Region commanders, the Air Force commander in Alaska, Hawaii, and Puerto Rico, and the Commander, CAP-USAF, or his designated representative may request and authorize the participation of CAP units in Air Force missions in support of Air Force installations.

§ 832.5 What funds are used.

(a) Appropriated funds will be used only to furnish CAP members with or reimburse them for:

(1) Fuel and lubricants used in actually performing a mission,

(2) Communications expenses incurred in alerting or controlling CAP members participating in a mission.

(b) Appropriated funds will not be used for:

(1) Reimbursing CAP members for depreciation of privately owned equipment,

(2) Establishing indemnity provisions for damage to aircraft or vehicles, or for personal injury or death of CAP members as a result of participating in an Air Force mission,

(3) Establishing indemnity claims for aircraft, vehicles, equipment, facilities used by the CAP or its members and obtained from private owners by loan, lease, contract, or otherwise,

(4) Paying personal services of CAP members engaged in Air Force missions.

§ 832.6 Training assistance authorized.

Although the Air Force assumes no direct responsibility for the training of CAP members, commanders may furnish advice and provide available training literature.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lt. Colonel, United States Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 64-10144; Filed, Oct. 6, 1964; 8:47 a.m.]

SUBCHAPTER D—CLAIMS AND LITIGATION

PART 842—ADMINISTRATIVE CLAIMS

Subpart P—Hospital Recovery Claims

Subpart P is revised to read as follows:

Sec.
842.116 Purpose.
842.117 General.
842.118 Implementing directives.
842.119 Definitions.
842.120 Assertable claims.
842.121 Nonassertable claims.
842.122 Responsibility for investigation.
842.123 Treatment in civilian and other Federal medical facilities where apparent third party liability exists.
842.124 Action on medical care report.
842.124a Notice to third party.
842.124b Determination of liability by base staff judge advocate after formal investigation.
842.124c Action on payment and settlement offers.
842.124d Waiver.
842.124e Settlement authority.
842.124f Reports of litigation and other legal actions.
842.124g Medical records.

AUTHORITY: The provisions of this Subpart P issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012 (except as otherwise noted) [AFM 112-IL, August 28, 1964]

§ 842.116 Purpose.

This subpart establishes procedures for the recovery from tortiously liable third parties of the cost of hospital and medical care and treatment furnished by the Air Force.

§ 842.117 General.

(a) The Act of September 25, 1962 (42 U.S.C. 2651–3), the Medical Care Recovery Act, provides that:

(1) Where the United States is authorized or required by law to furnish hospital, medical, surgical, or dental care and treatment, including prostheses and medical appliances, to a person who, after January 1, 1963, is injured or suffers a disease under circumstances creating a tort liability upon a third party to pay damages therefor, the United States shall have the right to recover from such third party the reasonable value of the care and treatment furnished or to be furnished; and, as to this right, shall be subrogated to any right or claim, based on the care and treatment, the injured or diseased person, his guardian, personal representative, estate, dependents, or survivors may have.

(2) The head of the department or agency of the United States furnishing the care and treatment may require the injured party to assign his claim or cause of action against the third party to the extent of the medical care furnished by the United States.

(3) To enforce its right, the United States may intervene or join in any action or proceeding against the third party brought by the injured party. If no such action has been started within 6 months after the first day that care and treatment began, the United States may institute action against the third party in a State or Federal court, alone or in conjunction with the injured party.

(4) The President may prescribe regulations to carry out the act and to determine the value of care and treatment. As prescribed by such regulations, the head of the department or agency of the United States concerned may compromise or settle and release any claim under the act, or waive it, in whole or in part, for the convenience of the Government or where collection would cause undue hardship to the injured party.

(5) No action taken by the United States under the act shall operate to deny to the injured party the recovery of damages not covered thereunder.

§ 842.118 Implementing directives.

(a) In Executive Order No. 11060, November 7, 1962 (27 F.R. 10925), the President directed:

(1) The Director of the Bureau of the Budget to establish rates for the reasonable value of the care and treatment;

(2) The Attorney General to prescribe regulations to carry out the purposes of the act.

(b) The rates established by the Director of the Bureau of the Budget are published at 29 F.R. 12482.

(c) The regulations issued by the Attorney General (28 CFR 43) provide:

(1) The head of the department or agency responsible for furnishing the care and treatment, or his designee, shall determine whether third party tort liability exists and, if so, shall assert a claim for the reasonable value of such care and treatment.

(2) Any other department or agency may be requested by the Department of Justice, or the department or agency responsible for furnishing the care and treatment, to investigate, determine, or assert a claim.

(3) At the discretion of the department concerned, any person furnished care and treatment, his guardian, personal representative, estate, dependents, or survivors, may be required to fulfill certain obligations set out in § 842.124 (b)(2), and pertinent medical records may be withheld pending compliance therewith.

(4) Except where the claim has been previously referred to the Department of Justice, or the third party has sued the United States or the injured party and the suit is based on the incident which gave rise to the United States claim, the department head asserting the claim, or his designee, may accept the full amount of any claim; compromise or settle and execute a release of any claim not over $2,500.00; or, waive and execute a release of any claim not over $2,500.00, in whole or in part, for the convenience of the Government or where collection would cause undue hardship to the injured party.

(5) Claims for over $2,500.00, those referred to the Department of Justice, and those where the third party has sued the United States or the injured party, may be acted on only after prior approval of the Department of Justice.

§ 842.119 Definitions.

(a) *Assertion of claim.* Service of SF 96, "Notice of Claim," on a third party or a demand on a third party for a sum certain determined to be the value of medical care.

(b) *Base staff judge advocate.* The staff judge advocate of the base, station, or fixed installation providing legal services to the Air Force medical facility which furnished the initial medical care to the injured party. When an Air Force facility did not furnish the initial medical care, the staff judge advocate of the base, station, or fixed installation nearest the facility which furnished the initial medical care.

(c) *Injured party.* The person or the guardian, personal representative, estate, dependents, or survivors of such person, who received medical care for injury suffered or disease contracted through the tortious act of a third party.

(d) *Third party.* An individual, partnership, association, corporation, or governmental body, foreign or domestic (other than an instrumentality of the United States or an employer of seamen treated under 42 U.S.C. 249), against whom the United States has a claim under this subpart.

§ 842.120 Assertable claims.

Assertable claims are those based upon injury or disease occuring after January 1, 1963, under circumstances creating a tort liability upon a third party to pay damages therefor, where medical care is or will be furnished by, or is the responsibility of, the Air Force; and, at least one of the following conditions exists:

(a) The total value of medical care furnished to all injured parties from a Federal source, as computed by reference to 29 F.R. 12482, from a non-Federal source, or from a combination of both such sources, is $100.00 or more.

(b) A third party, his insurer, or other representative offers payment and requests a release from the United States as a condition precedent to payment of other damages to the injured party.

(c) A property damage tort claim will be asserted under 31 U.S.C. 71.

§ 842.121 Nonassertable claims.

(a) Claims for medical care for a service-connected disability furnished to a veteran by the Veterans Administration under 38 U.S.C. 601–43. Where the injured party is an Air Force member, later discharged and transfered to a Veterans Administration facility, the claim will cover only the reasonable value of medical care up to the date of discharge.

(b) Claims against employers of seamen treated under 42 U.S.C. 249.

§ 842.122 Responsibility for investigation.

(a) The base staff judge advocate is responsible for the investigation.

(b) When medical care is furnished to one or more injured parties at different locations, arrange a single investigation, if practicable, by coordination between the base staff judge advocates concerned. The investigating office must assert all claims based on the incident with the full cooperation of the other offices involved.

(c) Incidents involving potential claims against commercial carriers under Military Air Transport Service (MATS) contracts will be investigated and claims based thereon will be asserted by the Staff Judge Advocate, MATS, except where the incident occurs in a geographical area where there is single service claims responsibility. In the latter event, investigation, processing, and assertion will be in accordance with single service procedures established for the area concerned. Base staff judge advocates will furnish the information required by §§ 842.123 (a) and (b) and 842.124(c) to the Staff Judge Advocate, MATS, or to the designated office under single service procedures.

§ 842.123 Treatment in civilian and other Federal medical facilities where apparent third party liability exists.

(a) *Member of the Air Force.* The immediate commander of a person on active duty or participating in Reserve training, treated at Air Force expense at a civilian facility, will make a report thereof to the commander of the Air Force medical facility nearest the place of civilian treatment.

(b) *Nonmilitary patients.* Where the Air Force is responsible for reimbursement for medical treatment of nonmilitary patients at civilian facilities, the commander of an Air Force medical facility receiving notification of such treatment is responsible for initiating a report and forwarding it to the nearest

base staff judge advocate, as defined in § 842.119(b).

(c) *Dependents.* Statements of treatment at civilian facilities under the Dependents Medical Care Act (10 U.S.C. 1071–85), are forwarded to the Office for Dependents Medical Care, Office of the Surgeon General of the Army, and are then sent to the responsible department. For Air Force dependents the statements are transmitted to the base staff judge advocate, as defined in § 842.119(b).

§ 842.124 Action on medical care report.

Upon receipt of any report of medical treatment under conditions indicating possible third party liability, the base staff judge advocate will review the report for completeness and act immediately to obtain any missing information, if material. When the report is complete, he will:

(a) If it is clear that there is no third party liability, take no further action.

(b) If third party liability is apparent or may be present, promptly contact, in person or through correspondence, the injured party or, where appropriate, his guardian, personal representative, estate, dependents, or survivors, and advise in writing that:

(1) Under 42 U.S.C. 2651–3, the United States is entitled to recover from the third party responsible for the injuries or disease the reasonable value of medical care furnished or to be furnished by the United States.

(2) The injured party is required to:

(i) Furnish such information as may be requested concerning the circumstances giving rise to the injury or disease and concerning any action instituted or to be instituted by or against the third party.

(ii) Notify the base staff judge advocate of any settlement offer from the third party, his insurer, or other representative.

(iii) Cooperate in the prosecution of all claims and actions by the United States against the third party.

(3) The injured party should not execute a release or settle any claim concerning the injury and should not furnish the third party, the third party's insurance company, or any other representative of the third party, any information or signed statement, without first notifying the base staff judge advocate and his attorney.

(c) After giving the foregoing instructions, obtain from the injured party a complete written statement concerning the events leading to the injury or disease. When this informal inquiry clearly shows no liability, no further action need be taken. Otherwise, he should proceed as set forth in paragraphs (d) and (e) of this section.

(d) Where responsibility for investigation of the claim is that of another department or agency, forward all available information to that department or agency.

(e) Where the Air Force is the responsible department and has not been reimbursed for the medical care, make a complete investigation. Make a complete investigation report, including:

(1) The name, address, and occupation of each apparent third party.

(2) If a third party is a member of a uniformed service or an employee of the United States, a statement whether such person was on duty and, if so, whether he was acting within his official duty or the scope of his employment at the time of the incident and whether he was grossly negligent or guilty of willful misconduct.

(3) A report on the financial status and responsibility of the third party, including all income and obligations, the nature and extent of any insurance coverage, and the name and address of the insurer.

(4) In vehicle accident cases, where the third party is uninsured:

(i) A report on whether any injured party, owner, driver, or passenger had uninsured motorist insurance coverage and whether it was mandatorily offered by the insurer in accordance with a state requirement.

(ii) Whether action has been taken under the financial responsibility law of the situs.

(5) A statement as to whether there will be any permanent disability and the degree thereof.

(6) The originals or copies of all bills or statements of cost incurred where treatment is furnished by civilian facilities.

(7) In cases of damage to Government property, itemized repair bills or estimates of repair.

(8) Copies of all pertinent correspondence, including the SF 96 served on the third party and any response thereto from him, his insurer, or other representative.

(9) The name and address of the injured party's attorney, and whether a suit has been or will be instituted.

(10) A statement whether the United States claim will be included in the injured party's demand or suit.

(f) After the investigation is complete, make a written determination concerning liability and the amount of any liability and state his reasons for the determination.

§ 842.124a Notice to third party.

(a) At any time before, during, or after investigation, when sufficient facts are developed to support a reasonable belief that third party liability exists, the base Staff Judge Advocate will send a Notice of Claim to the third party. Mail or otherwise deliver the original and one copy to the third party.

§ 842.124b Determination of liability by base staff judge advocate after formal investigation.

(a) When the value of medical care is established, make a written demand for that amount upon the third party. Send copies to his insurer and attorney.

(b) Establish active liaison with the injured party and his attorney and the third party, his attorney, and insurer, making certain that:

(1) They all know of the independent statutory right of the United States to recover the reasonable value of the medical care involved, notice to the insurer not being a condition precedent to collection; the injured party and his attorney know of the former's obligations with respect to that right (§ 842.124(b));

and, they all know that the United States is, by law, also subrogated to any right the injured party has to recover for such care.

(2) Collection efforts of the injured party and the United States are coordinated.

(3) When all other methods of collection have been exhausted, the United States has an opportunity to join or intervene in any action or proceeding brought by or against the injured party, or persons acting in his behalf, for damages arising out of the incident which made the medical care necessary.

(c) Pursue the United States claim with diligence, at all times keeping in mind that, until a claim is referred to the Department of Justice, he is the attorney representing the interests of the United States.

(d) Request the injured party and his attorney to include in his demand and as an item of special damages in any suit initiated, the amount of the United States claim for medical care.

(1) Payment of counsel fees from the United States claim is prohibited (5 U.S.C. 314).

(2) The injured party and his attorney should be assured of the Government's full cooperation in providing official medical records and testimony at no expense to the injured party.

§ 842.124c Action on payment and settlement offers.

(a) The staff judge advocate to whom the offer is made will accept an offer of payment in full and execute a release on behalf of the United States.

(b) If the third party offers to discharge the claim in full by means of installment payments, the staff judge advocate will, at his discretion, agree to such installments as will permit full payment of the claim within a reasonable period of time. When the claim is paid in full, he will execute a release on behalf of the United States.

§ 842.124d Waiver.

Waiver of all or a part of the United States claim may be granted for the convenience of the Government or to avoid financial hardship to the injured party. A request for waiver based on hardship must emanate from the injured party, his attorney, or other representative. The request must show a specific settlement offer from the tort-feasor or his representative, the amount available to pay the claims of the injured party and the United States, and the actual, not imagined, hardship to the injured party which will result if the United States does not waive all or part of its claim.

§ 842.124e Settlement authority.

(a) The Secretary of the Air Force may accept the full amount of any hospital recovery claim or compromise or waive any such claim not in excess of $2,500.00.

(b) The authority granted in paragraph (a) of this section shall not be exercised in any case in which:

(1) The claim has been referred to the Department of Justice.

(2) A suit has been instituted against the United States or the injured party, and the suit arises out of the incident which gave rise to the hospital recovery claim.

(3) A compromise offer is made in a claim involving both Government property damage under 31 U.S.C. 71 and medical care under this subpart.

(4) A counterclaim growing out of the incident which gave rise to the medical care claim has been presented.

§ 842.124f Reports of litigation and other legal actions.

(a) The initiation of a suit or any other legal action by or on behalf of the injured party, based upon an incident involving medical care, will be reported immediately to Hq USAF (AFJALD). The report must show whether the United States claim will be protected without United States intervention (§ 842.124b(d)).

(b) Suits and actions based on medical care, which are filed against the injured party or the United States, will be reported to Hq USAF (AFJALF), as required by §§ 844.1 to 844.5.

§ 842.124g Medical records.

Notwithstanding any provision of §§ 840.1 to 840.14 and AFM 160–20 (Administration of Medical Treatment Activities), records of medical history, diagnosis, treatment, and prognosis may be withheld from the injured party or other party claiming through him, pending compliance with the requirements of § 842.124 (b) (2) and (3) and (c), as applicable. After such compliance, the records may be released, but only in accordance with AFM 160–20. Whether or not there will be a fee charged for such records is specified in Subchapter P, Part 288, Chapter 1 of this title.

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lt. Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 64–10145; Filed, Oct. 6, 1964; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 8—NATIONAL SERVICE LIFE INSURANCE

TOTAL DISABILITY INCOME PROVISION

1. A new § 8.95b is added to read as follows:

§ 8.95b Withdrawal of the right to issue the total disability income provision (§ 8.99) authorized by Public Law 85–678 and section 715 of Title 38, United States Code, in effect before January 1, 1965.

Public Law 88–355, effective January 1, 1965, amends section 715 of Title 38, United States Code, and terminated, as of December 31, 1964, the authority for issuing the total disability income provision incorporated in § 8.99, except for the right to reinstate such provision in accordance with Veterans Administration regulations. The total disability income provision (§ 8.99) which has been issued and made a part of National Service life insurance policies will remain in effect in accordance with the provisions of § 8.99 unless surrendered pursuant to § 8.96(a).

2. In § 8.96, paragraph (a) is amended to read as follows:

§ 8.96 Application for total disability income provision and application for reinstatement thereof.

(a) Application for the total disability income provision authorized by section 715 of Title 38, United States Code, as amended by Public Law 88–355, effective January 1, 1965, must be made prior to the insured's fifty-fifth birthday except that prior to January 1, 1966, application may be made by the insured prior to his sixtieth birthday. The application and evidence of good health should be on such forms as may be prescribed by the Veterans Administration, but any statement in writing sufficient to identify the applicant and the amount of insurance applied for, together with evidence of good health satisfactory to the Administrator and a remittance to cover the first monthly premium will be sufficient as an application for the total disability income provision. Total disability insurance with benefits at the rate of $10 per month will be granted for each $1,000 of National Service Life Insurance in force in full multiples of $500, but not to exceed the amount of life insurance, other than extended insurance, in force under the policy at the time of the application, upon compliance with the requirements of this subparagraph. However, the total disability income provision authorized by 38 U.S.C. 715, as amended by Public Law 88–355, effective January 1, 1965, shall not be added to a National Service life insurance policy containing the total disability income provision issued under section 602(v) of the National Service Life Insurance Act, as amended, or the provisions of 38 U.S.C. 715, in effect before January 1, 1965, except (1) upon complete surrender of such total disability income provision with all claims thereunder (except as to rights which have matured for a period prior to the surrender); (2) written application signed by the applicant; (3) proof that the applicant is in good health, if required, satisfactory to the Administrator; and (4) payment of the premium determined by the Administrator to be required in such cases or submission of a signed agreement to pay the required premium or premiums when billed. No total disability income provision shall be included in insurance granted under the provisions of section 620 of the National Service Life Insurance Act, as amended, or section 722(a) of Title 38, United States Code.

* * * * *

3. In § 8.97, the headnote and paragraph (c) are amended to read as follows:

§ 8.97 Effective date of the total disability income provision authorized by section 715 of Title 38, United States Code as amended by Public Law 88–355.

The total disability income provision will be made effective as follows:

* * * * *

(c) No protection shall be granted on the total disability income provision issued under 38 U.S.C. 715, as amended by Public Law 88–355 unless the total disability commenced on or after January 1, 1965, and subsequent to the date of application for such provision or the effective date thereof, whichever is later.

4. A new § 8.99a is added and the former § 8.99a is revised and redesignated § 8.99b so that the new and revised sections read as follows:

§ 8.99a Total disability income provision for National Service life insurance authorized by section 715 of Title 38, United States Code, as amended by Public Law 88–355, effective January 1, 1965.

The total disability income provision for National Service life insurance authorized by 38 U.S.C. 715, as amended by Public Law 88–355, effective January 1, 1965, is as follows:

NATIONAL SERVICE LIFE INSURANCE

TOTAL DISABILITY INCOME PROVISION

Attached to and made a part of Policy No. ------ on the life of ----------

Premiums

Monthly ----------
Quarterly ----------
Semiannual ----------
Annual ----------

If the insured becomes totally disabled before his 65th birthday and remains so disabled for at least 6 consecutive months, there will be paid to the insured, for as long as the total disability continues, a monthly income of $10 for each $1,000 of face amount of this policy, and the payment of the premiums for this provision (as well as for this policy) will be waived, subject to the following clauses (A) to (L):

(A) Total disability is defined as any one of the following:

(1) Any impairment of mind or body which continuously renders it impossible for the insured to follow any substantially gainful occupation;

(2) The permanent loss of the use of both feet, or both hands, or of both eyes, or of one foot and one hand, or of one foot and one eye, or of one hand and one eye;

(3) The total loss of hearing of both ears; or

(4) The organic loss of speech.

(B) Total disability must be continuous and must exist for at least 6 consecutive months. It must have started:

(1) Before the insured's 65th birthday;

(2) After the date of application for this provision or the effective date hereof; whichever is later, and

(3) While this provision is in effect.

(C) The insured must file written application for total disability income benefits and must file the required proof that clauses (A) and (B) above have been fulfilled. The required proof must be filed while this provision is in force or within 1 year after this provision has ceased to be in effect. In the event the insured dies without filing application and the Administrator finds that the insured's failure to file such application was due to circumstances beyond the insured's control, the application and required

proof may be filed by the beneficiary within 1 year after the date of death of the insured. In such cases, except for total disability which is due to one of the specific causes listed in (A)(2), (A)(3), and (A)(4) above, the monthly income payments may relate back to a date not exceeding 6 months prior to the date of death of the insured.

(D) The disability income payments will be paid from the first day of the seventh consecutive month of continuous total disability, except that if the total disability is not due to one of the specific causes listed in (A)(2), (A)(3), and (A)(4) above, the disability income payments will not relate back to a date more than 6 months prior to receipt at the Veterans Administration of the required proof, except as provided above in clause (C). Any disability income payments due the insured and not paid during his lifetime will be paid to the person entitled to the proceeds of this policy.

(E) Waiver of the payment of premiums for this provision (as well as for this policy) will be made effective with the first monthly premium due after the start of the continuous total disability, except that premiums due more than 1 year prior to receipt of claim will be waived only if the Administrator finds that the insured's failure to submit timely claim or satisfactory evidence of continuance of total disability was due to circumstances beyond the insured's control. Waiver of premiums will continue for as long as the total disability continues. Premiums paid to cover a period during which waiver of premiums is effective will be refunded without interest to the insured if living, otherwise to the person entitled to the proceeds of this policy.

(F) Notwithstanding the fact that proof of total disability may have been accepted as satisfactory, the Administrator may at any time require proof of continuance of total disability. If the insured fails to furnish evidence satisfactory to the Administrator of the continuance of such total disability, or if it appears to the Administrator that the insured is not totally disabled, no further total disability income payments will accrue and no further waiver of the payment of premiums will be granted. Thereafter, premiums on this policy (including this provision) will become due and payable as provided in the policy and in this provision.

(G) This provision will cease to be in effect on the insured's 65th birthday, or if this policy or this provision lapses, or if this policy is surrendered for its net cash value, or for extended term insurance, or is surrendered for paid-up life insurance of less than $1,000, or if the policy matures as an endowment, or expires as term insurance.

(H) If this policy is surrendered for paid-up life insurance of not less than $1,000 face amount, this provision may be continued by the payment of the required premiums as they become due. In that event the face amount of this policy, for the purposes of this provision only, will be the largest multiple of $500 which does not exceed the amount of the paid-up life insurance.

(I) If this provision has lapsed, it may be reinstated provided the following requirements are met:

(1) A written application signed by the insured, and evidence of health satisfactory to the Administrator must be furnished.

(2) The required premiums and interest must be paid.

(J) If there is a change of plan under this policy which results in a larger premium for this provision, then in order to continue this provision there must also be paid (1) the differences between the premiums already paid for this provision and those that would have been paid for this provision had this policy been in force on the new plan when this provision originally became effective, and (2) interest on such differences at the rate of 2½ percent a year compounded annually on insurance issued under section 723(b) of Title 38, United States Code, and on other National Service life insurance at the rate of 3 percent a year compounded annually. To this extent the provision entitled "Change of Plan" is modified.

(K) The benefits provided for in this provision will be in addition to all other benefits and privileges under this policy. If the policy to which this provision is attached is a participating policy, it may be separately classified for the purpose of dividend distribution from otherwise similar policies not containing such benefit. Disability income payments made under this provision will not reduce the face amount of this policy.

(L) This provision is granted in consideration of the application, evidence of good health, and payment of the monthly premium shown above (in addition to the monthly premium stated on the face of this policy), and, except as otherwise provided herein, the payment thereafter of the same amount on each succeeding monthly premium due date of this policy to the insured's 65th birthday, or until the end of the premium-paying period of this policy, if earlier. If any premium for this provision is not paid before the end of the 31-day grace period, this provision will lapse as of the due date of that premium. Premiums for this provision may also be paid quarterly, semi-annually, or annually, in advance, but, except as otherwise provided herein, must be paid in the same manner as the premiums for this policy. If the policy to which this provision is attached is a twenty or thirty payment life policy which is fully paid-up or will be fully paid-up before the insured's 65th birthday and if the insured elected to pay premiums on this provision to his 65th birthday, then the premium payment conditions of this provision and of this policy are modified accordingly. If this provision is attached to a term policy the premium for this provision is subject to increase at each renewal of the term policy.

This provision takes effect on this _____ day of _____ 19 ____.

/s/
Administrator of Veterans Affairs

§ 8.99b Premium rates for the total disability income provision authorized by section 715 of Title 38, United States Code, as amended by Public Law 88–355.

The premium rates for the total disability income provision authorized by section 715 of Title 38, United States Code, as amended by Public Law 88–355, are published in VA Pamphlets 29–13 and 29–13A.

(72 Stat. 1114, 1148, 1164, as amended; 38 U.S.C. 210, 701–724, 781–788)

These VA Regulations are effective January 1, 1965.

Approved: October 1, 1964.

By the direction of the Administrator.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 64–10170; Filed, Oct. 6, 1964; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 22—SECOND CLASS

Applications for Publications

Regulations contained in § 22.3(c)(3) of Title 39, Code of Federal Regulations, as amended by 29 F.R. 563, which relate to applications for additional entry of second-class publications, are hereby amended for the purpose of clarification and to codify standards and procedures which are in effect.

These amended regulations will be effective for ninety days from date of publication in the FEDERAL REGISTER.[1]

As so amended § 22.3(c)(3) of Title 39, CFR reads as follows:

§ 22.3 Application for second-class privileges.

* * * * *

(c) *Applications for publications that have second-class privileges.* * * *

(3) If a publisher desires to mail copies at another office in addition to the one where he has second-class mail privileges, he may file a written application stating where the publication is printed, the approximate number and weight of copies to be mailed at the additional office, and the specific geographical area to be served. A form is not provided for this kind of application. The application must be filed at the office where the publication has been granted original second-class mail privileges. If the additional entry is authorized, all copies for delivery at the original office must be mailed there, and the geographical area served by the additional entry office must include the entire area of the additional entry office. The delivery arrangements provided by subparagraph (4) of this paragraph are for use by publishers who desire to mail copies at post offices located near the office of original entry. An additional entry will not be authorized at a nearby post office unless the publication is printed at such office nor at post offices which are not situated so as to handle the mailings efficiently from the transportation viewpoint.

NOTE: The corresponding Postal Manual section to be amended is 132.33c.

* * * * *

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4351–4370)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64–10160; Filed, Oct. 6, 1964; 8:52 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9–1—GENERAL

Subpart 9–1.6—Debarred, Suspended and Ineligible Bidders

The following subpart is added:

Sec.
9–1.600 Scope of subpart.
9–1.602 Establishment and maintenance of a list of concerns or individuals debarred, suspended or declared ineligible.

[1] For notice of opportunity to present written views concerning the procedures in § 22.3(c)(3), see F.R. Doc. 64–10161, in Proposed Rule Making section, infra.

Sec.

9–1.602–1 Bases for entry on debarred, suspended or ineligible list.
9–1.603 Treatment to be accorded firms or individuals in debarred, suspended or ineligible status.
9–1.606 Agency procedure.
9–1.606–1 AEC procedural requirements.
9–1.606–50 Reporting procedures.
9–1.606–51 Collection of information and investigation.
9–1.606–52 Initiation of action.
9–1.606–53 Notice of proposed debarment.
9–1.606–54 Hearings.
9–1.606–55 Final debarment determination after hearing.
9–1.606–56 Request for reconsideration of final debarment after hearing.
9–1.606–57 Final debarment determination after the forfeiture of the right to be heard.
9–1.606–58 Notice of final debarment determination.

AUTHORITY: The provisions of this Subpart 9–1.6 issued under sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

§ 9–1.600 Scope of subpart.

This subpart implements and supplements the policies and procedures set forth in FPR Subpart 1–1.6 relating to the debarment, suspension or ineligibility of bidders for any cause.

§ 9–1.602 Establishment and maintenance of a list of concerns or individuals debarred, suspended or declared ineligible.

The Director, Division of Contracts, shall establish and maintain a list of firms or individuals debarred or ineligible for contracts with the AEC and with AEC cost-type prime contractors pursuant to § 1–1.602. This list shall be designated as the List of Disqualified Bidders and Ineligible Contractors, and its use by all AEC procuring activities is mandatory. The Director, Division of Contracts, shall periodically publish this list and distribute it to AEC contracting officers.

§ 9–1.602–1 Bases for entry on debarred, suspended or ineligible list.

The Director, Division of Contracts, shall place all firms and individuals within the categories specified in §§ 1–1.602–1 and 1–1.604 on the List of Disqualified Bidders and Ineligible Contractors as soon as determination is made of debarment or ineligibility. AEC debarments under § 1–1.604 are subject to the procedural requirements in § 9–1.606.

§ 9–1.603 Treatment to be accorded firms or individuals in debarred, suspended or ineligible status.

The Director, Division of Contracts, may determine, pursuant to § 1–1.603(a), that an exception is essential to the public interest for a specific procurement action only. Such action shall be documented to reflect the determination and the justification therefor.

§ 9–1.606 Agency procedure.

§ 9–1.606–1 AEC procedural requirements.

This section establishes AEC internal procedures for giving effect to Subpart 1–1.6 as required by § 1–1.606.

§ 9–1.606–50 Reporting procedures.

All Headquarters Divisions, Offices, Managers of Field Offices, and contracting officers are responsible for reporting any evidence of offenses or irregularities which may be grounds for debarment or suspension. The report shall be made to the Director, Division of Contracts. The report shall contain a full statement of facts, and shall be supported by appropriate exhibits. If all necessary information is not readily available, a preliminary report shall be forwarded to be followed as soon as practicable by a completely documented report.

§ 9–1.606–51 Collection of information and investigation.

(a) The Director, Division of Contracts, shall collect and evaluate information to determine whether an alleged offense or irregularity warrants the initiation of a debarment proceeding.

(b) The Director, Division of Contracts, may request assistance from the Division of Inspection whenever an investigation may be required. The Division of Inspection will make a thorough investigation of the circumstances as expeditiously as possible, and will report the results to the Director, Division of Contracts.

§ 9–1.606–52 Initiation of action.

The Director, Division of Contracts, with the concurrence of the Office of the General Counsel, and after consultation with the Division of Inspection, and such offices as he deems appropriate, shall determine whether causes and conditions exist to initiate a debarment action or to issue a notice of suspension.

§ 9–1.606–53 Notice of proposed debarment.

(a) The Director, Division of Contracts, shall initiate a debarment proceeding by sending a notice of proposed debarment by registered mail (return receipt requested) to the firm or individual proposed for debarment.

(b) A notice of proposed debarment will:

(1) Concisely state the facts on which the proposed debarment is predicated;

(2) Specify the period of the proposed debarment;

(3) Inform the firm or individual of the action which the AEC may take in the event a low bid or proposal is received from the firm or individual before the proposed debarment is finally determined;

(4) Inform the firm or individual of its right, within twenty (20) days of the date of the notice of the proposed debarment, or such other time as may be specified in the notice, to request a hearing;

(5) Provide that the firm or individual may submit a written reply to the notice of proposed debarment within twenty (20) days of its date, or such other time as may be specified in the notice. The reply shall set forth the facts on which the firm or individual relies and request a hearing, if one is desired.

(6) Inform the firm or individual that if no reply or request for hearing is received within twenty (20) days from the date of the notice of proposed debarment or such other time as may be specified in the notice, that the debarment will become effective on a date specified in the notice.

§ 9–1.606–54 Hearings.

Hearings shall be conducted before an AEC Board of Review appointed by the General Manager. The Chairman, Board of Review, will designate the time and place for the hearing. The hearing will be informal and the Chairman, Board of Review, will adopt procedures for the hearing which in his judgment will best serve the purpose of the hearing.

§ 9–1.606–55 Final debarment determination after hearing.

(a) If a proposed debarment is sustained by the AEC Board of Review after a hearing, the Chairman of the Board of Review shall notify, in writing, the firm or individual of the decision confirming the proposed debarment, the effective date, and the period of the debarment. The period of the debarment shall be no greater than that specified in the notice of proposed debarment.

(b) If a proposed debarment is not sustained by the AEC Board of Review, the Chairman of the Board of Review shall promptly notify the firm or individual.

§ 9–1.606–56 Request for reconsideration of final debarment after hearing.

(a) A firm or individual debarred in accordance with the procedure in this section may, within ten (10) days after the date of the decision confirming the proposed debarment, request the General Manager to reconsider the debarment.

(b) The General Manager may reconsider the debarment if the request for reconsideration demonstrates that:

(1) Substantial new evidence has been discovered and there is good cause why this evidence was not available in the original debarment proceeding; or

(2) A corporate reorganization has been completed whereby control of the corporation has passed to officials not involved in the actions resulting in the debarment; or

(3) There are other reasons as, in the opinion of the General Manager, are just.

(c) A request for reconsideration shall not stay the debarment determination unless the General Manager orders otherwise.

(d) No request for reconsideration may be submitted with respect to a debarment determination which has become effective because of the failure of a firm or individual to request a hearing.

§ 9–1.606–57 Final debarment determination after the forfeiture of the right to be heard.

(a) If the Director, Division of Contracts, on the basis of an analysis of all information submitted for his review determines that the proposed debarment is not warranted, he shall notify, in writing, the firm or individual concerned

within forty (40) days after the notice of proposed debarment.

(b) If the Director, Division of Contracts, on the basis of an analysis of all information submitted for his review, determines that the proposed debarment is warranted, he shall transmit his recommendation for debarment, and all information on which such recommendation is based, to the General Manager. The General Manager shall determine in writing whether to debar. If the General Manager determines to debar, the Director, Division of Contracts, shall notify, in writing, the firm or individual within forty (40) days after the notice of proposed debarment. The General Manager's determination shall accompany the notice confirming the proposed debarment. The notice confirming the proposed debarment shall state the effective date and the period of the debarment. The period of the debarment shall be no greater than that specified in the notice of proposed debarment.

§ 9–1.606–58 Notice of final debarment determination.

(a) The Director, Division of Contracts, shall promptly notify all Headquarters Divisions, Offices, and Managers of Field Offices of all debarment actions taken pursuant to this subpart.

(b) The Director, Division of Contracts, shall notify the General Services Administration of the names of all firms or individuals placed on or removed from the List of Disqualified Bidders and Ineligible Contractors.

Effective date: These regulations shall become effective 45 days following the date of publication in the FEDERAL REGISTER but may be observed earlier.

Dated at Germantown, Md., this 29th day of September 1964.

For the U.S. Atomic Energy Commission.

E. J. BLOCH,
Assistant General Manager for Operations.

[F.R. Doc. 64–10176; Filed, Oct. 6, 1964; 8:49 a.m.]

PART 9–6—FOREIGN PURCHASES

Subpart 9–6.1—Buy American Act—Supply Service Contracts

Subpart 9–6.2—Buy American Act—Construction Contracts

Subparts 9–6.1 and 9–6.2 are added to read as follows:

Sec.
9–6.100 Scope.
9–6.103 Nonavailability in the United States.
9–6.103–2 Exceptions.
9–6.104–4 Evaluation of bids and proposals.
9–6.150 Duties and customs.
9–6.151 AEC list of supplies excepted from Buy American Act (supplies to be procured for public use).

AUTHORITY: The provisions of this Subpart 9–6.1 issued under sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

Subpart 9–6.1—Buy American Act—Supply Service Contracts

§ 9–6.100 Scope.

This subpart implements Federal Procurement Regulation 1–6.1 and is applicable to AEC and its cost-type contractors.

§ 9–6.103 Nonavailability in the United States.

Contracting officers may make the determinations required by FPR 1–6.103–1 and 1–6.103–2 provided such determination is factually supported in writing.

§ 9–6.103–2 Exceptions.

Except as provided in § 9–6.104–4(a), the General Manager shall make the determination required by FPR 1–6.103–3.

§ 9–6.104–4 Evaluation of bids and proposals.

(a) If an award for more than $100,000 would be made to a domestic concern if the 12-percent factor is applied, but would not be made if the 6-percent factor is applied, Managers of Field Offices without power of redelegation may make the determination as to whether the award to the small business concern or labor surplus area concern would involve unreasonable cost or inconsistency with the public interest (see § 1–6.103–3).

(b) Managers of Field Offices shall submit proposed awards (in triplicate) to the Division of Contracts where:

(1) Rejection of an acceptable low foreign bid is considered necessary to protect essential national security interests such as maintenance of a mobilization base; and

(2) Rejection of any bid or proposal for other reasons of the national interest when it is considered necessary.

§ 9–6.150 Duties and customs.

Whenever any procurement office purchases supplies with respect to which there might arise a claim to a refund or drawback of customs duties paid thereon (to the extent such drawback is authorized pursuant to the Tariff Act of 1930, 19 U.S. Code, Chapter 4), the price paid shall ordinarily include the customs duties, and accordingly the supplier will have no claim to a drawback. On the other hand, when the price to be paid for any such purpose does not include the customs duties, then the supplier will have the right to claim any drawback with respect thereto provided (a) he has reserved such right in connection with such sale or consignment, and (b) he produces evidence that such reservation was made with the knowledge and consent of the exporter.

§ 9–6.151 AEC list of supplies excepted from Buy American Act (supplies to be procured for public use).

Antimony.
Asbestos.
Bauxite.
Bismuth.
Books, trade, text, technical, or scientific; newspapers, magazines; periodicals; printed briefs and films; not printed in the United States, and for which domestic editions are not available.
Cadmium.
Calcium cyanamide.
Castor oil.
Chrome ore or chromite.
Cobalt (ore and metals).
Cork.
Cryolite, natural.
Diamonds, industrial and abrasive.
Graphite, natural.
Iodine.
Jute and Jute burlaps.
Logs, veneer, and lumber from balsa, greenheart, lignum vitae, mahogany and teak.
Mica.
Nickel.
Crude petroleum, petroleum fuels and petroleum lubricants.
Platinum and related group metals.
Radium salts, source and special nuclear materials.
Rubber, crude and latex.
Rutile.
Spare parts for equipment of foreign manufacture, and for which domestic parts are not available.
Shellac.
Sperm oil.
Tin.

Suggestions for changes in and additions to the above lists, with appropriate justifications, shall be submitted to the Division of Contracts.

Sec.
9–6.202 Scope.
9–6.202–1 General.
9–6.206 Violations of Buy American Act provisions in construction contracts.
9–6.251 Excepted supplies to be used in the construction, alteration or repair of any public work.

AUTHORITY: The provisions of this subpart 9–6.2 issued under sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

§ 9–6.202 Scope.

This subpart implements the Federal Procurement Regulations 1–6.2 and is applicable to AEC and its cost-type contractors.

§ 9–6.202–1 General.

(a) Contracting officers may make the determination required by FPR 1–6.202–1(b).

(b) The General Manager shall make the determination required by FPR 1–6.202–1 (a) and (b).

§ 9–6.206 Violations of Buy American Act provisions in construction contracts.

Contracting officers are required to make a complete written report (in triplicate) to the General Manager, through Director, Division of Contracts, of each violation of the Buy American Act provisions in contracts for construction. The General Manager, upon finding that there has been a failure to comply with the Buy American Act provision in the performance of a construction contract, shall make public his determinations (including therein the name of the contractor obligated under the contract). Thereafter, no other contract for the construction, alteration, or repair of any public building or public work in the United States or elsewhere shall be

awarded to such contractor, or to subcontractors, material men, or suppliers with which such contractor is associated or affiliated, within a period of three years after such finding is made public. The debarment procedures, in FPR Subpart 1–1.6 and AECPR Subpart 9–1.6 shall be followed.

§ 9–6.251 Excepted supplies to be used in the construction, alteration or repair of any public work.

The following list shall be noted in the specifications:

Antimony.
Asbestos.
Bauxite.
Chrome ore or chromite.
Cobalt.
Cork.
Graphite.
Jute and jute burlaps.
Logs, veneer, and lumber from balsa, greenheart, lignum vitae, mahogany and teak.
Mica.
Nickel.
Rubber, crude and latex.
Shellac.
Tin.

Effective date: These regulations shall become effective 45 days following the date of publication in the FEDERAL REGISTER but may be observed earlier.

Dated at Germantown, Md., this 29th day of September 1964.

For the U.S. Atomic Energy Commission.

E. J. BLOCH,
Assistant General Manager for Operations.

[F.R. Doc. 64–10177; Filed, Oct. 6, 1964; 8:50 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3453]

[Montana 064890]

MONTANA

Partly Revoking Departmental Order of February 28, 1907

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Departmental Order of February 28, 1907, so far as it withdrew the following described national forest land in the Bitterroot National Forest, Mont., for use of the Forest Service, Department of Agriculture, as a ranger station, is hereby revoked:

MONTANA PRINCIPAL MERIDIAN

CAMP CREEK RANGER STATION

T. 1 N., R. 19 W.,
Sec. 22 SW¼NW¼SW¼NW¼ and W½ SW¼SW¼NW¼

The areas described aggregate 7.5 acres.

2. At 10:00 a.m. on November 6, 1964, the land shall become subject to such forms of disposition as may by law be made of national forest lands.

