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Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 637, 4th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Japanese Beetle

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS

Pursuant to § 301.48–2 of the regulations supplemental to the Japanese beetle quarantine (7 CFR 301.48–2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), administrative instructions appearing as 7 CFR 301.48–2a are hereby revised to read as follows:

§ 301.48–2a Administrative instructions designating regulated areas under the Japanese beetle quarantine.

Infestations of the Japanese beetle have been determined to exist, in the quarantined States and District and in the counties, and other minor civil divisions, and parts thereof in such States, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such States and District, and such counties, and other minor civil divisions, and parts thereof, are hereby designated, as follows, as Japanese beetle regulated areas, which are further divided into generally infested areas and suppressive areas, within the meaning of the provisions in this subpart:

(a) *Connecticut*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(b) *Delaware*—(1) Generally infested area. The entire State.

(2) *Suppressive area.* None.

(c) *District of Columbia*—(1) *Generally infested area.* The entire District.

(2) *Suppressive area.* None.

(d) *Georgia*—(1) *Generally infested area.*

Clayton County. Georgia Militia Districts 548, 1189, 1406, 1446, and 1644.

Cobb County. That portion of the county lying south of State Highway 120, including all the area within the corporate limits of the city of Marietta.

Dawson County. The entire county.

De Kalb County. That portion of the county lying south, west, and north of Interstate Highway 285, including all of the area within the corporate limits of Doraville.

Fannin County. Georgia Militia Districts 1027, 1242, and 1488.

Forsyth County. That portion of the county lying north of State Highway 20, including all the area within the corporate limits of the city of Cumming.

Fulton County. That area bounded by a line beginning at the intersection of Interstate Highway 285 and the Fulton-De Kalb County line, and extending south along the Fulton-De Kalb County line to the Fulton-Clayton County line, thence west and south along the Fulton-Clayton County line to the Fulton-Fayette County line, thence southwestward along the Fulton-Fayette County line to its intersection with State Highway 92, thence northwestward along said highway to its intersection with the Chattahoochee River, thence northeastward along said river to its intersection with Interstate Highway 285, thence eastward along Interstate Highway 285 to the Fulton-De Kalb County line, the point of beginning, excluding the city of Fairburn.

Hall County. The entire county.

Lumpkin County. The entire county.

Richmond County. That portion of the county lying north of Butler Creek.

Stephens County. That portion of the County lying within the corporate limits of the city of Toccoa.

Union County. Georgia Militia Districts 994, 995, and 1241.

White County. The entire county.

(2) *Suppressive area.*

Spalding County. That portion of the county lying within the corporate limits of the city of Griffin.

(e) *Indiana*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(f) *Kentucky*—(1) *Generally infested area.*

Boone County. The entire county.

Boyd County. The entire county.

Campbell County. The entire county.

Greenup County. The entire county.

Kenton County. The entire county.

Pike County. The entire county.

(2) *Suppressive area.*

Bell County. The entire county.

Harlan County. The entire county.

Knox County. The entire county.

Lawrence County. The entire county.

Letcher County. The entire county.

Lewis County. The entire county.

Martin County. The entire county.

Whitley County. The entire county.

(g) *Maine*—(1) *Generally infested area.*

Androscoggin County. The entire county.

Cumberland County. The entire county.

Kennebec County. The entire county.

Lincoln County. The entire county.

Oxford County. The entire county.

Sagadahoc County. The entire county.

York County. The entire county.

(2) *Suppressive area.* None.

(h) *Maryland*—(1) *Generally infested area.* The entire State

(2) *Suppressive area.* None.

(i) *Massachusetts*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(j) *New Hampshire*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(k) *New Jersey*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(l) *New York*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(m) *North Carolina*—(1) *Generally infested area.* The entire State.

(2) *Suppressive area.* None.

(n) *Ohio*—(1) *Generally infested area.*

Ashland County. The townships of Green, Hanover, Lake, Mifflin, Mohican, and Vermillion.

Ashtabula County. The entire county.

Athens County. The entire county.

Belmont County. The entire county.

Butler County. The townships of Fairfield, Hanover, Liberty, Morgan, Reily, Ross, St. Clair, and Union, and cities of Fairfield and Hamilton.

Carroll County. The entire county.

Clermont County. The townships of Goshen, Miami, and Union.

Columbiana County. The entire county.

Coshocton County. The entire county.

Crawford County. The townships of Auburn, Chatfield, Cranberry, Jackson, Jefferson, Liberty, Polk, Sandusky, Vernon, and Whetstone; and cities of Bucyrus, Crestline, and Galion.

Cuyahoga County. The entire county.

Fairfield County. The townships of Richland and Rush Creek.

Franklin County. The townships of Clinton, Jefferson, Mifflin, and Truro; and the cities of Bexley, Columbus, Grandview Heights, Marble Cliff, Reynoldsburg, Upper Arlington, and Whitehall.

Gallia County. The entire county.

Geauga County. The entire county.

Guernsey County. The entire county.

Hamilton County. The entire county.

Harrison County. The entire county.