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

SEPTEMBER 30, 1964.

[F.R. Doc. 64–10146; Filed, Oct. 6, 1964; 8:47 a.m.]

[Public Land Order 3454]

[Idaho 013544]

[Idaho 014143]

IDAHO

Withdrawing Lands for Federal Aviation Agency Facility; Partly Revoking Departmental Orders of November 17, 1902, and March 18, 1908

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416) and section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws, and reserved for the maintenance of a Federal Aviation Agency air navigation facility:

BOISE MERIDIAN

T. 10 S., R. 22 E.,
Sec. 3, Tract M.

Containing 4.45 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws. However, leases, licenses or permits will be issued only if the Federal Aviation Agency finds that the proposed use of the lands will not interfere with the proper operation of its facilities on the land.

3. The Departmental Orders of November 17, 1902, and March 18, 1908, which withdrew lands for reclamation purposes, are hereby revoked so far as they affect the land described in this order.

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

SEPTEMBER 30, 1964.

[F.R. Doc. 64–10147; Filed, Oct. 6, 1964; 8:47 a.m.]

[Public Land Order 3455]

[Sacramento 056152]

CALIFORNIA

Withdrawing Lands for Federal Aviation Agency Facilities

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws, and reserved for the maintenance of a Federal Aviation Agency air navigation facility:

MOUNT DIABLO MERIDIAN

T. 32 S., R. 20 E.,
Sec. 31, Northeast 10 acres of lot 6, North 20 acres of lot 7, SE¼SW¼NE¼, SE¼ NE¼, E½NW¼SE¼ and NE¼SE¼.

The areas described aggregate approximately 140 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws. However, leases, licenses or permits will be issued only if the Federal Aviation Agency finds that the proposed use of the lands will not interfere with the proper operation of its facilities on the lands.

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

SEPTEMBER 30, 1964.

[F.R. Doc. 64–10148; Filed, Oct. 6, 1964; 8:47 a.m.]

[Public Land Order 3456]

[Nevada 051786]

NEVADA

Withdrawing Lands for Federal Aviation Agency Facilities

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws, and reserved for the maintenance of a Federal Aviation Agency air navigation facility, as a part of ANS withdrawal No. 265:

MOUNT DIABLO MERIDIAN

T. 41 N., R. 35 E.,
Sec. 22, SE¼SW¼SW¼ and SE¼SE¼ SW¼;
Sec. 27, W½W½NW¼NE¼, E½NE¼NW¼, E½NW¼NW¼; E½W½NW¼NW¼, NE¼SW¼NW¼ and N½SE¼NW¼.

The areas described aggregate approximately 110 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws. However, leases, licenses or permits will be issued only if the Federal Aviation Agency finds that the proposed use of the lands will not

interfere with the proper operation of its facilities on the lands.

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

SEPTEMBER 30, 1964.

[F.R. Doc. 64-10149; Filed, Oct. 6, 1964; 8:47 a.m.]

[Public Land Order 3457]

[Riverside 04221]

CALIFORNIA

Withdrawing Public Lands for Use of Department of the Navy in Connection With West Coast Microwave Space Relay System

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved for use of the Department of the Navy for a Microwave Space Relay Station:

SAN BERNARDINO BASE AND MERIDIAN

T. 17 S., R. 5 E.,
Sec. 23, lot 2, E½SW¼ and SE¼;
Sec. 24, lots 20, 22 and SW¼SW¼;
Sec. 25, W½;
Sec. 26, lots 1, 2, NE¼, E½NW¼, NE¼SW¼, N½SE¼ and SE¼SE¼.

The areas described aggregate 1,078.81 acres.

The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining and mineral leasing laws.

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

SEPTEMBER 30, 1964.

[F.R. Doc. 64-10150; Filed, Oct. 6, 1964; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 64-894]

PART 0—COMMISSION ORGANIZATION

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Miscellaneous Amendments

In the matter of amendment of Part 83 of the Commission's rules relative to licensing certain radiotelegraph transmitters which now require waiver of the rules under delegated authority and to delete the delegated authority pertaining thereto under Part 0.

Order. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 30th day of September 1964;

It appearing, that § 83.136(d)(3) of the Commission's rules provides that a radiotelegraph transmitter operating on any frequency below 30 Mc/s need not meet the spurious emission limitations of that section if the transmitter was licensed by the Commission prior to January 1, 1959, for use on board the same vessel for which an application is filed; and

It further appearing, that certain radiotelegraph transmitters failed to qualify for the "same vessel" exception in § 83.136(d)(3) solely because the transmitters were formerly used in a station on board a U.S. Government or foreign vessel, and, therefore, had never been licensed by the Commission; and

It further appearing, that § 0.331(b)(13)(i) of the Commission's rules of delegates authority to the Chief of Safety and Special Radio Services Bureau to grant four-year waivers and renewals thereof from the spurious emission limitations of § 83.136 for any radiotelegraph transmitter that fails to qualify for the "same vessel" exception only because the transmitter was used in a station on board a U.S. Government or foreign vessel; and

It further appearing, that it is now desirable to delete the delegation of authority contained in § 0.331(b)(13)(i) and to amend § 83.136(d)(3) to provide for the licensing of such transmitters; and

It further appearing, that the amendments herein ordered will result in a more efficient administration of the Commission's functions; and

It further appearing, that the amendments herein ordered are nonsubstantive in that they relate to organizational and procedural matters, and, hence, the Public Notice and effective date provisions of section 4 of the Administrative Procedure Act are not applicable; and

It further appearing, that the authority for the amendments herein ordered is contained in sections 4(i) and 5(d)(1) of the Communications Act of 1934, as amended.

It is ordered, Effective October 12, 1964, that Parts 0 and 83 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended, 47 U.S.C. 154)

Released: October 1, 1964.

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

A. Part 0, Commission Organization, is amended as follows:

1. Section 0.331, paragraph (b)(13) is amended to read:

§ 0.331 Authority delegated.

* * * * *

(b) * * *

(13) To grant, in the absence of unusual circumstances, a six month waiver of the type acceptance requirement of § 83.139 of this chapter in cases substantially the same as those in which the Commission en banc has taken similar action.

* * * * *

B. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. Section 83.136, paragraph (d)(3) is amended to read:

§ 83.136 Spurious emission limitations.

* * * * *

(d) * * *

(3) Radiotelegraph transmitters operating on any frequency assignment below 30 Mc/s which were: (i) Authorized in a station license issued to the same licensee or for a station on board the same vessel prior to January 1, 1959; or (ii) formerly used in a U.S. Government or foreign station on board the same vessel prior to January 1, 1959.

* * * * *

[F.R. Doc. 64-10193; Filed, Oct. 6, 1964; 8:51 a.m.]

[FCC 64-890]

PART 1—PRACTICE AND PROCEDURE

PART 17—CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA STRUCTURES

Miscellaneous Amendments

In the matter of amendment of Parts 1 and 17 of the Commission's rules to prescribe the use of FCC Form 714, Supplement to Application for New or Modified Radio Station Authorization.

Order. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 30th day of September 1964;

The Commission having under consideration the above-captioned matter;

It appearing, that FCC Form 714 has been used by nonbroadcast applicants to inform the Commission whether notice has been given to the Federal Aviation Agency concerning a proposed antenna structure in accordance with Part 77 of the Federal Aviation Agency Rules, and that it is desirable to incorporate into the Commission's rules the practice and the form; and

It further appearing, that authority for the adoption of the form is contained in sections 303(r) and 308(b) of the Communications Act of 1934, as amended; and

It further appearing, that the amendments ordered herein are procedural in nature and that hence the prior notice and effective date provisions of section 4 of the Administrative Procedures Act are not applicable.

It is ordered, That effective November 9, 1964, Parts 1 and 17 of the Commission's rules are amended as set forth below.

(Secs. 4, 303, 308, 48 Stat. 1066, 1082, 1084, as amended; 47 U.S.C. 154, 303, 308)

Released: October 1, 1964.

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

A. Part 1 is amended as follows:

Section 1.922 is amended by inserting in the proper numerical sequence the following:

§ 1.922 Forms to be used.

FCC form	Title
* * * * *	
714	Supplement to Application for New or Modified Radio Station Authorization (concerning antenna structure notification to FAA).

B. Part 17 is amended as follows:

Section 17.4 is amended by adding paragraph (f) to read as follows:

§ 17.4 Commission consideration of proposed antenna structure with respect to possible hazard to air navigation.

* * * * *

(f) Applications in the nonbroadcast services which show on their face that the antenna structure will extend more than 20 feet above the ground or natural formation or more than 20 feet above an existing man-made structure (other than an antenna structure) shall be accompanied by FCC Form 714 indicating that notification has or has not been submitted to FAA.

[F.R. Doc. 64-10194; Filed, Oct. 6, 1964; 8:51 a.m.]

[FCC 64-888]

PART 1—PRACTICE AND PROCEDURE

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

Miscellaneous Amendments

In the matter of amendment of Part 43 of the Commission's rules and regulations, with respect to the filing by common carriers of periodic statistical reports of their overseas traffic.

Report and order. 1. The international carriers subject to the Communications Act are presently required by our Order No. 85 to file periodic statistical reports of their overseas traffic. This order, originally adopted by us on August 18, 1941, was subsequently amended on February 21, 1944 and again on February 21, 1951 in recognition of changes within the international telecommunications industry. Further amendment appears necessary to us at the present time in view of recent developments in international telecommunications and resulting shifts in the relative importance of the several services offered in providing revenue to the industry.

2. The present requirements of Order No. 85 apply only to reporting on certain telegraph services, i.e., message, facsimile, addressed program, and multiple addressed press services. At present there is no reporting requirement for overseas teleprinter exchange service (telex), leased record channel service, or for any voice services. However, since telex was introduced in 1950, its use has expanded rapidly, and it now is a significant segment of the international telegraph services. This is equally true of overseas leased channel record services. At the same time, the growth of overseas voice services has also reached the point where the revenues therefrom account for a considerable portion of the total revenues accruing from United States international telecommunication services.

3. Accordingly, it appears appropriate at this time that the scope of the traffic reporting requirements in Order No. 85 be broadened to provide for the filing of additional information with respect to these and other services, so as to enable the Commission to more efficiently carry out its regulatory duties in regard to international telecommunications. It also appears appropriate that these revised reporting requirements be adopted as part of the Commission's permanent rules and regulations.

4. With this in mind we prepared changes in Order No. 85 and submitted them by letter of August 19, 1963 for comment to the carriers subject to our jurisdiction engaging in international communications, e.g., American Telephone & Telegraph Company (AT&T), All America Cables and Radio, Inc., The Commercial Cable Company, Globe Wireless, Ltd., Mackay Radio and Telegraph Company, Inc., Radio Corporation of Puerto Rico, RCA Communications, Inc. (RCAC), The Western Union Telegraph Company, Tropical Radio Telegraph Company, Press Wireless, Inc., United States-Liberia Radio Corporation, Hawaiian Telephone Company, Cable and Wireless (West Indies) Ltd., and The French Cable Company. Comments were received from the American Cable & Radio Corporation,[1] AT&T, The French Cable Company, RCAC, Radio Corporation of Puerto Rico, and Western Union International, Inc.[2] These comments were considered by us in our letter of February 17, 1964, addressed to the international carriers, indicating those suggestions of the carriers with which we agreed, and giving reasons for our disagreement with certain other suggestions of the carriers.

5. Pursuant to invitation, comments on such letter were further submitted by AT&T, RCAC, Tropical Radio Telegraph Company and United States-Liberia Radio Corporation. Only AT&T and RCAC interposed specific objection to the proposed rule as revised. AT&T's objection stemmed from a misapprehension as to the intent of certain reporting requirements set out in the proposed rule. After clarification of the language in question, AT&T orally withdrew its objections. RCAC objected to portions of the proposed rule which would have required data for traffic between United States overseas points and foreign points equivalent in detail to that required for the continental United States. Although such traffic is growing rapidly and is increasing in importance, we agree that at this time the burden of making regular reports thereon in the same detail as required for continental United States traffic outweighs the value of the resultant statistics to the Commission. We have, therefore, in our final draft modified our proposed reporting requirements for this traffic to require only reports on telegraph and telephone message service, telex service, and leased channel services with those points to which the reporting carrier communicates directly.

6. All persons who will be obligated to file reports pursuant to the proposed rule thus have been notified of our intention to modify our international traffic reporting requirements and have been granted ample opportunity to be heard thereon. We therefore find, pursuant to § 1.412(a)(3) of our rules and section 4(a) of the Administrative Procedure Act, that notice of proposed rule making prior to our promulgation of rules on this subject is unnecessary.

7. The attached rule, which we shall adopt as § 43.61 of Part 43 of our rules and regulations (Reports of Communication Common Carriers and Certain Affiliates), revises reporting requirements for those telegraph services now covered by Order No. 85, introduces reporting requirements for telex, leased channel, and other record services not covered by Order No. 85, and introduces reporting requirements for voice services, including message and private line.

8. In addition, we are making certain editorial changes in Part 1 of our rules, deleting a procedural reference to Order No. 85 contained in § 1.790 and substituting a reference to Part 43 of our rules therefor.

9. The attached rules are to be effective November 10, 1964 and will be applicable to the reports called for therein covering the first six months of 1964, which are to be filed by November 15, 1964.

10. *Accordingly, it is ordered,* Pursuant to sections 4(i), 218, and 219(b), of the Communications Act, this 30th day of September 1964, that, effective November 10, 1964, Parts 43 and 1 of the Commission's rules and regulations are amended as set forth below, and that Commission Order No. 85 shall thereupon be superseded.

(Secs. 4, 218, 219, 48 Stat. 1066, as amended, 1077, 1077, as amended; 48 U.S.C. 154, 218, 219)

Released: October 1, 1964.

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

Part 43 is amended by adding the following section:

§ 43.61 Reports of overseas telecommunications traffic.

(a) For the purposes of this section—

(1) "Telecommunications service between the continental United States and overseas points" means the transmission or reception of communications by cable or radio (i) which originate or terminate at points within the continental United

[1] A holding company replying for its subsidiaries All America Cables & Radio, Inc., The Commercial Cable Company, Globe Wireless, Ltd., and Mackay Radio and Telegraph Company.

[2] The Western Union Telegraph Company, by agreement consummated on September 30, 1963, divested itself of its international telegraph operations to Western Union International, Inc. That latter company subsequently adopted Western Union's comments to our proposed rule.

States and terminate or originate at points located outside the area comprising the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico, and (ii) which both originate and terminate outside but transit the continental United States, except communications both originating and terminating at points located in the aforementioned area.

(2) "Addressed press service" means the transmission of news items or other material related to or intended for publication or public dissemination addressed to one or more persons named as subscribers to such service in accordance with § 23.53 of this chapter at one or more points of communication for which a charge is collected on a contract-time basis, and the reception of similar transmissions from abroad.

(3) "Chargeable words or minutes" means the number of words or minutes used to compute the charge for the communication handled, and shall include in all cases the minimum word or minute count where the communication handled is less than such minimum.

(4) "Continental United States" means the 48 contiguous states and the District of Columbia.

(5) "Facsimile, cablephoto, or radiophoto service" means the transmission or reception of a facsimile reproduction of a picture or document for which a charge is collected on the basis of the size in square centimeters or square inches or other similar measurements.

(6) "Leased channel or private line service" means the leasing of a channel of communication on a contract-time basis for the purposes of a customer-operated closed-circuit overseas telecommunication line, over which the customer has exclusive use, between the office of the customer and the office of a particular overseas correspondent of the customer.

(7) "Message telegraph service" means the transmission and reception of record matter for which the transmission is not directly controlled by the sender and for which a charge is collected on a per-word basis, and includes all categories of messages and the classes thereunder which are available to the public, governments, and press entities.

(8) "Message telephone service" means the transmission and reception of speech for which a charge is collected on a per-call basis, and does not include telephone service offered on a private basis where the user has exclusive use of the facilities for a contracted period of time.

(9) "Overseas point" means: (i) For reports required by paragraph (b) of this section, any country or point located outside the area comprising the continental United States, Alaska, Canada, Saint Pierre-Miquelon, and Mexico, and shall include all overseas territories or possessions of the United States, as well as the State of Hawaii; and (ii) for reports required by paragraph (c) of this section, all points outside the particular state, territory, or possession for which a report is required.

(10) "Overseas teleprinter exchange service" means the transmission and reception of record matter (e.g., message, facsimile, and data), charged for on a per-call basis in which the transmission is directly controlled by the user.

(11) "Overseas terminal point" means: (i) In the case of radio operations, the country or area in which is located a specific point designated in the station license of the respondent carrier as one with which it is authorized to communicate; and (ii) In the case of cable operations, the country or area in which the overseas point of cable termination is located and at which traffic handled to and from the United States is originated or terminated or which is a transfer point for traffic handled to and from the United States from or to other overseas points on a transit basis with an intermediate carrier at such transfer point.

(12) "Paid traffic handled" means all communications for which charges are collected and which are actually handled over facilities operated by the respondent out of or into the continental United States.

(13) "Photo transmission or reception service on a scheduled basis" means the transmission of a facsimile reproduction of a picture or document for reception at one or more overseas points for which a charge is collected on a contract-time basis or an occasional use basis, and the reception on such bases of similar transmissions from abroad.

(14) "Program service" means the transmission and reception of program material for delivery to a broadcasting station for broadcasting to the public, or the monitoring of programs broadcast abroad, for which a charge is made on a time basis.

(15) "Revenues accruing to respondent" means the revenues from the overseas haul, consisting of total charges paid by the public for the particular service after deduction of such portions thereof as are applicable to terminal handling in the continental United States and, where connecting or other carriers perform a part of the service, such portion paid to or retained by such connecting or other carriers: *However,* For telephone message and overseas teleprinter exchange services, revenues accruing to respondent mean the total revenues paid by the public for such services after deduction only of that portion of total revenues paid to or retained by connecting or other carriers which perform part of the service outside the continental United States.

(16) "Transiting traffic" means: (i) For reports required by paragraph (b) of this section, communications which both originate and terminate outside but transit the continental United States, except communications both originating and terminating in the area comprising Alaska, Canada, Saint Pierre-Miquelon, and Mexico; and (ii) for reports required by paragraph (c) of this section, communications which originate and terminate outside but transit the particular state, territory, or possession for which a report is required.

NOTE: Transiting traffic shall be considered in two separate legs—one inbound and the other outbound.

(17) "United States" includes the fifty states, the District of Columbia, and overseas possessions and territories.

(b) Each common carrier engaged in furnishing telecommunications service between the continental United States and overseas points shall file with the Commission a report in triplicate with respect to such overseas telecommunications, not later than November 15 of each year for the preceding period of January through June, and not later than May 15 of each year for the preceding period of January through December, as provided hereafter in this section.

(c) Each common carrier engaged in furnishing telecommunications service between a United States point outside the continental United States and overseas points shall file with the Commission a report in triplicate with respect to such overseas telecommunications not later than November 15 of each year for the preceding period of January through June, and not later than May 15 of each year for the preceding period of January through December. These reports shall contain the information required by paragraphs (e) (1) (ii), (2) (ii), (3) (ii), and (8) of this section, excluding leased channel service with the continental United States, of this section. In applying such paragraphs and the definitions contained in paragraph (a) of this section the state, territory, or possession for which the report is made should be substituted for the words, "continental United States", where applicable.

(d) The information required under this section shall be furnished on forms supplied by the Commission or on reproductions of such forms.

(e) The reports required by this section shall show, where applicable, the following information for outbound and inbound traffic separately; the traffic by direction shall be further segregated so that outbound traffic transiting the continental United States shall be shown separately from traffic originating in the continental United States, and inbound traffic transiting the continental United States shall be shown separately from traffic terminating in the continental United States; totals shall be shown for the sums of outbound originating and transiting, and for the sums of inbound terminating and transiting: *Provided, however,* That the provisions with respect to the showing of transiting traffic separately shall not apply to subparagraphs (1) (ii), (2) (ii) and (3) (ii) of this paragraph:

(1) For message telegraph service:

(i) The number of messages and chargeable words of all classes of paid traffic combined handled with each overseas point of destination or origin and the corresponding revenues accruing to the respondent; and, for outbound traffic, the amounts of payouts to connecting carriers, other than for terminal handling in the continental United States, shall also be shown;

(ii) The number of messages and chargeable words of all classes of paid traffic combined handled with each overseas terminal point with which the respondent operates directly, segregated as to (*a*) traffic which terminates or orig-

inates at such terminal point, and (*b*) traffic which transits such terminal point; and

(iii) The total number of messages and chargeable words of paid message traffic, separately by classification (full rate, letter, press, etc.) handled with all overseas points combined, and the corresponding revenues accruing to the respondent.

(2) For message telephone service:

(i) The number of messages and chargeable minutes of all classes of paid traffic combined handled with each overseas point of destination or origin, and the corresponding revenues accruing to the respondent; and, for outbound traffic, the amount of payouts to connecting carriers, other than for terminal handling in the continental United States, shall also be shown;

(ii) The number of messages and chargeable minutes of all classes of paid traffic combined handled with each overseas terminal point with which the respondent operates directly, segregated as to (*a*) traffic which terminates or originates at such terminal point, and (*b*) traffic which transits such terminal point; and

(iii) The total number of messages and chargeable minutes of paid message traffic, separately by classification (day-rate, person, etc.) handled with all overseas points combined, and the corresponding revenues accruing to the respondent.

(3) For overseas teleprinter exchange service:

(i) The number of messages and chargeable minutes of all paid traffic handled with each overseas point of destination or origin, and the corresponding revenues accruing to the respondent; and, for outbound traffic, the amount of payouts to connecting carriers, other than for terminal handling in the continental United States, shall also be shown;

(ii) The number of messages and chargeable minutes of all paid traffic handled with each overseas terminal point with which the respondent operates directly segregated as to (*a*) traffic which terminates or originates at such terminal point, and (*b*) traffic which transits such terminal point; and

(iii) The total amount paid out for domestic teleprinter exchange service charges on overseas telex calls.

(4) For facsimile, cablephoto, and radiophoto services:

(i) The number of messages of all paid traffic handled with each overseas point of destination or origin, and the corresponding revenues accruing to the respondent; and, for outbound traffic, the amount of payouts to connecting carriers, other than for terminal handling in the continental United States, shall also be shown.

(5) For photo transmission or reception service on a scheduled basis:

(i) The number of chargeable minutes of all paid transmission or reception time, and the corresponding revenues accruing to the respondent.

(6) For program services:

(i) The number of chargeable minutes of all paid program service handled with each overseas point of destination or origin, and the corresponding revenues accruing to the respondent; and, for outbound traffic, the amounts of payouts to connecting carriers, other than for terminal handling in the continental United States, shall also be shown.

(7) For addressed press service:

(i) The number of chargeable minutes of all paid addressed press service transmitted from or received in the continental United States separately, and the corresponding revenues accruing to the respondent.

(8) For leased channel or private line service:

(i) The number of leases under which channels were furnished during the period covered by the report to (*a*) United States Government agencies, (*b*) foreign governments, (*c*) press entities, and (*d*) other users, and the associated revenues accruing to the respondent; and

(ii) (*a*) The number of leases in effect on the last day of the period covered in the report with (*1*) United States Government agencies, (*2*) foreign governments, (*3*) press entities and (*4*) other users, separately for cable and radio operations between the continental United States and each overseas point; (*b*) For each type of user, the number of leases shall be further reported as to (*1*) each type of channel provided by the respondent such as standard printer (transmission at normal speed, i.e., generally 66 words per minute), special printer (transmission at more than normal speed), sub-channels (or fractions of normal speed), facsimile, data transmission, voice transmission, alternate voice and non-voice transmission, etc.; and (*2*) service furnished for "Full Period" (twenty-four hours a day), and for each "Short Period" (less than twenty-four hours a day).

(9) Total amount collected from users in the continental United States for overseas telecommunications services:

(i) The total amount collected by the respondent directly from users in the continental United States, showing (*a*) receipts from message telegraph service, (*b*) receipts from message telephone service, (*c*) receipts from overseas teleprinter exchange services, (*d*) receipts from leased channel services, (*e*) receipts from other telegraph services, and (*f*) receipts from other telephone services.

(f) This section shall apply, where applicable, to any new overseas telecommunications service which may be offered from time to time by any carrier engaged in overseas telecommunications operations.

Section 1.790 is amended to read as follows:

§ 1.790 Reports relating to traffic by international carriers.

Carriers shall file periodic reports regarding overseas point-to-point traffic as required by Part 43 of this chapter. Carriers shall file periodic reports regarding marine telegraph traffic as required by Commission Order No. 86.

[F.R. Doc. 64–10195; Filed, Oct. 6, 1964; 8:51 a.m.]

[Docket No. 15598; FCC 64–906]

PART 73—RADIO BROADCAST SERVICES

In the matter of amendment of § 73.606, Table of Television Channel Assignments (Harrisburg, Pennsylvania).

Report and order. 1. The Commission has under consideration: (1) The notice of proposed rule making issued herein July 31, 1964 (FCC 64–771), proposing to reserve Channel 33 at Harrisburg, Pa. for educational use; and (2) the comments and reply comments filed in response to that notice, by the following parties: South Central Educational Broadcasting Council (SCEBC, whose petition led to the Notice); Hudson Broadcasting Corp. (Hudson), permittee of Station WDTV on Channel 33 at Harrisburg (not operating); United Broadcasting Company of Eastern Maryland, Inc. (United), permittee on Channel 24 at Baltimore, Md.); Elmer Nolte; the Maryland State Board of Education (Maryland Board); Association of Maximum Service Telecasters, Inc. (MST) and Dixon Industries, Inc. (reply comments only). Except for the first two parties mentioned, the comments and replies relate to the effect of a Channel 33 assignment at Harrisburg on use of Channel 18 at Baltimore or Gaithersburg, Md.

2. SCEBC, the Pennsylvania state educational group for the Harrisburg area, received last June a construction permit on Channel *65, which is assigned to Harrisburg and reserved for educational use (its construction permit specifies Hershey, Pa.) Also assigned to Harrisburg are UHF Channels 21, 27 and 33, the former two occupied by operating stations. Channel 33 was assigned to Harrisburg in 1961 after a rule making proceeding (Docket No. 13610). WDTV, for which Hudson holds a permit on Channel 33, is the successor of Station WCMB–TV, which operated from 1954 until 1957 on another UHF channel there and then went dark; the station has not operated since. WCMB–TV was owned by a predecessor in interest of Hudson. SCEBC seeks Channel 33 because of certain advantages it attaches to the use of a channel in this part of the band. SCEBC also urges that this proceeding be resolved as quickly as possible, so that it may proceed with construction on Channel 33 so as to meet commitments to begin in-school programming by November.[1]

3. In the notice we mentioned two specific matters—the relation of the proposed assignment to use of Channel 18 at Baltimore, and the propriety of the agreement between SCEBC and Hudson, by which, in return for either $35,000 or $45,000 depending on when SCEBC wishes to pay it, Hudson agreed to the reservation of Channel 33 for education and deletion of WDTV's construction permit on the channel. (The agreement specifically covers no physical assets at all.)

4. With respect to the use of Channel 18, under § 73.698 of our rules UHF sta-

[1] Also, as SCEBC points out, if its station is to operate on Channel 33 it must obtain reservation of that channel before it can be eligible for matching Federal funds.

tions operating 15 channels removed must be at least 75 miles apart. This is to avoid "image" interference, which, ordinarily, would affect the lower channel but not the higher. If this separation is adhered to, possible use of Channel 18 at Baltimore is somewhat restricted; the Baltimore post office (reference point) is 74.1 miles from SCEBC's site (which it would use on Channel 33), and the location of the three Baltimore VHF stations is 70.7 miles from that site. It appears that if Channel 18 is to be assigned to Gaithersburg, there is a small area where it could be used at standard separations with respect to the SCEBC site. In Docket No. 14229, the over-all UHF allocation proceeding, we proposed to assign Channel 18 to Gaithersburg. SCEBC and Hudson urge that this consideration is irrelevant, since Channel 33 is now assigned to Harrisburg and would simply remain so assigned. They also argue that the deviation from standard separations would be small at most; SCEBC says it is willing to take an assignment subject to accepting a short separation down to 70 miles if Channel 18 is assigned to Baltimore.

5. The other parties' positions are essentially as follows: the Maryland Board opposes the Channel 33 assignment, because of its effect on use of Channel 18 at Baltimore, which the Board has sought (it is asserted that the desirable transmitter sites are all north of Baltimore, considerably closer to Harrisburg than the reference point).[3] United does not oppose the proposal as long as, at the same time, Channel 18 is assigned to Baltimore, with a 70-mile minimum separation (it also requests that its Channel 24 permit be modified to specify Channel 18, which it originally had and which was deleted when 33 was assigned to Harrisburg in 1961). It asserts that maintenance of standard spacings would require a site east or south of the center of Baltimore, an undesirably low area. Nolte takes substantially the same position with respect to the Channel 18 assignment, urging that the separations be waived (he would accept a restriction on radiation to afford Channel 33 equivalent protection). MST, which has consistently opposed short separations, urges that if Channel 33 is assigned to Harrisburg, it should be made clear that if Channel 18 is later assigned to Baltimore it will not be used at less than 75-mile separation (MST shows a substantial area east and south of Baltimore where a station would meet all applicable separations). Dixon Industries' reply comments are merely aimed at certain statements of MST concerning its Gaithersburg request.[3]

6. Upon consideration of this matter, we are of the view that the considerations concerning possible use of Channel 18 at Baltimore, or Gaithersburg, are no reason for not making the Channel 33 reservation at Harrisburg now if it is otherwise appropriate. This action does not alter the status of the pending requests for the assignment of Channel 18, since there was an outstanding construction permit for Channel 33 at Harrisburg when these petitions were filed. Furthermore, the Commission is not satisfied that the present allocation structure for the heavily populated New England and North Atlantic states area (or that proposed in Docket No. 14229) represents the most effective use of UHF channels, and the staff is currently engaged in a study to determine whether or not some other arrangement of channels, built around the existing framework of UHF stations which have been constructed and placed in operation, would more nearly meet the estimated needs of this area. It is quite possible that this study will show that some channel other than 18 will fit a more efficient pattern of channel assignments, thereby providing more needed assignments in this and other areas. In view of the uncertainties involved, we do not believe it to be in the public interest to defer action on the Harrisburg matter until the matter of possible use of Channel 18 is resolved in the over-all proceeding.

7. Turning to the arrangement between SCEBC and Hudson, by which either $35,000 or $45,000 would pass from the former to the latter in return for consent to the reservation and deletion of Hudson's CP, Hudson and SCEBC claim as justification for this the losses incurred in the operation of WCMB–TV from 1954 to 1957. This station was owned by Rossmoyne Corporation, and it is asserted that a "net unrecovered loss" of about $225,000 was incurred in the television operation. Hudson acquired control of Rossmoyne in December 1958, by buying out its 66⅔ percent shareholder and acquiring some of the stock of the other shareholder, Edgar K. Smith, for a total of 80 percent.[4] Later, Rossmoyne was merged into Hudson, with Mr. Smith getting a 20 percent interest in the latter in return for his Rossmoyne interest. At the time Hudson acquired control of Rossmoyne, some $60,000 in debts from the television operation were outstanding, and of these about $51,000 were later paid (the remainder was charged off). Along with the television CP, Hudson acquired from Rossmoyne a profitable AM operation, WCMB. SCEBC also advances as reason for the consideration the savings it may realize from operation on a lower UHF channel, said to be perhaps as much as $30,000 or $35,000 per year.

8. In its comments, Hudson took the position that its consent to reservation of Channel 33 and deletion of its permit is entirely conditioned on receiving the consideration mentioned; if the Commission disapproves of the arrangement, it withdraws its consent. On the basis of the facts before us, we are of the view that the agreement would have to be disallowed, for one reason because this is an allocations matter, in connection with which "payoffs" of this nature should not be allowed. Even if this were a more conventional assignment transaction, it would be open to serious question as to its propriety, in view of the facts that no physical assets would pass, the former UHF station has been silent for more than 7 years and never operated on Channel 33, and the losses were incurred by parties mostly different from those now involved.[5] However, we need not now finally decide this matter. In a letter filed September 28, 1964, Hudson noted the importance of a quick resolution of this matter and reservation of Channel 33 for education, and, while strongly urging the propriety of the above arrangement, stated that "it consents to the immediate assignment of Channel 33 to South Central irrespective of whether the financial arrangements between the two parties are approved." It states that it wishes to make a further showing, in the form of a brief, in support of the propriety of the financial arrangement, and possibly enter into a modified arrangement with SCEBC.

9. We conclude that immediate reservation of Channel 33 for education, and modification of the educational permit to specify that channel, is in the public interest. Immediate action will permit educational telecasting to proceed with certainty as soon as possible. Accordingly, we are taking these actions, effective immediately. The shift of SCEBC's permit to Channel 33 leaves Channel 65 available. Hudson has expressed no interest in this channel, and, indeed, in the letter mentioned above states that . . . "the surrender of Hudson's television construction permit will mean the termination of Hudson's interest in television broadcasting in Harrisburg." Therefore we are terminating Hudson's permit rather than modifying it, and as it requests we will permit Hudson to make a further showing concerning the propriety of its arrangement with SCEBC, as it presently stands or as it may be modified.

10. Authority for the rule amendment adopted herein is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. In view of the need for expeditious reassignment of Channel 33 for reasons mentioned above, the 30-day waiting period generally required by Section 4 of the Administrative Procedure Act would not be in the public interest, and the reservation of Channel 33 is accordingly made effective as quickly as possible.

11. In view of the foregoing, *It is ordered*, That, effective October 2, 1964, the Table of Assignments contained in § 73.606 of the Commission's rules is amended, insofar as the community named is concerned, to read as follows:

City	*Channel No.*
Harrisburg, Pa	21+, 27−, *33+, 65

12. *It is further ordered*, That, effective October 2, 1964, the outstanding au-

[3] The National Association of Educational Broadcasters (NAEB) has also proposed the assignment of Channel *18 at Baltimore.

[3] United, Nolte, the Maryland Board and Dixon have all filed petitions seeking assignment of Channel 18, as mentioned herein. These are under consideration in the over-all proceeding.

[4] In connection with getting Commission consent to its acquisition of control, Hudson in December 1958 made an unequivocal statement that, after taking control, within 8 months it would either return the television station to the air or surrender the CP. Neither of these developments has occurred.

[5] Tidewater Teleradio, Inc., FCC 62–1246, 24 R.R. 653; National Broadcasting Company, Inc., FCC 63–257, 25 R.R. 67.

thorization of South Central Educational Broadcasting Council for Station WITF-TV at Hershey, Pennsylvania, is modified to specify Channel 33+ instead of Channel 65, subject to the following conditions:

(a) That South Central Educational Broadcasting Council shall advise the Commission in writing by October 12, 1964, of its acceptance of the modification of its authorization to construct and operate Station WITF-TV; and

(b) That South Central Educational Broadcasting Council shall submit to the Commission by November 2, 1964, all necessary information for the preparation of modified authorization to construct and operate on Channel 33 with transmitting facilities meeting all of the requirements of the Commission's Rules and Regulations for operation on that channel.

13. *It is further ordered,* That the construction permit of Hudson Broadcasting Corporation for Channel 33+ at Harrisburg, Pennsylvania is deleted; and

14. *It is further ordered,* That Hudson Broadcasting Corporation may submit a brief and whatever further data it wishes concerning financial arrangements or understandings between it and South Central Educational Broadcasting Council, for consideration by the Commission in passing on the question of whether such arrangements or understandings are in the public interest, and that in all other respects this proceeding is terminated.

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

Adopted: September 30, 1964.

Released: October 2, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[6]

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

[F.R. Doc. 64-10196; Filed, Oct. 6, 1964; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 12—AREAS CLOSED TO HUNTING

Certain Waters Within and Adjacent to Delta National Wildlife Refuge, Louisiana

On pages 11598 and 11599 of the FEDERAL REGISTER of August 13, 1964, there was published a notice and text of a proposed designation of an area closed to the hunting of migratory birds, under Part 12 of Title 50, Code of Federal Regulations. The purpose of the designation is to aid administration of the Delta National Wildlife Refuge and to increase the effectiveness of the refuge for the purpose for which it was established by the United States.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections to the proposed designations. No written communications were received, and the proposed designation is hereby adopted without change and is set forth below. This designation shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

JOHN M. KELLY,
Acting Secretary of the Interior.

OCTOBER 1, 1964.

The text of the designation is as follows:

This action is taken by virtue of and pursuant to section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, as amended; 16 U.S.C. 704), and by virtue of the Reorganization Plan II (53 Stat. 1431) and in accordance with section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238; 5 U.S.C. 1003).

Having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, I hereby designate as a closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, all of the water area in Plaquemines Parish, Louisiana, within the following described boundary:

Beginning at the southeast corner of section 13, T. 20 S., R. 18 E., St. Helena Principal Meridian; thence S. 00°01′ E., 44.15 chains; thence S. 42°47′ E., 5.94 chains; thence S. 41°23′ E., 13.95 chains; thence S. 40°14′ E., 13.95 chains; thence S. 37°27′ E., 13.11 chains; thence East 9.76 chains; thence South 12.19 chains; thence S. 40°23′ E., 13.12 chains; thence S. 42°58′ E., 5.48 chains; thence S. 42°58′ E., 8.47 chains; thence S. 44°23′ E., 10.68 chains; thence East 14.48 chains; thence South 14.89 chains; thence S. 42°35′ E., 10.95 chains; thence S. 42°21′ E., 11.67 chains; thence S. 39°39′ E., 10.95 chains; thence S. 39°39′ E., 3.06 chains; thence S. 35°00′ E., 14.00 chains; thence S. 35°00′ E., 14.00 chains; thence S. 35°00′ E., 14.00 chains; thence S. 33°30′ E., 3.88 chains; thence East 9.67 chains; thence South 14.67 chains; thence S. 33°00′ E., 5.94 chains; thence S. 32°31′ E., 14.61 chains; thence S. 32°00′ E., 9.46 chains; thence East 3.90 chains; thence South 6.24 chains; thence S. 32°00′ E., 53.18 chains to the northwest corner of radial section 13, T. 21 S., R. 19 E.; thence southwesterly along the northwest line of said radial section 13 approximately 116 chains to the southwest corner thereof, which point lies now in the Mississippi River; thence southeasterly along the southwest lines of radial sections 13 through 27, inclusive, in T. 21 S., R. 19 E., to the southernmost corner of radial section 27, which point also lies in the Mississippi River; thence N. 47°54′ E., 46.00 chains; thence S. 08°58′ E., 16.35 chains to a point common to radial section 29, Lots 1 and 2 to radial section 28, Lots 1 and 2, marked by an 8″ x 10″ creosoted pine post scribed "T21S RI9E 1 2 28"; thence S. 50°41′ E., 13.84 chains; thence S. 47°53′ W., 46.00 chains to the southernmost corner of radial section 29; thence S. 30°00′ E., 41.00 chains to the southernmost corner of radial section 32, T. 21 S., R. 19 E.; thence N. 47°53′ E., 116.00 chains to the northeast corner of radial section 32; thence S. 30°00′ E., 56.00 chains; thence S. 30°51′ E., 14.00 chains; thence S. 33°00′ E., 16.62 chains; thence S. 23°27′ E., 10.19 chains; thence S. 29°05′ E., 10.45 chains; thence S. 49°16′ E., 9.62 chains; thence S. 69°41′ E., 11.01 chains; thence N. 85°45′ E., 1.08 chains to the south point of the line common to fractional sections 25 and 26, T. 21 S., R. 19 E.; thence N. 85°45′ E., 9.54 chains;

Thence N. 50°54′ E., 11.79 chains; thence N. 47°16′ E., 10.87 chains; thence N. 53°50′ E., 10.73 chains, thence N. 43°23′ E., 12.08 chains; thence N. 48°42′ E., 13.05 chains; thence N. 62°00′ E., 18.00 chains to corner common to radial sections 49 and 50 in S¼ boundary of fractional section 25; thence South 99.00 chains; thence East 59.00 chains to the southwest corner of T. 21 S., R. 20 E.; thence North 13.50 chains; thence S. 83°22′ E., 30.49 chains; thence N. 51°08′ E., 25.76 chains; thence S. 88°37′ E., 41.25 chains; thence N. 83°34′ E., 17.89 chains; thence N. 44°34′ E., 7.54 chains; thence N. 65°41′ E., 28.68 chains; thence N. 21°52′ E., 19.70 chains; thence N. 59°22′ E., 22.73 chains; thence N. 37°42′ E., 13.64 chains; thence N. 54°12′ E., 52.49 chains; thence N. 12°03′ W., 18.18 chains; thence N. 47°28′ E., 29.30 chains; thence S. 66°57′ E., 21.26 chains; thence N. 60°50′ E., 34.84 chains; thence S. 36°37′ E., 22.72 chains; thence S. 86°37′ E., 42.42 chains; thence N. 32°24′ E., 12.12 chains; thence N. 07°07′ W., 17.23 chains; thence N. 19°40′ W., 25.00 chains, approximate intersection of north boundary of T. 22 S., R. 20 E., fractional section 1, and east boundary of T. 21 S., R. 20 E., fractional section 23; thence N. 13°20′ E., 25.92 chains; thence N. 23°27′ E., 50.92 chains; thence N. 36°04′ E., 37.87 chains; thence N. 74°57′ W., 23.24 chains; thence N. 23°28′ W., 36.36 chains; thence N. 43°09′ W., 19.28 chains; thence S. 88°26′ W., 16.03 chains; thence N. 11°34′ W., 42.42 chains; thence N. 42°26′ E., 25.75 chains; thence N. 15°34′ W., 25.75 chains; thence N. 53°04′ W., 19.70 chains; thence N. 38°41′ E., 29.91 chains; thence N. 79°13′ E., 21.21 chains; thence N. 26°17′ W., 50.00 chains; thence N. 58°21′ W., 15.84 chains; thence N. 32°14′ E., 10.61 chains; thence N. 29°16′ W., 18.18 chains; thence N. 07°16′ W., 15.15 chains; thence N. 36°14′ W., 13.75 chains; thence N. 08°13′ W., 13.64 chains; thence N. 57°44′ W., 19.70 chains;

Thence N. 02°13′ W., 18.18 chains; thence N. 29°12′ W., 14.17 chains; thence N. 00°43′ W., 24.24 chains; thence N. 60°14′ W., 16.73 chains; thence N. 12°41′ W., 31.82 chains; thence S. 72°17′ W., 18.94 chains; thence S. 85°22′ W., 30.37 chains; thence N. 02°38′ E., 26.07 chains; thence N. 89°50′ W., 5.75 chains; thence N. 89°50′ W., 13.81 chains; thence N. 22°19′ W., 15.15 chains; thence N. 88°42′ W., 3.79 chains; thence S. 55°14′ W., 11.73 chains; thence S. 85°11′ W., 15.16 chains; thence N. 57°52′ W., 9.92 chains; thence N. 44°37′ W., 16.65 chains; thence N. 07°52′ W., 17.63 chains; thence N. 25°52′ W., 15.88 chains; thence N. 08°36′ W., 17.79 chains; thence N. 06°40′ W., 29.18 chains; thence N. 11°32′ W., 17.37 chains; thence N. 01°54′ E., 15.14 chains; thence N. 01°58′ E., 7.59 chains; thence N. 24°58′ W., 19.69 chains; thence N. 01°54′ E., 22.74 chains; thence N. 36°06′ W., 15.15 chains; thence N. 36°03′ W., 21.63 chains; thence N. 25°18′ W., 16.65 chains; thence N. 40°39′ W., 28.38 chains; thence N. 40°37′ W., 14.96 chains; thence S. 81°15′ W.,

[6] Commissioner Hyde dissenting.