Hocking County. The townships of Falls, Falls Gore, Green, Marion, Starr, Ward, and Washington; and the city of Logan.

Holmes County. The entire county.

Jackson County. The entire county.

Jefferson County. The entire county.

Knox County. The townships of Jefferson and Union.

Lake County. The entire county.

Lawrence County. The entire county.

Licking County. The entire county.

Lorain County. The townships of Amherst, Avon, Avon Lake, Black River, Columbia, Eaton, Elyria, Grafton, Ridgeville, and Sheffield; and cities of Amherst, Elyria, Lorain, and Sheffield.

Lucas County. The townships of Adams, Harding, Monclova, Oregon, Ottawa Hills, Richfield, Spencer, Springfield, Swanton, Sylvania, and Washington; and the cities of Maumee, Oregon, Sylvania, and Toledo.

Mahoning County. The entire county.

Marion County. The townships of Big Island, Claridon, Marion, and Tully; and the city of Marion.

Medina County. The entire county.

Meigs County. The entire county.

Monroe County. The entire county.

Morgan County. The entire county.

Muskingum County. The entire county.

Noble County. The entire county.

Perry County. The entire county.

Portage County. The entire county.

Preble County. The township of Jefferson.

Richland County. The townships of Madison, Mifflin, Monroe, Sandusky, and Springfield; and the city of Mansfield.

Ross County. The townships of Harrison, Jefferson, Liberty, Scioto, and Springfield, and the city of Chillicothe.

Scioto County. The townships of Bloom, Clay, Green, Harrison, Porter, Vernon, and Washington; and the cities of New Boston and Portsmouth.

Stark County. The entire county.

Summit County. The entire county.

Trumbull County. The entire county.

Tuscarawas County. The entire county.

Vinton County. The entire county.

Warren County. The townships of Deerfield and Hamilton; and the city of Loveland.

Washington County. The entire county.
Wayne County. The entire county.
Wood County. The townships of Lake, Perrysburg, Ross, and Rossford; and the city of Perrysburg.
(2) *Suppressive area.* None.
(o) *Pennsylvania*—(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.
(p) *Rhode Island*—(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.
(q) *South Carolina*—(1) *Generally infested area.*
Aiken County. The entire county.
Cherokee County. The entire county.
Dillon County. The entire county.
Florence County. The entire county.
Greenville County. The entire county.
Lexington County. The entire county.
Marlboro County. The entire county.
Oconee County. The entire county.
Pickens County. The entire county.
Richland County. The entire county.
Spartanburg County. The entire county.
(2) *Suppressive area.* None.
(r) *Vermont*—(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.
(s) *Virginia*—(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.
(t) *West Virginia*—(1) *Generally infested area.* The entire State.
(2) *Suppressive area.* None.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161, 19 F.R. 74, as amended; 7 CFR 301.48-2)

These administrative instructions shall become effective June 10, 1964, when they shall supersede P.P.C. 637, 3d revision, effective May 1, 1963.

The purpose of this revision is to delete from the regulated area Bibb, Macon, and Muscogee Counties, Georgia, and to add to the Ohio regulated area two townships in Fairfield County, seven townships and one city in Hocking County, four townships and one city in Marion County, and a single township in Preble County. Richmond County, Georgia, has been changed from a suppressive area status to that of generally infested. Additions to partially regulated counties in Ohio comprise four townships and one city in Franklin County, one township in Knox County, as well as all previously unregulated areas in Licking and Perry Counties.

This revision must be made effective promptly in order to carry out the purposes of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing revision are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 5th day of June 1964.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 64-5757; Filed, June 9, 1964; 8:51 a.m.]

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

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

Expenses and Rates of Assessment for 1964–65 Season

On May 22, 1964, notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 6689) regarding the expenses and the fixing of the rates of assessment for the 1964–65 season pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 917.203 Expenses and rates of assessment for the 1964–65 season.

(a) *Expenses.* The expenses likely to be incurred by the Control Committee during the 1964–65 season beginning March 1, 1964, and ending February 28, 1965, both dates inclusive, for the maintenance and functioning of such committee and the respective commodity committees, established pursuant to the provisions of the aforesaid amended marketing agreement and order, are as follows:

(1) Bartlett pears, $19,477.97;

(2) Early varieties of plums, $20,939.23;

(3) Late varieties of plums, $20,939.22; and

(4) Elberta peaches, $13,481.58.

(b) *Rates of assessment.* The following rates of assessment, which each handler shall pay in accordance with the applicable provisions of said amended marketing agreement and order, are hereby fixed as the respective handler's pro rata share of the aforesaid expenses:

(1) Eight mills ($0.008) per standard western pear box of Bartlett pears, or its equivalent in other containers or in bulk;

(2) Eight mills ($0.008) per standard four-basket crate of early varieties of plums, or its equivalent in other containers or in bulk;

(3) Eight mills ($0.008) per standard four-basket crate of late varieties of plums, or its equivalent in other containers or in bulk; and

(4) Three and one-half mills ($0.0035) per California peach box of Elberta peaches, or its equivalent in other containers or in bulk.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said amended marketing agreement and this part require that the rates of assessment fixed for a particular season be applicable to all fresh Bartlett pears, early varieties of plums, late varieties of plums, and Elberta peaches from the beginning of such season; and (2) the current season began on March 1, 1964, and the rates of assessment herein fixed will automatically apply to all Bartlett pears, early varieties of plums, late varieties of plums, and Elberta peaches beginning with such date.

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

Dated: June 5, 1964.

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

[F.R. Doc. 64-5723; Filed, June 9, 1964; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 3025; Amdt. 1-5]

SUBCHAPTER A—DEFINITIONS [NEW]

PART 1—DEFINITIONS [NEW]

SUBCHAPTER A—CIVIL AIR REGULATIONS

PART 13—AIRCRAFT ENGINE AIRWORTHINESS

SUBCHAPTER C—AIRCRAFT [NEW]

PART 33—AIRWORTHINESS STANDARDS; AIRCRAFT ENGINES [NEW]

Miscellaneous Amendments

This amendment adds Part 33 [New] to the Federal Aviation Regulations to replace the airworthiness requirements contained in Part 13 of the Civil Air Regulations and is part of the Agency recodification program. Part 33 [New] was published as a notice of proposed rule making in the FEDERAL REGISTER on January 1, 1964 (29 F.R. 15). In addition, Part 1 [New] is being amended to add definitions of "2½ minute power" and "30 minute power" and to correct the definition of "fire resistant".

It should be noted that at this time no definite effective date for this part is stated. The procedural requirements of Part 13 of the Civil Air Regulations are proposed to be included in Part 21 [New] as published in the FEDERAL REGISTER on May 27, 1964 (29 F.R. 7000). Part 33 [New] will be made effective on the same date as Part 21 [New] is made effective. In addition, at that time Part 13 will be rescinded in its entirety.

A number of changes have been made in the proposal, both as a result of comments received and as a result of further review by the Agency. Some of the comments received recommended substantive changes of the regulations. Although some of the recommendations might, upon further study, appear to be meritorious, they cannot be adopted as a part of the recodification program. However, all comments of this nature will be preserved and considered in any later substantive revision of this part.

Several comments were addressed to the disposition of the procedural requirements of Part 13. As previously indicated, these requirements are proposed to be included in Part 21 [New]. In particular it should be noted that the "equivalent level of safety" provisions presently contained in § 13.10 are proposed to be included in § 21.21 [New].

One comment requested the retention of the phrase "as well as aluminum alloy" in paragraph (2) of the definition of "fire resistant". As indicated in the preamble to the NPRM on Part 33 [New], the inclusion of this phrase in the Part 1 [New] definition of "fire resistant" makes this definition inconsistent with the present definition in CAR Part 3. Since there was no intention to make a substantive change when the Part 1 [New] definition was enacted, the Agency feels that the definition in Part 1 [New] should be restated to be consistent with the definition in CAR Part 3.

Comments received questioned the substitution of the phrase "with a propeller ordinarily used on a similar engine" in place of the phrase "with a representative propeller" whenever a propeller is required for an engine test under this part. Since the proposed language might cause some confusion and might appear to be a substantive change, the Agency is returning to the phrase "with a representative propeller".

In addition, the phrase "when practicable" has been added to § 33.87(c)(7) to make that section consistent with § 33.87(b)(7) and with the present requirements of Part 13. The requirements of § 13.16(a), originally scheduled to be included in Part 21 [New] have been included in §§ 33.57 and 33.99.

The amendment to § 13.254 relating to 2½ minute power for helicopter turbine engines that became effective April 22, 1964 (29 F.R. 5381) has been included as paragraph (d) of § 33.87 and a definition of "2½ minute power" is being added to Part 1 [New].

Other minor changes of a technical nature have been made. They are not substantive and do not impose any burden on regulated persons.

The definitions, abbreviations, and rules of construction contained in Part 1 [New] of the Federal Aviation Regulations apply to Part 33 [New].

In consideration of the foregoing, § 1.1 of Part 1—Definitions and Abbreviations [New] (14 CFR Part 1 [New]) is amended as follows:

1. By amending the definition of "fire resistant" to read as follows:

"Fire resistant—"

(1) With respect to sheet or structural members, means the capacity to withstand heat at least as well as aluminum alloy in dimensions appropriate for the purpose for which they are used; and

(2) With respect to fluid-carrying lines, other flammable fluid system parts, wiring, air ducts, fittings, and powerplant controls, means the capacity to perform the intended functions under the heat and other conditions likely to occur at the place concerned.

2. By adding a definition of "30-minute power" reading as follows:

"30-minute power", with respect to helicopter turbine engines, means the maximum brake horsepower, developed under static conditions at specified altitudes and atmospheric temperatures, under the maximum conditions of rotor shaft rotational speed and gas temperature, and limited in use to periods of not over 30 minutes as shown on the engine data sheet.