5.98 chains to the mouth of Main Pass; thence southerly and with the right bank of Main Pass S. 8°48′ E., 26.25 chains; thence S. 07°27′ E., 13.84 chains to the line between T. 20 S., R. 20 E., fractional section 5, and T. 19 S., R. 20 E., fractional section 32, with the right bank of Main Pass; thence S. 07°27′ E., 0.37 chain; thence S. 10°44′ E., 21.50 chains; thence S. 10°42′ E., 20.00 chains; thence S. 08°06′ W. (crossing Cottam Pass) 20 chains; thence S. 16°35′ W., 19.94 chains, to the intersection of the line between fractional sections 5 and 8 with the right bank of Main Pass; thence S. 16°35′ W., 10.56 chains; thence S. 15°29′ W., approximately 15.00 chains to a point on the right bank of Main Pass, thence due westerly across Main Pass approximately 30.00 chains to a concrete marker on the left bank of Main Pass, marked "22 R20E T20S S 7 SMC 1936", set and supported by a 4″ x 4″ cypress piling;

Thence N. 13°53′ W., 10.63 chains; thence N. 45°08′ W., 10.91 chains; thence N. 72°09′ W., 12.21 chains; thence S. 56°14′ W., 6.85 chains; thence S. 33°01′ W., 6.90 chains; thence N. 77°45′ W., 15.99 chains; thence S. 74°36′ W., 5.83 chains; thence S. 74°31′ W., 8.06 chains, in the line between T. 20 S. and Rs. 19 and 20 E., fractional section 7 and section 12; thence S. 74°31′ W., 3.73 chains; thence S. 34°38′ W., 10.73 chains; thence S. 71°28′ W., crossing Octave's Pass, 3.62 chains to a point on the left bank of Octave's Pass; thence N. 65°17′ W., 26.26 chains; thence S. 78°36′ W., 11.04 chains; thence S. 78°18′ W., crossing west fork 2.03 chains; thence N. 42°49′ W., 5.20 chains; thence N. 32°51′ W., 5.93 chains; thence N. 14°29′ W., 7.06 chains; thence N. 05°58′ W., 0.52 chain, to a point in the line between fractional section 1 and section 12 on the left bank of west fork; thence N. 05°58′ W., 8.63 chains; thence N. 07°49′ W., 16.00 chains; thence N. 40°47′ W., 6.21 chains; thence S. 79°08′ W., 6.73 chains; thence S. 63°06′ W., 8.90 chains to a point in the line between fractional sections 1 and 2 on the south shore of Breton Sound, marked by a USBS standard concrete post marked "52 R19E T20S S1 S2 MC 1936", set and supported by a 4″ x 4″ concrete piling; thence S. 63°06′ W., 1.00 chain; thence S. 17°35′ W., 9.00 chains; thence S. 24°04′ W., 16.20 chains to the line between fractional sections 2 and 11 on the south shore of Breton Sound; thence S. 24°04′ W., 3.57 chains; thence S. 11°59′ E., 11.41 chains; thence S. 86°47′ W., 14.97 chains; thence S. 53°54′ W., 7.56 chains; thence S. 39°11′ W., 8.42 chains; thence S. 03°24′ E., 11.66 chains; thence S. 47°37′ E., 11.52 chains; thence S. 71°49′ W., 6.66 chains; thence S. 70°58′ W., 11.99 chains; thence N. 68°40′ W., 21.24 chains; thence S. 66°31′ W., 11.73 chains; thence S. 16°25′ W., 18.66 chains, to a point in the line between fractional sections 10 and 11 in T. 20 S., R. 19 E., in a bayou; thence N. 46°46′ W., 10.32 chains; thence N. 04°08′ W., 19.10 chains; thence N. 53°30′ W., 5.38 chains; thence S. 40°09′ W., 9.29 chains, to a point at the mouth and at the right bank of Romere's Pass;

Thence N. 21°39′ W., 14.39 chains; thence S. 89°17′ W., 10.12 chains; thence S. 36°17′ W., 23.87 chains; thence S. 47°04′ W., 19.63 chains; thence S. 23°28′ W., 15.35 chains; thence N. 68°58′ W., 11.60 chains, to the line between fractional sections 9 and 10, T. 20 S., R. 19 E., on the south shore of Breton Sound; thence N. 68°58′ W., 5.90 chains; thence S. 73°23′ W., 11.96 chains; thence N. 86°57′ W., 7.52 chains; thence S. 31°37′ W., 6.47 chains, to the line between fractional sections 9 and 16, T. 20 S., R. 19 E., on the south shore of Breton Sound; thence S. 31°37′ W., 25.09 chains; thence S. 45°36′ W., 13.03 chains; thence S. 06°08′ E., 18.00 chains; thence crossing the mouth of Yuratich Bend, N. 86°18′ W., 11.92 chains; thence N. 49°43′ W., 11.87 chains, thence S. 62°49′ W., 4.39 chains; thence N. 61°06′ W., 6.78 chains; thence N. 34°28′ W., 1.48 chains, to a point in the line between fractional sections 16 and 17, T. 20 S., R. 19 E., on the south shore of Breton Sound; thence N. 34°28′ W., 5.86 chains; thence S. 73°36′ W., 8.32 chains; thence S. 63°11′ W., 7.00 chains; thence S. 38°30′ W., 9.47 chains; thence S. 67°49′ W., crossing the mouth of Buras Bayou 3.16 chains; thence N. 54°06′ W., 7.62 chains; thence S. 54°11′ W., 9.23 chains, to the intersection of the north-south centerline, Sec. 17, T. 20 S., R. 19 E., with the south shore of Breton Sound, marked by a USBS standard concrete post "47 R19E T20S SMC S17 C–C 1936", and supported by a 4″ x 4″ concrete piling and an 8″ x 10″ creosoted pine post; thence S. 32.31 chains to the one-quarter corner between fractional section 17 and section 20, T. 20 S., R. 19 E.; thence east with the line common to Sec. 17 and Sec. 20, 4.61 chains; thence S. 33°01′ W., 2.07 chains, crossing a bayou connecting Buras Bayou with Oscar's Pass; thence S. 32°59′ W., 28.40 chains; thence S. 72°28′ W., 24.82 chains; thence N. 52°58′ W., 5.47 chains, to the line between fractional section 19 and section 20, in T. 20 S., R. 19 E.; thence N. 52°58′ W., 3.35 chains; thence N. 52°59′ W., 4.87 chains to the east bank of Oscar's Pass; thence N. 52°58′ W., 10.88 chains; thence N. 52°56′ W., 4.33 chains; thence N. 71°01′ W., 47.91 chains; thence N. 89°56′ W., 16.02 chains to the point of beginning.

[F.R. Doc. 64–10192; Filed, Oct. 6, 1964; 8:51 a.m.]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 22]

SECOND CLASS MAILING PRIVILEGES

Notice of Proposed Rule Making [1]

Notice is hereby given of proposed rule making consisting of a proposed revision for the purpose of clarification of § 22.3(c)(3) of Title 39, CFR, as amended by 29 F.R. 563. This section relates to applications for additional entry of second-class publications.

Although the procedures in 39 CFR 22.3(c)(3) relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the postal service may have an opportunity to present written views concerning the procedures. Accordingly, such written views may be submitted to the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C., 20260, at any time prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

The proposed § 22.3(c)(3) reads as follows:

§ 22.3 Application for second-class privileges.

* * * * *

(c) *Applications for publications that have second-class privileges.* * * *

(3) If a publisher desires to mail copies at another office in addition to the one where he has second-class mail privileges, he may file a written application stating where the publication is printed, the approximate number and weight of copies to be mailed at the additional office, and the specific geographical area to be served. A form is not provided for this kind of application. The application must be filed at the office where the publication has been granted original second-class mail privileges. If the additional entry is authorized, all copies for delivery at the original office must be mailed there, and the geographical area served by the additional entry office must include the entire area of the additional entry office. The delivery arrangements provided by subparagraph (4) of this desire to mail copies at post offices loparagraph are for use by publishers who cated near the office of original entry. An additional entry will not be authorized at a nearby post office unless the publication is printed at such office nor at post offices which are not situated so as to handle the mailings efficiently from the transportation viewpoint.

NOTE: The corresponding Postal Manual section proposed to be revised is 132.33c.

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(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4351–4370)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 64–10161; Filed, Oct. 6, 1964; 8:52 a.m.]

[1] For revision of § 22.3(c)(3), effective for ninety days from date of publication in the FEDERAL REGISTER, see F.R. Doc. 64–10160, Title 39, Chapter I, *supra*.

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 14]

[Bureau of Mines Schedule 21B]

FILTER-TYPE DUST, FUME, AND MIST RESPIRATORS

Proposed Requirements for Investigation, Testing, and Certification

On pages 2344–49 of the FEDERAL REGISTER of February 11, 1964, there was published a notice and text of a proposed revision of Part 14 of Subchapter B of Chapter 1, Title 30, Code of Federal Regulations, prescribing requirements for investigating, testing, and certifying Filter-Type Dust, Fume, and Mist Respirators.

Interested persons were given 30 days after the date of publication of the notice within which to submit written comments, suggestions, or objections, concerning the proposed regulations. Comments, suggestions, and objections were received from approximately 30 sources. As a result thereof, all sources that submitted comments were invited to attend and participate in a meeting, held on April 24, 1964, at the Bureau of Mines facility, 4800 Forbes Avenue, Pittsburgh, Pa., to discuss changes in the proposed revision of the regulations.

All proposals received at the meeting and by written communication prior thereto have been carefully considered. The suggested changes that were deemed valid and reasonable were so numerous that it was decided to publish and invite comments on a new proposed revision of Part 14. The new proposed revision is set forth below.

The purpose of the proposed revision is to: (1) Extend certification of approval to respirators designed to protect against dusts, fumes, or mists that are significantly more toxic than lead; (2) permit certification of combinations of dispersoid-filter and other types of respirators; (3) revise current test requirements to improve accuracy and speed of testing; and (4) revise the fees for inspecting and testing.

In accordance with the policy of the Department of the Interior, interested persons may submit written comments, suggestions, or objections with respect to the proposed revision of the regulations to the Director, Bureau of Mines, Interior Building, Washington, D.C., 20240, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

MARLING J. ANKENY,
Director, Bureau of Mines.

OCTOBER 1, 1964.

Part 14 of Title 30 is revised to read as follows:

Subpart A—General Provisions

Sec.
14.1 Purpose.
14.2 Definitions.
14.3 Consultation.
14.4 Types of respirators for which certificates of approval will be issued.
14.5 Applications.
14.6 Fees.
14.7 Date for conducting tests.
14.8 Conduct of investigations, tests and demonstrations.
14.9 Certificates of approval.
14.10 Approval labels or markings.
14.11 Material required for record.
14.12 Changes after certification.
14.13 Withdrawal of certification.

Subpart B—Respirator Requirements

14.20 Design and construction.
14.21 Component parts.
14.22 Containers and markings.
14.23 Facepiece.
14.24 Materials of construction.
14.25 Control of filtering characteristics.

Subpart C—Test Requirements

14.30 Facepiece tests.
14.31 Mechanical filter tests.
14.32 Tests of complete respirator.

AUTHORITY: The provisions of this Part 14 issued under sec. 5, 36 Stat. 370, as amended; 30 U.S.C. 7. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, 30 U.S.C. 3, 5.

Subpart A—General Provisions

§ 14.1 Purpose.

The regulations in this part set forth the requirements for certification of respirators designed to remove particulate matter from inhaled air as permissible for use in atmospheres that are contaminated with certain dusts, fumes, or mists, or combinations thereof; procedures for applying for such certification; and fees.

§ 14.2 Definitions.

As used in this part—

(a) "Permissible," as applied to a dust, fume, or mist respirator, means that the respirator conforms to the requirements of this part, and that a certificate of approval to that effect has been issued.

(b) "Bureau" means the United States Bureau of Mines.

(c) "Certificate of approval" means a formal document issued by the Bureau stating that the respirator has met the requirements of this part for a dust, fume, or mist respirator and authorizing the use and attachment of an official approval label or marking so indicating.

(d) "Respirator" means a completely assembled device designed to provide respiratory protection against dusts fumes or mists or combinations thereof by re-

moving these contaminants from the air inhaled by the wearer.

(e) "Applicant" means an individual, partnership, company, corporation, organization, or association that designs, manufactures, assembles, or controls the assembly of a respirator, and seeks a certificate of approval thereof.

(f) "TLV" means the most recent Threshold Limit Value adopted by the American Conference of Governmental Industrial Hygienists.

(g) "Concentration limits for radionuclides" means the concentration limits set forth in Appendix B, Table I, Column 1 of Title 10 CFR Part 20 by the Atomic Energy Commission.

(h) "DOP" means a homogeneous liquid aerosol, having a particle diameter of 0.3 micron, which is generated by vaporization and condensation of dioctyl phthalate.

(i) "Protection factor" means the ratio of the concentration of dust, fume, or mist present in the ambient atmosphere to the concentration of dust, fume, or mist within the facepiece while the respirator is being worn.

§ 14.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau of Mines facility at 4800 Forbes Avenue, Pittsburgh, Pennsylvania, 15213, and discuss with qualified Bureau personnel proposed designs of respirators to be submitted in accordance with the requirements of the regulations of this part. No charge is made for such consultation and no written report thereof will be submitted to the applicant.

§ 14.4 Types of respirators for which certificates of approval will be issued.

(a) Certificates of approval will be issued only for completely assembled respirators. Certificates will not be issued for component parts or subassemblies.

(b) As regards their design and approval, respirators governed by the requirements of this part are subdivided into the following classes, according to the type of particulate matter against which they are designed to protect:

(1) Respirators for dusts (i) having a TLV not less than 0.1 milligram per cubic meter of air, including but not limited to arsenic, cadmium, chromium, lead, and manganese; or (ii) having a TLV not less than 2.4 million particles per cubic foot of air, including but not limited to aluminum, asbestos, coal, flour, iron ore, and free silica, resulting principally from the disintegration of a solid, such as the dust clouds produced invarious processes of mining, quarrying, and tunneling, and in various industrial operations, such as grinding, crushing, and general processing of minerals and other materials.

(2) Respirators for fumes of various metals having a TLV not less than 0.1 milligram per cubic meter, including but not limited to aluminum, antimony, arsenic, cadmium, chromium, copper, iron, lead, magnesium, manganese, mercury (except mercury vapor), and zinc, resulting from sublimation or condensation of their respective vapors, or from the chemical reaction between their respective vapors and gases.

(3) Respirators for mists of materials having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot, as produced by spray coating with vitreous enamels; chromic-acid mist, as produced in chromium plating; and other mists of materials whose liquid vehicle does not produce harmful gases or vapors.

(4) Respirators for dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter, including but not limited to lithium hydride and beryllium, or for radionuclides; and where the contaminant concentration is known not to exceed 10 times the TLV or 10 times the concentration limits for radionuclides (protection factor of 10).

(5) Respirators for dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter, or for radionuclides; and where the contaminant concentration is known not to exceed 100 times the TLV or 100 times the concentration limits for radionuclides (protection factor of 100).

(6) Respirators for dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter, or for radionuclides; and where the contaminant concentration is known not to exceed 1,000 times the TLV or 1,000 times the concentration limits for radionuclides (protection factor of 1,000).

(7) Respirators for various combinations of the preceding types of particulate matter.

(8) Respirators that are a combination of mechanical filter and other type(s).

§ 14.5 Applications.

(a) Investigation or testing, including retesting of equipment that has been previously tested and disapproved, will be undertaken by the Bureau only pursuant to a written application, in duplicate, accompanied by all prescribed drawings, specifications, and related materials; and accompanied by a check, bank draft, or money order payable to the United States Bureau of Mines, to cover the fees. The application, all related matters, and all correspondence concerning it shall be sent to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa., 15213; Attention: Chief, Branch of Health Research.

(b) When an application is submitted that requires less work than is required for a complete investigation, the fee will be in proportion to the work involved. If the applicant is unable to determine the fee for such work, upon his request the Bureau will notify the applicant of the fee to be submitted with the application. Any surplus will be refunded to the applicant.

(c) The application shall state that the respirator has met the pertinent requirements of Subpart B and of Subpart C, §§ 14.30, 14.31, paragraph (a) of § 14.32, and subparagraphs (2), (3), and (4) of paragraph (b) of § 14.32, when tested by the applicant or his testing agency. Two copies of the results of the applicant's inspections and tests shall accompany the application.

(d) Drawings and specifications shall be adequate in number and detail to identify fully the design of the respirator and to disclose its materials and the dimensions of all its parts. Specifications shall be given for materials, component parts, and subassemblies.

(e) The application shall state the purpose of the respirator, giving the types and specific kinds of atmospheric contaminants against which it is designed to provide respiratory protection.

(f) The application shall state that the respirator is completely developed and shall further state that the applicant believes the design and materials are suitable for a finished, marketable product.

(g) The application shall describe the nature of the filter material and how each lot will be sampled and tested to maintain its protective qualities before it is used in the applicant's respirator. The Bureau reserves the right to have its qualified representative(s) inspect the applicant's control-test equipment and control-test records, and to interview the personnel who conduct the control tests in order to satisfy the Bureau that a proper procedure is being followed to insure the safety of the wearer of the respirator for the protective service, as stated in the application.

(h) When the Bureau notifies the applicant that the application has been accepted, it will also notify him as to the number of completely assembled respirators, together with the number of filters and other parts, that will be required for testing. All materials required for testing shall be delivered (charges prepaid) to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa., 15213; Attention: Chief, Branch of Health Research.

§ 14.6 Fees.

The following fees are charged for inspecting and testing filter-type dust, fume, or mist respirators. The fees pertain to complete respirators unless otherwise stated.

(a) Dusts having a TLV not less than 0.1 milligram per cubic meter:	
(1) Single-use filter	$340
(2) Reusable filter	440
(b) Dusts having a TLV not less than 2.4 million particles per cubic foot:	
(1) Single-use filter	$310
(2) Reusable filter	380
(c) Dusts having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot:	
(1) Single-use filter	$375
(2) Reusable filter	545
(d) Fumes of various metals having a TLV not less than 0.1 milligram per cubic meter	395
(e) Dusts having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot, and fumes of various metals having a TLV not less than 0.1 milligram per cubic meter	495
(f) Mists of materials having a TLV not less than 0.1 milligram per cubic meter	375
(g) Mists of materials having a TLV not less than 2.4 million particles per cubic foot	345
(h) Mists of materials having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot	445

(i) Dusts and mists of materials having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot	$545
(j) Dusts and mists of materials having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot, and fumes of metals having a TLV not less than 0.1 milligram per cubic meter	665
(k) Dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter, or for radionuclides	585
(l) All dusts, fumes, and mists	935
(m) Facepiece only for respirators (a), (b), (c), (f), (g), and (h)	80
(n) Facepiece only for respirators (d), (e), and (j)	100
(o) Facepiece only for respirators (k) and (l)	460
(p) Additional examinations and tests of respirator in connection with other tests, per man-day	40

(q) Fees for testing unusually complicated equipment, for unusual tests, for tests not included in this list, or for tests required for extensions of certification, will be charged to cover the actual costs, as determined in advance by the Bureau. The applicant will be notified, and the fee shall be paid before the tests are begun.

NOTE: If a respirator fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant such part of the fee not required as compensation for its services.

§ 14.7 Date for conducting tests.

The date of acceptance of an application will determine the order of precedence for investigation and testing when more than one application is pending, and the applicant will be notified of the date on which investigation and testing will begin. If a respirator fails to meet any of the requirements, it shall lose its order of precedence. If an application is submitted to resume investigation and testing after correction of the cause of failure, it will be treated as a new application and the order of precedence for investigation and testing will be so determined.

§ 14.8 Conduct of investigations, tests, and demonstrations.

Prior to the issuance of a certificate of approval, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. The Bureau shall hold as confidential, and shall not disclose, principles or patentable features prior to certification, nor shall it disclose the results of analyses of materials, or any details of the applicant's drawings, specifications, and related material. After the issuance of a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved respirator, as it deems appropriate. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons shall be present only as observers.

§ 14.9 Certificates of approval.

(a) Upon completion of the investigation and testing of a respirator, the Bureau will issue to the applicant either a certificate of approval or a written notice of disapproval, as the case may require. No informal notification of approval will be issued. If a certificate of approval is issued, no test data or detailed results of tests will accompany it. If a notice of disapproval is issued, it will be accompained by details of the defects, resulting in disapproval, with a view to possible correction. The Bureau will not disclose, except to the applicant, any information on a respirator upon which a notice of disapproval has been issued.

(b) A certificate of approval will be accompanied by a list of the drawings and specifications, covering the details of design and construction of the respirator upon which the certificate of approval is based. The applicant shall keep exact duplicates of the drawings and specifications submitted to the Bureau relating to the respirator which has received a certificate of approval. The approved drawings and specifications shall be adhered to exactly in production of the certified respirator for commercial purposes. In addition, the applicant shall keep records of the control of filter materials, as stated in paragraph (g) of § 14.5.

§ 14.10 Approval labels or markings.

(a) A certificate of approval will be accompanied by photographs of designs for approval labels—one for the complete respirator and one for the filter unit. The labels shall bear the seal of the Bureau of Mines and shall be inscribed substantially as follows:

PERMISSIBLE RESPIRATOR

For

_____

(Applicable type of dispersoid)

U.S. Bureau of Mines Approval No. _____

Issued to _____

(Name of applicant)

Approved for respiratory protection against the inhalation of _____.

(Applicable type of dispersoid)

The approved assembly consists of BM-_____ facepiece and BM-_____ filter.

(b) Appropriate instructions and caution statements on the use and limitations of the respirator shall be included on the approval label(s).

(c) The label for the respirator shall be reproduced legibly on the outside of each respirator container. The label for the filter shall be reproduced legibly on the outside of each container of extra filters.

(d) The facepiece shall be marked in a permanent, legible manner with the appropriate approval number. Each filter shall be marked with the appropriate approval number and with the type(s) of dispersoid covered by the approval.

(e) Full-scale designs or reproductions of approval labels and markings, and a sketch or description of their position shall be submitted for approval before final adoption to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania, 15213; Attention: Chief, Branch of Health Research.

(f) Use of the Bureau's approval label obligates the applicant to whom the certificate of approval was issued to maintain the quality of the complete respirator and to guarantee that the complete respirator is manufactured and assembled according to the drawings and specifications upon which the certificate of approval was based. Use of the approval label or markings is authorized only on respirators that conform strictly with the drawings and specifications upon which the certificate of approval was based.

§ 14.11 Material required for record.

(a) The Bureau reserves the right to retain as part of the permanent record of the investigation, a complete respirator or any component thereof that has been tested and certified. Material not required for record will be returned to the applicant at his request and at his expense on written shipping instructions to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa., 15213; Attention: Chief, Branch of Health Research.

(b) As soon as a certified respirator is commercially available, the applicant shall deliver a complete unit free of charge to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa., 15213; Attention: Chief, Branch of Health Research.

§ 14.12 Changes after certification.

If an applicant desires to change any feature of a certified respirator, he shall first obtain the Bureau's approval of the change, pursuant to the following procedures:

(a) Application shall be made as for an original certificate of approval, requesting that the existing certification be extended to cover the proposed change(s). The application shall be accompanied by drawings, specifications and related material(s), as in the case of the original application.

(b) The application and accompanying material(s) will be examined by the Bureau to determine whether testing of the modified respirator or components will be required. Testing will be necessary if there is a possibility that the modification may affect adversely the performance of the respirator. The Bureau will inform the applicant whether such testing is required, and of the fee to cover costs of testing.

(c) If the proposed modification(s) meet(s) the pertinent requirements of this part, a formal extension of certification will be issued, accompanied by a list of new and revised drawings and specifications to be added to those already on file as the basis for the extension of certification.

§ 14.13 Withdrawal of certification.

The Bureau reserves the right to rescind, for cause, any certificate of approval issued under this part.

Subpart B—Respirator Requirements

§ 14.20 Design and construction.

The Bureau will investigate or test only a respirator that, in its opinion, is

constructed of suitable materials, evidences good workmanship, and is designed on sound scientific principles. Adequacy of design and construction will be determined with regard to the following factors: Kind and durability of materials; durability of construction; practicability of use by the wearer, such as freedom of movement, field of vision, fit of facepiece, and lack of discomfort; and performance characteristics during investigation and testing, including physiological effects on the wearer of the respirator. Since all possible designs, arrangements, or combinations of materials and components cannot be foreseen, the Bureau reserves the right to omit any test(s) or part of any test(s) described in Subpart C, or to modify such test(s), or to perform other test(s) not specifically stated, in order to obtain substantially the same information and to provide the same degree of safety as the tests described in Subpart C. The Bureau will notify the applicant accordingly.

§ 14.21 Component parts.

All component parts of a respirator shall be designed, constructed, and fitted in such manner that they will not create a hazard to the wearer of the equipment. Filters and other parts of short life shall be easily replaceable and after such replacement the effectiveness of the entire respirator shall be fully restored to protect the wearer against inward leakage of dusts, fumes, or mists.

§ 14.22 Containers and markings.

(a) A substantial, durable container shall be provided for each respirator to protect it when not in use. The respirator and its container shall be marked distinctly with the name of the applicant, and the type, letter, or number by which the respirator is commonly known.

(b) Filter units shall be protected by approved containers.

§ 14.23 Facepiece.

(a) *General requirements.* Each facepiece shall be constructed so as to assure a quick, dispersoid-tight fit on persons of widely varying facial shapes and sizes. The overall efficiency of a full-facepiece respirator shall not be affected by the optional use of corrective spectacles. A mouthpiece-type respirator with provision for nasal seal may be used provided the respirator meets all other pertinent requirements of this part. Coverings of cloth or other material for the face-contacting portion of the facepiece, approved as part of a respirator that is designed for respiratory protection against dusts, fumes, or mists, shall pass the complete facepiece tests for the particular type of respirator. The head harness shall be adjustable and replaceable.

(b) *Valves*—(1) *Respirators for dusts, fumes, and mists of materials having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot.* Each respirator shall be provided with an exhalation valve(s). The use of an inhalation valve(s) is desirable, but optional.

(2) *Respirators for dusts, fumes, and mists of materials having a TLV less than 0.1 milligram per cubic meter, or for radionuclides.* Each respirator shall be provided with an exhalation valve(s) and an inhalation valve(s). The exhalation valve(s) shall be protected against damage or external influence, and shall be provided with a dead-air space or other means designed to prevent inward leakage of air during the inhalation phase of the breathing cycle.

§ 14.24 Materials of construction.

(a) All parts of the respirator that are in direct contact with portions of the wearer's body shall be of nonirritating composition.

(b) All materials used in the construction of a facepiece shall be of a composition that will withstand repeated disinfection or decontamination by methods that are recommended by the applicant and are acceptable to the Bureau. The accepted methods for disinfection or decontamination shall be described in the instructions supplied by the applicant for maintaining his device.

(c) All materials used in construction, fabrication, or assembly of filters shall not be damaged by normal handling during filter replacement.

§ 14.25 Control of filtering characteristics.

(a) *Filters designed for protection against dusts, fumes, and mists of materials having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot.* To maintain the quality of protection that is required by this part, each lot of filter materials produced or obtained by an applicant shall have been adequately sampled and tested for filtering and resistance characteristics before being used in approved respirators.

(b) *Filters designed for protection against dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter or for radionuclides.* Before marketing, each filter unit shall be tested by the applicant against a concentration of 100 micrograms of DOP per liter of air, at 32 liters per minute flow rate for a period of 5 to 10 seconds. The penetration shall not exceed 0.03 percent. Where filters are to be used only in pairs, the flow rate shall be 16 liters per minute through each filter unit. Where threaded cartridge-type filters are used, the threads of each cartridge shall be examined for defects that may prevent correct sealing of the cartridge in the cartridge holder. Cartridges shall be packaged to prevent damage to threads and sealing surfaces.

(c) *Respirators designed for protection against dusts, fumes, and mists.* Each lot of assembled respirators shall be adequately sampled and tested before marketing.

Subpart C—Test Requirements

§ 14.30 Facepiece tests.

(a) *Pressure-tightness test (applicable to all respirators designed for respiratory protection against dusts, fumes, and mists).* The complete respirator shall be fitted to the faces of 15 to 20 persons having a wide variety of facial shapes and sizes. To test the suitability of the fit of the respirator on these test subjects, the exhalation valve and the inhalation port(s) shall be held closed, and each subject shall exhale gently into the facepiece until a slight but definite positive pressure is built up in the facepiece. The absence of outward leakage of air between the facepiece and the subject's face shall be evidence of satisfactory fit of the facepiece.

(b) *Coal-dust-tightness test (applicable to respirators designed for respiratory protection against dusts and mists of materials having a TLV not less than 0.1 milligram per cubic meter or 2.4 million particles per cubic foot).* Three test subjects, having full, average, and lean facial features, shall wear the respirators with suitable eye protection while a high concentration of finely divided bituminous-coal dust (through 200-mesh) is blown gently into their breathing zones for a minimum of three minutes. At the end of this period, the excess dust shall be removed from the periphery of each facepiece, after which the facepiece shall be carefully removed from the face of each subject. To meet the requirements of this test for each of the three test subjects, the following shall not show appreciably more black particulate matter than was observed before the test: The forced nasal discharge, as shown on a white cloth; the sputum; and the nasal cavities, when examined with the aid of a speculum and illumination; and that part of the face covered by the facepiece of the respirator.

(c) *Isoamyl-acetate-tightness test (additional test applicable only to respirators designed for respiratory protection against fumes of various metals having a TLV not less than 0.1 milligram per cubic meter).* The respirator shall be modified in such a manner that all of the air that normally would be inhaled through the inhalation port(s) is drawn through an efficient activated charcoal-filled canister, or cartridge(s), without interference with the face-contacting portion of the facepiece. Modified in this manner, the facepiece shall be worn by 15 to 20 persons for at least two minutes each in a test chamber containing 100 parts (by volume) of isoamyl-acetate vapor per million parts of air. To meet the requirements of this test, the odor of isoamyl acetate shall not be detected by the subjects while wearing the modified respirator in the test atmosphere.

(d) *Isoamyl-acetate-tightness test for respirators designed for respiratory protection against dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter, or against radionuclides.* The applicant shall provide a charcoal-filled canister or cartridge(s) of a size and resistance similar to the filter unit(s), with connectors which can be attached to the facepiece in the same manner as the filter unit.

(1) *Where the contaminant concentration is known not to exceed 10 times the TLV or 10 times the concentration limits for radionuclides.* The canister or cartridge will be used in place of the filter unit, and 20 persons each shall wear the modified facepiece for 5 minutes in a test chamber containing 100 parts (by volume) of isoamyl-acetate vapor per million parts of air. The following

work schedule shall be observed by each subject in the test chamber:

(i) Two minutes walking, nodding, and shaking head in normal movements.

(ii) Three minutes exercising and running "in place." To meet the requirements of this test, the facepiece shall be capable of adjustment, according to the applicant's instructions, to each subject's face, so that the odor of isoamyl acetate is not detectable by any test subject.

(2) *Where the contaminant concentration is known not to exceed 100 or 1,000 times the TLV or 100 or 1,000 times the concentration limits for radionuclides.* The canister or cartridge will be used in place of the filter unit, and 20 persons each shall wear the modified facepiece for 5 minutes in a test chamber containing 1,000 parts (by volume) of isoamyl-acetate vapor per million parts of air. The following work schedule shall be observed by each subject in the test chamber:

(i) Two minutes walking, talking, nodding, and shaking head in normal movements.

(ii) Three minutes exercising and running "in place." To meet the requirements of this test, the facepiece shall be capable of adjustment, according to the applicant's instructions, to each test subject's face, so that the odor of isoamyl-acetate is not detectable by any test subject.

§ 14.31 Mechanical filter tests.

(a) Silica-dust tests of respirators designed for respiratory protection against dusts having a TLV not less than 2.4 million particles per cubic foot: (1) *Single-use filters.* Three respirators will be tested with a mechanical-testing apparatus under the following controlled conditions:

(i) Relative humidity—20–80 percent.

(ii) Room temperature — approximately 25° C.

(iii) Rate of continuous air flow—32 liters per minute.

(iv) Test suspension—not less than 50 nor more than 60 milligrams of flint (99+ percent free silica) per cubic meter of air. The flint shall be ground to pass 99+ percent through a 325-mesh sieve. The particle-size distribution of the test suspension shall have a geometric mean of 0.4 to 0.6 micron, and the standard geometric deviation shall not exceed 1.96.

(v) Duration of sampling period—90 minutes for each respirator.

Tested under these conditions, the total amount of unretained test suspension shall not exceed a total of 4.5 milligrams for the three respirators nor more than 2 milligrams for any single respirator.

(2) *Reusable filters.* Respirators with filter elements designed for cleaning and reuse will be subjected to the tests described in subparagraph (1) of this paragraph. Each filter element shall be tested three times—once as received, once after cleaning, and once after recleaning. Three respirators shall be tested. The applicant's instructions for cleaning the filter element will be followed once for each of the three tests.

Tested under these conditions, the total amount of unretained test suspension shall not exceed a total of 4.5 milligrams for the three tests on any single respirator, nor more than 2 milligrams for any single test.

(b) Lead-dust tests for respirators designed for respiratory protection against dusts having a TLV not less than 0.1 milligram per cubic meter. (1) *Single-use filters.* Three respirators will be tested with a mechanical-testing apparatus under the following controlled conditions:

(i) Relative humidity—20–80 percent.

(ii) Room temperature—approximately 25° C.

(iii) Rate of continuous air flow—32 liters per minute.

(iv) Test suspension—not less than 15 nor more than 20 milligrams of lead (Pb) per cubic meter of air in a test suspension of National Lead Company's Negative Battery Mixture No. 111–R, which has the following approximate composition: Litharge, 75 percent; free metallic lead, 25 percent; carbon black, blanc fixe, and organic matter for expander purposes, 0.25–0.3 percent. The particle-size distribution of the test suspension shall have a geometric mean of 0.4 to 0.6 micron, and the standard geometric deviation shall not exceed 1.96.

(v) Duration of sampling period—90 minutes for each respirator.

Tested under these conditions, the total amount of unretained test suspension, which is analyzed and calculated as lead (Pb), shall not exceed 0.43 milligram of lead for any single respirator.

(2) *Reusable filters.* Respirators with filter elements designed for cleaning and reuse will be subjected to the tests described in subparagraph (1) of this paragraph. Each filter element shall be tested three times—once as received, once after cleaning, and once after recleaning. Three respirators shall be tested. The applicant's instructions for cleaning the filter element will be followed once for each of the three tests.

Tested under these conditions, the amount of unretained test suspension, which is analyzed and calculated as lead (Pb), shall not exceed 0.43 milligram of lead for any single test.

(c) Lead-fume test for respirators designed for respiratory protection against fumes of metals having a TLV not less than 0.1 milligram per cubic meter. Three respirators will be tested with a mechanical-testing apparatus under the following controlled conditions:

(1) Relative humidity—20–80 percent.

(2) Room temperature—approximately 25° C.

(3) Rate of continuous air flow—32 liters per minute.

(4) Test suspension—not less than 15 nor more than 20 milligrams of freshly generated lead-oxide fume, calculated as lead (Pb), per cubic meter of air. The fume shall be generated by impinging an oxygen-gas flame on molten lead.

(5) Duration of sampling period—312 minutes for each respirator. Samples of the test suspension shall be taken during this period for analysis.

Tested under these conditions, the total amount of unretained test suspension, which is analyzed and calculated as lead (Pb), shall not exceed 1.5 milligrams of lead for any single respirator.

(d) Silica-mist test for respirators designed for respiratory protection against mists of materials having a TLV not less than 2.4 million particles per cubic foot. Three respirators will be tested with a mechanical testing apparatus under the following controlled conditions:

(1) Room temperature—approximately 25° C.

(2) Rate of continuous air flow—32 liters per minute.

(3) Test suspension—not less than 20 nor more than 25 milligrams of silica mist, weighed as silica dust, per cubic meter of air, produced by spraying an aqueous suspension of flint (99+ percent free silica). The flint shall be ground to pass 99+ percent through a 325-mesh sieve.

(4) Duration of sampling period—312 minutes for each respirator. Samples of the test suspension shall be taken during this period for analysis.

Tested under these conditons, the total amount of silica mist unretained, weighed as silica dust, shall not exceed 2.5 milligrams for any of the three respirators.

(e) Chromic-acid-mist test for respirators designed for respiratory protection against mists of materials having a TLV not less than 0.1 milligram per cubic meter. Three respirators will be tested with a mechanical-testing apparatus under the following controlled conditions:

(1) Room temperature—approximately 25° C.

(2) Rate of continuous air flow—32 liters per minute.

(3) Test suspension—not less than 15 nor more than 20 milligrams of chromic-acid mist per cubic meter of air, which is analyzed and calculated as chromic anhydride (CrO_3), produced by electrolyzing an aqueous solution of chromic acid containing 200-500 grams of chromic anhydride per liter.

(4) Duration of sampling period—312 minutes for each respirator. Samples of the test suspension shall be taken during this period for analysis.

Tested under these conditions, the total amount of unretained chromic acid, which is analyzed and calculated as chromic anhydride (CrO_3), shall not exceed 1 milligram for any single respirator.

(f) Tests for respirators designed for respiratory protection against more than one type of dispersoid. Respirators designed for respiratory protection against more than one type of dispersoid (dust, fume, or mist) shall comply with all the requirements of this part, which pertain to the specific types of dispersoids involved.

(g) When a respirator has the characteristics of a combination of mechanical-filter and another type(s), it shall meet the specific requirements of this part, as well as the requirements of any other part(s) which might be germane.

§ 14.32 Tests of complete respirator.

(a) *Resistance to air flow (applicable to all dust, fume, and mist respirators).*

The resistance to flow of air of a complete respirator on inhalation and on exhalation shall be determined on a mechanical apparatus before and after the tests are conducted, as described in § 14.31 and subparagraph (4) of paragraph (b) of this section. The continuous rate of air flow shall be 85 liters per minute. The resistance to inhalation shall not exceed 50 millimeters of water-column height immediately after each test, and the resistance to exhalation shall not exceed 25 millimeters of water-column height at any time.

(b) *Special tests for respirators designed for respiratory protection against dusts, fumes, and mists having a TLV less than 0.1 milligram per cubic meter or against radionuclides.* Three complete respirators with their filters properly mounted shall be visually inspected to detect obvious defects. A probe to permit sampling the air within the respirator facepiece shall be attached without impairing the overall efficiency of the respirator or its serviceability (excepting subparagraphs (3) and (4) of this paragraph).

(1) *Uranine-chamber tests.* (i) The following test shall be made on three respirators: The complete respirator shall be sealed in an airtight manner to a head form which is so constructed that the air can be drawn through it from within the facepiece of the respirator. The head form, with respirator attached, shall be placed in a test chamber through which is flowing an aerosol containing not less than 1 nor more than 2 milligrams of uranine per cubic meter of air. The particle-size distribution of the test suspension shall have a geometric mean of 0.2 micron and the standard geometric deviation shall not exceed 1.96. Air shall be drawn into and expelled through the respirator by a breathing machine that simulates human breathing at the rate of 32 liters per minute with 18 inhalation-exhalation cycles per minute. Samples of the atmosphere within the facepiece shall be taken during the inhalation phase of the breathing cycle.