3. By adding a definition of "2½ minute power" reading as follows:

"2½ minute power", with respect to helicopter turbine engines, means the brake horsepower, developed statically in standard atmosphere at sea level, or at a specified altitude, for one-engine-out operation of multiengine helicopters for 2½ minutes at rotor shaft rotation speed and gas temperature established for this rating.

In addition, Chapter I of Title 14 is amended by adding a Part 33 [New] reading as hereinafter set forth.

Effective date. As previously noted, this amendment does not contain an effective date but will be made effective on the same date that Part 21 [New] becomes effective.

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

Issued in Washington, D.C., on June 3, 1964.

N. E. HALABY,
Administrator.

PART 33—AIRWORTHINESS STANDARDS; AIRCRAFT ENGINES [NEW]

Subpart A—General

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AUTHORITY: The provisions of this Part 33 [New] issued under secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423.

Subpart A—General

§ 33.1 Applicability.

This part describes airworthiness requirements for issuing type certificates, supplemental type certificates, and changes to those certificates, for aircraft engines.

§ 33.3 General.

Each applicant must show that the aircraft engine concerned meets the applicable requirements of this part.

§ 33.5 Instruction manual.

Each applicant must prepare and make available an approved manual or manuals containing instructions for installing, operating, servicing, and maintaining the engine.

§ 33.7 Engine operating limitations.

Engine operating limitations established by the Administrator are based on the engine operating conditions demonstrated during the block tests required by this part and include those relating to power, speeds, temperature, pressures, fuels, and oils which the Administrator finds necessary for safe operation of the engine.

Subpart B—Design and Construction; General

§ 33.11 Applicability.

This subpart prescribes the general design and construction requirements for reciprocating and turbine aircraft engines.

§ 33.13 Design features.

The engine may not have design features that experience has shown to be hazardous or unreliable. The suitabil-

ity of each questionable design detail or part must be established by tests.

§ 33.15 Materials.

The suitability and durability of the materials used in the engine must be established on a basis of experience or tests. Each material must conform to approved specifications to ensure that it has the strength and other properties assumed in the design data.

§ 33.17 Fire prevention.

(a) The design and construction of the engine and the materials used must minimize the probability of the occurrence and spread of fire because of structural failure, overheating, or other causes.

(b) Each external line or fitting that conveys flammable fluids must be at least fire resistant. Appropriate design, shielding, or routing must minimize the probability of a fire hazard, caused by the deterioration of flammable fluid carrying lines, from heat, vibration, or fluid pressure.

§ 33.19 Durability.

Engine design and construction must minimize the development of an unsafe condition of the engine between overhaul periods. The design of the compressor and turbine rotor cases must provide for the containment of damage from rotor blade failure.

§ 33.21 Engine cooling.

Engine design and construction must provide the necessary cooling under conditions in which the airplane is expected to operate.

§ 33.23 Engine mounting attachments.

The mounting attachments and structure of the engine must have enough strength, when the engine is mounted on an aircraft, to withstand the loads arising from the loading conditions prescribed in the airworthiness parts of this subchapter applicable to the aircraft involved.

§ 33.25 Accessory attachments.

Each accessory drive and mounting attachment must be designed and constructed so that the engine will operate properly with the accessories attached. The design of the engine must allow for the examination, adjustment or removal of each essential engine accessory.

§ 33.27 Turbine rotors.

To minimize the probability of failure of turbine rotors—

(a) Turbine rotors must be demonstrated to be of enough strength to withstand damage inducing factors such as those that might result from abnormal rotor speeds, temperatures, or vibration; and

(b) The design and functioning of engine control devices, systems, and instrumentation must give reasonable assurance that those engine operating limitations that affect turbine rotor structural integrity will not be exceeded in service.

Subpart C—Design and Construction; Reciprocating Aircraft Engines

§ 33.31 Applicability.

This subpart prescribes additional design and construction requirements for reciprocating aircraft engines.

§ 33.33 Vibration.

The engine must be designed and constructed to function throughout its normal operating range of crankshaft rotational speeds and engine powers without inducing excessive stress in any of the engine parts because of vibration and without imparting excessive vibration forces to the aircraft structure.

§ 33.35 Fuel and induction system.

(a) The fuel system of the engine must be designed and constructed to supply an appropriate mixture of fuel to the cylinders throughout the complete operating range of the engine under all flight and atmospheric conditions.

(b) The intake passages of the engine through which air or fuel in combination with air passes for combustion purposes must be designed and constructed to minimize the danger of ice accretion in those passages. The engine must be designed and constructed to permit the use of a means for ice prevention.

(c) The type and degree of fuel filtering necessary for protection of the engine fuel system against foreign particles in the fuel must be specified. The applicant must show that foreign particles passing through the prescribed filtering means will not critically impair engine fuel system functioning.

(d) Each passage in the induction system that conducts a mixture of fuel and air must be self-draining, to prevent a liquid lock in the cylinders, in all attitudes that the applicant establishes as those the engine can have when the aircraft in which it is installed is in the static ground attitude.

§ 33.37 Ignition system.

Each spark ignition engine must have a dual ignition system with at least two spark plugs for each cylinder and two separate electric circuits with separate sources of electrical energy, or have an ignition system of equivalent in-flight reliability.

§ 33.39 Lubrication system.

(a) The lubrication system of the engine must be designed and constructed so that it will function properly in all flight attitudes and atmospheric conditions in which the airplane is expected to operate. In wet sump engines, this requirement must be met when only one-half of the maximum lubricant supply is in the engine.

(b) The lubrication system of the engine must be designed and constructed to allow installing a means of cooling the lubricant.

(c) The crankcase must be vented to the atmosphere to preclude leakage of oil from excessive pressure in the crankcase.

Subpart D—Block Tests; Reciprocating Aircraft Engines

§ 33.41 Applicability.

This subpart prescribes the block tests and inspections for reciprocating aircraft engines.

§ 33.43 Vibration test.

Each engine must undergo a vibration survey to investigate crankshaft torsional and bending vibration characteristics over the operational range of crankshift rotational speed and engine power normally used in flight (including low-power operation), from idling speed to either 110 percent of the desired maximum continuous speed rating, or to 103 percent of the desired takeoff speed rating, whichever is higher. The survey must be conducted with a representative propeller. If any critical speed is found to be present in the operating range of the engine, it must be eliminated through design change before making the endurance test specified in § 33.49, or the endurance test must include operation under the most adverse vibration condition for a long enough period to establish the ability of the engine to operate without fatigue failure.

§ 33.45 Calibration tests.

Each engine must be subjected to the calibration tests necessary to establish its power characteristics and the conditions for the endurance test specified in § 33.49. The results of the power characteristics calibration tests form the basis for establishing the characteristics of the engine over its entire operating range of crankshift rotational speeds, manifold pressures, fuel/air mixture settings, and altitudes. Power ratings are based upon standard atmospheric conditions.

§ 33.47 Detonation test.

Each engine must be tested to establish that the engine can function without detonation throughout its range of intended conditions of operation.

§ 33.49 Endurance test.

(a) *General.* Each engine must be subjected to an endurance test (with a representative propeller) that includes a total of 150 hours of operation and, depending upon the type and contemplated use of the engine, consists of one of the series of runs specified in paragraphs (b) through (d) of this section, as applicable. The runs must be performed in the periods and order found appropriate by the Administrator for the specific engine. During the endurance test the engine power and the crankshaft rotational speed must be controlled within ± 3 percent of the specified values.

(b) *Single-speed engines.* For engines not incorporating a supercharger and for those incorporating a single-speed supercharger, each applicant must make the following runs:

(1) A 30-hour run consisting of alternate periods of five minutes at takeoff power and speed, and five minutes at maximum best economy cruising power or maximum recommended cruising power.

(2) A 20-hour run consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 75 percent maximum continuous power and 91 percent maximum continuous speed.

(3) A 20-hour run consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 70 percent maximum continuous power and 89 percent maximum continuous speed.

(4) A 20-hour run consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 65 percent maximum continuous power and 87 percent maximum continuous speed.

(5) A 20-hour run consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 60 percent maximum continuous power and 84.5 percent maximum continuous speed.

(6) A 20-hour run consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 50 percent maximum continuous power and 79.5 percent maximum continuous speed.

(7) A 20-hour run consisting of alternate periods of 2½ hours at maximum continuous power and speed, and 2½ hours at maximum best economy cruising power or at maximum recommended cruising power.

(c) *Two-speed engines.* Each engine incorporating a two-speed supercharger must undergo the following runs:

(1) A 30-hour run consisting of alternate periods in the lower gear ratio of five minutes at takeoff power and speed, and five minutes at maximum best economy cruising power or at maximum recommended cruising power. If a takeoff rating is desired in the higher gear ratio, 15 hours of the 30-hour run must be made in the higher gear ratio in alternate periods of five minutes at the observed horsepower obtainable with the takeoff critical altitude manifold pressure and takeoff speed, and five minutes at 70 percent high ratio maximum continuous power and 89 percent high ratio maximum continuous speed.

(2) A 15-hour run consisting of alternate periods in the lower gear ratio of one hour at maximum continuous power and speed, and ½ hour at 75 percent maximum continuous power and 91 percent maximum continuous speed.

(3) A 15-hour run consisting of alternate periods in the lower gear ratio of one hour at maximum continuous power and speed, and ½ hour at 70 percent maximum continuous power and 89 percent maximum continuous speed.

(4) A 30-hour run in the higher gear ratio at maximum continuous power and speed.

(5) A five-hour run consisting of alternate periods of five minutes in each of the supercharger gear ratios. The first five minutes of the test must be made at normal rated speed in the higher gear ratio and the observed horsepower obtainable with 90 percent of the normal rated manifold pressure in the higher gear ratio under sea level conditions. The condition for operation for the alternate five minutes in the lower gear ratio must be that obtained by shifting to the lower gear ratio at constant speed.