(ii) To meet the requirements of the above test, the respirator shall perform in accordance with the following tolerances:

Where the contaminant concentration does not exceed the TLV or concentration limits for radionuclides by a factor of:	Maximum allowable penetration for a single respirator—percentage of ambient concentration	Maximum allowable penetration for average of three tests—percentage of ambient concentration
10	1	0.5
100	1	0.5
1,000	0.1	0.05

(2) *DOP man tests and chamber tests.* (i) Each of three complete respirators shall be worn by six different persons (totalling 18 wearings) utilized as test subjects. Each respirator shall be modified by inserting a sample probe through the facepiece at a place which avoids distortion of the facepiece fit. Each test subject shall enter a test chamber in which air, containing approximately 100 micrograms of DOP per liter, is flowing. While in the chamber, each test subject shall perform the following work schedule of exercises, with air samples being taken continuously from the interior of the facepiece at a rate of 8 liters per minute: Facial movements, 2 minutes; talking, 1 minute; and running "in place," 2 minutes.

(ii) The respirator with the highest DOP penetration of the three tested according to subdivision (i) of this subparagraph shall be worn by three different persons for two hours each while the following tests are performed in a chamber concentration of 100 micrograms of DOP per liter of air.

(*a*) *0–15 minutes:* Each test subject shall be seated and a sample will be drawn from the inside of the facepiece at the rate of 8 liters per minute; the sample will be compared with the chamber concentration. If excessive leakage is detected, the subject shall leave the chamber and a stream of DOP shall be directed at the respirator to determine the source(s) of leakage.

(*b*) *15–60 minutes:* Each test subject shall leave the chamber and carry on normal activities without adjusting or removing the facepiece.

(*c*) *60–75 minutes:* Each test subject shall return to the chamber that contains the test aerosol of DOP. A sample will be drawn from the inside of the facepiece at the rate of 8 liters per minute. During this period the test subject shall engage in the following activities and the percentage of leakage shall be determined: Cough*, turn his head from side to side, smile*, frown*, recite the alphabet loudly*, talk*, breath shallowly and deeply.

NOTE: For respirators where the contaminant concentration does not exceed 10 times the TLV or concentration limits for radionuclides, the test subject will not engage in the activities indicated with an asterisk (*).

(*d*) *75–105 minutes:* Each test subject shall engage in normal activities outside the chamber.

(*e*) *105–120 minutes:* Each test subject shall reenter the chamber and the routine for the 60–75 minute period shall be repeated.

(iii) To meet the requirements of subdivision (ii) of this subparagraph, a respirator shall perform in accordance with the following tolerances:

Where the contaminant concentration does not exceed the TLV or concentration limits for radionuclides, by a factor of:	Maximum allowable penetration for the respirator—percentage of ambient concentration	Maximum allowable penetration for average of all tests—percentage of ambient concentration
10	1	0.5
100	1	0.5
1,000	0.1	0.05

(3) *DOP filter tests.* All test filter units shall be tested in an atmospheric concentration of 100 micrograms of DOP per liter of air at continuous flow rates of 32 and 85 liters per minute for a period of 5 to 10 seconds. Where filters are to be used in pairs, the flow rates shall be 16 and 42.5 liters per minute, respectively, through a single filter. The filter shall be mounted on a connector in the same manner as used on the respirator. The total leakage for the connector and filter shall not exceed 0.03 percent of the ambient DOP concentration at either flow rate.

(4) *Silica-dust-loading test.* Three respirators shall be tested as described in subparagraph (1) of paragraph (a) of § 14.31 and paragraph (a) of this section.

[F.R. Doc. 64–10137; Filed, Oct. 6, 1964; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 288]

[Economic Regs. Docket 15596]

SHORT NOTICE MILITARY CONTRACTS AND SUBSTITUTE SERVICE

Proposed Exemption of Air Carriers

OCTOBER 1, 1964.

Notice is hereby given that the Civil Aeronautics Board is proposing certain amendments to Part 288 which would establish minimum aircraft loads with respect to cargo carried on convertible flights and on mixed passenger-cargo flights. The principal features of the proposed amendments are explained in the attached Explanatory Statement. The amendments are proposed under the authority of sections 204(a) and 416 of the Federal Aviation Act of 1958 (72 Stat. 743, 771; 49 U.S.C. 1324, 1386).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received on or before November 6, 1964 will be considered by the Board before taking action. Upon receipt by the Board, copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Part 288, among other things, specifies the minimum rates applicable to certain charters performed for the Military Air Transport Service (MATS). Instead of expressing the minimum rates in terms of a plane mile rate for each type of aircraft, a uniform rate per passenger-mile or cargo ton-mile has been established to be multiplied by minimum load standards for the various types of aircraft. By ER–401, February 28, 1964, 29 F.R. 2938, we completed a general review of these minimum rates, effected certain reductions therein, and revised the terms of the part in a number of respects. For an understanding of the amendments proposed herein it is especially important to take notice of the following specific revisions:

(1) The round-trip passenger rate was made applicable to all segments of convertible charters (an all-passenger flight in one direction and an all-cargo flight in the other), and the special unit rate and minimum load standards formerly applicable to the cargo segment of convertible flights were dropped;

(2) Mixed charters (those on which both passengers and cargo are carried) were covered for the first time and the passenger minimum rate made applicable thereto; and

(3) A so-called "deficit traffic" provision was added permitting carriers to accept up to ten percent less than the minimum compensation when prevented from accommodating the minimum load specified for reasons other than adverse weather, off-loading by MATS, or the bulk of the cargo supplied by MATS.

Inasmuch as ER–401 made what in effect is a plane mile minimum rate (consisting of the passenger-mile rate multiplied by the established minimum passenger load) applicable to the cargo segments of convertible and mixed charters, we deemed it unnecessary to establish minimum cargo load requirements for such flights. However, in doing this we did not consider the possible need for such standards in connection with the application of the deficit traffic provision in the proviso to § 288.7 (b), and some confusion has resulted from this omission.

On the cargo segments of convertible charters, MATS, in accordance with the terms of the contracts, has taken the position that a deficit should be assessed if the minimum load specified for all-cargo flights cannot be accommodated. It proposes to assess a deficit not only where the carrier cannot provide the lift for such specified minimum tonnage, but also where the failure to accommodate such a load is due to the fact that the galley and other passenger servicing equipment required for the passenger segment take up cabin space on convertible jet aircraft that could otherwise be used to accommodate a thirteenth cargo pallet. It is the carriers' position that no deficit should be assessed as long as it is possible to carry the 36.5 ton minimum load specified for all-cargo flights, regardless of whether a thirteenth pallet can be accommodated. A similar question has also arisen in the case of the CL–44. There the galley is in the tail of the aircraft where the space will not accommodate a pallet. However, MATS has been requiring that 420 cubic feet in the tail be made available for bulk loading and the galley does cut into that space. Some contractors, however, have requested in correspondence that a specific minimum load be fixed for the cargo segments of convertible flights at a level slightly below that required for all-cargo flights.

Prior to ER–401, Part 288 always required a higher unit minimum rate and lower minimum load for the cargo segment of convertible charters than for all-cargo charters. This was done principally to reflect the reduced capacity on the cargo segment resulting from the necessity of carrying the passenger servicing equipment required for the passenger segment. It appears that this reduced capacity continues to be a factor on the turbine powered aircraft presently being used to perform the bulk of MATS charters. Accordingly, for the purposes of the deficit traffic provision, we propose to establish a minimum load standard for the cargo segment of convertible charters of 34 tons or 12 pallets in the case of pure jet aircraft and 27 tons or ten pallets for the CL–44 aircraft. These loads appear to be in line with the realistic capacity of such aircraft.

Also, for purposes of applying the deficit traffic provision, it appears to be desirable to establish minimum load requirements for mixed charters. The amendment proposed herein would cast such load requirements in terms of the number of pallets that should be accommodated with varying levels of passengers. In each case, we have attempted to establish a fairly close relationship between the minimum load requirement and the practical capacity of the aircraft in the particular type of service.

In addition, the minimum load standard applicable to all-cargo charters is presently expressed only in terms of the tonnage of lift that must be made available. There is no Part 288 requirement that the carriers furnish a sufficiently unencumbered cabin to accommodate loads of relatively light density. In this connection, it has been suggested that carriers employing convertible jet aircraft should not be required to remove the galley required for passenger flights in order to be able to accommodate a thirteenth pallet when such aircraft are performing all-cargo charters for MATS. It appears that failure to remove the galley does not affect the capability of such aircraft to provide the required lift, 36.5 tons, and that it is usually possible to accommodate the volume of such a cargo load on the twelve pallets that can be fitted into the cabin without removal of the galley. Nevertheless, we believe that volume limitations are of sufficient significance so that MATS should have the entire cabin space of the aircraft available to it on all-cargo charters, and we are, therefore, proposing to establish a minimum pallet requirement of 13 pallets, in cases where the load is less than 36.5 tons, for purposes of determining whether a deficit exists.

It is proposed to amend Part 288 of the Board's Economic Regulations (14 CFR Part 288) as follows:

In § 288.7(b), by changing the period at the end thereof to a semicolon and adding the following:

except that, effective _____, in the case of the B–707–320–B/C, DC–8F, and CL–44 aircraft used on all-cargo charters and the cargo segment of convertible charters, this proviso shall not apply unless the cargo load carried is less than both the number of tons and number of pallets specified below:

	All-Cargo Flights [1]		Cargo Segments of Convertible Flights [1]	
	Tons [2]	Pallets	Tons [2]	Pallets
B–707–320–B/C	36.5	13	34	12
DC–8F	36.5	13	34	12
CL–44	29.35	10	27	10

[1] For purposes of this paragraph each loaded pallet shall be assumed to weigh a minimum of 5,615.4 pounds (including the weight of the pallet) and any deficit shall be computed in relation to such minimum or the actual weight whichever is greater.
[2] Including weight of pallets.

and in the case of the B–707–320–B/C and DC–8F aircraft used in mixed passenger-cargo services, this proviso shall not apply unless a traffic consist equaling any one of the following complements of cargo and passengers cannot be accommodated:

Passengers		*Pallets* [1]
165	and	0
[2] 120	and	3
[2] 108	and	4
[2] 96	and	5
[2] 78	and	6
[2] 66	and	7
[2] 54	and	8
0	and	13

[1] For purposes of this paragraph each loaded pallet shall be assumed to weigh a minimum of 5,615.4 pounds (including the weight of the pallet) and any deficit shall be computed in relation to such minimum or the actual weight whichever is greater.
[2] Includes 3 courier seats.

[F.R. Doc. 64–10180; Filed, Oct. 6, 1964; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71 [New]]

[Airspace Docket No. 64–CE–51]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to alter controlled airspace in the Bozeman, Montana area.

The following controlled airspace is presently designated in the Bozeman, Montana area.

1. The Bozeman control zone is designated as that airspace within a 3-mile radius of Gallatin-Bozeman Airport, Bozeman, Montana (latitude 45°46'50" N., longitude 111°09'20" W.).

2. The Bozeman transition area is designated as that airspace extending upward from 1200 feet above the surface within 10 miles N and 7 miles S of the Bozeman VOR 278° and 098° radials, extending from 9 miles E to 20 miles W of the VOR, excluding the airspace within Federal airways.

To implement the provisions of Amendments 60–21 (26 F.R. 570) and 60–29 (27 F.R. 4012) of Part 60 of the Civil Air Regulations, the Federal Aviation Agency proposes to take the following airspace actions:

1. Alter the Bozeman control zone by redesignating it as that airspace within a 5-mile radius of Gallatin-Bozeman

Airport (latitude 45°46'50" N., longitude 111°09'20" W.) and within 2 miles each side of the Bozeman VOR 277° radial extending from the 5-mile radius zone to 6 miles W of the VOR.

2. Alter the Bozeman transition area by redesignating it as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Gallatin-Bozeman Airport and that airspace extending upward from 1200 feet above the surface within 6 miles S and 8 miles N of the Bozeman VOR 097° and 277° radials extending from 8 miles E to 13 miles W of the VOR.

The floors of the airways that traverse the transition area proposed herein would automatically coincide with the floor of the transition area.

The action proposed herein would increase the size of the Bozeman control zone from a 3-mile radius to the normal 5-mile radius and add an extension to the west. This added controlled airspace will provide protection for aircraft executing prescribed instrument approach and departure procedures at Gallatin-Bozeman Airport. The portion of the transition area proposed with a floor of 700 feet above the surface would provide protection for aircraft executing prescribed instrument approach procedures at Bozeman during the time the aircraft are descending from 1500 feet to 1000 feet above the surface. Also, it would protect the aircraft departing Bozeman during the time the aircraft are climbing from 700 feet to 1200 feet above the surface. The portion of the proposed transition area extending upward from 1200 feet above the surface would provide protection for aircraft executing prescribed instrument holding, approach and departure procedures within the Bozeman terminal area.

Certain minor revisions to prescribed instrument procedures would be affected in conjunction with the actions proposed herein but operational complexity would not increase nor would aircraft performance or present landing minimums be adversely affected.

Specific details of procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri, 64110.

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

Issued at Kansas City, Mo., on September 23, 1964.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 64-10124; Filed, Oct. 6, 1964; 8:45 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket No. 64-CE-59]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations to alter controlled airspace in the Joplin, Missouri, terminal area.

The Joplin, Missouri, transition area is presently designated as that airspace extending upward from 700 feet above the surface within 2 miles each side of the Joplin ILS localizer NW course, extending from the arc of a 5-mile radius circle centered at the Joplin Municipal Airport (latitude 37°09'00" N., longitude 94°29'50" W.) to 8 miles NW of the OM, and the airspace extending upward from 1,200 feet above the surface within 8 miles NE and 6 miles SW of the Joplin ILS localizer NW and SE courses, extending from 12 miles NW to 31 miles SE of the OM.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Joplin, Missouri, terminal area as a result of recent changes in the VOR airway structure in the Joplin area, proposes the following airspace action:

Designate the Joplin, Missouri, transition area to comprise that airspace extending upward from 700 feet above the surface within 2 miles each side of the Joplin ILS localizer NW course, extending from the arc of a 5-mile radius circle centered at the Joplin, Missouri Municipal Airport (latitude 37°09'00" N., longitude 94°29'50" W.), to 8 miles NW of the OM, and the airspace extending upward from 1,200 feet above the surface within 8 miles NE and 6 miles SW of the Joplin ILS localizer NW and SE courses, extending from 12 miles NW to 31 miles SE of the OM, and within 5 miles each side of the Neosho VOR 345° radial extending north from the Neosho VOR to the Joplin ILS OM.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The proposed transition area would provide protection which was previously provided by VOR Federal Airway 13W between Neosho, Missouri, and Butler, Missouri, prior to its revocation on April 2, 1964, for aircraft executing prescribed instrument approach procedures at Joplin, Missouri. The proposed alteration would provide protection for aircraft transitioning from the Neosho VOR to the Joplin Outer Marker. This proposed action requires no changes or revisions to prescribed instrument procedures presently in effect.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri 64110. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Missouri 64110.

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

Issued at Kansas City, Mo., on September 28, 1964.

HENRY L. NEWMAN,
Acting Director, Central Region.

[F.R. Doc. 64-10125; Filed, Oct. 6, 1964; 8:46 a.m.]

[14 CFR Part 151 [New]]

[Docket No. 6227; Notice 64-44]

FEDERAL AIRPORT ACT

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amendments to Part 151 [New] of the Federal Aviation Regulations to reflect P.L. 88-280 that extends and further amends the Federal Airport Act (49 U.S.C. 1101, et seq.), and to limit Federal-aid Airport Program participation in the construction of field maintenance equipment buildings.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington,

D.C., 20553. All communications received on or before December 7, 1964, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The amendments to the Federal Airport Act made by P.L. 88–280 add Guam to the areas eligible for Federal aid; provide for advance planning and engineering grants; require proposals or projects to be reasonably consistent with existing area development plans of local public agencies; require sponsors' assurances as to restricting the use of land immediately adjacent to the airport to purposes compatible with normal airport operations; authorize record keeping requirements; and provide for access to sponsors' records for audit and examination. The FAA proposes to implement these provisions by amending existing provisions of Part 151 [New] and by adding a new Subpart D to Part 151 [New] to state the rules and to prescribe the procedures that apply exclusively to advance planning and engineering proposals.

Proposed amendments to Subpart A would add appropriate references to the new advance planning and engineering grants, and would implement those new provisions of the Federal Airport Act that apply generally to both advance planning and engineering grants and airport development project grants. Proposed amendments to Subparts B and C would reflect those new provisions of the Act that apply only to airport development project grants. Where an amendment is proposed to an existing section, editorial changes to improve and clarify the language of the section are sometimes proposed.

Amended section 2(7) of the Act adds Guam to the definition of "public agency". Amended section 6(b) of the Act makes Guam eligible for grants from the discretionary fund, thus permitting Guam to participate in the Federal-aid Airport Program. Amended section 9(c) of the Act allows the United States or its agencies to submit to the FAA advance planning and engineering proposals or project applications for Guam airports. An appropriate amendment to § 151.3 is proposed to reflect the inclusion of Guam in the National Airport Plan, and § 151.37 is to be amended to reflect the eligibility of Guam under the Federal-aid Airport Program.

Part 151 [New], as now written, refers to the "master plan layout" that the sponsor must submit to the Administrator for approval. New section 8 of the Act introduces and defines the term "airport layout plan" for the same concept in connection with advance planning and engineering grants. Section 151.5(a), as now written, states the contents, and requirements for approval of "master plan layouts". Since the definition of the Act and that of present § 151.5(a) are very similar, the FAA proposes to extend the definition of the Act to all "airport layout plans" (both those filed before approval of a project application and those resulting from an advance planning and engineering grant), by substituting "airport layout plan" for "master plan layout" throughout Part 151 [New], and by incorporating the definition of the Act into § 151.5(a). The present requirement of FAA approval of "airport layout plans" would be retained.

Paragraph (b), "Useful and usable unit", and paragraph (c), "National defense needs", of § 151.5 are to be amended so that their provisions will apply to both advance planning proposals and airport development projects.

Amended section 9(d)(1) of the Act requires that, before approving an advance planning and engineering proposal or a project application, the Administrator must be satisfied that the proposal or project "is reasonably consistent with plans (existing at the time of approval * * *) of public agencies for the development of the area in which the airport is located".

A new subparagraph (a)(4) would be added to § 151.39 to make this determination a specific condition for approval of project applications, and old subparagraphs (a) (4) and (5) would be redesignated as subparagraphs (a) (5) and (6).

Section 151.7 now contains the statement of general policies for Federal-aid Airport Program fund grants for airport development projects. Paragraph (a), "Compliance with sponsorship requirements", would be amended to apply to advance planning and engineering grants. The minimum amount of funds that the FAA will consider for an advance planning and engineering grant would be added to paragraph (b), "Small proposals or projects".

As now is the case with project applications, previously obligated work is not to be included in an advance planning and engineering proposal under the proposed change to paragraph (c), "Previously obligated work". The provisions of paragraph (d), "Land donation", would be deleted from § 151.7 and added to § 151.39 as new paragraph (c).

New section 11(4) of the Act adds a condition precedent to the approval of a project application. Under this new provision, the Administrator must receive satisfactory written assurances that "appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of the land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations including landing and take-off of aircraft". A new § 151.26 is proposed to be added to Subpart B stating the minimum information that the sponsor must include in Part II (see § 151.67(a)(2)(ii)) of its project application. Part III of the project application (see § 151.67(a)(2)(iii)) is being modified to add the sponsor's assurance as to the action the sponsor will take to assure compatible land use. Part II of the project application is being modified to require information from the sponsor as to the action it has taken to assure compatible land use. The modifications of the application forms are not repeated in Part 151.

New section 21(b) of the Act requires grant recipients to give access to any books, documents, papers, and records pertinent to the grant to the Administrator and to the Comptroller General of the United States, or to their duly authorized representatives. A proposed amendment to paragraph (d) of § 151.55 will require sponsors to give access to their records to the Administrator, the Comptroller General, or their representatives.

Due to the proposed addition of new Subpart D, several references throughout Subpart B to "this Part" would not be appropriate. Thus, several sections in Subpart B would be amended to substitute "Subparts B and C" for "this Part". The headings to Subparts B and C would be amended to read "Rules and Procedures for Airport Development Projects" and "Project Programming Standards", respectively.

The FAA proposes to limit Program participation in the construction of field maintenance equipment buildings to those intended to house snow removal and abrasive spreading equipment and to provide a minimum of protection for abrasive material, § 151.93(a). Participation would be limited further to construction projects in the fifteen states having a mean daily minimum temperature of zero degrees Fahrenheit for at least twenty days each year, based on the official statistics of the United States Department of Commerce Weather Bureau for the period 1921–1955, published in 1961.

Proposed new Subpart D would contain the rules, procedures, and standards applicable to advance planning and engineering proposals exclusively. Proposed new Subpart D would state the conditions for eligibility of proposals in new § 151.101, and for the eligibility of sponsors in new §§ 151.103 and 151.105. New §§ 151.107 and 151.109 would regulate application procedures, and new § 151.119 would prescribe the use of specified forms. New § 151.111 would require the sponsor to state its intent to begin airport development within three years of the advance planning agreement. New § 151.113 would limit the United States' share to 50 percent of the allowable proposal costs. New § 151.115 would regulate accounting and audit of the sponsors' records. If the proposal relates to selection of an airport site, new § 151.117(b) would allow the payment of federal funds only if the Administrator is satisfied that the site selected meets the requirement of reasonable consistency with area development plans, as amended section 9(d)(1) of the Act now requires. The proposed provisions of Subpart D would incorporate by reference existing provisions of Subparts A and B, to the extent feasible.

In consideration of the foregoing, it is proposed to amend Part 151 [New] of Chapter I of Title 14 of the Code of Federal Regulations as hereinafter set forth.

This proposal is made under the authority of the Federal Airport Act, as amended (49 U.S.C. 1101, et seq.).

Issued in Washington, D.C., on October 1, 1964.

COLE MORROW,
Director, Airports Service.

1. By amending § 151.3 to read as follows:

§ 151.3 National airport plan.

(a) Under the Federal Airport Act, the FAA prepares each year a "National Airport Plan" for developing public airports in the United States, Puerto Rico, the Virgin Islands, and Guam. In terms of general location and type of development, the National Airport Plan specifies the maximum limits of airport development that is necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics.

(b) If, within the forecast period, an airport will have a substantial aeronautical necessity, it may be included in the National Airport Plan. Only work on an airport included in the current Plan is eligible for inclusion in the Federal-aid Airport Program to be undertaken within currently available appropriations and authorizations. However, the inclusion of an airport in the National Airport Plan does not commit the United States to include it in the Federal-aid Airport Program. In addition, the local community concerned is not required to proceed with planning or development of an airport included in the National Airport Plan.

2. By amending § 151.5 to read as follows:

§ 151.5 General policies.

(a) *Airport layout plan.* As used in this part, "airport layout plan" means the basic plan for the layout of an eligible airport that shows, as a minimum—

(1) The present boundaries of the airport and of the offsite areas that the sponsor owns or controls for airport purposes, and of their proposed additions;

(2) The location and nature of existing and proposed airport facilities (such as runways, taxiways, aprons, terminal buildings, hangars, and roads) and of their proposed modifications and extensions; and

(3) The location of existing and proposed non-aviation areas, and of their existing improvements.

All airport development under the Federal-aid Airport Program must be done in accordance with an approved airport layout plan. Each airport layout plan, and any change in it, is subject to FAA approval. The Administrator's signature on the face of an original airport layout plan, or of any change in it, indicates FAA approval. The FAA approves an airport layout plan only if the airport development is sound and meets applicable requirements.

(b) *Safe, useful, and usable unit.* Except as provided in paragraph (d) of this section, each advance planning and engineering proposal or airport development project must provide for the planning or development of—

(1) An airport or unit of an airport that is safe, useful, and usable; or

(2) An additional facility that increases the safety, usefulness, or usability of an airport.

(c) *National defense needs.* The needs of national defense are fully considered in administering the Federal-aid Airport Program. However, approval of an advance planning and engineering proposal or a project application is limited to planning or airport development necessary for civil aviation.

(d) *Stage development.* In any case in which airport development can be accomplished more economically under stage construction, federal funds may be programmed in advance for the development over two or more years under two or more grant agreements. In such a case, the FAA makes a tentative allocation of funds for both the current and future fiscal years, rather than allocating the entire federal share in one fiscal year. A grant agreement is made only during the fiscal year in which funds are authorized to be obligated. Advance planning and engineering grants are not made under this paragraph.

3. By amending § 151.7 to read as follows:

§ 151.7 Grants of funds: general policies.

(a) *Compliance with sponsorship requirements.* The FAA authorizes the expenditure of funds under the Federal-aid Airport Program for airport planning and engineering or for airport development only if the Administrator is satisfied that the sponsorship requirements have been or will be met under existing and proposed agreements with the United States with respect to the airport involved.

(b) *Small proposals and projects.* Unless there is otherwise a special need for United States participation, the FAA includes an advance planning and engineering proposal or an airport development project in the Federal-aid Airport Program only if—

(1) The advance planning and engineering proposal involves more than $1,000 in United States funds; and

(2) The project application involves more than $5,000 in United States funds.

Whenever possible, the sponsor must consolidate small projects on a single airport in one grant agreement even though the airport development is to be accomplished over a period of years.

(c) *Previously obligated work.* Unless the Administrator specifically authorizes it, no advance planning and engineering proposal or project application may include any planning, engineering, or construction work included in a prior agreement with the United States obligating the sponsor or any other non-United States public agency to do the work, and entitling the sponsor or any other non-United States public agency to payment of United States funds for all or part of the work.

4. By amending the heading of Subpart B to read as follows: "Subpart B—Rules and Procedures for Airport Development Projects"

5. By adding the following new section to Subpart B:

§ 151.26 Procedures: applications; compatible land use information.

Each sponsor must state in its application the action that it has taken to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations including landing and take-off of aircraft. The sponsor's statement must include information on—

(a) Any property interests (such as airspace easements or title to airspace) acquired by the sponsor to assure compatible land use, or to protect or control aerial approaches;

(b) Any zoning laws enacted or in force restricting the use of land adjacent to or in the vicinity of the airport, or assuring protection or control of aerial approaches, whether or not enacted by the sponsor; and

(c) Any action taken by the sponsor to induce the appropriate government authority to enact zoning laws restricting the use of land adjacent to or in the vicinity of the airport, or assuring protection or control of aerial approaches, when the sponsor lacks the power to zone the land.

6. By deleting the words "master plan layout" wherever they occur and inserting in place thereof the words "airport layout plan".

7. By deleting the words "this Part" wherever they occur in §§ 151.31, 151.33, 151.35, 151.37, 151.39, 151.41, and 151.67 and inserting the words "Subparts B and C" in place thereof.

8. By deleting the words "the Virgin Island," in paragraph (a) of § 151.37 and inserting in place thereof the words "the Virgin Islands, Guam,"; and by deleting the words "or the Virgin Islands," in the last sentence of § 151.37 and inserting the words "the Virgin Islands, or Guam," in place thereof.

9. By deleting the reference "§ 151.25" in § 151.87(d) and inserting in place thereof "§ 151.43".

10. By deleting the reference "§ 151.89" in § 151.95(g)(1) and inserting "§ 151.91" in place thereof.

11. By redesignating subparagraphs (4) and (5) of § 151.39(a) as subparagraphs (5) and (6) and inserting a new subparagraph (4) to read as follows:

(4) The Administrator is satisfied that the project is reasonably consistent with existing plans of public agencies for the development of the area in which the airport is located;.

12. By adding the following new subpargraph to § 151.39:

(c) A project for acquiring land that has been or will be donated to the sponsor is not eligible for inclusion in the Federal-aid Airport Program, unless the project also includes other items of airport development that would require a sponsor's contribution equal to or more than the United States' share of the estimated value of the donated land.

13. By amending § 151.55(d) to read as follows:

(d) The sponsor shall allow the Administrator and the Comptroller Gen-

eral of the United States, or an authorized representative of either of them, access to any of its books, documents, papers, and records that are pertinent to grants received under the Federal-aid Airport Program for the purposes of accounting and audit. Appropriate FAA personnel may make progress audits at any time during the project, upon notice to the sponsor. If work is suspended on the project for an appreciable period of time, an audit will be made before any semi-final payment is made. In each case an audit is made before the final payment.

14. By amending the heading of Subpart C to read as follows: "Subpart C—Project Programming Standards"

15. By amending § 151.93 to read as follows:

(a) Only buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport, including fire and rescue equipment buildings, are eligible items under the Federal-aid Airport Program. To the extent they are necessary to house snow removal and abrasive spreading equipment, and to provide minimum protection for abrasive materials, field maintenance equipment buildings are eligible items for inclusion in projects in Alaska, Colorado, Idaho, Iowa, Montana, Michigan, Maine, Minnesota, Nebraska, New Hampshire, North Dakota, South Dakota, Vermont, Wisconsin, and Wyoming.

16. By adding a new Subpart D to read as follows:

Subpart D—Rules and Procedures for Advance Planning and Engineering Proposals

§ 151.101 Advance planning and engineering proposals—general.

(a) Each advance planning and engineering proposal must relate to an airport layout plan or plans and specifications for the development of a new airport, or the further development of an existing airport. Each proposal must relate to a specific airport, either existing or planned, and may not be for general area planning.

(b) Each proposal for the development or further development of an airport must have as its objective either the development of an airport layout plan, under § 151.5(a), or the development of plans designed to lead to a project application, under §§ 151.21(c) and 151.27, or both.

(c) Each proposal must relate to planning and engineering for an airport that—

(1) Is in a location shown on the National Airport Plan; and

(2) Is not identified in the National Airport Plan as served by scheduled air carrier service in a large or medium hub.

(d) Each proposal must relate to future airport development projects eligible under this Part.

§ 151.103 Advance planning proposals—sponsor's eligibility.

The sponsor of an advance planning and engineering proposal must be a public agency, as defined in § 151.37(a), and must be legally, financially, and otherwise able to—

(a) Make the certifications, representations, and warranties required in the advance planning proposal, FAA Form ------;

(b) Enter into and perform the advance planning agreement;

(c) Provide enough funds to pay all estimated proposal costs not borne by the United States; and

(d) Meet any other applicable requirements of the Federal Airport Act and this Part.

§ 151.105 Advance planning proposals—cosponsorship and agency.

Any two or more public agencies desiring to jointly participate in an advance planning proposal may cosponsor it. The cosponsorship and agency requirements and procedures set forth in § 151.33, except § 151.33(a)(1), also apply to advance planning proposals. In addition, the sponsor eligibility requirements set forth in § 151.103 must be met by each participating public agency.

§ 151.107 Advance planning proposals—procedures; application.

(a) Each eligible sponsor desiring to obtain federal aid for the purpose of advance planning and engineering must submit a completed FAA Form ------, "Advance Planning Proposal", to the District Airport Engineer whose office is in the district where the sponsor is located.

(b) The airport layout plan, if in existence, must accompany the advance planning proposal. If the advance planning proposal includes preparation of plans and specifications, enough details to identify the items of development to be covered by the plans and specifications must be shown. The proposal must be accompanied by evidentiary material establishing the basis for the estimated costs under the proposal, such as an offer from an engineering firm containing a schedule of services and charges therefor.

§ 151.109 Advance planning proposals—procedures: funding.

The funding information required by § 151.23, except the last sentence, also is required in connection with an advance planning proposal. The sponsor's share of estimated proposal costs may not consist of or include the value of donated labor, materials, or equipment.

§ 151.111 Procedures: offer, amendment, acceptance, and advance planning agreement.

(a) The procedures and requirements of § 151.29 also apply to approved advance planning proposals. FAA's offer and the sponsor's acceptance constitute an advance planning grant agreement between the sponsor and the United States. The United States does not pay any of the advance planning costs incurred before the advance planning grant agreement is executed.

(b) No grant is made unless the sponsor intends to begin airport development within three years after the date of sponsor's written acceptance of a grant offer. The sponsor's intention must be evidenced by an appropriate written statement in the proposal.

§ 151.113 Allowable advance planning costs.

(a) The United States' share of the allowable costs of an advance planning proposal is stated in the advance planning grant agreement, but is not more than 50 percent of the total cost of the necessary and reasonable planning and engineering services.

(b) The allowable advance planning costs consist of planning and engineering expenses necessarily incurred in effecting the advance planning proposal. Allowable cost items include—

(1) Location surveys, such as preliminary topographic and soil exploration;

(2) Site evaluation;

(3) Preliminary engineering, such as stage construction outlines, cost estimates, and cost/benefit evaluation reports;

(4) Contract drawings and specifications; and

(5) Testing.

(c) To qualify as allowable, the advance planning costs paid or incurred by the sponsor must be—

(1) Reasonably necessary and directly related to the planning or engineering included in the proposal as approved by FAA;

(2) Reasonable in amount; and

(3) Vertified by sufficient evidence.

§ 151.115 Accounting and audit.

The requirements of § 151.55 relating to accounting and audit of project costs are also applicable to advance planning proposal costs. However, the requirement of segregating and grouping costs applies only to §§ 151.55(a) (5) and (7) classifications.

§ 151.117 Payments.

(a) The United States' share of advance planning costs is paid in two installments unless the advance planning grant agreement provides otherwise. Upon request by sponsor, the first payment may be made in an amount not more than 50 percent of the maximum obligation of the United States stipulated in the advance planning grant agreement upon certification by sponsor that 50 percent or more of the proposed work has been completed. The final payment is made upon the sponsor's request after—

(1) The conditions of the advance planning grant agreement have been met;

(2) Evidence of cost of each item has been submitted; and

(3) Audit of submitted evidence or audit of sponsor's records, if considered desirable by FAA, has been made.

(b) When the advance planning proposal relates to the selection of an airport site, the advance planning grant agreement provides that Federal funds are paid to the sponsor only after the site is selected and the Administrator is satisfied that the site selected for the airport is reasonably consistent with existing plans of public agencies for development of the area in which the site is located.

§ 151.119 Forms.

The forms used for the purpose of obtaining an advance planning and engineering grant are as follows:

(a) *Advance planning proposal, FAA Form*—(1) *Part I.* This part of the form contains a request for the grant of Federal funds under the Federal Airport Act for the purpose of aiding in financing a proposal for the development of an airport layout plan or plans, or both, designed to lead to a project application, with spaces provided for inserting information needed for considering the request, including the location of the airport, a description of the plan or plans to be developed, and the estimate of planning and engineering costs.

(2) *Part II.* This part of the form includes the sponsor's representations concerning its legal authority to undertake the proposal, the availability of funds for its share of the proposal costs, its intention to initiate construction of a safe, useful and usable airport facility shown on an airport layout plan developed under the proposal, or initiate the construction of the item or items of airport development shown on the plans developed under the proposal and designed to lead to a project application, or both, within three years after the date of acceptance of the offer. It also includes the sponsor's representation as to the method of financing the intended construction, approval of other agencies, defaults, possible disabilities, and a statement concerning acceptance to be executed by the sponsor and certified by its attorney.

(b) *Advance planning agreement, FAA Form*—(1) *Part I.* This part of the form contains an offer by the United States to pay a specified percentage not to exceed 50% of the allowable proposal costs, as described therein, on specific terms relating to the carrying out of the proposal, allowability of costs, payment of the United States' share and sponsor's agreement to comply with the exclusive rights provision of section 308(a) of the Federal Aviation Act of 1958.

(2) *Part II.* This part of the form contains the acceptance of the offer by the sponsor, execution of the acceptance by the sponsor, and the certification by the sponsor's attorney.

[F.R. Doc. 64-10126; Filed, Oct. 6, 1964; 8:46 a.m.]

[14 CFR Part 507]

[Reg. Docket No. 6226]

AIRWORTHINESS DIRECTIVES

Curtiss-Wright Model C-46 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to revise AD's 47-51-2, 47-51-3, 47-51-5, 49-12-1, 50-26-1, 50-29-1, and 51-20-1, published in the FEDERAL REGISTER December 4, 1956, for Curtiss-Wright Model C-46 Series aircraft. A number of AD's written for Curtiss-Wright Model C-46 aircraft were, at the time of publication, applicable only to specific models such as the C-46A, D, E, or F. Subsequently, a number of C-46 aircraft were remanufactured and redesignated the C-46R, C-46/CW20T, Super C-46, etc. In some cases, the old directives should apply; however, inasmuch as the earlier AD's listed specific models, compliance for the nonlisted models is not required. It is proposed to extend the applicability of current AD's to cover model designations which did not exist at the time of original publication. In addition, it is proposed to add, where appropriate, a provision permitting adjustment of the repetitive inspection intervals to the established inspection periods of the operator.

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

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

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507) as follows:

1. By amending AD 47-51-2, 21 F.R. 9476, by changing the applicability and compliance statements to read:

Applies to Model C-46 Series aircraft equipped with horizontal stabilizer and elevator assemblies, Curtiss-Wright P/Ns 20-110-5001 and 20-130-5701, respectively.

Compliance required within 100 hours' time in service after the effective date of this amendment unless already accomplished.

2. By amending AD 47-51-3, 21 F.R. 9476, by changing the applicability and compliance statements and adding a new paragraph (p) to read:

Applies to Model C-46 Series aircraft equipped with aileron closure rib assembly, Curtiss-Wright P/N 20-030-5039.

Compliance required within every 100 hours' time in service after the effective date of this amendment until rework is accomplished.

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

3. By amending AD 50-26-1, 21 F.R. 9500, by changing the applicability and compliance statements and adding a new paragraph 5, to read:

Applies to Model C-46 Series aircraft equipped with landing gear side braces, Curtiss-Wright P/Ns 20-310-1028 and 20-310-1029.

Compliance required within 100 hours' time in service after the effective date of this amendment, unless already accomplished within the last 400 hours' time in service, and at intervals thereafter not to exceed 500 hours' time in service from the last inspection.

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

4. By amending AD 47-51-5, 21 F.R. 9477, by changing the applicability and compliance statements to read:

Applies to Model C-46 Series aircraft equipped with aileron horn assembly, Curtiss-Wright P/N 20-050-5715.

Compliance required within 100 hours' time in service after the effective date of this amendment unless already accomplished.

5. By amending AD 49-12-1, 21 F.R. 9490, by changing the applicability and compliance statements and adding a new paragraph to read:

Applies to Model C-46 Series aircraft equipped with aileron tab motor bracket assembly, Curtiss-Wright P/N 20-030-5050.

Compliance required within 25 hours' time in service after the effective date of this amendment, unless already accomplished within the last 475 hours' time in service, and at intervals thereafter not to exceed 500 hours' time in service from the last inspection.

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

6. By amending AD 50-29-1, 21 F.R. 9500, by changing the applicability and compliance statements and adding a new paragraph to read:

Applies to Model C-46 Series aircraft.

Compliance required within 25 hours' time in service after the effective date of this amendment, unless already accomplished within the last 175 hours' time in service, and at intervals thereafter not to exceed 200 hours' time in service from the last inspection.

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

7. By amending AD 51-20-1, 21 F.R. 9507, by changing the applicability and compliance statements to read:

Applies to Model C-46 Series aircraft equipped with C-4 cockpit light assembly.

Compliance required within 100 hours' time in service after the effective date of this amendment unless already accomplished.

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

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

[F.R. Doc. 64-10127; Filed, Oct. 6, 1964; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 97]

[Docket No. 15640; FCC 64-893]

AMATEUR RADIO SERVICE

Eligibility for Conditional Class License

1. The Commission has under consideration the provisions of §§ 97.9(d)(1) and 97.27(a) of the rules governing eligibility for the Conditional Class license in the Amateur Radio Service. These rule sections provide that an individual may apply for the Conditional Class license if his actual residence and proposed station location are more than 75 airline miles distance from any Commission Field Office or quarterly examination point.

2. Review of the present status of the Conditional Class license shows that there are now more than 40,000 holders of this authorization. Over 90 percent of these licensees established their eligibility on the basis of being more than 75 airline miles distance from a Commission Field Office or quarterly examination point. Almost without exception, these licensees obtained an authorization after passing a code test and written mail examination under the supervision of a volunteer examiner.

3. Conditional Class licensees comprise over 20 percent of all licensees who are entitled to the higher amateur operating privileges. While this percentage is not alarming, it is the result of a constant increase through the last decade. This the Commission does not regard as desirable since it is our policy that, where feasible, the qualifications of those applicants for the higher classes of amateur licenses be directly verified by Commission personnel.

4. Accordingly, the Commission proposes to amend §§ 97.9(d)(1) and 97.27(a) to provide that only those individuals whose actual residence and proposed station location are more than one hundred and seventy-five airline miles distance from a Commission Field Office, quarterly or semiannual examination point shall be eligible for the Conditional Class license on a distance basis. It is not anticipated that these increased limitations will impose an undue burden upon applicants. There will be very few locations where potential applicants may have to travel more than 150 miles. Where travel conditions are difficult, such as in mountainous areas, there are almost invariably examination points well within 100 miles of potential applicants.

5. It should be emphasized that this proposed amendment does not in any way affect renewal by present holders of the Conditional Class license. Nor does the proposal affect eligibility for this class license on the basis of protracted disability, service in the armed forces or temporary overseas residence.

6. The specific proposed amended §§ 97.9(d)(1) and 97.27(a) are set forth in full below. The proposed amendment is issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before November 16, 1964, and reply comments on or before December 1, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all statements or comments shall be furnished the Commission.

Adopted: September 30, 1964.

Released: October 1, 1964.

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

1. Section 97.9(d)(1) to read as follows:

§ 97.9 Eligibility for new operator license.

(d) * * *

(1) Whose actual residence and amateur station location are more than 175 miles airline distance from the nearest location at which examinations are held at intervals of not more than 6 months for General Class amateur operator licenses.