(6) A 10-hour run consisting of alternate periods in the lower gear ratio of one hour at maximum continuous power and speed, and one hour at 65 percent maximum continuous power and 87 percent maximum continuous speed.

(7) A 10-hour run consisting of alternate periods in the lower gear ratio of one hour at maximum continuous power and speed, and one hour at 60 percent maximum continuous power and 84.5 percent maximum continuous speed.

(8) A 10-hour run consisting of alternate periods in the lower gear ratio of one hour at maximum continuous power and speed, and one hour at 50 percent maximum continuous power and 79.5 percent maximum continuous speed.

(9) A 20-hour run consisting of alternate periods in the lower gear ratio of two hours at maximum continuous power and speed, and two hours at maximum best economy cruising power and speed or at maximum recommended cruising power.

(10) A five-hour run in the lower gear ratio at maximum best economy cruising power and speed or at maximum recommended cruising power and speed.

Where simulated altitude test equipment is not available when operating in the higher gear ratio, the runs may be made at the observed horsepower obtained with the critical altitude manifold pressure or specified percentages thereof, and the fuel-air mixtures may be adjusted to be rich enough to suppress detonation.

(d) *Helicopter engines.* To be eligible for use on a helicopter each engine must either comply with § 29.____ (present § 7.405(a)) or must undergo the following series of runs:

(1) A 35-hour run consisting of alternate periods of 30 minutes each at takeoff power and speed, and at maximum continuous power and speed.

(2) A 25-hour run consisting of alternate periods of 2½ hours each at maximum continuous power and speed, and at 70 percent maximum continuous power at maximum continuous speed.

(3) A 25-hour run consisting of alternate periods of 2½ hours each at maximum continuous power and speed, and at 70 percent maximum continuous power at 80 to 90 percent maximum continuous speed.

(4) A 25-hour run consisting of alternate periods of 2½ hours each at 80 percent maximum continuous power at takeoff speed, and at 80 percent maximum continuous power at 80 to 90 percent maximum continuous speed.

(5) A 25-hour run consisting of alternate periods of 2½ hours each at 80 percent maximum continuous power at takeoff speed, and at either maximum continuous power at 110 percent maximum continuous speed or at takeoff power at 103 percent takeoff speed, whichever results in the greater speed.

(6) A 15-hour run at 105 percent maximum continuous power and 105 percent maximum continuous speed or at full throttle and corresponding speed at standard sea level carburetor entrance pressure, if 105 percent of the maximum continuous power is not exceeded.

§ 33.51 Operation test.

The operation test must include the testing found necessary by the Administrator to demonstrate backfire characteristics, starting, idling, acceleration, overspeeding, functioning of propeller and ignition, and any other operational characteristic of the engine. If the engine incorporates a multispeed supercharger drive, the design and construction must allow the supercharger to be shifted from operation at the lower speed ratio to the higher and the power appropriate to the manifold pressure and speed settings for maximum continuous power at the higher supercharger speed ratio must be obtainable within five seconds.

§ 33.53 Engine component tests.

(a) For each engine that cannot be adequately substantiated by endurance testing in accordance with § 33.49, the applicant must conduct additional tests to establish that components are able to function reliably in all normally anticipated flight and atmospheric conditions.

(b) Temperature limits must be established for each component that requires temperature controlling provisions in the aircraft installation to assure satisfactory functioning, reliability, and durability.

§ 33.55 Teardown inspection.

After completing the endurance test the engine must be completely disassembled and a detailed inspection made of each engine part to check for fatigue and wear.

§ 33.57 General conduct of block tests.

(a) The applicant may, in conducting the block tests, use separate engines of identical design and construction in the vibration, calibration, detonation, endurance, and operation tests, except that, if a separate engine is used for the endurance test it must be subjected to a calibration check before starting the endurance test.

(b) The applicant may service and make minor repairs to the engine during the block tests. If major repairs or replacement of parts are necessary during the tests or in the teardown inspection, the parts in question must be subjected to any additional tests the Administrator may require.

(c) Each applicant must furnish all testing facilities, including equipment and competent personnel, to conduct the block tests.

Subpart E—Design and Construction; Turbine Aircraft Engines

§ 33.61 Applicability.

This subpart prescribes additional design and construction requirements for turbine aircraft engines.

§ 33.63 Vibration.

Each engine must be designed and constructed to function throughout its normal operating range of rotational speeds and engine power without inducing excessive stress in any engine part because of vibration and without im-

parting excessive vibration forces to the aircraft structure.

§ 33.65 Surge characteristics.

Each engine must be free of detrimental surge throughout its operating range in the minimum ambient air temperature in which it is to be operated.

§ 33.67 Fuel and induction system.

(a) The fuel system must be designed and constructed to supply an appropriate mixture of fuel to the combustion chamber throughout the complete operating range of the engine under all flight and atmospheric conditions.

(b) Each intake passage of the engine through which air, or fuel in combination with air, passes for combustion purposes, must be designed and constructed to minimize the danger of ice accretion in those passages and to allow for a means of ice prevention.