* * * * *

2. Section 97.27(a) to read as follows:

§ 97.27 Availability of Conditional Class license examinations.

* * * * *

(a) If the applicant's actual residence and proposed amateur station location are more than 175 miles airline distance from the nearest location at which examinations are conducted by an authorized Commission employee or representative at intervals of not more than 6 months for amateur operator licenses.

* * * * *

[F.R. Doc. 64-10197; Filed, Oct. 6, 1964; 8:52 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 18,473]

URBAN RENEWAL INVESTMENT TRUSTS

Determination Not to Adopt Proposed Amendment

OCTOBER 1, 1964.

Whereas by Resolution No. 16,981, dated April 3, 1963, and duly published in the FEDERAL REGISTER on April 13, 1963 (28 F.R. 3670), this Board resolved, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508), and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1), to propose that Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) be amended by the addition of a new section, § 545.9-1, entitled "Urban Renewal Investment Trusts", in order to give effect to the provisions of section 901(d) of the Housing Act of 1961, the substance of which amendment was set out in said publication, and

Whereas section 903 of the Housing Act of 1964 substantially revises the provisions of the Home Owners' Loan Act of 1933, as amended, so that the outstanding proposal is no longer appropriate;

It is hereby resolved, that this Board determines not to adopt the amendment proposed by said Resolution No. 16,981.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 64-10190; Filed, Oct. 6, 1964; 8:50 a.m.]

[12 CFR Part 545]

[No. 18,475]

FEDERAL SAVINGS AND LOAN ASSOCIATIONS

Proposed Educational Loans

OCTOBER 2, 1964.

Resolved that, pursuant to Part 508 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1) it is hereby proposed that Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) be amended by an amendment, the substance of which is as follows:

Amend Part 545 by adding after § 545.8 a new section as follows:

§ 545.8-1 Educational loans.

Any Federal association is authorized to invest in loans, obligations, and advances of credit (all of which are hereinafter referred to in this section as "loans") made for the payment of expenses of college or university education, but no Federal association shall make any investment in loans under this section if the principal amount of its investment in such loans, exclusive of any investment which is or which at the time of its making was otherwise authorized, would thereupon exceed 5 percent of its assets. Such loans may be secured, partly secured, or unsecured, and the association may require a co-maker or co-makers, insurance, or other protection against contingencies. A Federal association may invest in any such loan if repayment of at least 75 percent of the principal amount thereof is guaranteed under a governmental student loan guaranty plan, but shall not make any investment in any loan not so guaranteed

unless the following requirements are met:

(a) The borrower shall certify to the association that (1) the proceeds of the loan are to be used by a full-time student solely for the payment of expenses of college or university education; (2) the proceeds received do not exceed the amount of such expenses incurred but unpaid or expected to be incurred during the ensuing 12 months; and (3) the unpaid principal amount of all loans, including any loan to which such certification relates, made for the payment of the expenses of the student's college or university education does not exceed $10,000;

(b) The loan shall be repayable in full within a period not to exceed 10 years or within a period not exceeding two times the number of years during which the student continues his college or university education, whichever period first expires.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than November 6, 1964, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 64-10191; Filed, Oct. 6, 1964; 8:51 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 170]

[No. MC-C-258]

KANSAS CITY, MISSOURI, AND KANSAS CITY, KANSAS; COMMERCIAL ZONE

Proposed Redefinition

OCTOBER 2, 1964.

Redefinition of the Kansas City, Mo.-Kansas City, Kans., commercial zone heretofore defined in MC-C-258; Kansas City, Mo.-Kansas City, Kans., Commercial Zone, 31 M.C.C. 5, 51 M.C.C. 833, 54 M.C.C. 288, 79 M.C.C. 513, and 81 M.C.C. 24.

Petitioner: Heart of America Council of Chambers of Commerce; Petitioner's attorneys: Lester G. Sever, Lawrence C. Powers, and Lee R. Cowles, 2522 Summit Street, Kansas City 8, Mo.

Upon consideration of a petition of Heart of America Council of Chambers of Commerce, comprised and representing the chambers of commerce of 23 cities located in the Kansas City metropolitan area, filed June 1, 1964, as amended and clarified by letter dated August 10, 1964, for reopening of this proceeding and redefinition of the zone adjacent to and commercially a part of Kansas City, Mo.-Kansas City, Kans., within the meaning of section 203(b)(8) of the Interstate Commerce Act, which was last defined on June 29, 1959, reported at 81 M.C.C. 24 (49 CFR 170.8), the Interstate Commerce Commission, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), hereby gives notice that amendment of the present zone boundaries is under consideration as follows: Beginning on the north side of the Missouri River at the western boundary line of Parkville, Mo., thence along the western and northern boundaries of Parkville to Missouri Highway 9, thence north along Missouri Highway 9 to the western limits of the City of Kansas City, Mo., thence along the western, northern and eastern limits of Kansas City, Mo., to Liberty, Mo., thence along the northern boundaries of Liberty to U.S. Bypass 71, thence south along U.S. Bypass 71 to Sugar Creek Road (4N), thence east along Sugar Creek Road (4N) to a common junction thereof with U.S. Highway 24 and an unnumbered highway, thence southeast over such unnumbered highway, to its junction with Jones Road, thence south on Jones Road to the northern limits of Independence, Mo., thence along the northern and eastern limits of Independence to Missouri Highway 7, thence south along Highway 7 to the northern limits of U.S. Government Lake City Arsenal, thence along the northern, eastern and southern limits of said Lake City Arsenal, including Lake City, Mo., to Truman Road (2N), thence west along Truman Road (2N), to the eastern limits of Independence, Mo., thence south along the eastern limits of Independence to the northern limits of the city of Blue Springs, Mo., thence along the northern, eastern, southern and western limits of Blue Springs to U.S. Highway 40, thence west along Highway 40, to the city limits of Independence, Mo., thence southwesterly along the limits of Independence to county road 10-E, thence south along county road 10-E to the northern limits of Lees Summit, Mo., thence along the northern, eastern, southern and western boundaries of Lees Summit to county road 10-S (Longview Road), thence west on county road 10-S to the city limits of Kansas City, Mo., at Judy Road, thence west, south, east, and south along the boundaries of Kansas City, Mo. to the Jackson County-Cass County line, thence west along said County Line to the northern limits of Belton, Mo., thence along the eastern, southern, and western boundaries of Belton to the Jackson County-Cass County line, thence west along said County line to the Missouri-Kansas State Line, thence south along said State Line to Kenneth Road, thence west on Kenneth Road to its junction with Mission Road, thence south on Mission Road to and including Redel, Kans., thence west on Redel Road (159th St.) to U.S. Highway 69 (Metcalf Ave.), thence north on Highway 69 to its junction with 151st Street (Morse-Olathe Road) at Stanley, Kans., thence west on 151st Street to its junction with Lone Elm Road, thence north on Lone Elm Road to the city limits of Olathe, Kans., thence along the western and northern boundaries of Olathe to Santa Fe Trail Road (Old Kansas City Road), thence north along Santa Fe Trail Road to the City Limits of Lenexa, Kans., thence along the western and northern boundaries of Lenexa to Pflumm Road, thence north along Pflumm Road to junction Kansas Highway 10, thence west on Kansas Highway 10 to junction Kansas Highway 7, thence due west across the Kansas River to the Wyandotte County-Leavenworth County Line (142nd Street) at Loring, Kans., thence west along a county road designated as "Access Road from Loring Store to Midcontinent Underground Storage, County Route No. 32," a distance of ¾ of a mile to and including the entrance to and facilities of Midcontinent Underground Storage, thence from Loring, Kans., north along Loring Lane and Linwood Avenue to the southern limits of Bonner Springs, Kans., thence west along the southern and western boundaries of Bonner Springs to Scheidt Lane, thence northwest along Scheidt Lane including the plant of Southwest Ornamental Iron Company with entrances on Scheidt Lane, to Kansas Highway 32, thence east along Kansas Highway 32 to the western limits of Bonner Springs, at East McDaniel Street, thence along the western, northern, and eastern boundaries of Bonner Springs to Kansas Highway 32, thence east on Kansas Highway 32 to junction 65th Street, thence north along 65th Street to junction U.S. Highway 24, thence east along U.S. Highway 24 to junction 64th Street Terrace, thence north along 64th Street Terrace to Parallel Road, thence west along Parallel Road to 81st Street, thence north along 81st Street to junction Kansas Highway 5, thence west and north along Kansas Highway 5, including Wolcott, Kans., to the Wyandotte County-Leavenworth County Line, thence due north to southern bank of the Missouri River, thence east along the southern bank of the Missouri River to a point directly across from the western boundary of Parkville, Mo., thence across the Missouri River to point of beginning.

The proposed extension, among others, includes the Lake City Ammunition Plant, Belton, Lees Summit and Blue Springs, Mo., Olathe, Wolcott, and Bonner Springs, Kans., and some areas adjacent thereto in Kansas and Missouri including Stanley, Redel, and Loring, Kans.

This proceeding is assigned for oral hearing on November 5, 1964, before Examiner Gerald F. Colfer at the Pickwick Motor Inn, McGee & 10th St., Kansas City, Mo.

Notice to the general public of the matters herein under consideration will be given by depositing a copy of this notice in the office of the Secretary of the Commission for public inspection, and by filing a copy hereof with the Director, Office of the Federal Register.

By the Commission, division 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 64–10162; Filed, Oct. 6, 1964; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1964 Rev. Supp. 7]

WABASH FIRE AND CASUALTY INSURANCE CO.

Surety Company Acceptable on Federal Bonds

OCTOBER 1, 1964.

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

An underwriting limitation of $100,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1965. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

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

INDIANA

Wabash Fire and Casualty Insurance Company, Indianapolis, Indiana.

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

[F.R. Doc. 64–10174; Filed, Oct. 6, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Anadarko Area Office Redelegation Order 1, Amdt. 7]

SUPERINTENDENTS AND CERTAIN OTHER OFFICIALS

Redelegation of Authority With Respect to Lands and Minerals

Anadarko Redelegation Order No. 1 (an Order by which the Area Director, Anadarko Area Office, Bureau of Indian Affairs, redelegates authority to Superintendents, Area Field Representatives, and School Superintendents), as amended, is further amended by the addition of a new section under the heading "Functions Relating to Lands and Minerals" to read as follows:

PART 2—AUTHORITY OF SUPERINTENDENTS, AREA FIELD REPRESENTATIVES, AND SCHOOL SUPERINTENDENTS

FUNCTIONS RELATING TO LANDS AND MINERALS

SEC. 2.15 *Allotment applications.* The issuance of certificates of eligibility for allotments on the public domain under authority of the Act of February 8, 1887 (25 U.S.C., 1946 ed., sec. 334), or the Acts of February 28, 1891, and June 25, 1910 (25 U.S.C., 1946 ed., sec. 336), and in the national forests pursuant to the Act of June 25, 1910 (25 U.S.C., 1946 ed., sec. 337).

JOHN O. CROW,
Deputy Commissioner.

OCTOBER 1, 1964.

[F.R. Doc. 64–10136; Filed, Oct. 6, 1964; 8:46 a.m.]

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 30, 1964.

The Alaska Railroad has filed an application Serial Number Anchorage 061695 for the withdrawal of the lands described below from all forms of appropriation except the mineral leasing laws. The applicant desires the land for use as an industrial leasing area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska, 99501.

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

He will prepare a report for the consideration of the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the Alaska Railroad.

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

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

The lands involved in the application are:

ANCHORAGE, ALASKA

A tract of land lying in Lot 10, Section 7, T. 13 N., R. 3 W., Seward Meridian, described as follows:

Beginning at a point on the latitudinal ¼ section line of said section 7 which bears W., 252.14 feet from the center ¼ corner of said section 7; thence N. 18°00′ E., 464.0 feet; S. 76°01′15″ W., 487.79 feet; S. 80°30″ W., 90.0 feet; S. 1°25′ E., 308.70 feet, to a point on the said latitudinal ¼ section line; East, 411.10 feet along said latitudinal ¼ section line to the point of beginning.

The area described aggregates approximately 3.6 acres.

ALFRED P. STEGER,
Acting Manager, Anchorage District and Land Office.

[F.R. Doc. 64–10151; Filed, Oct. 6, 1964; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FRESH BARTLETT PEARS

Notice of Purchase Program FMP 96a

In order to encourage the domestic consumption of Bartlett pears by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, the United States Department of Agriculture offers to purchase fresh Bartlett pears of the 1964 crop, grown in the United States. The Agricultural Marketing Service will distribute the pears for use in school lunch programs. Purchases will be made on an offer and acceptance basis as a surplus removal activity. Details and specifications of the invitation to offer fresh Bartlett pears are contained in Announcement FV–363 issued by the Department on October 2, 1964. Quantities purchased will depend upon marketing conditions at the time of purchase, and availability of outlets for use of the pears without waste. Information concerning this purchase program may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C., 20250, or from the Division's Marketing Field Offices, 1218 Southwest Washington Street, Portland, Oregon, 97205, and 650 Capitol Avenue, Room 8518, Sacramento, California, 95814.

(Sec. 32, 49 Stat. 774, as amended, 7 U.S.C. 612c)

Dated: October 2, 1964.

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

[F.R. Doc. 64–10156; Filed, Oct. 6, 1964; 8:48 a.m.]

Office of the Secretary

MICHIGAN

Designation and Extension 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 State of Michigan natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MICHIGAN

Alcona	Presque Isle
Alpena	St. Joseph
Chippewa	

It has also been determined that in the hereinafter-named counties in the State of Michigan which are presently designated the above-mentioned natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Michigan	*Previous designation*
Allegan	28 F.R. 10003
Calhoun	28 F.R. 10003
Kalamazoo	28 F.R. 10003
Lenawee	28 F.R. 12136
Monroe	28 F.R. 12136
Van Buren	28 F.R. 10003
Washtenaw	28 F.R. 10003

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

Done at Washington, D.C., this 2d day of October 1964.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 64-10189; Filed, Oct. 6, 1964; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-39]

CALIFORNIA NUCLEAR, INC.

Notice of Proposed Amendment for Byproduct, Source and Special Nuclear Material License

Please take notice that California Nuclear, Inc., 2323 South Ninth Street, Layfayette, Indiana, holder of License No. 13-10042-1, which authorizes receipt, and disposal of waste byproduct material, has applied for a license amendment which would:

1. Authorize the receipt, processing, repackaging, and storage of radioactive waste material at a new site located in Benton County, Washington, approximately one mile from the southwest corner of the area designated as the 200 East area, United States Atomic Energy Commission Hanford Works.

2. Authorize an increase in the maximum amount of radioactive material which the licensee may possess at any one time to provide for the activities to be conducted at the site in Washington. The licensee has requested possession of 50,000 curies of byproduct material; 4,000 pounds of source material; and 5,000 grams of special nuclear material with no single package to contain more than 20 grams of Uranium 235, 1 gram of Uranium 233 and 1 gram of Plutonium. The minimum volume of a package containing special nuclear material will be one cubic foot.

The Commission has reviewed the application and found that:

A. The applicant's facilities, equipment and procedures are adequate to protect health and minimize danger to life or property.

B. The applicant is qualified by training and experience to use the material in such manner as to protect health and minimize danger to life of property.

C. The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and Title X, Code of Federal Regulations, and is for a purpose authorized by that act.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the proposed issuance of this license may file a petition for leave to intervene. A request for a hearing and petitions for leave to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued. If no request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Director of Regulation will issue the license fifteen (15) days from the date of publication in the FEDERAL REGISTER.

For further details with respect to this proposed issuance, see (1) the application and amendments thereto and (2) the related hazard analysis prepared by the Isotopes Branch of the Division of Materials Licensing, all 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 to the Atomic Energy Commission, Washington, D.C., 20545. Attention: Director, Division of Materials Licensing.

The text of the proposed license is attached to this notice.

Dated at Bethesda, Maryland, October 5, 1964.

For the Atomic Energy Commission.

LYALL JOHNSON,
Acting Director,
Division of Materials Licensing.

[License No. 13-10042-1; Amdt. 1]

In accordance with application dated August 18, 1964, and amendments thereto dated August 28, 1964, and September 18, 1964, License No. 13-10042-1 is amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 30, "Licensing of Byproduct Material," 10 CFR Part 40, "Licensing of Source Material," 10 CFR Part 70, "Special Nuclear Material," and in reliance upon the statements and representations contained in the application dated October 23, 1963, and amendments thereto dated December 9, 1963, and April 21, 1964, and in the application dated August 18, 1964, and amendments thereto dated August 28, 1964, and September 18, 1964, a license is hereby issued to receive, transport to, process, repackage, and store waste byproduct, source and special nuclear material at the facility described in the application located in Benton County, Washington, and to dispose of these materials by transfer to authorized land burial sites.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation," all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than 50,000 curies of byproduct material; 4,000 pounds of source material; and 5,000 grams of special nuclear material of which not more than 20 grams of Uranium 235, 1 gram of Uranium 233 and 1 gram of Plutonium shall be in any single package. The minimum volume of a package containing special nuclear material shall be one cubic foot.

2. Operations shall be conducted by Frederick P. Beierle, William D. Johnson, George L. Helgeson or individuals designated by the licensee's radiation protection officer upon satisfactory completion of the training program described in the application.

3. A copy of the "Radiological Physics Safety Manual for Atomic Energy Commission Operations" dated April 21, 1964, shall be supplied to each employee engaged in operations under this license.

4. The transportation of AEC-licensed material shall be subject to the applicable regulations of the Interstate Commerce Commission, United States Coast Guard, and other agencies of the United States having appropriate jurisdiction, and where such regulations are not applicable shall be in accordance with the following requirements except as specifically provided by the Atomic Energy Commission:

A. Outside shipping containers.

(1) The containers shall meet any one of the following specifications described in Appendix A attached hereto:

a. 15A, 15B, 12B, 6A, 6B, 17C, 17H, 19A, or 19B for the containment of radioactivity in amounts not in excess of 2.7 curies; except polonium, 2 curies; or

b. Specification 55 for containment of solid cobalt 60, cesium 137, iridium 192, or gold 198 in amounts not in excess of 300 curies.

(2) There shall be no radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrep/hr beta-gamma radiation.

(3) The smallest dimensions of the container shall not be less than 4 inches.

(4) The radiation level at any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface and to reduce the secondary radiation at the surface of the container so that it does not exceed 10 mrem/24 hours at any time during transportation.

B. Inside containers.

(1) Solid and gaseous radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation.

(2) Liquid radioactive materials must be packed in sealed glass, earthenware, or other suitable containers. The container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and be of such nature that its efficiency will not be impaired by chemical reactions with the contents. Where shielding is required the absorbent material must be placed within the shield. If the inside container meets the Specification 2R in Appendix A the absorbent material is not required.

(3) Materials containing radioisotopes of plutonium, americium, polonium or curium or the isotope strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.

C. Shielding.

Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A(4), A(5), and A(6) of this condition. The shield must be so designed that it will not open or break under normal conditions incident to transportation.

D. Labeling.

Each outside container label required under § 20.203(f) of 10 CFR Part 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source and special nuclear material, the total weight;

(2) principal radioisotope;

(3) radiation level at the surface of the container and at one meter from the source; and

(4) the name and address of the licensee.

E. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with lettering at least 3 inches high as follows: "DANGEROUS—RADIOACTIVE MATERIAL."

F. Accidents.

In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radiation exposure of persons and to control contamination.

G. Exemptions.

Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of the license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Materials Licensing, Atomic Energy Commission, and should contain sufficient information to support such a request.

5. The licensee shall process, repackage, and store byproduct, source and special nuclear material only at its facility in Benton County, Washington.

6. Except as specifically provided otherwise by this license, the licensee shall receive, transport, process, repackage, store and dispose of byproduct, source and special nuclear material in accordance with the conditions, limitations, and procedures contained in the application dated October 23, 1963, and amendments thereto dated December 9, 1963, and April 24, 1964, and in the application dated August 18, 1964, and amendments thereto dated August 28, 1964, and September 18, 1964.

7. The licensee shall not receive any byproduct, source or special nuclear material for storage at the Benton County site until the fencing and other safeguards designed to protect against unauthorized entry have been completed.

The licensee shall not process or repackage any radioactive waste until the structures described in the application have been erected and until radiation safety equipment has been secured and installed.

At such time as the licensee begins to process and repackage waste material, the licensee shall notify the Chief, Isotopes Branch, Division of Materials Licensing.

This license shall be effective on the date issued and shall expire two years from the last day of the month in which the license is issued.

Dated at Bethesda, Md.

For the Atomic Energy Commission.

MEMORANDUM BY THE DIVISION OF MATERIALS LICENSING

Docket No. 27-39

OCTOBER 5, 1964.

By application dated August 18, 1964, and amendments thereto dated August 28, 1964, and September 18, 1964, California Nuclear, Inc., 2323 South Ninth Street, Lafayette, Indiana, has applied for amendment to License No. 13-10042-1 which would authorize the receipt, processing, repackaging, and storage of waste byproduct, source and special nuclear material at a 100-acre site located in the southeast corner of Section 9, Township 12, North Range 26, EWM, Benton County, Washington, approximately one mile from the southwest corner of the area designated as the 200 East area, United States Atomic Energy Commission Hanford Works.

The proposed amendment would provide for the possession by the licensee of 50,000 curies of byproduct material; 4,000 pounds of source material; and 5,000 grams of special nuclear material, of which not more than 20 grams of Uranium 235, or 1 gram of Uranium 233, and 1 gram of plutonium would be in any single package. The minimum volume for a package containing special nuclear material would be one cubic foot.

The applicant will construct an office and maintenance building, which will be of concrete block construction with dimensions of approximately 40 feet by 60 feet and will house offices, health physics counting room and laboratory, maintenance facilities and storage of essential non-radioactive materials. Another building of metal and reinforced concrete construction with dimensions of approximately 20 feet by 36 feet will be a liquid solidification, decontamination, and storage building. These areas will be surrounded by a three-strand barbed wire fence. The areas within the fence will also serve as storage areas for radioactive waste materials. Waste radioactive material stored out-of-doors will be protected against the deleterious effects of weather.

The licensee has established adequate radiation safety procedures for each phase of the proposed operations. The applicant will have available radiation detection equipment appropriate for such operations.

The licensee has qualified personnel who will provide management supervision over the operations. The training and experience of Mr. Frederick P. Beierle and Mr. William D. Johnson was described in the Commission's memorandum dated June 8, 1964, relating to the proposed issuance of the License No. 13-10042-1. In addition, Mr. George L. Helgeson will also supervise activities to be conducted by the licensee. Mr. Helgeson was a member of the General Electric Company staff at the Hanford site in Richland, Washington, from 1948 to 1956. His initial position was Radiation Monitor and he was promoted to Shift Engineer in 1950. In 1951, he was promoted to supervisor and was responsible for the calibration of all portable radiation monitoring instruments at HAPO. From 1953 to 1956, Mr. Helgeson was Analyst, Radiation Studies in the Chemical Processing Department of HAPO. His main responsibility was to deal with unusual or nonroutine radiation monitoring problems and to act as consultant in the Chemical Processing Department. From 1956, to September 1964, Mr. Helgeson was employed by the General Electric Company, Atomic Power Equipment Department, San Jose, California, and Vallecitos Laboratory, Pleasanton, California. During this time, Mr. Helgeson was responsible for providing a technical basis for the radiation protection program in these facilities, for establishing and auditing the radiation protection training program, and for developing new equipment, procedures programs and standards to be utilized in the Atomic Power Equipment Department's radiation protection program. Mr. Helgeson joined California Nuclear, Inc. in September 1964. Mr. Helgeson is qualified to supervise activities to be conducted by California Nuclear, Inc.

The applicant has established a training program which will consist of both formal and on-the-job training in health physics and operating procedures. The formal aspect of the training program will consist of about 40 hours of classroom training. The on-the-job training would not have any specified time limit, but rather would continue until the California Nuclear, Inc. Radiation Protection Officer is satisfied that the individual is qualified to carry out assigned duties.

The licensee's facilities, equipment, procedures and personnel are adequate to carry out the operations and to handle the quantity of radioactive materials covered by this license amendment in such a manner as to protect health and minimize danger to life or property.

[F.R. Doc. 64-10258; Filed, Oct. 6, 1964; 8:52 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15437; Order E-21340]

CARIBBEAN-ATLANTIC AIRLINES, INC.

Order Regarding Nonpriority Service Mail Rates Between Puerto Rico and Virgin Islands

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of September 1964.

The Board, on September 4, 1964, adopted Order E-21248 (Order) directing Caribbean-Atlantic Airlines, Inc., Airlift International, Inc., and the Postmaster General, to show cause why the Board should not adopt the proposed findings and conclusions and fix, determine, and publish the rates proposed therein for the mail transportation described.

The time designated for filing notice of objection has elapsed and no notice of objection or answer to the Order has been filed by any party. All parties have therefore waived the right to a hearing and all other procedural steps short of a final decision of the Board fixing the final rate.

The Board, upon consideration of the record, hereby reaffirms and makes final the findings set forth in the said Order.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly section 204(a) and 406 thereof,

It is ordered, That:

1. The fair and reasonable final rate of compensation to be paid Caribbean-Atlantic Airlines, Inc., for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between San Juan, Puerto Rico, and St. Thomas, Virgin Islands; between San Juan, Puerto Rico, and St. Croix, Virgin Islands; and between St. Thomas, Virgin

Islands, and St. Croix, Virgin Islands, on and after August 1, 1964, is the rate specified in Show Cause Order E–21248, September 4, 1964, and said rate is incorporated by reference herein; and

2. This order be served upon Caribbean-Atlantic Airlines, Inc., Airlift International, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64–10181; Filed, Oct. 6, 1964; 8:50 a.m.]

[Docket No. 15439; Order E–21344]

CITY OF MOORHEAD, MINN.

Order To Show Cause

Petition of City of Moorhead, Minn. for amendment of the certificate of North Central Airlines, Inc. for Route 86 so as to redesignate the point Fargo, N. Dak. as Fargo, N. Dak.-Moorhead, Minn.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of October 1964.

On August 3, 1964, the City of Moorhead, Minnesota (Moorhead) filed its application requesting the redesignation of Fargo, N. Dak. (Fargo) as Fargo, N. Dak.-Moorhead, Minn. in the certificate issued to North Central Airlines, Inc. (North Central) for route 86.

In support of its petition, Moorhead attaches thereto its resolution, dated July 21, 1964 wherein it states that North Central operates commercial flights at the airport at Fargo, N. Dak.; that other transportation services which provide service for Moorhead and Fargo show in their schedules that they provide service for Moorhead; that the schedules of North Central show service to Fargo but not to Moorhead; that the stopping point of Fargo on North Central's operations is actually "Fargo-Moorhead", and that it is in the public interest that the point Fargo-Moorhead be specifically so designated.

No responses to Moorhead's petition have been filed.

The Board has decided to institute a proceeding under section 401(g) of the Federal Aviation Act of 1958, as amended (Act), to determine whether it is in the public interest to amend North Central's certificate of public convenience and necessity for route 86 so as to redesignate the present point Fargo, N. Dak. as Fargo, N. Dak.-Moorhead, Minn.

Fargo and Moorhead are contiguous communities, separated only by the Red River of the North, which is also the North Dakota-Minnesota boundary. By highway, the Fargo Airport is approximately five miles distant from Moorhead. The local newspaper is the Fargo Forum Moorhead News; the local baseball organization is the Fargo-Moorhead Baseball Club; one telephone exchange serves both cities; the Hotel and Motel Redbook cross references Fargo and Moorhead; and a number of business ventures set forth Fargo-Moorhead in their business names, including Fargo-Moorhead Retail Credit Association. "Fargo-Moorhead, N. Dak.-Minn," has been delineated as a Standard Metropolitan Statistical Area (SMSA).[1] In 1960, this SMSA had a total population of 106,027, with 63 percent residing in the North Dakota portion and 37 percent in the Minnesota portion. [The population of Fargo was 46,662, and that of Moorhead was 22,934 in 1960.] Such designation of this area as a Standard Metropolitan Statistical Area confirms the existence of a substantial community of interest between the two cities.[2]

From the factors noted above the Board concludes that Fargo and Moorhead constitute a metropolitan community. Redesignation in the manner requested would, accordingly, reflect a service actually being provided; would permit the carrier to show Moorhead in its schedules and advertising and result in obvious benefit to the traveling public as well as to the carrier. No increase in subsidy for North Central would be involved.

Upon consideration of the foregoing, the Board tentatively finds and concludes that the public convenience and necessity require that the certificate held by North Central for route 86 should be amended so as to redesignate the present point Fargo, as Fargo-Moorhead (to be served through a single airport) on segment 10 thereof.

Accordingly, it is ordered:

1. That a proceeding be and it hereby is instituted in Docket 15439, pursuant to section 401(g) of the Act, to determine whether the public convenience and necessity require, and the Board should order, the amendment of the certificate of public convenience and necessity held by North Central for route 86 so as to redesignate the present point Fargo as Fargo-Moorhead (to be served through a single airport);

2. That all interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue at an appropriate time to North Central an amended certificate of public convenience and necessity for route 86 redesignating the present point, Fargo, as Fargo-Moorhead (to be served through a single airport) on segment 10 thereof;

3. That any interested persons having objections to the issuance of an order making final the proposed findings, conclusions and certificate amendment set forth herein, shall, within 15 days of service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections, such statement to conform to the Board's Rules of Practice in Economic Proceedings;[3]

4. That if timely objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

5. That in the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action; and

6. That copies of this order shall be served on the following persons who are hereby made parties to this proceeding: North Central Airlines, Northwest Airlines, Inc., the City of Fargo, North Dakota, the City of Moorhead, Minnesota, the North Dakota Aeronautics Commission, the Minnesota Department of Aeronautics and the Postmaster General.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

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[1] Standard Metropolitan Statistical Areas, Executive Office of the President, Bureau of the Budget, 1961, p. 61.

[2] Ibid., Criteria of Integration, p. 4.

[3] No petition for reconsideration of this order will be entertained.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE (AS AMENDED) FOR ROUTE 86

NORTH CENTRAL AIRLINES, INC.

is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in air transportation with respect to persons, property, and mail, as follows:

1. Between the terminal point Chicago, Ill., the intermediate points Milwaukee, Green Bay, Madison, Wisconsin Rapids-Stevens Point, and Wausau, Wis., and (a) beyond Wausau, Wis., the intermediate point Eau Claire, Wis., and the terminal point Minneapolis-St. Paul, Minn., and (b) beyond Wausau, Wis., the intermediate points Rhinelander and Land O'Lakes, Wis., Ironwood, Mich., Ashland, Wis., and the terminal point Duluth, Minn.-Superior, Wis.;

2. Between the terminal point Chicago, Ill., the intermediate points Milwaukee, Oshkosh, Manitowoc-Sheboygan (to be served through Manitowoc Municipal Airport), and Green Bay, Wis., Marinette, Wis.-Menominee, Mich., and Escanaba, Iron Mountain-Kingsford, and Marquette, Mich., and the terminal point Hancock-Houghton, Mich.;

3. Between the terminal point Minneapolis-St. Paul, Minn., the intermediate points Duluth, Minn.-Superior, Wis., Chisholm-Hibbing, Minn., and the terminal point International Falls, Minn.;

4. Between the terminal point Green Bay, Wis., the intermediate points Clintonville, Wisconsin Rapids-Stevens Point, Wausau, and Eau Claire, Wis., and the terminal point Minneapolis-St. Paul, Minn.;

5. Between the terminal point Chicago, Ill., the intermediate points Beloit-Janesville, Madison, and La Crosse, Wis., Winona, Minn., Eau Claire, Wis., and the terminal point Minneapolis-St. Paul, Minn.;

6. Between the terminal point Detroit, Mich., the intermediate points Lansing, Grand Rapids, and Muskegon, Mich., and (a) beyond Muskegon, Mich., the intermediate points Green Bay, Wis., Marinette, Wis.-Menominee, Mich., Escanaba, Iron Mountain-Kingsford, and Marquette, Mich., and the terminal point Hancock-Houghton, Mich., and (b) beyond Muskegon, Mich., the terminal point Milwaukee, Wis.;

7. Between the terminal point Chicago, Ill., the intermediate points South Bend, Ind., Kalamazoo, Battle Creek, Jackson, and Ann Arbor, Mich., and the terminal point Detroit, Mich.;

8. Between the terminal point, Minot, N. Dak., the intermediate points Devils Lake and Grand Forks, N. Dak., Thief River Falls,

Bemidji, and Brainerd, Minn., and the terminal point Minneapolis-St. Paul, Minn.;

9. Between the terminal point Minneapolis-St. Paul, Minn., the intermediate points Eau Claire, Marshfield, and Appleton, Wis., and the terminal point Milwaukee, Wis.;

10. Between the terminal point Omaha, Nebr., the intermediate points Norfolk, Nebr., Sioux City, Iowa, Yankton, and Sioux Falls, S. Dak., and (a) beyond Sioux Falls, S. Dak., the intermediate points Mitchell and Huron, S. Dak., and (i) beyond Huron, S. Dak., the intermediate points Aberdeen, S. Dak., and Bismarck-Mandan, N. Dak., and the terminal point Minot, N. Dak., and (ii) beyond Huron, S. Dak., the alternate intermediate points Watertown and Brookings, S. Dak., and the terminal point Minneapolis-St. Paul, Minn.; and (b) beyond Sioux Falls, S. Dak., the intermediate points Watertown, S. Dak., and Fargo, N. Dak.-Moorhead, Minn., and the terminal point Grand Forks, N. Dak.;

11. Between the terminal point Sioux Falls, S. Dak., the intermediate points Worthington, Fairmont, and Mankato, Minn., and the terminal point Minneapolis-St. Paul, Minn.;

12. Between the terminal point Rapid City, S. Dak., the intermediate points Pierre, Mobridge, Aberdeen, S. Dak., the alternate intermediate points Watertown and Brookings, S. Dak., and the terminal point Minneapolis-St. Paul, Minn.;

13. Between the terminal point Sault Sainte Marie, Mich., the intermediate point Pellston, Mich., and (a) beyond Pellston, Mich., the intermediate points Traverse City, Manistee-Ludington, Cadillac-Reed City, Grand Rapids, and Benton Harbor-St. Joseph, Mich., and the terminal point Chicago, Ill., and (b) beyond Pellston, Mich., the intermediate points Alpena and Saginaw-Bay City-Midland, Mich., and (i) beyond Saginaw-Bay City-Midland, Mich., the intermediate point Port Huron, Mich., and the terminal point Detroit, Mich., and (ii) beyond Saginaw-Bay City-Midland, Mich., the intermediate points Flint and Pontiac, Mich., and the terminal point Detroit, Mich.;

14. Between the terminal point Escanaba, Mich., the intermediate point Traverse City, Mich., and the terminal point Saginaw-Bay City-Midland, Mich.;

15. Between the terminal point Detroit, Mich., and the terminal point Cleveland, Ohio.

The service herein authorized is subject to the following terms, conditions, and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service hereinabove expressly prescribed, regularly serve a point named herein, other than a point required to be served through a single airport, through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of one of the fifteen numbered route segments in this certificate, the holder shall stop at each point named between the point of origin and point of termination of such trip on such segment, except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend service, (c) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control, or

(d) The holder has scheduled at least two daily round trips, in which case the holder may omit such point or points on any additional trip scheduled over all or part of such segment, subject to the conditions in paragraphs (4) through (8) below.

(4) The holder shall schedule service to a minimum of four intermediate points between the following pairs of points:

(a) Minneapolis-St. Paul, Minn., and Chicago, Ill.,

(b) Duluth, Minn.-Superior, Wis., and Chicago, Ill.: *Provided*, That the holder may schedule trips between such pairs of points (i) nonstop, (ii) with a single stop at Madison, Wis., and (iii) with stops at Milwaukee and Green Bay, Wis.

(5) The holder shall schedule service to a minimum of two intermediate points between the following pairs of points:

(a) Minneapolis-St. Paul, Minn., and Madison, Wis.,

(b) Minneapolis-St. Paul, Minn., and Milwaukee, Wis.,

(c) Duluth, Minn.-Superior, Wis., and Madison, Wis., except as provided in paragraph 4(b) above.

(6) The holder shall schedule service to a minimum of one intermediate point between the following pairs of points:

(a) Chicago, Ill., and Detroit, Mich.,

(b) Chicago, Ill., and Ann Arbor, Mich.,

(c) Omaha, Nebr., and Minneapolis-St. Paul, Minn.,

(d) Sioux Falls, S. Dak., and Minneapolis-St. Paul, Minn.,

(e) Rapid City, S. Dak., and Minneapolis-St. Paul, Minn. (exclusive of Pierre, S. Dak.),

(f) Madison, Wis., and Chicago, Ill., except as provided in paragraph 4(b) above,

(g) Milwaukee, Wis., and Detroit, Mich.

(7) If the holder has scheduled one daily round trip to Alpena, Cadillac-Reed City, Manistee-Ludington, or Pontiac, Mich., the holder may omit service to such point on any additional trips scheduled over all or part of segment 13.

(8) Green Bay, Wis., shall be served on segment 1 only in those instances where the holder schedules two-stop flights between Duluth, Minn.-Superior, Wis., and Chicago, Ill., via Milwaukee and Green Bay, Wis.

(9) Flights serving Cleveland, Ohio, shall originate or terminate at a point north or west of Detroit, Mich.

(10) The authorization to serve Land O'Lakes, Wis., on segment 1 shall be effective only between June 1 and September 30 (both dates inclusive) of each year.

(11) Fargo, N. Dak.-Moorhead, Minn., on segment 10 shall be served through a single airport.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

This certificate shall be effective on ------- The authorization to serve segment 12 shall expire on February 16, 1964.[1] The authorization to serve segment 14 shall expire on December 1, 1965.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the ----------

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-10182; Filed, Oct. 6, 1964; 8:50 a.m.]

[Docket No. 15333]

AEROLINEAS EL SALVADOR, S.A., FOREIGN PERMIT RENEWAL

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding now assigned to be held October 5, 1964, is postponed to October 19, 1964, at 10:00 a.m., e.d.s.t., in Room 607, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

Dated at Washington, D.C., October 2, 1964.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 64-10183; Filed, Oct. 6, 1964; 8:50 a.m.]

[Docket No. 15482]

AERONAVES DE MEXICO, S.A.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will commence on Monday, October 12, 1964, at 10:00 a.m. (local time), in Room 925 of the Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Merritt Ruhlen.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Is the applicant fit, willing and able properly to perform its proposed operation in air transportation between the terminal point Mexico City, and the terminal point Detroit, Michigan, and to conform to the provisions of the Federal Aviation Act of 1958, as amended, and the rules, regulations, and requirements of the Board thereunder?

2. Will the operation described above be in the public interest?

3. Is the applicant substantially owned and/or effectively controlled by nationals of Mexico?

4. If the application is granted, what should be the duration of the permit and what terms, conditions and limitations, if any, should be attached thereto?

For further details of the issues involved in this proceeding, interested persons are referred to the applications and any amendments thereto, petitions, motions, and orders entered in the docket

[1] On October 4, 1963, the holder filed an application in Docket 14792 for renewal of its authority to serve this segment.

of this proceeding, all of which are on file with the Civil Aeronautics Board.

Dated at Washington, D.C., October 1, 1964.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[F.R. Doc. 64-10184; Filed, Oct. 6, 1964; 8:50 a.m.]

[Docket No. 15419]

BLOCKED SPACE AIR FREIGHT TARIFFS

Notice of Postponement of Hearing

By letter dated September 29, 1964, Trans World Airlines, Inc., requests a postponement of the hearing in order to afford time for counsel to reach an agreement with respect to deferral of hearing on issues which decision of the United States Court of Appeals for the District of Columbia may render unnecessary. American Airlines, Inc., United Air Lines, Inc., and Bureau counsel concur in the request, and the other parties do not object. Accordingly, the date for hearing in this proceeding is postponed to October, 19, 1964, at 10 a.m., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

Dated at Washington, D.C., October 1, 1964.

[SEAL] RALPH L. WISER,
Hearing Examiner.

[F.R. Doc. 64-10185; Filed, Oct. 6, 1964; 8:50 a.m.]

[Docket No. 15151]

EASTERN'S SERVICE TO FLORENCE, SOUTH CAROLINA

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on October 27, 1964, at 10 a.m. (local time) in the Municipal Courtroom, Florence, S.C., before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on August 24, 1964, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 1, 1964.

[SEAL] BARRON FREDRICKS,
Hearing Examiner.

[F.R. Doc. 64-10186; Filed, Oct, 6, 1964; 8:50 a.m.]

[Docket No. 15591]

NIAGARA HELICOPTERS LTD.

Notice of Hearing

Application of Niagara Helicopters Limited, Docket 15591, for a foreign air carrier permit, issued pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled matter is assigned to be held on October 14, 1964, at 10:00 a.m., e.d.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., October 1, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-10187; Filed, Oct. 6, 1964; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 64-EA-8]

E. ANTHONY AND SONS, INC.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (EA-OE-5198) to determine its effect upon the safe and efficient utilization of navigable airspace.

E. Anthony and Sons, Inc., New Bedford, Massachusetts, proposes to increase by 88 feet the height of an existing radio antenna structure near West Yarmouth, Massachusetts, at latitude 41°38'07" north, longitude 70°14'06" west. The new overall height of the structure would be 305 feet above mean sea level (300 feet above ground).

The proposed structure would be located approximately 3.3 miles southeast of Barnstable Airport and would be within the boundaries of VOR Federal airways Nos. 141 and 167. It would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(2), of the Federal Aviation Regulations by 100 feet since it would be more than 200 feet above ground at the site of construction.