(c) Each engine, with all icing protection systems operating, must be capable of operation throughout the flight power range without the accumulation of ice on the engine components that adversely affects engine operation or that causes a serious loss of power or thrust in continuous maximum and intermittent maximum icing conditions as defined in § _____ (present § 4b.1(b) (7) and (8)).

(d) The type and degree of fuel filtering necessary for protection of the engine fuel system against foreign particles in the fuel must be specified. The applicant must demonstrate that foreign particles passing through the specified filtering means do not critically impair engine fuel system functioning.

(e) If air is bled from the compressor for protection of the engine in icing conditions, provision must be made for positive indication that air is being directed to the proper passages.

§ 33.69 Ignition system.

Each engine must be equipped with an ignition system for starting the engine on the ground and in flight. An electric ignition system must have at least two igniters and two separate secondary electric circuits.

§ 33.71 Lubrication system.

The lubrication system must be designed and constructed to function properly in all flight attitudes and atmospheric conditions in which the airplane is expected to operate.

§ 33.73 Power or thrust response.

The design and construction of the engine must enable an increase, under static conditions, from flight idle power or thrust to 95 percent of takeoff power or thrust in not over five seconds.

Subpart F—Block Tests; Turbine Aircraft Engines

§ 33.81 Applicability.

This subpart prescribes the block tests and inspections for turbine engines. Unless otherwise applicable, the controlled air extraction must be zero during all tests.

§ 33.83 Vibration test.

Each engine must undergo a vibration survey to investigate the vibration characteristics of the engine over the operational range of rotational speed and engine power. If critical vibration is found in the operating range of the engine, the engine design must be changed to eliminate that vibration before making the endurance test specified in § 33.87, or the endurance test must include operation under the most adverse vibration condition for a long enough period to establish the ability of the engine to operate without fatigue failure.

§ 33.85 Calibration tests.

(a) Each engine must be subjected to those calibration tests necessary to establish its power characteristics and the conditions for the endurance test specified § 33.87. The results of the power characteristics calibration tests form the basis for establishing the characteristics of the engine over its entire operating range of speeds pressures, temperatures, and altitudes. Power ratings are based upon standard atmospheric conditions.

(b) Before the endurance test the power control must be adjusted to produce the maximum allowable gas temperatures and rotor speeds at takeoff operating conditions. The adjustment may not be changed during the relevant calibration tests and the relevant runs of the endurance test.

§ 33.87 Endurance test.

(a) *General.* Each engine must be subjected to an endurance test (with a representative propeller if the engine is designed to operate with a propeller) that must include a total of 150 hours of operation, consisting of 25 periods of six hours each as specified in either paragraph (b), (c), or (d) of this section. The runs must be made in the order found appropriate by the Administrator for the specific engine. During the endurance test, the engine power and thrust and the engine rotational speed may not be less than 100 percent of the specified values, except that substantiating evidence must be submitted if the engine parameters are not controlled within this limitation.

(b) *Engines other than certain helicopter engines.* For each engine, except a helicopter engine for which a rating is desired under paragraph (c) or (d) of this section, the applicant must conduct the following runs:

(1) *Takeoff and idling.* One hour of alternate five-minute periods at takeoff power and thrust and at idling power and thrust. The developed powers and thrusts at takeoff and idling conditions and their corresponding rotor speed and gas temperature conditions must be as established by the power control in accordance with the schedule established by the manufacturer. The applicant may, during any one period, manually control the rotor speed, power, and thrust while taking data to check performance. For engines with augmented takeoff ratings that involve increases in turbine inlet temperature, rotor speed, or shaft power, this period of running at takeoff must be at the augmented rating. For engines with augmented takeoff ratings that do not materially increase operating severity, the amount of running conducted at the augmented rating is determined by the Administrator. In changing the power setting after each period, the power-control lever must be moved in the manner prescribed in subparagraph (5) of this paragraph.

(2) *Maximum continuous and takeoff power and thrust.* Fifteen periods each of 30 minutes duration at maximum continuous power and thrust and 10 periods each of 30 minutes duration at takeoff power and thrust.

(3) *Maximum continuous power and thrust.* One hour and 30 minutes at the maximum continuous power and thrust.

(4) *Incremental cruise power and thrust.* Two hours and 30 minutes at the successive power lever positions corresponding to at least 15 approximately equal speed and time increments between maximum continuous engine rotational speed and ground or minimum idle rotational speed. For engines operating at constant speed, the thrust and power may be varied in place of speed. If there is significant peak vibration anywhere between ground idle and maximum continuous conditions, the number of increments chosen may be changed to increase the amount of running made while subject to the peak vibrations up to not more than 50 percent of the total time spent in incremental running.

(5) *Acceleration and deceleration runs.* 30 minutes of accelerations and decelerations, consisting of six cycles from idling power and thrust to takeoff power and thrust and maintained at the takeoff power lever position for 30 seconds and at the idling power lever position for approximately four and one-half minutes. In complying with this subparagraph, the power-control lever must be moved from one extreme position to the other in not more than one second, except that, if different regimes of control operations are incorporated necessitating scheduling of the power-control lever motion in going from one extreme position to the other, a longer period of time is acceptable, but not more than two seconds.