A previous proposal to increase the height of this structure to 371 feet above mean sea level (366 feet above ground) resulted in the issuance of a Determination of Hazard to Air Navigation in OE Docket No. 64-EA-3 on March 4, 1964.

The aeronautical study disclosed that the structure would be located approximately 1000 feet inland from the south shoreline of Cape Cod just outside the Hyannis control zone.

The structure would require no changes in instrument flight rule (IFR) altitudes or procedures and would have no substantial adverse effect on IFR operations. It would be located in proximity to routes used by visual flight rule (VFR) aircraft; however, at the proposed height, it would not have a substantial adverse effect upon normal VFR operations or upon aircraft conducting the special VFR procedures which are approved for this area.

Based on the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

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

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 64-10128; Filed, Oct. 6, 1964; 8:46 a.m.]

[OE Docket No. 64-SW-5]

LANFORD TELECASTING CO., INC. (KALB-TV)

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (SW-OE-6860) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Lanford Telecasting Co., Inc. (KALB-TV), Alexandria, Louisiana, proposes to construct a television antenna structure at latitude 31°02'14" north, longitude 92°29'44" west, near Forest Hill, Louisiana. The overall height of the structure would be 1749 feet above mean sea level (1589 feet above ground).

The structure would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(1) of the Federal Aviation Regulations by 1089 feet since it would be more than 500 feet above ground at the site of construction.

The aeronautical study disclosed that the structure would be located approximately 30 miles south-southwest of the Esler, Louisiana, VOR, on an approved off-airway route between the Esler, VOR, and Lake Charles, Louisiana, VOR, and would require an increase from 2000 feet to 2700 feet in the minimum obstruction clearance altitude and from 2500 feet to 2700 feet in the minimum en route altitude (MEA) on the segment of the route

between the Oakdale, Louisiana, Intersection, and the Esler VOR. The study revealed that the above changes would have no substantial adverse effect upon aeronautical operations provided an intersection is established north of the site of the tower thereby allowing an MEA of 2000 feet on the segment of the route between the tower and the Esler VOR. Therefore, if the proposed structure is built, the Agency will take the action necessary to establish such an intersection.

The structure would be approximately 20 miles southeast of the England Air Force Base (AFB) and would require an increase from 1700 feet to 2000 feet in the procedure turn altitude for standard instrument approach procedures (SIAPs) AL–13–VOR and JAL–13–VOR–2 to the England AFB. The change in procedure turn altitude would have no substantial adverse effect on these approach procedures since the rate of descent required by the increased procedure turn altitude would be well within prescribed standards. The structure would also be within the high altitude portion of the jet penetration for SIAPs JAL–13–ADF, JAL–13–VOR–1 and JAL–13–TACAN–1 to the England AFB. Since the procedure turns are completed at 4000 feet, the structure would have no substantial adverse effect on these approach procedures.

The study further disclosed that the proposed structure would be located 2.1 miles east of the Missouri Pacific Railroad and U.S. Highway 165 which are used for visual guidance by flights operating in accordance with visual flight rules (VFR) between Alexandria, Louisiana, and Lake Charles, Louisiana. This would place the structure an acceptable distance from the geographical features composing the VFR route. In addition, airspace action is being processed which will redesignate the eastern boundary of Restricted Area R–3801, Camp Claiborne, Louisiana, to a line approximately one-eighth of a mile west and parallel to U.S. Highway 165, thus, permitting pilots to fly this visual route without altering course to the east when passing the restricted area.

Based on the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

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

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 64–10129; Filed, Oct. 6, 1964; 8:46 a.m.]

[OE Docket No. 64–SO–18]

TENNESSEE STATE BOARD OF EDUCATION

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO–OE–4529) to determine its effect upon the safe and efficient utilization of navigable airspace.

Tennessee State Board of Education, Nashville, Tennessee, proposes to construct a television antenna structure at latitude 36°22′52″ north, longitude 83°-10′48″ west, approximately 9.5 miles west of Rogersville, Tennessee. The overall height of the structure would be 3298.68 feet above mean sea level (618.68 feet above ground).

The structure would be located approximately 55 miles northeast of the Knoxville, Tennessee, VORTAC and within the boundaries of VOR Federal airway No. 16N. It would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(2) of the Federal Aviation Regulations, as applied to this airway, by 418.68 feet.

The aeronautical study disclosed that the structure if erected at the proposed height and location would require an increase from 4,000 feet to 4,300 feet in the minimum en route altitude on the segment of V16N between Yuma, Virginia, Intersection and the Tampico, Tennessee, Intersection.

This segment of V16N is regularly used to expedite the flow of traffic operating between McGhee-Tyson and Tri-City Airports in the Tri-City/Knoxville Tower-en route system. The loss of the cardinal altitude of 4,000 feet would require an increase of 1,000 feet in the altitude of aircraft operating in accordance with instrument flight rules on the affected segment of V16N. Such an increase in the minimum en route altitude would further restrict operations already penalized by the relatively high minimums now required by mountainous terrain. There are 18 scheduled air carrier flights daily between Knoxville and Tri-City Airports. The Agency peak day traffic figures revealed there were seven operations in the tower-en route system over the affected segment of the airway on the peak day for Fiscal Year 1964.

The study further disclosed that the proposed structure would be located adjacent to U.S. Highway 11W and the Holston River. The highway and river provide prominent visual landmarks for flights operating in accordance with visual flight rules between Knoxville and points northeast. Since the terrain along the highway and river is variable from 1,083 to 1,580 feet above mean sea level, aircraft can operate at altitudes below the height of the proposed structure without violating Federal Aviation Regulations. A survey of the data contained in the Agency's publication, "Air Traffic Patterns of VFR General Aviation for fiscal Year 1962," revealed that 1,320 flight plans were filed specifying routes which would place the aircraft in proximity of the proposed structure.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

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

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 64–10130; Filed, Oct. 6, 1964; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15571; FCC 64M–965]

INDIAN RIVER BROADCASTING CO. (WIRA)

Order Continuing Prehearing Conference

In re application of Indian River Broadcasting Company (WIRA), Fort Pierce, Florida, Docket No. 15571, File No. BP–15740; for construction permit.

Upon verbal request of counsel for the Broadcast Bureau: *It is ordered,* This first day of October 1964, that the prehearing conference now scheduled for October 2, 1964, be and the same is hereby rescheduled for October 13, 1964, 9:00 a.m., in the Commission's offices, Washington, D.C.

Released: October 1, 1964.

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

[F.R. Doc. 64–10198; Filed, Oct. 6, 1964; 8:52 a.m.]

[Docket Nos. 15615, 15617; FCC 64M-969]

LORENZO W. MILAM ET AL.

Order Continuing Hearing

In re applications of Lorenzo W. Milam and Jeremy D. Lansman, a partnersip, St. Louis, Missouri, Docket No. 15615, File No. BPH-4218; Christian Fundamental Church, St. Louis, Missouri, Docket No. 15617, File No. BPH-4402; for construction permits.

Pursuant to prehearing conference this date: *It is ordered*, This 1st day of October 1964, that the direct written case of the applicants herein shall be exchanged on or before November 10, 1964; that the notification date for witnesses desired for cross-examination is November 24, 1964;

It is further ordered, That the hearing now scheduled for November 3, 1964, be and the same is rescheduled for December 8, 1964, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: October 1, 1964.

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

[F.R. Doc. 64-10199; Filed, Oct. 6, 1964; 8:52 a.m.]

[Docket Nos. 15584, 15585; FCC 64M-967]

VAUGHN-HANSSEN CO. AND CAPE CANAVERAL BROADCASTERS, INC.

Order Continuing Hearing

In re applications of R. A. Vaughn and Thomas R. Hanssen d/b as Vaughn-Hanssen Company, not incorporated, Melbourne, Florida, Docket No. 15584, File No. BP-14921; Cape Canaveral Broadcasters, Incorporated, Eau Gallie, Florida, Docket No. 15585, File No. BP-15570; for construction permits.

A prehearing conference having been held on October 1, 1964, and it appearing from the record made therein that certain agreements were reached and certain rulings made which should be formalized by order;

It is ordered, This 1st day of October 1964, that:

(1) The procedures hereinafter set forth shall not apply to Issue No. 5, and the decision as to whether evidence is to be taken on Issue No. 5 will be reached after the adduction of evidence on the remaining issues has been concluded;

(2) The direct affirmative cases of the applicants shall be presented primarily in the form of sworn written exhibits, provided, however, that the written cases may be supplemented by oral testimony offered pursuant to the provisions of par. 6, infra;

(3) Copies of the applicants' exhibits directed to the engineering phases of the proceeding shall be exchanged informally on or before November 2, 1964;

(4) Formal exchange of engineering exhibits, as well as formal exchange of exhibits directed to non-engineering phases of the case, shall take place on or before November 9, 1964;

(5) Any party wishing to call for cross-examination any witness sponsoring another party's exhibit shall give notification thereof on or before November 18, 1964;

(6) In the event any party proposes to supplement its written case by oral testimony, such party shall give notification of the identity of its witnesses and the general scope of their testimony on or before November 18, 1964; and,

It is further ordered, That the hearing now scheduled to commence on November 4, 1964, is continued to November 23, 1964, commencing at 10:00 a.m. in the offices of the Commission at Washington, D.C.

Released: October 1, 1964.

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

[F.R. Doc. 64-10200; Filed, Oct. 6, 1964; 8:52 a.m.]

[Docket No. 15426; FCC 64-891]

OCEAN DATA SERVICE

Pending Establishment of Frequencies and Allocation

1. The Commission, on April 22, 1964, adopted a Notice of Inquiry in the above captioned matter which was duly published in the FEDERAL REGISTER on May 6, 1964 (29 F.R. 5973). Pursuant to requests by the American Merchant Marine Institute, Inc. (AMMI) and by the Central Committee on Communication Facilities of the America Petroleum Institute (API), the time for filing comments and reply comments was extended for 30 days and that time has now expired. In addition to comments timely filed by AMMI and by API, comments were also timely filed by Collins Radio Company (Collins), the Boeing Company (Boeing) and by RCA Communications, Inc. (RCA).

2. The Notice of Inquiry was essentially informative in nature and indicated a potential demand upon the high frequency spectrum by the Ocean Data Service which is currently under international consideration. The proposed Ocean Data Service would require the allocation of frequencies for the purpose of transmitting data concerning oceanographic and meteorological phenomena from stations located on unmanned buoys and platforms located in prearranged patterns throughout the oceans of the world. The Intergovernmental Oceanographic Commission (IOC) proposed, through the International Frequency Registration Board (IFRB), that a channel 3.5 kilocycles wide in each of the maritime mobile bands between 4063 and 22720 kc/s be allocated to the proposed service on an exclusive basis. The United States position, developed after a series of meetings between representatives of appropriate Government agencies and scientific entities, supported the proposal and, for reasons set forth in the original Notice of Inquiry, recommended that certain of the ship radiotelephone channels shown in section B, Article 15, Geneva Radio Regulations (1959) should be used for the proposed service. Specifically, the channels 4133-4136.5 kc/s; 6200.5-6204 kc/s; 8265-8268.5 kc/s; 12400-12403.5 kc/s; 16530-16533.5 kc/s; and 22070-22073.5 kc/s were advocated.

3. Of the five respondents to the Notice of Inquiry, only RCA supported the proposal set forth in its entirety. Collins, API and Boeing agree that the proposed service has merit and should be supported; however, each has offered certain comments relative to the choice of frequencies or to the timeliness of considering the frequency needs of the proposed service. AMMI believes the proposed service to be more closely related to the meteorological service than to the maritime mobile. These comments, in addition to subsequent but related events concerning the proposed Ocean Data Service, will be discussed in succeeding paragraphs.

4. Collins believes it premature to conclude that the maritime mobile service does not require exclusive SSB frequencies, prior to a reasonable period of operation under rules adopted July 22, 1964, in Docket No. 15068. The Commission has not reached such a conclusion. The Notice of Proposed Rule Making in Docket No. 15068 of May 8, 1963 (28 F.R. 5052) warned of the potential need to accommodate an oceanographic data service in the frequency area concerned. The Notice of Inquiry in this proceeding indicated a first step in international negotiations to find a set of frequencies acceptable to most countries for oceanography. Simultaneous proposals from a number of countries indicate a consensus that oceanography should be accommodated on frequencies within the maritime mobile bands but on sets of frequencies other than suggested by the U.S. We are therefore abandoning our initial proposal in favor of a set of frequencies on which there was wider accord, recognizing that subsequent changes may be necessary as negotiations proceed.

5. Collins also believed that development of the proposed Ocean Data Service should be accommodated within the fixed service allocations pending review by ITU of the Table of Frequency Allocations and consideration of the frequency requirements of all services. It must be remembered that attempts to obtain international agreement concerning the use of channels within the fixed bands would be a most difficult and time consuming process, particularly since comments to date do not indicate any significant international leaning to the use of those bands by the proposed service. The fixed bands are heavily congested and have ever increasing demands placed upon them, not only by newly created nations, but by existing services as well. Accordingly, attempts to pursue the selection of sufficient portions of the fixed bands to satisfy the Oceanographic requirement would appear to be unrealistic.

6. Boeing, while recognizing a need for high frequencies (3-30 Mc/s) to support some of the oceanographic operational requirements, suggested that consideration also be given the use of VHF (30-300 Mc/s) for the forward scatter mode of propagation. Boeing is currently studying the feasibility of

applying this mode to the collection of oceanographic data. The physical nature of this technique dictates a minimum range of 500–600 miles and a maximum range of about 1200 miles, whereas the areas of interest to oceanography range from just off-shore to 2400 miles. Hence, regardless of the feasibility of collecting data by the scatter at distances of 500–1200 miles, there will continue to be high frequency requirements at distances below and above those limits.

7. API believes the frequency requirements of the proposed Ocean Data Service have neither been sufficiently documented nor are as great as has been indicated. Consequently, in view of the action taken in Docket No. 15068, API believes that use of the frequencies proposed in this proceeding would be premature. AMMI does not agree that the proposed service has a close affinity with maritime operations and, as stated previously, believes the service to be basically meteorological. Further, AMMI is apprehensive that the system would not be "interim", but would, in fact, become a permanent one.

8. Contrary to API's belief, the oceanography interests appear to have presented a communication plan which meets their needs in a manner which would utilize radio spectrum most efficiently. When one considers the number of buoys involved in the collection of data from the oceans of the world (which cover 70 percent of the earth's surface), the distances over which the information must be transmitted and the fact that data transmission requires a clear channel, the system proposed appears to have been well planned. In order to maintain communication in the high frequency band, a family of frequencies must be assigned in a manner similar to maritime mobile and fixed operations in that band. Each 3.5 kc/s channel would be sub-divided into ten 300 c/s data channels, each of which would be time shared by a number of buoys thereby making maximum utilization of the frequencies by oceanographic interests.

9. While it is true that some of the data which would be obtained from the proposed Ocean Data Service would be meteorological in nature, a great deal of the information would pertain to maritime interests. Further, in view of the congestion prevalent in other portions of the high frequency band, the need for exclusive spectrum for data transmission and the general over-all demands on the radio spectrum, the Commission cannot concur in the proposals of API and AMMI.

10. Internationally, the responses to the IFRB query regarding the proposed Ocean Data System indicate general but guarded support for the communication needs of the oceanographic community. The choice of frequency bands appears to be narrowed to one of two choices—either the wide band, high capacity frequencies contained in Appendix A, section 15 of the Geneva Radio Regulations, (1959), or the single sideband frequencies shown in Appendix B of the same publication. All agreed that any arrangement would be an interim one.

11. As was pointed out in the Notice of Inquiry, the disparity of power between the proposed ocean data stations and existing stations on the wide band, high capacity frequencies, coupled with the extent of present occupancy on those channels, would undoubtedly preclude protection of even our own ocean data stations. Therefore, if the United States is to support the concept of an Ocean Data Service, it would appear that support of the single sideband frequencies recommended by the IOC would be appropriate. Because the bands initially recommended by the United States failed to receive significant international support, it is now believed appropriate to revise the U.S. recommendation to support, as a temporary measure under paragraph 115 of the Radio Regulations, the following bands for meeting the needs of the Ocean Data Service:

4136.5–4140 kc/s
6207.5–6211 kc/s
8276.5–8280 kc/s
12417.5–12421 kc/s
16558.0–16561.5 kc/s
22095.5–22099 kc/s

12. Only an Administrative Radio Conference of the ITU can establish a new international radio service, allocate frequencies to the service, and designate the category of the service; i.e., primary, secondary or permitted. Prior to such action on behalf of an "ocean data service", the use of any frequencies to meet oceanographic requirements would be in derogation of the international Table of Frequency Allocations. Such use would be permitted only under No. 115 of the Radio Regulations, which states in effect that harmful interference shall not be caused to services operating in accordance with the Table. Consequently, any arrangements which may be made, nationally or internationally, to accommodate oceanography would be interim in nature. Initiation of rule-making will not be undertaken until such time as there is general international agreement regarding the choice of assignable frequencies. Such rule-making would look toward determining the relative status to be afforded nationally to the "ocean data service" vis-a-vis other radio services presently administered by the Commission.

13. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on this matter on or before November 6, 1964, and reply comments on or before November 16, 1964.

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

Adopted: September 30, 1964.

Released: October 1, 1964.

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

[F.R. Doc. 64–10201; Filed, Oct. 6, 1964; 8:52 a.m.]

[FCC 64–892]

FEE REFUNDS FOR OVERPAYMENTS

Notice of Discontinuance

SEPTEMBER 30, 1964.

The Commission wishes to announce that it will no longer issue fee refunds for overpayments of $2 or less.

Since the fee schedule became effective on March 17, 1964, the Commission has refunded all fee overpayments irrespective of the amount involved. The great number of overpayments which occurred during the first few months of the effectiveness of the fee schedule may be attributed mainly to the fact that applicants were not thoroughly familiar with the fee schedule. However, by this time applicants should be aware of the correct amount of the fees.

In view of the facts that (1) the cost of processing such refunds greatly exceeds the amounts refunded and (2) that applicants have had a reasonable time in which to become familiar with the fee schedule, the Commission does not believe it is feasible to continue the practice of refunding fee overpayments of $2 or less.

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

[F.R. Doc. 64–10202; Filed, Oct. 6, 1964; 8:52 a.m.]

[Docket No. 15201; FCC 64–905]

AIRBORNE TELEVISION ORAL PROCEEDING

Schedule

OCTOBER 2, 1964.

The en banc oral proceeding concerning the rule making to authorize the use of airborne television transmitters (Docket 15201) will be held in Room 7134, New Post Office Building, on Friday, October 9, beginning at 10:00 a.m. The approximate hours will be 10:00 to 12:30 and 2:00 to 4:30 p.m. The order of presentation and time allowed will be as follows:

MORNING SESSION

	Minutes
Midwest Program on Airborne Television, Inc. by Dr. John E. Ivey, Jr., Chairman of Board of MPATI; John C. Prasch, Supt. of Schools, Racine, Wis.; Percy H. Russell, Atty	60
Chicago Board of Education, by Benjamin C. Willis, Supt. of Schools, Chicago	10
Archdiocese of Chicago, by Father William O. Goedert, Illinois Catholic Welfare Comm	10
State of Illinois, by Robert M. Shultz, Supervisor of Instructional Television	15
Junior Women's Club of Ironton, Ohio, by Mrs. Ray Williams	10
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Adopted: September 30, 1964.

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

[F.R. Doc. 64-10203; Filed, Oct. 6, 1964; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3895 etc.]

GENERAL AMERICAN OIL COMPANY OF TEXAS ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 29, 1964.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

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

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-3895 D 9-14-64	General American Oil Co., of Texas (partial abandonment).	The Shamrock Oil and Gas Corp., acreage in Hutchinson County, Tex.	Depleted	
G-5546 9-17-64 [1]	Z. N. Connolly, et al	Hope Natural Gas Co., Sherman District, Calhoun County, W. Va.	20.0	15.325
G-6296 C 9-21-64	Leonard Oil Co	El Paso Natural Gas Co., Jalmat Oil Pool, Lea County, N. Mex.	9.0	14.65
G-14307 E 9-18-64	Occidental Petroleum Corp. (successor to Jefferson Lake Sulphur Co., Operator).	Texas Gas Transmission Corp., Kerr Unit, Ellis Field, Acadia Parish, La.	[2][3] 19.75	15.025
		Transcontinental Gas Pipe Line Corp., Kerr B-1 Unit, Ellis Field, Acadia Parish, La.	[4][3] 23.0	15.025
		United Fuel Gas Co., Various Units, Ellis Field, Acadia Parish, La.	[4][4] 19.9	15.025
G-14895 E 9-18-64	Occidental Petroleum Corp. (successor to Jefferson Lake Sulphur Co.).	United Gas Pipe Line Co., Cabeza Creek Area, Goliad County, Tex.	12.15	14.65
G-18710 E 9-21-64	Tidewater Oil Co. (successor to Robert B. Prentice, et al.).	United Gas Pipe Line Co., Hollywood Field, Terrebonne Parish, La.	20.25	15.025
CI60-546 E 9-18-64	Occidental Petroleum Corp. (successor to Jefferson Lake Sulphur Co., Operator).	Valley Gas Transmission, Inc., Ramirena Northeast and C. A. Winn Fields, Live Oak County, Tex.	14.0	14.65
CI62-1558 A 6-27-62	Petroleum Management, Inc. (Operator), et al.	United Gas Pipe Line Co., Pistol Ridge Field, Forrest, Lamar and Pearl River Counties, Miss.	20.0	15.025
CI63-1583 C 9-23-64 [5]	Shell Oil Co	Arkansas Louisiana Gas Co., North Carter Field, Beckham County, Okla.	15.0	14.65
CI64-136 C 9-23-64	Cities Service Oil Co	Arkansas Louisiana Gas Co., Southwest Lacy Field, Kingfisher County, Okla.	15.0	14.65
CI65-76 E 9-23-64	Sinclair Oil & Gas Co. (successor to Hiawatha Oil and Gas Co.).	Northern Natural Gas Co., East Balko Field, Beaver County, Okla.	17.0	14.65
CI65-248 F 9-16-64	Irwin Miller (successor to Hunt Oil Co.).	United Gas Pipe Line Co., South Mermentau Field, Acadia Parish, La.	[6] 20.25	15.025
CI65-249 A 9-18-64	Little Five Oil & Gas Co	Pennzoil Co., McClelland District, Doddridge County, W. Va.	15.0	15.325
CI65-250 A 9-18-64	do	do	15.0	15.325
CI65-251 A 9-18-64	do	do	15.0	15.325
CI65-252 B 9-18-64	G. H. Vaughn, Jr., et al	Transwestern Pipeline Co., Wolf Creek Unit Area, Ellis County, Okla.	Assigned	
CI65-253 A 9-18-64	Edwin Foster Blair & Associates, agent for Esther J. Cox Lease.	Carnegie Natural Gas Co., Batelle District, Monongalia County, W. Va.	20.0	15.325
CI65-254 F 9-18-64	Westhoma Oil Co. (successor to The Fluor Corp., Ltd. and Jake L. Hamon).	Northern Natural Gas Co., Hugoton Field, Texas County, Okla.	16.0	14.65
CI65-255 A 9-18-64	Oil and Gas Futures, Inc., Operator.	Northern Natural Gas Co., Acreage in Beaver County, Okla.	17.0	14.65
CI65-256 A 9-21-64	Irwin Miller	Hope Natural Gas Co., South Bosco Field, Lafayette and Acadia Parishes, La.	17.5	15.025
CI65-257 A 9-21-64	Texaco Inc	Northern Natural Gas Co., Various Fields, Beaver and Ellis Counties, Okla.	17.0	14.65
CI65-258 A 9-21-64	Tidewater Oil Co	Lone Star Gas Co., East Cruce Field, Stephens County, Okla.	15.0	14.65
CI65-259 A 9-21-64	Southwest Oil Industries, Inc.	Northern Natural Gas Co., Mocane-Laverne Field, Harper and Beaver Counties, Okla.	17.0	14.65
CI65-260 A 9-21-64	Sohio Petroleum Co	Mississippi River Fuel Corp., Woodlawn Field, Harrison County, Tex.	15.0	14.65
CI65-261 A 9-21-64	Oklahoma Natural Gas Co	Northern Natural Gas Co., North Linscott Field, Ellis County, Okla.	17.0	14.65
CI65-262 A 9-21-64	Warren American Oil Co	Arkansas Louisiana Gas Co., Northwest Milton Field, Haskell County, Okla.	[7] 15.0	14.65
CI65-263 A 9-21-64	Southern Union Production Co.	Northern Natural Gas Co., acreage in Beaver County, Okla.	17.0	14.65
CI65-264 F 9-21-64	Continental Oil Co. (successor to Sinclair Oil & Gas Co.).	Michigan-Wisconsin Pipe Line Co., Putnam Area, Dewey County, Okla.	[8] 15.0	14.65
CI65-265 A 9-22-64	Ambassador Oil Corp. (Operator), et al.	Panhandle Eastern Pipe Line Co., Light Field, Beaver County, Okla.	16.0	14.65
CI65-266 A 9-22-64	L. B. Nichols, Jr., et al	Northern Natural Gas Co., Patti-Cake (Cleveland) Field, Lipscomb County, Tex.	17.0	14.65
CI65-267 A 9-22-64	Anadarko Production Co	Panhandle Eastern Pipe Line Co., Arkalon Field, Seward County, Kans.	16.0	14.65
CI65-268 A 9-22-64	Coastal States Gas Producing Co.	Trunkline Gas Co., North Delhi Field Area, Harris County, Tex.	14.00	14.65
CI65-269 A 9-23-64	Worth Exploration Co., et al	Southern Natural Gas Co., Northeast Lafitte Field, Jefferson Parish, La.	15.0	15.025
CI65-270 A 9-23-64	Harry C. Boggs	United Fuel Gas Co., Birch District, Braxton County, Washington District, Calhoun County and Smithfield District, Roane County, W. Va.	27.0	15.325
CI65-271 B 9-23-64	Davidor & Davidor, Inc	Cities Service Gas Co., North Whiterock Area, Noble County, Okla.	[12]	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
CI65-272..... B 9-23-64	The Atlantic Refining Co.....	Panhandle Eastern Pipe Line Co., Southeast Liberal Field, Beaver County, Okla.	Assigned	
CI65-273..... A 9-23-64	Phillips Petroleum Co.....	El Paso Natural Gas Co., Eunice Field, Lea County, N. Mex.	16.0	14.65
CI65-274..... A 9-23-64	Cities Service Oil Co.....	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	12.0	14.65

[1] Amendment to certificate filed to reflect change in Applicant's agent from Holly Nester to Calhoun County Bank
[2] Inclusive of 1.75 cents per Mcf tax reimbursement.
[3] Rate effective subject to refund in Docket No. RI62-355.
[4] Inclusive of 1.5 cents per Mcf tax reimbursement.
[5] Rate effective subject to refund in Docket No. G-17997.
[6] Rate effective subject to refund in Docket No. RI61-330.
[7] Deleted.
[8] Adds acreage of nonoperator, Phillips Petroleum Co.
[9] Includes tax reimbursement.
[10] Plus 75 percent reimbursement of any calculated new tax.
[11] Plus Btu adjustment.
[12] Compression facilities no longer available for boosting gas pressure to purchaser's pipe line requirements.

[F.R. Doc. 64-10070; Filed, Oct. 6, 1964; 8:45 a.m.]

[Docket No. CP65-52]

EL PASO NATURAL GAS CO.

Notice of Application

SEPTEMBER 30, 1964.

Take notice that on August 20, 1964, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79999, filed in Docket No. CP65-52 an application pursuant to section 7 of the Natural Gas Act for authorization to abandon certain facilities located in Hockley County, Texas, and for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in said county, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application indicates that Applicant's Slaughter Compressor Station in Hockley County, was destroyed by fire. Said compressor station contained one 500 Hp compressor unit and appurtenant facilities. Applicant proposes herein to abandon the 500 horsepower unit and to construct and operate in place of said unit a 550 horsepower unit, together with appurtenant facilities. Applicant states that a unit comparable in size to the 500 Hp unit is no longer manufactured, and, therefore, Applicant proposes to replace said unit with a 550 Hp unit.

The application indicates the total estimated cost of the proposed facilities to be $210,000. Of this amount, the estimated out of pocket cost will be $78,000; the remainder of the estimated cost will be covered by an insurance claim credit of $130,000 and by a salvage value credit of $2,000. The estimated out of pocket cost will be financed out of current working funds.

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

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

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

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 23, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-10132; Filed, Oct. 6, 1964; 8:46 a.m.]

[Project Nos. 2364, 2365]

KENNEBEC RIVER PULP & PAPER CO., INC.

Order Consolidating Proceedings and Fixing Hearing on Applications for Rehearing

SEPTEMBER 30, 1964.

On September 2, 1964, Kennebec River Pulp & Paper Company, Inc., (Applicant) filed application for rehearing of the Commission's license order issued August 3, 1964, with respect to Applicant's constructed Abenaki development located on the Kennebec River in Somerset County, Maine, in the towns of Anson and Madison, Project No. 2364. On September 10, 1964, Applicant filed a similar application for rehearing of our order of August 11, 1964, for its constructed Anson development on the Kennebec River in Somerset County, Maine, Project No. 2365. The orders would issue licenses for these projects for a period effective May 1, 1954 and terminating December 31, 1993.

Applicant objects to the period of the license as provided and requests that the period of the license be extended to 50 years from May 1, 1954 or from the date of issuance of the licenses. Applicant contends that licenses effective as of May 1, 1954 and terminating in 1993 would constitute a burden and a threat to the continued operation of applicant's pulp and paper mills and that the continued operation of its mills are of the greatest importance to the economy of the area. Applicant further objects to the insertion in the licenses of Article 11 of Form L-3 (revised November 1, 1963), which provides for the determination of the actual legitimate original cost of the project. In lieu thereof, Applicant seeks a license condition providing for the determination by the Commission, after notice to the licensee and opportunity for hearing, of the fair value of the projects in accordance with section 23(a) of the Act.

In its license orders the Commission found that, subject to the terms and conditions of the order, the projects will be best adapted to a comprehensive plan for improving and developing a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water power development, and for other beneficial public uses, including recreational purposes. Applicant objects to the terms and conditions of Articles 31 and 32 of the license order for Project No. 2364, reserving the right of the United States to construct or of the Commission to issue a license authorizing the construction of a hydroelectric project, which will more completely utilize the water resources involved and providing that the proffered license would be surrendered. In the event redevelopment is by the United States or another licensee, these conditions provide that Applicant would be paid the net investment in the existing Project No. 2364 and that Applicant shall not be entitled to any compensation for severance damages sustained by inundation or destruction of the project.

We are granting the applications for rehearing and shall consolidate the two cases and designate the consolidated proceeding for hearing upon the issues raised by the applications.

The Commission finds: It is appropriate and in the public interest to hold a public hearing respecting the matters involved and the issues presented.

The Commission orders:

(A) The aforesaid applications for rehearing are granted.

(B) The proceedings in Project No. 2364 and Project No. 2365 are consolidated for the purposes of a hearing.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), 10(a), 308 and 313 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held in a Commission hearing room, 441 G Street NW., Washington, D.C., respecting the matters involved and the issues presented in these consolidated proceedings. The time of the

hearing is to be fixed by further notice of the Secretary.

By the Commission.

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

[F.R. Doc. 64–10134; Filed, Oct. 6, 1964; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

FIRST OKLAHOMA BANCORPORATION

Notice of Request for Determination and Order for Hearing

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4(c)(6) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(6)) and § 222.5(b) of the Board's Regulation Y (12 CFR 222.5(b)), by First Oklahoma Bancorporation, Oklahoma City, Oklahoma, a bank holding company, for a determination that the activities planned to be undertaken by its proposed subsidiary, First Oklahoma Baninsurance, Inc., are of the kind described in the aforementioned sections of the Act and the regulation so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

Inasmuch as section 4(c)(6) of the Act requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing,

It is hereby ordered, That pursuant to section 4(c)(6) of the Bank Holding Company Act and in accordance with §§ 222.5(b) and 222.7(a) of the Board's Regulation Y (12 CFR 222.5(b), 222.7(a)), promulgated under the Bank Holding Company Act, a hearing with respect to this matter be held commencing on October 27, 1964, at 10 a.m., at the offices of the Federal Reserve Board in Washington, D.C., before a hearing examiner selected by the Civil Service Commission, pursuant to section 11 of the Administrative Procedure Act, such hearing to be conducted according to the Rules of Practice for Formal Hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The right is reserved to the Board or such hearing examiner to designate any other date or place for such hearing or any part thereof that may be determined to be necessary or appropriate for the convenience of the parties. The Board's Rules of Practice for Formal Hearings provide, in part, that "All such hearings shall be private and shall be attended only by parties and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings: *Provided, however,* That on written request by a party or representatives of the Board, or on the Board's own motion, the Board, unless prohibited by law, may permit other persons to attend or may order the hearing to be public." (12 CFR 263.2(c))

Any person desiring to give testimony in this proceeding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of Kansas City, on or before October 16, 1964, a written request containing a statement of the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing examiner for his determination. Persons submitting timely requests will be notified of the hearing examiner's decision.

Dated at Washington, D.C., this 30th day of September 1964.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 64–10117; Filed, Oct. 6, 1964; 8:45 a.m.]

FIRST WISCONSIN BANKSHARES CORP.

Notice of Request for Determination and Order for Hearing

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4(c)(6) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(6)) and § 222.5(b) of the Board's Regulation Y (12 CFR 222.5(b)), by First Wisconsin Bankshares Corporation, Milwaukee, Wisconsin, a bank holding company, for a determination that proposed additions to the activities of its subsidiary, First Wisconsin Company, are of the kind described in the aforementioned sections of the Act and the regulation so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

Inasmuch as section 4(c)(6) of the Act requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing,

It is hereby ordered, That pursuant to section 4(c)(6) of the Bank Holding Company Act and in accordance with §§ 222.5(b) and 222.7(a) of the Board's Regulation Y (12 CFR 222.5(b), 222.7(a)), promulgated under the Bank Holding Company Act, a hearing with respect to this matter be held commencing on November 6, 1964, at 10 a.m., at the offices of the Federal Reserve Board in Washington, D.C., before a hearing examiner selected by the Civil Service Commission, pursuant to section 11 of the Administrative Procedure Act, such hearing to be conducted according to the Rules of Practice for Formal Hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The right is reserved to the Board or such hearing examiner to designate any other date or place for such hearing or any part thereof that may be determined to be necessary or appropriate for the convenience of the parties. The Board's Rules of Practice for Formal Hearings provide, in part, that "All such hearings shall be private and shall be attended only by parties and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings: *Provided, however,* That on written request by a party or representatives of the Board, or on the Board's own motion, the Board, unless prohibited by law, may permit other persons to attend or may order the hearing to be public." (12 CFR 263.2(c))

Any person desiring to give testimony in this proceeding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of Chicago, on or before October 30, 1964, a written request containing a statement of the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing examiner for his determination. Persons submitting timely requests will be notified of the hearing examiner's decision.

Dated at Washington, D.C., this 30th day of September 1964.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 64–10118; Filed, Oct. 6, 1964; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30–VII [Amdt. 2]]

REGIONAL OFFICES

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9) as amended, 29 F.R. 11777, 12570 and 13354; Delegation of Authority No. 30–VII, as amended, 29 F.R. 12493 and 12951 is hereby further amended by revising Items I.C.3., I.K.1. and I.K.2.a. to read as follows:

1.

I. * * *

C. * * *

3. To approve the following:

a. Business loans

(1) Direct not exceeding $350,000.

(2) Participation not exceeding $350,000.

b. Disaster loans

(1) Direct not exceeding $350,000.

(2) Participation not exceeding $350,000.

2.

I. * * *

K. * * *

1. To approve the following:

a. Direct loans not exceeding $100,000.

b. Participation loans not exceeding $250,000.

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

d. Simplified Early Maturities Participation loans not exceeding $350,000.
e. Direct disaster loans not exceeding $350,000.
f. Participation disaster loans not exceeding $350,000.

3.

I. * * *
K. * * *
2. To decline the following:
a. Business loans not exceeding $250,000.

* * * * *

Effective date: September 14, 1964.

RICHARD E. LASSAR,
Regional Director,
Chicago.

[F.R. Doc. 64-10119; Filed, Oct. 6, 1964; 8:45 a.m.]

[Delegation of Authority 30-VIII [Amdt. 2]]

REGIONAL OFFICES

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9) as amended, 29 F.R. 11777, 12570 and 13354; Delegation of Authority No. 30-VIII, as amended, 29 F.R. 12494 and 13056 is hereby further amended by revising Items I.C.3., I.K.1. and I.K.2.a. to read as follows:

1.

I. * * *
C. * * *
3. To approve the following:
a. Business loans
(1) Direct not exceeding $350,000.
(2) Participation not exceeding $350,000.
b. Disaster loans
(1) Direct not exceeding $350,000.
(2) Participation not exceeding $350,000.

2.

I. * * *
K. * * *
1. To approve the following:
a. Direct loans not exceeding $100,000.
b. Participation loans not exceeding $250,000.
c. Simplified Bank Participation loans not exceeding $350,000.
d. Simplified Early Maturities Participation loans not exceeding $350,000.
e. Direct disaster loans not exceeding $350,000.
f. Participation disaster loans not exceeding $350,000.

3.

I. * * *
K. * * *
2. To decline the following:
a. Business loans not exceeding $250,000.

Effective date: September 14, 1964.

HARRY A. SIEBEN,
Regional Director,
Minneapolis.

[F.R. Doc. 64-10120; Filed, Oct. 6, 1964; 8:45 a.m.]

[Delegation of Authority 30-XI [Amdt. 2]]

REGIONAL OFFICES

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9) as amended, 29 F.R. 11777, 12570 and 13354; Delegation of Authority No. 30-XI, as amended, 29 F.R. 12496 and 13057 is hereby further amended by revising Items I.C.3., I.K.1. and I.K.2.a. to read as follows:

1.

I. * * *
C. * * *
3. To approve the following:
a. Business loans
(1) Direct not exceeding $350,000.
(2) Participation not exceeding $350,000.
b. Disaster loans
(1) Direct not exceeding $350,000.
(2) Participation not exceeding $350,000.

2.

I. * * *
K. * * *
1. To approve the following:
a. Direct loans not exceeding $100,000.
b. Participation loans not exceeding $250,000.
c. Simplified Bank Participation loans not exceeding $350,000.
d. Simplified Early Maturities Participation loans not exceeding $350,000.
e. Direct disaster loans not exceeding $350,000.
f. Participation disaster loans not exceeding $350,000.

3.

I. * * *
K. * * *
2. To decline the following:
a. Business loans not exceeding $250,000.

* * * * *

Effective date: September 14, 1964.

GEORGE E. SAUNDERS,
Regional Director,
Denver.

[F.R. Doc. 64-10121; Filed, Oct. 6, 1964; 8:45 a.m.]

TARIFF COMMISSION

[TEA-F-4]

NATIONAL TILE AND MANUFACTURING CO.

Notice of Investigation for Determination of Eligibility to Apply for Adjustment Assistance

Upon petition under section 301(a)(2) of the Trade Expansion Act of 1962, filed September 28, 1964 by the National Tile & Manufacturing Company, 1200 East 26th Street, Anderson, Indiana, the United States Tariff Commission, on October 1, 1964, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, certain ceramic floor and wall tiles, like or directly competitive with articles produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The imported articles to which this investigation relates consist of ceramic mosaic floor and wall tiles and glazed ceramic (other than mosaic) floor and wall tiles. The ceramic mosaic tiles are currently dutiable under item 532.21 of the Tariff Schedules of the United States at the rate of 24.5 percent ad valorem, and the glazed ceramic (other than mosaic) tiles are currently dutiable under item 532.24 of the said schedules at the rate of 22.5 percent ad valorem.

Petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided the request is filed with the Secretary of the Tariff Commission within 10 days after this notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the office of the Secretary of the Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: October 1, 1964.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 64-10135; Filed, Oct. 6, 1964; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 323]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 2, 1964.

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

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 69116 (Deviation No. 28), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill., 60606, filed September 21, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Rock Island, Ill., and Peoria, Ill., over Interstate Highway 74, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Rock Island over U.S. Highway 67 to junction Illinois Highway 92, thence over Illinois Highway 92 to junction U.S. Highway 150, thence over U.S. Highway 150 to Peoria, and return over the same route.

No. MC 69116 (Deviation No. 29), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill., 60606, filed September 21, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between York, Pa., and Baltimore, Md., over Interstate Highway 83, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From York over U.S. Highway 111 to Baltimore, and return over the same route.

No. MC 69116 (Deviation No. 30), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill., 60606, filed September 21, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: (a) From Wichita, Kans., over Interstate Highway 35W to Salina, Kans.; (b) from Wichita, over the Kansas Turnpike to Topeka, Kans.; and (c) from Wichita, over Interstate Highway 35 to Kansas City, Mo., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (a) From Wichita over U.S. Highway 81 to Salina; (b) from Wichita over U.S. Highway 81 to Newton, Kans., thence over U.S. Highway 50 to Emporia, Kans., thence over Kansas Highway 99 to junction U.S. Highway 56, thence over U.S. Highway 56 to junction U.S. Highway 75, thence over U.S. Highway 75 to Topeka; and (c) from Wichita over U.S. Highway 81 to Newton, thence over U.S. Highway 50 to Kansas City, and return over the same routes.

No. MC 74120 (Deviation No. 2), STRICKLAND MOTOR FREIGHT LINES, INC., Post Office Box 5689, Dallas, Tex., 75222, filed September 28, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, transporting *general commodities*, with certain exceptions, over a deviation route as follows: From Boston, Mass., over Interstate Highway 95 to Newark, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (A) From Boston over Massachusetts Highway 9 to West Brookfield, Mass., thence over Massachusetts Highway 67 to junction U.S. Highway 20, thence over U.S. Highway 20 to Springfield, Mass., thence over Alternate U.S. Highway 5 to Hartford, Conn., thence over Connecticut Highway 9 to Middletown, Conn., thence over Connecticut Highway 17 to New Haven, Conn., and thence over U.S. Highway 1 to Newark; and (B) from Boston over U.S. Highway 20 to Springfield, thence over U.S. Highway 5 to New Haven, Conn., and thence over U.S. Highway 1 to Newark, and return over the same routes.

No. MC 104004 (Deviation No. 27), ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y., 10017, filed September 23, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Asheville, N.C., and Greensboro, N.C., over Interstate Highway 40, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Asheville over U.S. Highway 70 to Statesville, N.C., thence over U.S. Highway 64 to Mocksville, N.C., thence over U.S. Highway 158 to Winston-Salem, N.C., thence over U.S. Highway 421 to Greensboro, thence over U.S. Highway 70 to Burlington, N.C. (also from Greensboro over U.S. Highway 70 to junction North Carolina Highway 100, thence over North Carolina Highway 100 to Glen Raven, N.C., thence over North Carolina Highway 87 to Burlington), and return over the same routes.

No. MC 111625 (Deviation No. 2), BERMAN'S MOTOR EXPRESS, INC., Post Office Box 1209, Binghamton, N.Y., 13902, filed September 28, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follows: (a) From Binghamton, N.Y., over U.S. Highway 11 (also Interstate Highway 81) to junction Interchange 36 of the New York State Thruway, thence over New York State Thruway to junction Interchange B–3 of the Berkshire Section of the New York State Thruway, thence over the Massachusetts Turnpike to Boston, Mass.; and (b) from Elmira, N.Y. over New York Highway 14 to junction Interchange 42 of the New York State Thruway, thence over the New York State Thruway as specified above to Boston, Mass., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Binghamton over New York Highway 7 to Duanesburg, N.Y., thence over U.S. Highway 20 to junction Massachusetts Highway 9, thence over Massachusetts Highway 9 to Boston (also from junction U.S. Highway 20 and Massachusetts Highway 9 over U.S. Highway 20 to Boston); from Binghamton over New York Highway 17 via Owego and Elmira, N.Y., to Elmira Heights, N.Y., and from Binghamton over New York Highway 17C to Owego, and thence over New York Highway 17 to Elmira Heights, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 196), GREYHOUND LINES, INC. (Southern Greyhound Lines Division), 219 East Short Street, Lexington, Ky., filed September 21, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express, mail and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Fayetteville, N.C., over U.S. Highway 301 to junction Interstate Highway 95, north of Fayetteville, thence over Interstate Highway 95 to junction U.S. Highway 301, south of Wilson, N.C., thence over U.S. Highway 301 to junction U.S. Highway 158, thence over U.S. Highway 158 to junction Interstate Highway 95, west of Weldon, N.C., thence over Interstate Highway 95 to junction U.S. Highway 301, north of Emporia, Va., thence over U.S. Highway 301 to junction Interstate Highway 95, south of Petersburg, Va., thence over Interstate Highway 95 to Petersburg, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above specified property over deviation routes as follows: From Raleigh, N.C., over U.S. Highway 401 to Laurinburg, N.C.; and, from Richmond, Va., over U.S. Highway 1 via Petersburg and South Hill, Va., and Henderson, N.C., to Raleigh, and return over the same routes.

No. MC 1515 (Deviation No. 195), GREYHOUND LINES, INC. (Southern Greyhound Lines Division), 219 East Short Street, Lexington, Ky., filed September 21, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Fayetteville, N.C., over U.S. Highway 301 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction U.S. Highway 301, thence over U.S. Highway 301 to Florence, S.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above specified property over a pertinent service route as follows: From Raleigh, N.C., over U.S. Highway 401 to Laurinburg, N.C., thence over U.S. Highway 15 to Society Hill, S.C., thence over U.S. Highway 52 to Charleston, S.C., and return over the same route.

No. MC 1515 (Deviation No. 197), GREYHOUND LINES, INC. (Western Greyhound Lines Division), 371 Market Street, San Francisco, Calif., 94106. Carrier's attorney: W. T. Meinhold (same address as carrier), filed September 22, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express, mail and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 40 and unnumbered high-

way southwest of Lupton, Ariz. (Hawthorne Interchange, Ariz.), over Interstate Highway 40 to junction unnumbered highway northeast of Dean Kirk, N. Mex. (Dean Kirk Junction, N. Mex.), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above specified property over pertinent service routes as follows: From the point where U.S. Highway 66 intersects the New Mexico-Arizona State line, over U.S. Highway 66 to the point where it intersects the Arizona-California State line; and, from Albuquerque, N. Mex. over U.S. Highway 66 to the point where it intersects the New Mexico-Arizona State line, and return over the same routes.

No. MC 61599 (Deviation No. 3), QUEEN CITY COACH COMPANY, 417 West 5th Street, Charlotte, N.C. Carrier's attorney: James E. Wilson, 716 Perpetual Building, 111 E Street NW., Washington, D.C., filed September 21, 1964. 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 Interstate Highway 95 and U.S. Highway 13, and the North Carolina-South Carolina State line near Rowland, N.C., over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction Interstate Highway 95 and U.S. Highway 13, about six miles north of Fayetteville, N.C., over U.S. Highway 301, to the North Carolina-South Carolina State line, and return over the same route.

No. MC 61616 (Deviation No. 7), MIDWEST BUSLINES, INC., Post Office Box 1188, Little Rock, Ark., filed September 21, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage and express, mail and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Little Rock, Ark., over relocated U.S. Highway 65 to its junction with old U.S. Highway 65, near Hensley, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above specified commodities, over a pertinent service route as follows: From Little Rock, over U.S. Highway 65 to McGehee, Ark., and return over the same route.

No. MC 61616 (Deviation No. 8), MIDWEST BUSLINES, INC., Post Office Box 1188, Little Rock, Ark., filed September 21, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage and express, mail and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Little Rock, Ark., over relocated U.S. Highway 167 to its junction old U.S. Highway 167, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the above described commodities, over a pertinent service route as follows: From Little Rock, over U.S. Highway 167 to Fordyce, Ark., thence over U.S. Highway 79 to Camden, Ark., and return over the same route.

By the Commission.

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

[F.R. Doc. 64-10164; Filed, Oct. 6, 1964; 8:48 a.m.]

[Notice 686]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 2, 1964.

Section A. The following publications are governed by the new § 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

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

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time, or 9:30 a.m., local d.s.t., if that time is observed, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

SECTION A

No. MC 101868 (Sub-No. 1) (REPUBLICATION), filed September 2, 1964, published FEDERAL REGISTER, issue of September 24, 1964, and republished this issue. Applicant: EARLE M. GARDNER, Pine Plains, N.Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed, dry feed ingredients, dry fertilizer, and lime*, in bulk, in tank vehicles, from Albany, N.Y., and the town of Bethlehem, Albany County, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, and *refused or rejected shipments*, on return.

NOTE: The purpose of this republication is to set forth the hearing information.

HEARING: October 23, 1964, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

SECTION B

No. MC 67783 (Sub-No. 5) (REPUBLICATION), filed September 5, 1963, published February 5, 1964, and republished, this issue. Applicant: MARION A. FRANK, doing business as FRANK DELIVERY SERVICE, 230 Market Street, Williamsport, Pa. Applicant's attorney: John M. Musselman, 400 North Third Street (Post Office Box 46), Harrisburg, Pa. By application filed September 5, 1963, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of such general merchandise as is dealt in by retail mail-order houses, in individual shipments not exceeding 150 pounds in weight, between Williamsport, on the one hand, and, on the other, points in that portion of Pennsylvania bounded by a line beginning at the New York-Pennsylvania State line, thence over U.S. Highway 219 to its junction with U.S. Highway 22, thence over U.S. Highway 22 to its junction with U.S. Highway 522, thence over U.S. Highway 522 to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to its junction with Interstate Highway 81, thence over Interstate Highway 81 to the Pennsylvania-New York State line, and via the same to the place of beginning, including points in the commercial zones or terminal areas located on the highways specified (except between Williamsport, and points within 50 miles of Williamsport), restricted against interchange at points other than Williamsport of traffic originated at or destined to points in Florida, Georgia, and South Carolina. Operating Rights Review Board No. 3, by its decision of June 17, 1964, served June 24, 1964, as modified after consideration of applicant's petition of June 29, 1964, by the order of Division 1, Acting as an Appellate Division, entered September 21, 1964, served October 1, 1964, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of such commodities as are dealt in by retail mail-order houses, between Williamsport, Pa., on the one hand, and, on the other, points in that portion of Pennsylvania bounded by a line beginning at the New York-Pennsylvania State line near Tuna, Pa., and extending over U.S. Highway 219 to its junction with U.S. Highway 22 at or near Ebensburg, Pa., thence over U.S. Highway 22 to its junction with U.S. Highway 522 at or near Mount Union, Pa., thence over U.S. Highway 522 to its junction with the Pennsylvania Turnpike at Interchange No. 13 near Fort Littleton, Pa., thence over the Pennsylvania Turnpike to junction Pennsylvania Turnpike Northeast Extension east of Norristown, Pa., thence over the Pennsylvania Turnpike Northeast Extension to junction Interstate Highway 81 north of Scranton, Pa., thence over Interstate Highway 81 to the Pennsylvania-New York State line at or near Hickory Grove, Pa., and thence west along the Pennsylvania-New York State line to the point of beginning, serving points located on the above-specified highways and the respective commercial zones of such points, restricted (1) against interchange at any points other than Williamsport, Pa., of traffic originating at or destined to points in Florida, Georgia, and South Carolina, and (2) against the transportation of any parcels, packages, or articles weighing in the ag-

gregate more than 150 pounds from one consignor at any one location to one consignee at any one location on any one day. The application, as filed, is ambiguous in that the intended junction of the Pennsylvania Turnpike and Interstate Highway 81 was not clearly defined. Because the modification granted to identify said junction as being north of Scranton, Pa., could be construed as a broadening of the application, it was ordered that notice of this modification be published in the FEDERAL REGISTER in order to allow a 30-day period during which any interested party who may be affected by the possible broadened scope of such grant, as compared to the notice of the application as previously published, may file an appropriate pleading.

No. MC 109689 (Sub-No. 154) (REPUBLICATION), filed February 24, 1964, published FEDERAL REGISTER, issue of March 4, 1964, and republished, this issue. Applicant: W. S. HATCH CO., a corporation, 643 South 800 West, Woods Cross, Utah. Applicant's attorney: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah. By application filed February 24, 1964, applicant seeks authority to operate as a common carrier, by motor vehicle, over irregular routes, transporting liquid chemicals, in bulk, from Henderson, Nev., to points in Arizona. Hearing was held on March 10, 1964, at Phoenix, Ariz., before Examiner John S. Messer, with MC 114897 (Sub-No. 47) Whitfield Tank Lines, Inc., of El Paso, Tex. The setting of the Hatch application for hearing at the same time and place was at the request of applicant Hatch. The examiner is now informed by the Section of Hearings, Bureau of Operating Rights, that the assignment of this proceeding for hearing on March 10, 1964, was in error on their part (1) because it had been published in the FEDERAL REGISTER only 6 days prior thereto or on March 4, 1964, and (2) because there was no other comparable application set at the same time and place which was as extensive *both* commodity and territorially wise which could have been used as a predicate for normal statutory notice in the FEDERAL REGISTER. A Report and Order, served August 24, 1964, which became effective September 23, 1964, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *liquid chemicals*, in bulk, from Henderson, Nev., to points in Arizona, restricted against the transportation of sodium chlorate to Phoenix, Ariz.; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that a certificate authorizing such operations should be granted, subject to a republication of notice of the authority applied for herein as amended in the FEDERAL REGISTER.

No. MC 114897 (Sub-No. 47) (REPUBLICATION), filed November 4, 1963, published FEDERAL REGISTER, issue of November 20, 1963, and republished this issue. Applicant: WHITFIELD TANK LINES, INC., 300–316 North Clark Road, El Paso, Tex., 79989. Applicant's attorneys: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah, and O. Russell Jones, 207 Bokum Building, 142 West Palace Avenue, Santa Fe, N. Mex. By application filed November 4, 1963, applicant seeks authority to operate as a common carrier, by motor vehicle, over irregular routes, transporting liquid caustic soda, in bulk, in tank vehicles, from Henderson, Nev., to points in Arizona. Hearing was held on March 10, 1964, at Phoenix, Ariz., before Examiner John S. Messer, with MC 109689 (Sub-No. 154), W. S. Hatch Co., of Woods Cross, Utah. At the outset of the hearing an amendment was offered to change and enlarge the Whitfield application with respect to the commodity description to "liquid chemicals, in bulk restricted against the transportation of sodium chlorate to Phoenix, Ariz." The examiner allowed the amendment because of its similarity to the Hatch application which incidently was then restrictively amended as to the movement of sodium chlorate. A Report and Order, served August 24, 1964, which became effective September 23, 1964, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *liquid chemicals*, in bulk, from Henderson, Nev., to points in Arizona, restricted against the transportation of sodium chlorate to Phoenix, Ariz.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that a certificate authorizing such operations should be granted, subject, to a republication of notice of the authority applied for herein as amended in the FEDERAL REGISTER.

NOTICE OF FILING OF PETITIONS

No. MC 114533 (Sub-No. 2) (PETITION FOR WAIVER OF RULE 1.101 FOR REOPENING AND RECONSIDERATION OF THE COMMISSION'S ORDER AND FOR CORRECTION OF CERTIFICATE), filed September 17, 1964. Petitioner: B.D.C. CORPORATION, Chicago, Ill. Petitioner's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill., 60603. By application filed July 31, 1956, petitioner sought a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, transporting office records, such commercial papers, documents and written instruments, except coins, currency and negotiable securities, as are used in the conduct and operation of banks and banking institutions, between Chicago, Ill., on the one hand, and, on the other, points in fifteen Wisconsin counties, including Kenosha County and points in a specified territory in Indiana. Petitioner states that Joint Board No. 17, in its Report and Order, served December 6, 1956, recommended that the application be approved but inadvertently omitted Kenosha County from its findings and from the Order appended to its recommendation. By the instant petition, petitioner requests that the Commission reopen and reconsider the above-entitled proceeding on the record as made, and that it correct the Report and Order of Joint Board No. 17 to conform with the evidence and the obvious intent of the Joint Board, and that the Commission issue to it a corrected certificate including therein the authority to transport the involved commodities, between Chicago, Ill., on the one hand, and, on the other, points in Kenosha County, Wis. 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.

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 126590, filed September 21, 1964. Applicant: GARRISON ELEVATOR COMPANY, INC., Rural Route No. 1, Bringhurst, Ind. Applicant's attorney: Thomas F. Kilroy, Suite 1250, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed*, in containers from Louisville, Ky., to points in Illinois, Indiana, and Tennessee, (2) *fertilizer and fertilizer compounds*, in containers, from Louisville, Ky., Jeffersonville, New Albany, and Seymour, Ind., and Lockland, Ohio, and points within 3 miles of each, to points in Illinois, Indiana, and Kentucky, (3) *fertilizer and fertilizer compounds*, in bulk (except liquid fertilizer in bulk, in tank vehicles), from New Albany, Ind., and Lockland, Ohio, to points in Illinois and Kentucky, (4) *ammonium nitrate fertilizer, urea fertilizer, and urea feed grade*, dry, in bulk or in bags, from West Henderson, Ky., and points within 5 miles thereof, to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin and, (5) *empty containers* from points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin to West Henderson, Ky., and points within 5 miles thereof.

NOTE: Applicant states this authority is applied for to obtain common carrier authority in lieu of the contract carrier authority held by Garrison Elevator Company, Inc. vendor in No. MC–F–8803, under permits in No. MC 110333, No. MC 110333 Sub 2 and No. MC 110333 Sub 4.

This application is to be handled concurrently with MC–F–8803, published FEDERAL REGISTER, issue of July 15, 1964.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor car-

riers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

No. MC–F–8890. Authority sought for control by MAISLIN BROS. TRANSPORT LIMITED, 7401 Newman Boulevard, LaSalle, Province of Quebec, Canada, of NEW YORK & NEW BRUNSWICK AUTO EXPRESS CO., INC., Post Office Box 247, Edison, N.J., and for acquisition by SAM MAISLIN, SYDNEY MAISLIN, ALEX MAISLEN, and SAUL MAISLIN, all of LaSalle, Province of Quebec, Canada, of control of NEW YORK & NEW BRUNSWICK AUTO EXPRESS CO., INC., through the acquisition by MAISLIN BROS. TRANSPORT LIMITED. Applicants' attorney and representative respectively: A. David Millner, 1060 Broad Street, Newark 2, N.J., and William D. Traub, 10 East 40th Street, New York 16, N.Y. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between numerous specified routes and highways in New York, New Jersey, and Pennsylvania, between Marcus Hook, Pa., and Poughkeepsie, N.Y., via New Brunswick, Rahway, Elizabeth, Newark, and Paterson, N.J., and Highland, N.Y., between New York-New Jersey State line near Suffern, N.Y., and Harrison, N.J., over all highways and local roads (not included above) in certain points in New Jersey to Palisades, N.Y., via all bridges, ferries, and tunnels where the above routes are separated only by rivers crossed by such ferries, bridges and tunnels. RESTRICTION: The service authorized herein shall be rendered only: Between points in New York, on the one hand, and, on the other, points in New Jersey, and Pennsylvania, between points in New Jersey on and north of New Jersey Highway 33, on the one hand, and, on the other, points in Pennsylvania, between points in New Jersey, within Philadelphia, Pa., and within Lancaster, Pa.; serving numerous intermediate and off-route points in New York, New Jersey, and Pennsylvania, an alternate route for operating convenience only; *paper*, over regular and irregular routes, from New York, N.Y., and those intermediate and off-route New Jersey points immediately above, to Hagerstown, Md., serving no intermediate points; *munitions, military impediments, cartridges*, and *army supplies*, over irregular routes, between New York, N.Y., and the intermediate and off-route points in New Jersey, above, on the one hand, and, on the other, army posts, forts, military reservations, and camps located at Lickdale, Pa., and at points on or south of U.S. Highway 22 in Pennsylvania, and those on or east of U.S. Highway 11, in Pennsylvania, Maryland, and Delaware; and *dangerous explosives*, between Raritan Arsenal, N.J., on the one hand, and, on the other, points in New York within 75 miles of New York City, including New York City. MAISLIN BROS. TRANSPORT LIMITED is authorized to operate as a *common carrier* in New York and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8891. Authority sought for control and merger by NEWSOM TRUCKING COMPANY, INC., Post Office Box 509, Columbus, Ind., of the operating rights and property of COURIER EXPRESS, INC., Post Office Box 358, Logansport, Ind., and for acquisition by PAUL R. NEWSOM, also of Columbus, Ind., of control of such rights and property through the transaction. Applicants' attorneys: John E. Lesow, 3737 N. Meridian, Indianapolis, Ind., and Axelrod, Goodman & Steiner, 39 South La Salle St., Chicago 3, Ill. Operating rights sought to be controlled and merged: *General commodities*, as a *common carrier*, over regular routes, between Detroit, Mich., and La Fayette, Ind., serving all intermediate points between Fort Wayne and La Fayette, including Fort Wayne, three routes for operating convenience only; *general commodities*, excepting, among others, household goods and commodities in bulk, between certain specified points in Indiana, serving all intermediate and certain off-route points, between Fort Wayne, Ind., and Chicago, Ill., serving certain intermediate and off-route points, between South Bend, Ind., and Valparaiso, Ind., serving the intermediate point of La-Porte, Ind., between Hammond, Ind., and the junction of U.S. Highways 41 and 6, and Indiana Highway 152, serving no intermediate points, numerous alternate routes for operating convenience only. NEWSOM TRUCKING COMPANY, INC., is authorized to operate as a *common carrier* in Indiana, Kentucky, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Illinois, Ohio, West Virginia, Pennsylvania, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8892. Authority sought for purchase by IOWA PARCEL SERVICE, INC., 214 15th Street, Des Moines, Iowa, of the operating rights and property of CHARLES ILES AND HAROLD McKINNEY, a partnership, doing business as IOWA FILM DELIVERY, 214 15th Street, Des Moines, Iowa, and for acquisition by CHARLES F. ILES, and HAROLD E. McKINNEY, both of Des Moines, Iowa, of control of such rights and property through the purchase. Applicants' attorney: Homer E. Bradshaw, 510 Central National Building, Des Moines, Iowa, 50309. Operating rights sought to be transferred: *Motion picture films, film accessories, advertising material* used in connection with the exhibition of such films, *newspapers, magazines*, and *periodical publications*, as a *common carrier*, over regular routes, between Des Moines, Iowa, and East Moline, Ill., between Des Moines, Iowa, and Leon, Iowa, between Osceola, Iowa, and Burlington, Iowa, between Leon, Iowa, and Davenport, Iowa, between Des Moines, Iowa, and Corydon, Iowa, between Mount Pleasant, Iowa, and Iowa City, Iowa, between Des Moines, Iowa, and Omaha, Nebr., between Des Moines Iowa, and Spirit Lake, Iowa, serving all intermediate and certain off-route points; *general commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, limited to parcels, packages, and articles, with limitations of said parcels, packages, and articles weighing not more than 100 pounds and parcels, packages, and articles in the aggregate of not more than 200 pounds from one consignor at one location to one consignee at one location on any day, over irregular routes, between the Des Moines Municipal Airport, at Des Moines, Iowa, on the one hand, and, on the other, points in Iowa. RESTRICTION: The service authorized herein is subject to the following conditions: Operations shall be restricted to shipments having a prior or subsequent movement by air, the authority granted herein is subject to the right of the Commission, which is hereby expressly reserved to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 210 of the Act; *motion picture films, film accessories, advertising material* used in connection with the exhibition of such films, *newspapers, magazines*, and *periodical publications*, between Omaha, Nebr., on the one hand, and, on the other, Fulton, Ill., and certain points in Iowa, between Fulton, Ill., and points in the above Iowa territory, between Des Moines, Iowa, Omaha, Nebr., Fulton, Ill., points in the Davenport, Iowa-Rock Island and Moline, Ill., commercial zone, as defined by the Commission, and East Moline, Silvis and Milan, Ill., on the one hand, and, on the other, certain points in Missouri and Iowa; *cosmetics, toilet preparations*, and *advertising materials related thereto;* and *chemicals* limited to the following household articles: *Mothproofers, deodorants, room fresheners, insect repellants, household insecticides*, and *advertising materials, related thereto*, from Des Moines, Iowa, to certain points in Iowa. RESTRICTION: The service authorized herein is subject to the following conditions: Service shall be limited to parcels, packages, or articles weighing 60 pounds or less, no service shall be performed in the transportation of any parcels, packages, or articles weighing in the aggregate more than 120 pounds from one consignor at one location to one consignee at one location on any one date, the authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 210 of the Act. Vendee holds no authority from this Commission. However, its controlling stockholders, CHARLES F. ILES and HAROLD E. McKINNEY, are stockholders of DYER-O'HARE HAULING CO., Post Office Box 3460, 2001 Big Bend Boulevard, Maplewood, Mo., which is authorized to operate as a *contract carrier* in Illinois, Missouri, Indiana, and Iowa, and R. A. BROWN, C. F. ILES, AND H. E. McKINNEY, a partnership, doing business as MEADOWS TRANS-

FER COMPANY, Post Office Box 248, Bettendorf, Iowa, which is authorized to operate as a *contract carrier* in Illinois, Indiana, Michigan, Wisconsin, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8893. Authority sought for merger into CANTLAY & TANZOLA, INC., 2550 East 28th Street, Post Office Box 58267, Vernon Branch, Los Angeles, Calif., 90058, of the operating rights and property of WESTERN GILLETTE, INC., 2550 East 28th Street, Post Office Box 58267, Vernon Branch, Los Angeles, Calif., 90058, and for acquisition by DONALD E. CANTLAY (VOTING TRUSTEE), also of Los Angeles, Calif., and ESTATE OF JOSEPH TANZOLA (AILEEN C. TANZOLA, EXECUTRIX), % Russell & Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif., 90017, of control of such rights and property through the transaction. Applicants' attorney: Theodore W. Russell, 1010 Wilshire Boulevard, Los Angeles, Calif., 90017. Operating rights sought to be merged: General commodities, with specified exceptions; and numerous specified commodities, as a *common carrier*, over regular and irregular routes, from, to and between points in the States of California, Texas, Arizona, Nevada, New Mexico, Oklahoma, Missouri, Illinois, Arkansas, Tennessee, Indiana, Nebraska, Iowa, and Kansas, with certain restrictions, serving, in connection with the regular-route operations, various intermediate and off-route points, and numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC–8948 and Sub-numbers thereunder. This notice does not purport to be a complete description of all the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety thereof. CANTLAY & TANZOLA, INC., is authorized to operate as a *common carrier*, in California, Arizona, Nevada, Utah, Idaho, Montana, New Mexico, Colorado, Wyoming, and Oregon. Application has not been filed for temporary authority under section 210a(b).

NOTE: CANTLAY & TANZOLA, INC., controls WESTERN GILLETTE, INC., through ownership of capital stock, pursuant to authority granted December 3, 1943.

No. MC–F–8894. Authority sought for purchase by SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis., 53246, of a portion of the operating rights of REFINERS TRANSPORT, INC., 1300 51st Avenue North, Nashville, Tenn., 37202, and for acquisition by FRED J. SCHWERMAN, CARL L. SCHWERMAN, and FRED SCHWERMAN, SR., individually or as trustees, all of Milwaukee, Wis., of control of such rights through the purchase. Applicants' attorneys: James R. Ziperski, 611 South 28th Street, Milwaukee 46, Wis., and Clarence Evans, Third National Bank Building, Nashville, Tenn. Operating rights sought to be transferred: *Fly ash*, in bulk, in hopper and tank-type vehicles, as a *common carrier*, over irregular routes, from the plant sites of the Tennessee Valley Authority located at or near Bridgeport and Pride, Ala., Grahamville, and Paradise, Ky., and Gallatin, Kingston, Johnsonville, and Robersville, Tenn., to points in Alabama, Kentucky, and Tennessee. Vendee is authorized to operate as a *common carrier* in Tennessee, Kentucky, Iowa, Illinois, Wisconsin, Minnesota, Missouri, Indiana, Georgia, Alabama, South Carolina, Florida, North Carolina, Mississippi, Virginia, Arkansas, Nebraska, North Dakota, Oklahoma, Kansas, Texas, West Virginia, Michigan, Ohio, Louisiana, South Dakota, Pennsylvania, and Maryland. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8895. Authority sought for purchase by PARKER TRANSFER COMPANY, Rural Delivery No. 1, Amherst, Ohio, of the operating rights and property of THE MOTOR HAULAWAY COMPANY, 413 Vulcan Street, Elyria, Ohio, and for acquisition by WESLEY A. PARKER, also of Amherst, Ohio, of control of such rights and property through the purchase. Applicants' attorney: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio, 44114. Operating rights sought to be transferred: *Heating and air-conditioning plants, equipment, accessories, and parts thereof*, as a *common carrier*, over irregular routes, from Elyria, Ohio, to Cleveland, Ohio, and certain points in Michigan, New York, West Virginia, and Pennsylvania; *oil burners, furnace casings*, and *parts of warm air furnaces*, from Buffalo, N.Y., to Elyria, Ohio; *warm air furnaces and air-conditioning equipment and supplies*, from Medina, Ohio, to Pittsburgh, Pa., Chicago, Ill., Louisville, Ky., and points in Indiana, Michigan, and New York; and *rubber* and *rubber products*, from Elyria, Ohio, to Akron and Cleveland, Ohio. Vendee is authorized to operate as a *common carrier*, in Ohio, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 64–10165; Filed, Oct. 6, 1964; 8:48 a.m.]

[Notice 21]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OF REGISTRATION

OCTOBER 2, 1964.

The following applications are filed under section 206(a)(7) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.244, of the Commission's rules of practice published in the FEDERAL REGISTER, issue of December 8, 1962, page 12188, which provides, among other things, that protests to the granting of an application may be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. Protests shall set forth specifically the grounds upon which they are made and contain a concise statement of the interest of the protestant in the proceeding. Protests containing general allegations may be rejected. A protest filed under these special rules shall be served upon applicant's representative (or applicant, if no practitioner representing him is named). The original and six copies of the protests shall be filed with the Commission.

The Special Rules do not provide for publication of the operating authority, but the applications are available at the Commission's office in Washington, D.C., and the field offices.

Applications not included in this publication will be published at a later date.

CALIFORNIA

No. MC 99335 (Sub-No. 2) (REPUBLICATION), filed February 4, 1963, published in FEDERAL REGISTER, issue of June 12, 1963, and republished this issue. Applicant: WILLIAM B. WALTON, doing business as WALTON DRAYAGE & WAREHOUSE CO., 2424 Blanding Avenue, Alameda, Calif., and WALTON DRAYAGE & WAREHOUSE CO., INC., 2424 Blanding Avenue, Alameda, Calif., joint applicants. Applicant's attorney: Daniel W. Baker, 625 Market Street, San Francisco 5, Calif.

NOTE: The purpose of this republication is to show Walton Drayage & Warehouse Co., Inc., as joint applicant.

KANSAS

No. MC 59368 (Sub-No. 4) (REPUBLICATION), filed February 3, 1963, published in FEDERAL REGISTER issue of June 12, 1963, and republished this issue. Applicant: MEROLD HURD (RUBY HURD, ADMINISTRATRIX), doing business as P & H TRUCK LINE, 1229 Oakland, Oakland, Kans., and HERB DAVIES, doing business as DAVIES TRUCK LINE, 1184 Garfield, Topeka, Kans., joint applicants—Kansas Certificate Route No. 425. MEROLD HURD (RUBY HURD, ADMINISTRATRIX), doing business as P & H TRUCK LINE, 1229 Oakland, Oakland, Kans., and ELDON O. BRIGHT, doing business as BRIGHT'S FREIGHT SERVICE, Rural Route 3, Topeka, Kans., joint applicants—Kansas Certificates Route Nos. 329, 786, and 2404.

NOTE: The authorized motor carrier, Merold Hurd (Ruby Hurd, Administratrix), doing business as P & H Truck Line has transferred his State issued Certificate Route No. 425 to Herb Davies Truck Line, and Certificates Route Nos. 329, 786, and 2404 to Eldon O. Bright, doing business as Bright's Freight Service. Previous publication showed Herb Davies, doing business as Davies Truck Line, joined as applicant. The purpose of this republication is to also show

Eldon O. Bright doing business as Bright's Freight Service, as joint applicant.

By the Commission.

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

[F.R. Doc. 64-10166; Filed, Oct. 6, 1964; 8:48 a.m.]

[Notice 687]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 2, 1964.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protests shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the Special Rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 1641 (Sub-No. 59) (AMENDMENT), filed September 1, 1964, published in FEDERAL REGISTER, issue of September 24, 1964, amended September 27, 1964, and republished as amended this issue. Applicant: PEAKE TRANSPORT SERVICE, INC., Post Office Box 366, Chester, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, and fertilizer solutions*, in bulk, in tank vehicles, from the site of the Phillips Petroleum Company plant, at or near Hoag, Nebr., to points in Iowa, Kansas, and South Dakota.

NOTE: The purpose of this republication is to add fertilizer solutions, in bulk, in tank vehicles, to the commodity description. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

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

No. MC 2202 (Sub-No. 272), filed September 22, 1964. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, 44309. Applicant's attorney: Anthony C. Vance, 2001 Massachusetts Avenue NW., Washington 6, D.C. 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), serving the site of the plants of the General Motors Corporation located in Lordstown Township, Trumbull County, Ohio, as off-route points in connection with applicant's regular route over Ohio Highway 5 between Akron, Ohio and Warren, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 2392 (Sub-No. 31) (AMENDMENT), filed September 2, 1964, published in FEDERAL REGISTER, issue of September 16, 1964, amended September 28, 1964, and republished as amended this issue. Applicant: WHEELER TRANSPORT SERVICE, INC., Box 432, Genoa, Nebr. Applicant's attorney: R. E. Powell, 1005-06 Terminal Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, and *fertilizer solutions*, in bulk, in tank vehicles, from the plant site of Phillips Petroleum Company at or near Hoag, Nebr., to points in Iowa, Kansas, and South Dakota, and *damaged or rejected shipments*, on return.

NOTE: The purpose of this republication is to add fertilizer solutions to the commodity description. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 10761 (Sub-No. 168), filed September 21, 1964. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616-618, Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from the plant site of Blue Ribbon Beef Pack, Inc., located at or near Mason City, Iowa, to points in Michigan, Ohio, Pennsylvania, New York, Maryland, Delaware, Massachusetts, Vermont, New Hampshire, Maine, Connecticut, New Jersey, and the District of Columbia, and *refused and damaged shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 14641 (Sub-No. 6), filed September 23, 1964. Applicant: LUEKING TRANSFER COMPANY, INCORPORATED, 1531 East 14th Street, St. Louis, Mo. Applicant's attorney: B. W. LaTourette, Jr., Suite 1230, Boatmen's Bank Building, St. Louis, Mo., 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages containers and parts thereof*, from St. Louis, Mo., to Belleville, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 18088 (Sub-No. 33), filed September 14, 1964. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC. Post Office Drawer 8, Sycamore, Ala. Applicant's attorney: John W. Cooper, 805 Title Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Textile products*, from Benton, Ala., to points in Alabama, Georgia, South Carolina, and Tennessee, and (2) *general commodities* (except articles of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Atlanta, Ga., Birmingham, Ala., Chattanooga, Tenn., and points in South Carolina, to Benton, Ala.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 157), filed September 21, 1964. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fort Dodge, Iowa, to points in Alabama, Louisiana, Mississippi, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Des Moines, Iowa.

No. MC 31600 (Sub-No. 574), filed September 23, 1964. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Wyandotte, Mich. to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 38403 (Sub-No. 2), filed September 21, 1964. Applicant: WELLING TRUCK SERVICE, INC., Aviston, Ill. Applicant's attorney: Delmar O. Koebel, 107 West St. Louis Street, Lebanon, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Maryland Heights, Mo., to points in Illinois, and *empty containers, or other such incidental facilities* (not specified), used in transporting the above-described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 42261 (Sub-No. 84), filed September 21, 1964. Applicant: LANGER TRANSPORT CORP., Route 1 and Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: Charles J. Wil-

liams, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicate*, dry, in bulk, in tank or hopper type vehicles, from the plant site of the Philadelphia Quartz Co. located at or near Rahway, N.J., to Skaneateles Falls, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 42487 (Sub-No. 605), filed September 18, 1964. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: W. J. Hickey, 1530 Russ Building, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cutting fluids* (other than those derived from petroleum), in bulk, in tank vehicles, from Cincinnati, Ohio, to Lathrop, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 42537 (Sub-No. 25), filed September 24, 1964. Applicant: CASSENS TRANSPORT COMPANY, a corporation, Post Office Box 473, Edwardsville, Ill. Applicant's attorney: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles, trucks, busses, bodies, and cabs, chassis, and parts thereof*, when moving in connection therewith, in initial movements, in truckaway service, from Belvidere, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Tennessee, and Wisconsin, and (2) *automobiles, trucks, busses, bodies, and cabs, chassis, and parts thereof*, when moving in connection therewith, in secondary movements, in truckaway service, from Belvidere, Ill., to points in Minnesota and Wisconsin.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 43038 (Sub-No. 435), filed September 24, 1964. Applicant: COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, Mich. Applicant's attorney: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles, trucks, busses, bodies and cabs, chassis, and parts thereof*, when moving in connection therewith, in initial movements, in truckaway service, from Belvidere, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Tennessee, and Wisconsin, and (2) *Automobiles, trucks, busses, bodies and cabs, chassis, and parts thereof*, when moving in connection therewith, in secondary movements, in truckaway service, from Belvidere, Ill., to points in Minnesota and Wisconsin.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 50002 (Sub-No. 43) (AMENDMENT), filed August 31, 1964, published in FEDERAL REGISTER issue of September 16, 1964, amended September 24, 1964, and republished as amended this issue. Applicant: T. CLARENCE BRIDGE AND HENRY W. BRIDGE, doing business as, BRIDGE BROTHERS, Post Office Box 929, Lamar, Colo., 81052. Applicant's attorneys: Michael T. Corcoran, 1360 Locust Street, Denver, Colo., 80220, and C. Zimmerman, 503 Schweiter Building, Wichita 2, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, and fertilizer solutions*, from the sites of Phillips Petroleum Co. anhydrous ammonia and fertilizer solution plants, at or near Hoag, Nebr., to points in Colorado, Kansas, and Wyoming, and *damaged or rejected shipments*, on return.

NOTE: The purpose of this republication is to broaden the scope of the commodities proposed to be transported. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 55236 (Sub-No. 95), filed September 21, 1964. Applicant: OLSEN TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having prior movement by rail, between points in Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Utah, Wisconsin, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 60852 (Sub-No. 2), filed September 22, 1964. Applicant: WARCO SERVICE, INC., Post Office Box 293, Dunellen, N.J. Applicant's attorney: Leroy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, periodicals, newspapers, newspaper supplements, circulars, leaflets, catalogs, advertising matter, printed matter, printed forms, and calendars*, from Dunellon, N.J., Pennsylvania Railroad Station and Kennedy International Airport, New York, N.Y., to Carle Place, and Westbury, N.Y., and *returned and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 61396 (Sub-No. 112) (AMENDMENT), filed September 8, 1964, published FEDERAL REGISTER issue September 24, 1964, amended September 24, 1964, and republished as amended this issue. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, and fertilizer solutions*, in bulk, in tank vehicles, from the site of the Phillips Petroleum Co., located at or near Hoag, Nebr., to points in Iowa, Kansas, Minnesota, South Dakota, and points in Missouri on and west of U.S. Highway 63.

NOTE: The purpose of this amendment is to include "fertilizer solutions" in the commodity description, and to clarify the destination territory to read as shown above, in lieu of that as previously published. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 61788 (Sub-No. 20), filed September 21, 1964. Applicant: GEORGIA FLORIDA ALABAMA TRANSPORTATION COMPANY, a corporation, Post Office Box 678, Dothan, Ala. Applicant's attorney: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including classes A and B explosives* (but excluding commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Mobile, Ala., and Malone, Fla., from Mobile over U.S. Highway 90 through Marianna, Fla., to junction Florida Highway 71, thence over Florida Highway 71 to Malone, and return over the same route, serving all intermediate points; (2) between Mobile, Ala., and Crestview, Fla., from Mobile over U.S. Highway 90 to junction U.S. Highway 29, thence over U.S. Highway 29 to Pensacola, Fla., thence over U.S. Highway 98 to Fort Walton Beach, Fla., thence over Florida Highway 85 to Crestview, and return over the same route, serving the intermediate points of Pensacola, Fort Walton Beach, and Valparaiso, Fla., and the off-route points of Eglin Air Force Base and Niceville, Fla., (3) between De Funiak Springs, Fla., and Florala, Ala., from De Funiak Springs over U.S. Highway 90 to junction U.S. Highway 331, thence over U.S. Highway 331 to Florala, and return over the same route; and (4) between Florala, Ala. and Samson, Ala., from Florala over Alabama Highway 54 to junction Alabama Highway 52, thence over Alabama Highway 52 to Samson, and return over the same route, serving no intermediate points on above-described routes (3) and (4), for the purpose of joinder only, as alternate routes, for operating convenience only, in connection with applicant's authorized and proposed regular-route operations.

NOTE: Applicant states it proposes to join the authority sought herein to the authority presently held by it to enable it to perform through service between points herein sought to be served and points presently served, but restricted against the transportation of traffic moving between Atlanta, Ga., and points on U.S. Highway 90 between Crestview and Marianna, Fla., including Marianna. Applicant offers to surrender for cancellation concurrently with issuance of the above-described authority that portion of its certificate No. MC 61788 (Sub-No. 16), dated June 20, 1961, authorizing transportation of general commodities, with usual exceptions, serving Eglin Air Force Base and Fort Walton Beach, Fla., as off-route points in connection with carrier's regular-route operations between Dothan, Ala., and Pensacola, Fla. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 89520 (Sub-No. 14), filed September 23, 1964. Applicant: C. J. VAN BEEKUM, INC., 2223 Seventh Street, Lubbock, Tex. Applicant's attorney: Thomas F. Kilroy, Suite 1250, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate* from Neosho, Mo. to points in Louisiana, Oklahoma, Arizona, New Mexico, and Texas.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate No. MC 117149, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 596), filed September 21, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway, Director of Operating Rights, Watkins Motor Lines, Inc., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes and potato products*, in all forms, all types of processing or preserving and all packaging, from points in Montcalm County, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, 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 95540 (Sub-No. 597), filed September 21, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway, Director of Operating Rights, Watkins Motor Lines, Inc., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes and potato products*, in all forms, all types of processing or preserving and all packaging, from points in Montcalm County, Mich., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 598), filed September 21, 1964. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Maurice Dykes, Vice President, Watkins Motor Lines, Inc., Albany Highway, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potatoes and potato products*, in all forms, all types of processing or preserving and all packaging, from points in Montcalm County, Mich., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, Texas, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 96880 (Sub-No. 3), filed September 21, 1964. Applicant: J. W. HICKMAN, Main, Lakeland, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, property having a prior or subsequent out of State movement by rail, between Lakeland, Ga., and Valdosta, Ga., from Lakeland, over U.S. Highway 221, and return over the same route serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Ga.

No. MC 98749 (Sub-No. 20), filed September 21, 1964. Applicant: DURWARD L. BELL, doing business as BELL TRANSPORT COMPANY, Ryder Road and Eastman Road, Longview, Tex. Applicant's attorney: Joe T. Lanham, Suite 1102, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, between Longview, Tex., on the one hand, and, on the other points in Texas.

NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 103378 (Sub-No. 296), filed September 21, 1964. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, from points in Gadsden County, Fla., to points in Louisiana, Oklahoma, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 103926 (Sub-No. 14), filed September 23, 1964. Applicant: W. T. MAYFIELD SONS TRUCKING CO., 3881 Bankhead Highway, Station D, Post Office Box 2463, Atlanta, Ga., 30318. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–11, Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors regardless of how they are equipped* (except tractors used in pulling commercial highway trailers, and except those which because of size or weight require the use of special equipment), and (2) *parts, implements, attachments, accessories and supplies* for the commodities specified in (1) above, between points in Alabama, Arkansas, Florida, Georgia, Louisiana, Kentucky (except Louisville), Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 105678 (Sub-No. 21), filed September 23, 1964. Applicant: SECO TRUCKING CO., a corporation, 219 North Jackson, Mason City, Iowa. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate*, from Neosha, Mo., to points in Minnesota, Wisconsin, Michigan, Kansas, Arkansas, Indiana, Ohio, Pennsylvania, South Dakota, Illinois, North Dakota, Iowa, and Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107002 (Sub-No. 225), filed September 18, 1964. Applicant: HEARIN - MILLER TRANSPORTERS, INC., Post Office Box 1123, Jackson, Minn. Applicant's attorneys: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C., and Harold D. Miller, Jr., Post Office Box 1250, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay and volclay and foundry moulding sand additives including such commodities as wood flour, ground coal and iron ore*, in bulk, and in containers, from points in Lowndes County, Ala., and points in Monroe and Itawamba Counties, Miss., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107010 (Sub-No. 13) (AMENDMENT), filed September 1, 1964, published FEDERAL REGISTER, issue of September 16, 1964, amended September 25, 1964, and republished as amended this issue. Applicant: D & R BULK CARRIERS, INC., 1020 J Street, Auburn, Nebr. Applicant's attorney: R. E. Powell, 1005–06 Terminal Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles, from the plant site of Phillips Petroleum Company located at or near Hoag, Nebr. to points in Iowa and Kansas, and *damaged and rejected shipments* of the above-named commodities on return.

NOTE: The purpose of this republication is to enlarge the commodity description by adding the words "and fertilizer solutions" and also to add the attorney's name. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107496 (Sub-No. 331) (AMENDMENT), filed September 3, 1964, published FEDERAL REGISTER, issue of September 24, 1964, and republished as amended this issue. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa.

Applicant's attorney: H. L. Fabritz (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, and *fertilizer solutions*, in bulk, and tank vehicles, from the plant site of Phillips Petroleum Co. at or near Hoag, Nebr., to points in Iowa, Kansas, Minnesota, South Dakota, and points in Missouri on and west of U.S. Highway 63.

NOTE: The purpose of this republication is to add fertilizer solutions to the commodity description. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 108380 (Sub-No. 67), filed September 21, 1964. Applicant: JOHNSTON'S FUEL LINERS, INC., Post Office Box 112, Newcastle, Wyo. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry petroleum products*, from points in Wyoming to points in Colorado, Montana, Nebraska, North Dakota, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Casper or Cheyenne, Wyo.

No. MC 110804 (Sub-No. 8), filed September 25, 1964. Applicant: INGRAM TRUCKING CO. INC., Ball Ground, Ga. Applicant's attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone* from points in Burnet, Llano, and Travis Counties, Tex., to points in Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Kentucky, Mississippi, Missouri, Virginia, Ohio, Pennsylvania, West Virginia, Illinois, Indiana, Michigan, New Jersey, New York, Delaware, Maryland, Arkansas, Wisconsin, Vermont, Louisiana, and the District of Columbia.

NOTE: Applicant states the proposed operations will be under a continuing contract, or contracts with Marble Product Company of Georgia, located at Whitestone, Ga. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112696 (Sub-No. 20), filed September 21, 1964. Applicant: HARTMANS, INCORPORATED, 833 Chicago Avenue, Harrisonburg, Va. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shoes, leather, heels, soles, uppers, and supplies and equipment* used in a shoe factory, (1) between Boston, Mass., and Camp Hill, Pa.; and (2) between Camp Hill, Pa., and Dillsburg, Pa.

NOTE: Applicant states it proposes to tack the authority sought above in (1) and (2) together and with its existing authority to perform a through service. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112822 (Sub-No. 46) (AMENDMENT), filed September 3, 1964, published in FEDERAL REGISTER, issue of September 24, 1964, amended September 24, 1964, and republished as amended this issue. Applicant: EARL BRAY, INC., Post Office Box 910, Linwood and North Streets, Cushing, Okla. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, and *fertilizer solutions*, in bulk, in tank vehicles, from the site of the Phillips Petroleum Co. Anhydrous Ammonia Plant, at or near Hoag, Nebr., to points in Kansas and that part of Missouri on and west of U.S. Highway 63, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

NOTE: The purpose of this republication is to add fertilizer solutions to the commodity description. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 113336 (Sub-No. 70), filed September 21, 1964. Applicant: PETROLEUM TRANSIT COMPANY, INC., Post Office Box 921, Lumberton, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as defined in Appendix 13 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, and in containers, from Tampa, Fla., to points in Georgia, South Carolina, and North Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113624 (Sub-No. 19) (AMENDMENT), filed September 2, 1964, published in FEDERAL REGISTER, issue of September 16, 1964, amended September 28, 1964, republished as amended this issue. Applicant: WARD TRANSPORT, INC., Post Office Box 133, Pueblo, Colo. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, and fertilizer solutions*, in bulk, in tank vehicles, from the plant site of the Phillips Petroleum Co. anhydrous ammonia plant at or near Hoag, Nebr., to points in Kansas, Wyoming, and Colorado.

NOTE: The purpose of this republication is to add fertilizer solutions to the commodity description and to add Colorado as a destination state. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114211 (Sub-No. 63), filed September 18, 1964. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (other than pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas, and petroleum, and their products, and byproducts), *fittings and accessories* therefor when moving with such pipe, from Council Bluffs, Iowa, to points in Arizona, Idaho, and Utah, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114725 (Sub-No. 14), filed September 21, 1964. Applicant: WYNNE TRANSPORT SERVICE, INC., 1528 North 11th Street, Omaha, Nebr. Applicant's attorney: Richard A. Peterson, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solutions* in bulk, in tank vehicles from Nebraska City, Nebr. to points in Minnesota, and South Dakota and *damaged or rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115067 (Sub-No. 2), filed September 22, 1964. Applicant: C. D. SPENCER, JR., AND LOUISE M. SPENCER doing business as INDEPENDENT MOTOR TRANSPORT, 530 West Queen Avenue, Albany, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Linn County, Oreg., on the one hand, and, on the other points in Multnomah County, Oreg. and Clark County, Wash.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany or Portland, Oreg.

No. MC 115841 (Sub-No. 195), filed September 18, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products*, and *dairy products* (except frozen), from Nashville, Tenn., to points in Arkansas (except Blytheville and Little Rock).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 115841 (Sub-No. 199), filed September 21, 1964. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2196, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and berries*, from Ranson, W. Va., to points in Tennessee, Alabama, and New Orleans, La.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116077 (Sub-No. 168), filed September 21, 1964. Applicant: ROBERTSON TANK LINES, INC., Post Office Box 9218, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 721 Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosote oil*, in bulk, from Daingerfield and Lone Star, Tex., to points in Louisiana and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 116254 (Sub-No. 40) (AMENDMENT), filed September 4, 1964, published in FEDERAL REGISTER, issue of September 24, 1964, amended September 29, 1964, and republished as amended this issue. Applicant: CHEM-HAULERS, INC., Post Office Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, Nashville Bank & Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk (except cement), from Decatur, Ala., and points within 15 miles thereof, to points in Tennessee (except paving tar, and, except chemicals to Kingsport, Tenn.), Georgia, and Alabama.

NOTE: In the previous publication it was stated that the applicant sought authority to transport "(2) *paving tar*, from Decatur, Ala., and points within 15 miles thereof, to points in Tennessee, and (3) *chemicals*, from Decatur, Ala., and points within 15 miles thereof, to Kingsport, Tenn." The purpose of this republication is to show that applicant sought to restrict or exclude the commodities in (2) and (3), as described in this Note, from the authority sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 116254 (Sub-No. 43), filed September 21, 1964. 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: *Dry commodities*, in bulk, from points in Lee County, Miss., to points in Tennessee and Alabama.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 116446 (Sub-No. 2), filed May 8, 1964. Applicant: HAROLD SCHUGEL, doing business as HAROLD SCHUGEL MILLING SUPPLIES, 301 North Water Street, New Ulm, Minn., 56073. Applicant's attorney: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, between points in Minnesota, on the one hand, and, on the other, points in the Vermillion, S. Dak., Blair, Fremont, and Grand Island, Nebr., commercial zones, and points in Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117119 (Sub-No. 171), filed September 23, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum foil plates, pans, trays*, nested or unnested, solid, with or without covers, from Paris, Tex., to Fayetteville, Ark.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 117574 (Sub-No. 94) (AMENDMENT), filed April 7, 1964, published FEDERAL REGISTER, issue of April 22, 1964 amended September 23, 1964 and republished as amended this issue. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural equipment and machinery and parts* from Tulsa, Okla. and points within 30 miles of Tulsa to points in Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, Maine, Massachusetts, Connecticut, New Hampshire, Vermont, North Carolina, and the District of Columbia.

NOTE: The purpose of this republication is to add points within 30 miles of Tulsa to the origin point and delete West Virginia and Rhode Island as destination states. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 106) (CORRECTION), filed September 8, 1964, published FEDERAL REGISTER, issue of September 24, 1964, and republished this issue. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, regardless of how they are equipped (except tractors used in pulling commercial highway trailers, and except those which because of size or weight require the use of special equipment), and (2) *parts, implements, attachments, accessories*, and *supplies*, for the commodities specified in (1) above, between points in Virginia, North Carolina, South Carolina, Florida, Georgia, Tennesseee, Alabama, Mississippi, Louisiana, Arkansas, and Kentucky (except Louisville, Ky.).

NOTE: The purpose of this republication is to show the correct sub number assigned thereto in lieu of Sub 105 as shown in previous publication, in error. However, this Sub No. 106 is a duplicate of Sub 104, published August 26, 1964, and, therefore, this Sub No. 106 will be dismissed.

No. MC 118292 (Sub-No. 7) (AMENDMENT), filed July 20, 1964, published FEDERAL REGISTER, issue of August 5, 1964, amended August 24, 1964, republished as amended September 10, 1964, and further amended September 23, 1964, and republished as further amended this issue. Applicant: BALLENTINE PRODUCE, INC., Alma, Ark. Applicant's attorney: Lester M. Bridgeman, Woodward Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Little Rock, Fort Smith, and Van Buren, Ark., to points in Alabama, Florida, Georgia, Louisiana, Michigan, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and Texas.

NOTE: The purpose of this republication is to add Mississippi and Ohio as destination states. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 118434, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 119268 (Sub-No. 43), filed September 21, 1964. Applicant: OSBORN, INC., 228 North Fourth Street, Gadsden, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton, textiles and textile products made of natural or synthetic fibres, metallic yarn, dry goods, rugs, carpeting, carpeting products*, and *manufactured textile products* from Danville, Va. to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119390 (Sub-No. 7), filed September 22, 1964. Applicant: MAIRS TRANSPORT LTD., 7583 Edmonds Street, Burnaby, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand (olivene), and decorative stone*, in bulk, and in sacks, from Bellingham, Wash., to points on the international boundary line between the United States and Canada, located at or near Blaine, and Lynden, Wash.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 119390 (Sub-No. 9), filed September 22, 1964. Applicant: MARIS TRANSPORT, LTD., 7583 Edmonds Street, Burnaby, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bag kraft*, in rolls, from Tacoma, Wash., to points on the international boundary line between the United States and Canada, located at or near Blaine, Sumas, and Lynden, Wash.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 119390 (Sub-No. 8), filed September 22, 1964. Applicant: MAIRS TRANSPORT, LTD., 7586 Edmonds Street, Burnaby, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood pulp screenings*, in bulk, from Bellingham, Wash., to points on the international boundary line between the United States and Canada, located at or near Blaine, and Lynden, Wash.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 119761 (Sub-No. 2), filed September 21, 1964. Applicant: E. VERL

MAXWELL AND GORDON D. GIFFORD, a partnership, doing business as G & M Carriers, 1222 14th Street, South, Fargo, N. Dak. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from LaCrosse, Wis., to Breckenridge and Detroit Lakes, Minn., (2) from Milwaukee, Wis., to Detroit Lakes, Minn., and Wahpeton, N. Dak., and (3) from Sheboygan, Wis., to Fargo, N. Dak., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 119848 (Sub-No. 5), filed September 22, 1964. Applicant: KENISON TRUCKING, INC., Post Office Box 323, 1975 South 1045 West, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* (other than salt and salt products as an animal and poultry feed, animal and poultry foods, and ingredients used in the manufacture of both commodities), from Silsbee, Utah to points in California, Oregon, Colorado, Idaho, Montana, Nevada, Washington, and Wyoming, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 115504 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 124047 (Sub-No. 25), filed September 18, 1964. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aqua ammonia, anhydrous ammonia*, and *nitrogen fertilizer solutions*, in bulk, in tank vehicles, between the plant site of the Sohio Chemical Company, at Lima, Ohio, and points in Wisconsin, Illinois, Indiana, Kentucky, Pennsylvania, and the lower peninsula of Michigan.

NOTE: Applicant states that it holds permanent authority to transport the above-described commodities to the above-destination territory "from the plant site of the Sohio Chemical Company at Lima, Ohio," in certificate No. MC–124047 (Sub-No. 8). The purpose of this application is to provide for the return transportation of partial shipments of products not utilized by Sohio's customers at the end of the fertilizer season. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 124453 (Sub-No. 2), filed September 22, 1964. Applicant: RUSSO TRUCKING CO., INC., 2501 94th Street, North Bergen, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hard surface floor coverings, and incidental materials and supplies*, used in or in connection with the installation or laying thereof, when moving in the same vehicle therewith, from points in Hamilton Township, N.J., (1) to points in Houston, Madison, Mobile, Shelby, St. Clair, Tuscaloosa, Montgomery, and Jefferson Counties, Ala., (2) to points in Mississippi, Sebastian, and Pulaski Counties, Ark., (3) to points in Sumter, Muscogee, Whitfield, Troup, Floyd, Chatham, Dougherty, and Cobb Counties, Ga., (4) to points in Pinellas, Volusia, Duval, Polk, Brevard, Orange, Escambia, Sarasota, Hillsborough, and Palm Beach Counties, Fla., (5) to points in Warren, Muhlenberg, Christian, Davies, McCracken, Clark, Campbell, Fayette, and Jefferson Counties, Ky., (6) to points in Carter, Tipton, Dyer, Madison, Carroll, Loudon, Rutherford, Hamilton, Davidson, and Shelby Counties, Tenn., (7) to points in Raleigh, Mercer, Harrison, Kanawha, Randolph, Monongalia, and Wood Counties, W. Va., and (8) to points in Lee, Hinds, Lowndes, Washington, Jones, Forest, and Grenada Counties, Miss.

NOTE: Applicant states the proposed service will be restricted to service for the account of Bonafide Mills, Inc., Hamilton Township, N.J. Applicant has common carrier authority under MC 59576, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124755 (Sub-No. 4), filed September 21, 1964. Applicant: HOMER HOAG, doing business as HOAG TRUCKING CO., Philip, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aggregates, consisting of sand, gravel, and crushed rock*, from points in that part of South Dakota, west of U.S. Highway 83, and points in Platte and Goshen Counties, Wyo., to points in that part of Nebraska, west of U.S. Highway 83.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in permit No. MC–116751, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Rapid City or Pierre, S. Dak.

No. MC 125390 (Sub-No. 3), filed September 23, 1964. Applicant: J. A. McINTOSH, JR., doing business as McINTOSH BULK HAULERS, 51821 North Gratiot, New Baltimore, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal, coke and briquets*, between points in Michigan on and south of U.S. Highway 10 (except those in Wayne, Lenawee, and Monroe Counties), on the one hand, and, on the other, points in Ohio (except points in Ashtabula, Cuyahoga, Franklin, Geauga, Lake, Licking, Lorain, Muskingum, Portage, Summit, and Wayne Counties, Ohio), and Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 125650 (Sub-No. 2), filed September 22, 1964. Applicant: ALBERT M. GREENFIELD, doing business as GREENFIELD TRUCKING, Box 1012, Missoula, Mont. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash., 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats* and *meat products*, fresh, frozen, cured or smoked, in less-than truckload lots, in mechanically refrigerated vehicles, (a) from points in King County, Wash., to Bozeman, Great Falls, Helena, Missoula, and Ronan, Mont., and (b) between points in King County, Wash., and Butte, Mont., (2) *fruits, berries*, and *vegetables*, fresh or frozen, and *frozen foods*, including *juices, pies, dinners*, and *french-fried potatoes*, in less-than truckload lots, in mechanically refrigerated vehicles, from Milton-Freewater, Weston, and Portland, Oreg., and Seattle, Kent, Arlington, Auburn, Wenatchee, Yakima, Warden, Othello, Grandview, Prosser, Kennewick, Zillah, and Spokane, Wash., to Butte, Bozeman, Great Falls, Helena, Missoula, and Ronan, Mont., (3) *dairy products*, including *cheese and butter*, and *frozen dairy products* (excluding ice cream), in mechanically refrigerated vehicles, between points in King and Kittitas Counties, Wash., on the one hand, and, on the other, Bozeman, Butte, Great Falls, Helena, Ronan, and Missoula, Mont., (4) *fish*, frozen, loose or in sacks, *fish scrap, fish heads, fish entrails (mink food)*, frozen, in sacks, and *eggs*, whole fresh or frozen, when transported in the same vehicle and at the same time as nonexempt commodities, in mechanically refrigerated vehicles, from points in King and Snohomish Counties, Wash., to Clarks Fork, and Couer d'Alene, Idaho, and Darby, Victor, Great Falls, Helena, Missoula, Ronan, Bozeman, and Butte, Mont., and (5) *fresh or frozen dairy products, milk, cream, poultry*, when transported in the same vehicle and at the same time as nonexempt commodities, in mechanically refrigerated vehicles, between points in Montana, on the one hand, and on the other, points in Washington.

NOTE: Applicant states it proposes to transport exempt commodities on return trips. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 125756 (Sub-No. 2), filed August 20, 1964. Applicant: JOHN M. KELLEY, doing business as KELLY TRUCKING COMPANY, 534 Woodbine, Lexington, Ky. Applicant's attorney: Thomas P. Bell, Third Floor, Warren Building, 141 North Upper Street, Lexington, Ky., 40507. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products*, and *meat by-products, dairy products*, and *articles distributed by meat packinghouses*, as defined by the Commission, from Lexington, Ky., to points in Fayette, Bourbon, Nicholas, Mason, Garrard, Jessamine, Madison, and Clark Counties, Ky., and *refused and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Frankfort, Ky.

No. MC 125974 (Sub-No. 1), filed September 29, 1964. Applicant: T & M TRUCKING CO., INC., 107 Russell Street, White Plains, N.Y. Applicant's attorney: Joseph P. Marcelle, 15 Park Row, New York 38, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum die casting and steel products* (1) for nickel and chrome plating, and (2) nickel and chrome plated, between Stratford, Conn., White Plains, N.Y., Roselle and Newark, N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 125984 (Sub-No. 1), filed September 21, 1964. Applicant: RALPH L. CLINE & A. F. McDANIEL, doing business as C & M TRUCK LINES, 1720 East Fourth, El Paso, Tex. Applicant's attorney: Joe T. Lanham, Suite 1102, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial fertilizers* and *soil conditioners*, in bags, and in bulk in other than tank or hopper type motor vehicles, from points in El Paso, Harris, Brazoria, and Fort Bend Counties, Tex., to points in Dona Ana, Luna, Hidalgo, and Grant Counties, N. Mex. and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 125991 (Sub-No. 1), filed September 21, 1964. Applicant: LEON MOORE, doing business as LEON MOORE TRUCKING CO., 226 Russell Street, Nashville, Tenn. Applicant's attorney: Robert H. Cowan, Suite 434, Stahlman Building, Nashville 3, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Raw ground rock phosphate* under contract with Robin Jones Phosphate Co., and Ruhm Phosphate and Chemical Co., from points in Maury and Hickman Counties, Tenn. to points in Kentucky, Indiana, Iowa, Missouri, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 126316 (Sub-No. 7), filed September 22, 1964. Applicant: CARL R. ALLEN, doing business as ALLEN TRUCKING CO., Route 2, Box 51, Keithville, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust* and *shavings*, from Shreveport, La., to Marshall, Tex.

NOTE: Applicant states the above proposed transportation service will be performed for the account of Olin Mathieson Chemical Corporation, Forest Products Operations, West Monroe, La. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 126405 (Sub-No. 1), filed September 21, 1964. Applicant: CHARLES L. BARKMAN, SR., Post Office Box 124, Coxsackie, N.Y. Applicant's attorney: John H. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese curds* (in cheesecloth bags and tins, on ice), from Medusa, N.Y., to New York City, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 126407, filed July 14, 1964. Applicant: LAWRENCE MICHAELSON, doing business as JACK'S SUPER SERVICE STATION, 374 River Street, Cambridge, Mass. Applicant's attorney: A. W. Query, Jr., 39 Spellman Road, Westwood, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, between Cambridge, Mass., and points in Suffolk and Middlesex Counties, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, and Washington, D.C.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 126461 (Sub-No. 2), filed September 22, 1964. Applicant: PACIFIC FREIGHTWAYS LTD., 8603 11th Avenue, Burnaby, British Columbia, Canada. Applicant's attorney: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, Province of British Columbia. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pozzolan* in bulk, from the port of entry on the international boundary between the United States and Canada located at or near Blaine, Wash., to points in Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 126466 (Sub-No. 1), filed September 21, 1964. Applicant: WARREN PARKER, Revere, Minn. Applicant's attorney: Donald F. Hunter, State and Center Streets, New Ulm, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salad dressings, meat seasonings, barbeque sauces*, and *related display and advertising materials* from Lamberton, Minn., to points in North Dakota, South Dakota, Nebraska, Kansas, Iowa, Missouri, Arkansas, Oklahoma, Wisconsin, Illinois, Kentucky, Indiana, Michigan, Ohio, West Virginia, Pennsylvania, Tennessee, and Colorado and *empty containers or other such incidental facilities* used in transporting the above commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 126472 (AMENDMENT), filed July 20, 1964, published FEDERAL REGISTER issue of August 19, 1964, amended September 24, 1964, and republished as amended this issue. Applicant: WILL-COXSON 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: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Boone County, Mo., to points in Iowa.

NOTE: The purpose of this republication is to delete Marion County, Mo., as an origin point. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 126561 (AMENDMENT), filed September 11, 1964, published FEDERAL REGISTER issue of September 24, 1964, and republished as amended this issue. Applicant: STARLIN MITCHELL, doing business as MITCHELL TRUCKING COMPANY, 309 North Laurel Street, Corbin, Ky. Applicant's attorney: Ollie L. Merchant, 140 South 5th Street, Suite 202, Louisville, Ky., 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Kentucky and Tennessee, to points in Alabama, Georgia, Illinois, Indiana, Maryland, Michigan, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and Wisconsin.

NOTE: The purpose of this republication is to add Tennessee as an origin state. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 126581 (Sub-No. 1), filed September 21, 1964. Applicant: ELLIS WRIGHT, doing business as BUD'S EXPRESS MOVING & STORAGE, 410 Mississippi Street, Vallejo, Calif. Applicant's attorney: G. Alfred Roensch, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Solano, Napa, Sonoma, and Contra Costa Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126583 (Sub-No. 1), filed September 21, 1964. Applicant: KOZY MOVING & STORAGE, INC., 101 Benicia Road, Vallejo, Calif. Applicant's attorney: G. Alfred Roensch, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Solano, Napa, Sonoma, and Contra Costa Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126589, filed September 16, 1964. Applicant: FRED QUINN, doing business as QUINN MOVING AND STORAGE, Post Office Box 2377, San Antonio, Tex. Applicant's attorney: Alan F. Wohlstetter, One Farragut Square South, Washington, D.C. Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points within a 50 mile radius of San Antonio, Tex., and between points within a 50 mile radius of Killeen, Tex., restricted to shipments having a prior or subsequent movement beyond said 50 mile radius of San Antonio and Killeen, Tex., respectively, in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, over irregular routes. (Area includes all points within the counties of Kendall, Comal, Bexar, Guadalupe, Wilson, Atascosa, Frio, Hays, Blanco, Kerr, Bandera and Medina, Tex., within a radius of 50 miles of San Antonio, Tex., and all points within the counties of Bell, Lampasas, Hamilton, Caryell, McLennan, Burnet, Falls and Williamson, Tex., within a radius of 50 miles of Killeen, Tex.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex.

No. MC 126591, filed September 21, 1964. Applicant: ANGELO GEORGINNA, doing business as GEORGINNA TRUCKING, Apt 51D, Cordfngton Drive, Bound Brook, N.J., Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste rags and paper*, from Dunellen, N.J., to piers in New York Harbor, N.Y.

NOTE: Applicant states that the proposed operation will be under a continuing contract with Nu-Tex Corp., Dunellen, N.J. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126595 (Sub-No. 1), filed September 24, 1964. Applicant: JOHN W. A. DITTMAN, doing business as DITTMAN MOVING & STORAGE COMPANY, 426 Mississippi Street, Vallejo, Calif. Applicant's attorney: G. Alfred Roensch, 100 Bush Street, 21st Floor, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission in 17 M.C.C. 467, between points in Solano, Napa, Sonoma, and Contra Costa Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 126598, filed September 24, 1964. Applicant: JOHN J. BISCEGLIE, doing business as BISCO TRUCKING SERVICE, 1536 North American Street, Philadelphia, Pa. Applicant's attorney: Morris J. Winokur, Suite 1920, 2 Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa., 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food materials and products* from the plant of Buitoni Foods Corporation, located at South Hackensack, N.J. to points in Philadelphia, Montgomery, Delaware, Chester, and Bucks Counties, Pa., and Wilmington, Del., and *returned or rejected shipments*, on return.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate MC 89940, therefore dual operations may be involved. Applicant also states the proposed operations will be under a continuing contract with Buitoni Foods Corporation. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 126604, filed September 23, 1964. Applicant: F. & M. INTERSTATE TRANSPORT CO., INC., 946 Springbrook Avenue, Moosic, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, building board*, and *insulating board*, (1) from Harding, and Williamsport, Pa., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Maryland, District of Columbia, Virginia, West Virginia, Ohio, North Carolina, South Carolina, Georgia, and LaGro, Ind., and *damaged and returned shipments*, on return, (2) from Lagro, Ind., to points in New York, New Jersey, Maryland, the District of Columbia, Harding, and Williamsport, Pa., and *damaged and returned shipments*, on return, and (3) from Williamsport, Pa., to Harding, Pa., restricted to shipments having a subsequent movement beyond the State of Pennsylvania, and *damaged and returned shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 107583 (Sub-No. 31), filed August 26, 1964. Applicant: SALEM TRANSPORTATION CO., INC., 113 West 42d Street, Suite 1004, New York, N.Y., 10036. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and effects*, in the same vehicle with passengers, in special operations, limited to the transportation of not more than eleven (11) passengers in any one vehicle, not including the driver thereof, between points in Baltimore County, Md., Baltimore, Md. Commercial Zone, as defined by the Commission, and Friendship International Airport, Anne Arundel County, Md., on the one hand, and, on the other, Washington, D.C., Wilmington, Del., Philadelphia, Pa., and Philadelphia International Airport, Philadelphia, Pa., Atlantic City, N.J., Fort Dix and McGuire Air Force Base, Wrightstown, N.J., and points in the Townships of New Hanover, North Hanover, Chesterfield, Bordentown, Mansfield, Springfield, and Pemberton, in Burlington County, N.J., New York, N.Y., La Guardia Airport, Kennedy (formerly Idlewild) International Airport, Fort Hamilton and Manhattan Beach Air Force Base, N.Y., and points in Westchester County, N.Y.

NOTE: Applicant states it presently holds authority in Certificate No. MC 107583 (Sub-No. 13), to serve Balitmore, Md. No duplicating authority is sought. Further, it intends to segment the proposed service with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlantic City, N.J., and Baltimore, Md.

No. MC 118848 (Sub-No. 6), filed September 23, 1964. Applicant: DOMENICO BUS SERVICE, INC., 764 Kennedy Boulevard, Bayonne, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, between Bayonne, N.J., and the plant site of the International Nickel Company, Inc., located at Sterling Forest Gardens, N.Y.

NOTE: Applicant states that the proposed operations will be restricted to the transportation of passengers who are picked up or discharged at the plant site of the International Nickel Company, Inc. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 125222 (Sub-No. 7), filed August 31, 1964. Applicant: RED ARROW LINES, INC., 19 West Fifth Street, Chester, Pa. Applicant's attorney: David Berger, 2220 Philadelphia Saving Fund Building, Philadelphia, Pa., 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) between Reading Railroad Terminal, Philadelphia, Pa., and New York City, N.Y., operating from the specified Reading Railroad Terminal over U.S. Highway 611 to Jenkintown, Pa., thence over Old York Road to junction Easton Road, thence over Easton Road via Willow Grove Interchange No. 27 to junction Pennsylvania Turnpike, thence over Pennsylvania Turnpike via Interchange No. 6 to junction New Jersey Turnpike, thence over New Jersey Turnpike via Interchange No. 14 and Holland Tunnel to New York City (also via Interchange No. 16 and Lincoln Tunnel to New York City), and return over the same route, serving the intermediate Reading Company Stations of North Broad Street and Wayne Junction in Philadelphia, Jenkintown (Wyncote), Noble and Willow Grove, Pa.; (2) between Reading Company Station, West Trenton, N.J., and New York City, N.Y., operating from the specified Reading Company Station over New Jersey Secondary Highway 579 to junction New Jersey Highway 29 (John Fitch Parkway), thence over John Fitch Parkway, Market Street and Greenwood Avenue in Trenton, N.J., to junction New Jersey Highway 33, thence over New Jersey Highway 33 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction New Jersey Highway 33, thence over New Jersey Highway 33 via Interchange No. 8 to junction New Jersey Turnpike, thence over New Jersey Turnpike as specified above to New York City, and return over the same route, serving no intermediate points (3) between Reading Company Station, Hopewell, N.J., and New York City, N.Y., operating from the specified Reading Company Station over New Jersey Secondary Highway 569 to Rosedale, N.J., thence over Rosedale Road in

Princeton Township, N.J., and Cleveland Lake in Princeton Borough, N.J., to junction Elm Road in Princeton Borough, N.J., thence over Elm Road to junction U.S. Highway 206, thence over U.S. Highway 206 to junction New Jersey Highway 27, thence over New Jersey Highway 27 to junction New Jersey Secondary Highway 571, thence over New Jersey Secondary Highway 571 to junction U.S. Highway 1, at Penns Neck, N.J., thence over U.S. Highway 1 to junction New Jersey Highway 18, thence over New Jersey Highway 18 via Interchange No. 9 to junction New Jersey Turnpike, thence over New Jersey Turnpike as specified above to New York City, and return over the same route, serving no intermediate points; and (4) between Reading Company Station, Belle Mead, N.J., and New York City, N.Y., operating from the specified Reading Company Station over U.S. Highway 206 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction Interstate Highway 287, thence over Interstate Highway 287 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction New Jersey Highway 35, thence over New Jersey Highway 35 via Interchange No. 11 to junction New Jersey Turnpike, thence over New Jersey Turnpike as specified above to New York City, and return over the same route, serving no intermediate points.

NOTE: Applicant states the within application is requested to be contingent upon approval by the Interstate Commerce Commission of the proposed discontinuance by the Reading Company of its through passenger rail service between Philadelphia, Pa., and New York City, N.Y., and certain intermediate points. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2359 (Sub-No. 15), filed September 25, 1964. Applicant: ROCCO D. DAMEO, 346 Central Avenue, Somerville, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Talc*, in bulk, in pressure differential tank vehicles, from the Town of West Windsor, Vt., to North Brunswick, N.J., and *rejected, returned and damaged shipments*, on return.

NOTE: Applicant states the proposed service will be under contract with Johnson & Johnson, Inc., and/or its subsidiaries and affiliates.

No. MC 30867 (Sub-No. 174), filed September 22, 1964. Applicant: CENTRAL FREIGHT LINES, INC., 303 South 12th Street, Waco, Tex. Applicant's attorney: Mert Starnes, 721 Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Galveston, Tex., and the San Luis Pass Bridge and causeway and to all of the construction site of the causeway and bridge being erected over San Luis Pass, Tex. (located approximately 25 miles southwest of Galveston), and between the site of the East Texas Pulp and Paper Company and Beaumont, Tex., (1) from Galveston over Stewart Road to its junction with San Luis Pass County road, thence over San Luis Pass County road to San Luis Pass, the San Luis Pass Bridge and causeway and all of the construction site of the said causeway and bridge being constructed over San Luis Pass, and return over the same route serving all intermediate points, and coordinating such service with that rendered under all other authority, and (2) between the site of the East Texas Pulp and Paper Company and the community adjacent thereto and Beaumont, Tex., from said plant and community over all access roads to U.S. Highway 96 and thence over U.S. Highway 96 to Beaumont, Tex., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, and coordinating the proposed service with all other authorized services of applicant.

No. MC 66663 (Sub-No. 4), filed September 22, 1964. Applicant: MASS. DELIVERIES, INC., 80 Kendall Park, Waltham, Mass. Applicant's representative: Frank J. Weiner, 182 Forbes Building, Forbes Road (at South Shore Plaza), Braintree 84, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by retail stores and mail order houses and *equipment, materials*, and *supplies* used in conducting such business, from Lowell, Mass., to points in Hillsborough, Rockingham, and Strafford Counties, N.H., and (2) *returned and repossessed merchandise*, from the above-specified destination points to Lowell, Mass. RESTRICTION: The operations authorized herein will be limited to a transportation service to be performed, under a continuing contract or contracts, with Sears Roebuck and Co.

NOTE: Applicant states it currently serves Sears Roebuck and Co. under continuing contracts from Lawrence, Haverhill and Saugus, Mass., to specified areas in New Hampshire. The purpose of this application is to conduct similar contract carrier operations from the new Sears Roebuck and Co. outlet at Lowell, Mass.

No. MC 125035 (Sub-No. 11), filed September 18, 1964. Applicant: RAY E. BROWN, doing business as RAY E. BROWN TRUCKING, 1132–55th Street NW., North Canton, Ohio. Applicant's attorney: Fred H. Zollinger, 800 Cleve-Tusc. Building, Canton, Ohio, 44702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and ice cream confections* such as but not limited to *fudgesicles, popsicles, eskimo pies, ice cream bars, ice cream sandwiches, drum sticks* and *creamsicles*, from Buffalo, N.Y., to Erie, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

NOTE: Applicant states the proposed operation will be under a continuing contract with Sealtest Foods—Division of National Dairy Products Corporation.

No. MC 125708 (Sub-No. 5) (AMENDMENT), filed June 25, 1964, published FEDERAL REGISTER issue of July 15, 1964, amended September 11, 1964 and republished as amended this issue. Applicant: HUGH MAJOR 150 Sinclair Avenue, South Roxana, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel grinding balls in the rough* from Greenville, Ill., to points in Louisiana, Mississippi, Minnesota, New York, North Carolina, North Dakota, South Carolina, South Dakota, Virginia and West Virginia and (2) *Steel* from points in Indiana, Louisiana, Mississippi, Minnesota, North Carolina, North Dakota, South Carolina, South Dakota, Virginia, and West Virginia to Greenville, Ill., both restricted against the transportation of such commodities which because of size or weight require special handling or the use of special equipment.

NOTE: The purpose of this republication is to add the restriction, change commodity description in (2) above and to more clearly set forth the origin points requested by applicant. Applicant is also authorized to operate as a contract carrier under MC 116434 therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125773 (Sub-No. 3), filed September 28, 1964. Applicant: WALTER R. PLANKINTON, doing business as BEELINE EXPRESS, 9071 Cedar Ct., Thornton 29, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Live bees in hives and supplies used by beekeepers and farmers*, when such supplies are moving on the same vehicle and at the same time with live bees, between points in Colorado, on the one hand, and, on the other, points in Texas.

No. MC 126597, filed September 22, 1964. Applicant: ARTHUR HARVEY, doing business as A. HARVEY TRUCKING, 2571 Fischer, Detroit 14, Mich. Applicant's attorney: Arthur P. Boynton, 2850 Penobscot Building, Detroit, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from points in Ohio, Indiana, and Illinois, to points in Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne Counties, Mich.

NOTE: Applicant states the proposed service is to be under continuing contracts with Cadillac Brick Co., and Metropolitan Clay Products Co., of Detroit, Mich.

By the Commission.

[SEAL] HAROLD D. MCCOY
Secretary.

[F.R. Doc. 64–10167; Filed, Oct. 6, 1964; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 2, 1964.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC-4291 Sub-1, filed September 2, 1964. Applicant: SARTAIN TRUCK LINE, INC., 1354 North Second Street, Memphis, Tenn. Applicant's attorney: John L. Uhlian, 603 Stahlman Building, Nashville, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, over the following route and serving the following points: From Union City to Trenton, Tenn., over U.S. Highway 45W from Trenton, Tenn., to Bells, Tenn., over Tennessee Highway 54; and from Bells, Tenn., to Brownsville, Tenn., over U.S. Highway 79, serving all intermediate points, including Union City and Brownsville, Tenn., to be used in conjunction with applicant's present operating authority.

Hearing: October 21, 1964, at 9:30 a.m., C-1 Cordell Hull Building, Nashville, Tenn.

Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. 17008, filed September 11, 1964. Applicant: KYLE E. ALLEN, doing business as SCOTTSVILLE BUS LINES, Scottsville, Va. Applicant's attorney: Fred S. Landess, Post Office Box 1191, Charlottesville, Va. Certificate of public convenience and necessity sought to operate as follows: Transportation of *passengers*, including *baggage*, *mail*, *light express*, and *newspapers*, between Charlottesville and Farmville, Va., over Virginia Highway 20 and U.S. Highway 15, serving all intermediate points and the off-route points of Dillwyn and Esmont, Va.

HEARING: November 16, 1964, at 10:00 a.m., in the courtroom, Blanton Building, Richmond, Va.

Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Virginia State Corporation Commission, Post Office Box 1197, Richmond 9, Va., and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 64-10168; Filed, Oct. 6, 1964; 8:49 a.m.]

[Notice 1056]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 2, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 67202. By order of September 30, 1964, the Transfer Board approved the transfer to Ben Hamrick, Inc., Fort Worth, Tex., of the operating rights in Certificates Nos. MC 118130, MC 118130 Sub 1, MC 118130 Sub 3, MC 118130 Sub 5, MC 118130 Sub 7, and MC 118130 Sub 8, issued by the Commission August 25, 1961, June 26, 1962, May 29, 1962, February 11, 1964, October 22, 1963, and March 27, 1964, respectively, to Benjamin M. Hamrick, doing business as Ben Hamrick, Forth Worth, Tex., authorizing the transportation, over irregular routes, of bananas, coconuts, pineapples when transported in mixed loads with bananas, frozen potatoes, and frozen potato products, from and to specified points in Louisiana, Texas, Mississippi, Arkansas, Oklahoma, Colorado, New Mexico, Arizona, Alabama, California, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oregon, South Dakota, Tennessee, Utah, Washington, West Virginia, Wisconsin, and Wyoming, and Florida. M. Ward Bailey, 24th Floor Continental Life Building, Fort Worth 2, Texas, attorney for applicants.

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

[F.R. Doc. 64-10169; Filed, Oct. 6, 1964; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 2, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39296: *Lumber from Nathan, Mont.* Filed by Trans-Continental Freight Bureau, agent (No. 421), for interested rail carriers. Rates on lumber, in carloads, from Nathan, Mont., to specified points in Michigan and Wisconsin.

Grounds for relief: Market competition.

Tariff: Supplement 143 to Trans-Continental Freight Bureau, agent, tariff I.C.C. 1581.

FSA No. 39297: *Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 100), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: Supplement 5 to Southern Motor Carriers Rate Conference, agent, tariff MF-I.C.C. 1314.

FSA No. 39298: *Joint motor-rail rates—Southwestern Territory.* Filed by J. D. Hughett, agent (No. 60), for interested carriers. Rates on property moving on class and commodity rates, loaded in highway trailers and moving over joint routes of applicant rail and motor carriers, between points in Arkansas, Colorado, Oklahoma, Louisiana, Missouri, New Mexico, Texas and Wyoming, also Memphis, Tenn., Natchez and Vicksburg, Miss.

Grounds for relief: Motortruck competition.

Tariffs: Supplement 24 to J. D. Hughett, agent, tariff MF-I.C.C. 388 and 10 other schedules named in the application.

By the Commission.

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

[F.R. Doc. 64-10163; Filed, Oct. 6, 1964; 8:48 a.m.]

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