(6) *Starts.* One hundred starts must be made, of which 25 starts must be preceded by at least a two-hour engine shutdown. There must be at least 10 false engine starts, pausing for the applicant's specified minimum fuel drainage time, before attempting a normal start. There must be at least 10 normal restarts with not longer than 15 minutes since engine shutdown. The remaining starts may be made after completing the 150 hours of endurance testing.

(7) *Maximum temperatures.* The limiting maximum hot gas and, when practicable, oil inlet temperatures must be substantiated by operation at these limits during all the takeoff and maximum continuous running of the endurance test, except where the test periods are not longer than five minutes and do not always allow stabilization.

(c) *Helicopter engines for which a 30-minute power rating is desired.* For each helicopter engine for which a 30-minute power rating is desired the ap-

plicant must conduct the following series of tests:

(1) *Takeoff and idling.* One hour of alternate five-minute periods at takeoff power and thrust and at idling power and thrust. The developed powers and thrusts at takeoff and idling conditions and their corresponding rotor speed and gas temperature conditions must be as established by the power control in accordance with the schedule established by the manufacturer. During any one period the rotor speed, power, and thrust may be controlled manually while taking data to check performance. For engines with augmented takeoff ratings that involve increases in turbine inlet temperature, rotor speed, or shaft power, this period of running at rated takeoff power must be at the augmented rating. In changing the power setting after each period, the power-control lever must be moved in the manner prescribed in subparagraph (5) of this paragraph.

(2) *30-minute power.* 30 minutes at 30-minute power and thrust.

(3) *Maximum continuous power and thrust.* Two hours at the maximum continuous power and thrust.

(4) *Incremental cruise power and thrust.* Two hours at the successive power-lever positions corresponding with not less than 12 approximately equal speed and time increments between maximum continuous engine rotational speed and ground or minimum idle rotational speed. For engines operating at constant speed, the thrust and power may be varied in place of speed. If there are significant peak vibrations anywhere between ground idle and maximum continuous conditions, the number of increments chosen must be changed to increase the amount of running conducted while being subjected to the peak vibrations up to not more than 50 percent of the total time spent in incremental running.

(5) *Acceleration and deceleration runs.* 30 minutes of accelerations and decelerations, consisting of six cycles from idling power and thrust to takeoff power and thrust and maintained at the takeoff power lever position for 30 seconds and at the idling power lever position for approximately 4½ minutes. In complying with this subparagraph, the power-control lever must be moved from one extreme position to the other in not more than one second, except that, if different regimes of control operations are incorporated necessitating scheduling of the power-control lever motion in going from one extreme position to the other, a longer period of time is acceptable, but not more than two seconds.

(6) *Starts.* One hundred starts, of which 25 starts must be preceded by at least a two-hour engine shutdown. There must be at least 10 false engine starts, pausing for the applicant's specified minimum fuel drainage time, before attempting a normal start. There must be at least 10 normal restarts with not longer than 15 minutes since engine shutdown. The remaining starts may be made after completing the 150 hours of endurance testing.

(7) *Maximum temperatures.* The limiting maximum hot gas and, when practicable, oil inlet temperatures must be substantiated by operation at these limits during all the takeoff power, 30-minute power, and maximum continuous running of the endurance test except where the test periods are not longer than five minutes and do not allow stabilization.

(d) *Helicopter engines for which a 2½ minute power rating is desired.* For each helicopter engine for which a 2½ minute power rating is desired the applicant must conduct the following series of tests:

(1) One hour of alternate five-minute periods at takeoff power and thrust and at idling power and thrust except that, during the third and sixth takeoff power periods, only 2½ minutes need be conducted at takeoff power and the remaining 2½ minutes must be conducted at 2½ minute power. The developed powers and thrusts at takeoff, 2½ minute, and idling conditions and their corresponding rotor speed and gas temperature conditions must be as established by the power control in accordance with the schedule established by the manufacturer. The applicant may, during any one period, control manually the rotor speed, power, and thrust while taking data to check performance. For engines with augmented takeoff ratings that involve increases in turbine inlet temperature, rotor speed, or shaft power, this period of running at rated takeoff power must be at the augmented rating. In changing the power setting after or during each period, the power control lever must be moved in the manner prescribed in subparagraph (5) of paragraph (c) of this section.

(2) The tests required in subparagraphs (2) through (6) of paragraph (c) of this section.

(3) *Maximum temperatures.* The limiting maximum hot gas and oil inlet temperatures must be substantiated by operation at these limits during all the takeoff, 2½ minute power, 30-minute power, and maximum continuous running of the endurance test, except where the test periods are not longer than five minutes and do not allow stabilization.

§ 33.89 Operation test.

The operation test must include all testing found necessary by the Administrator to demonstrate starting, idling, acceleration, overspeeding, ignition, functioning of the propeller (if the engine is designed to operate with a propeller), and any other operational characteristic of the engine.

§ 33.91 Engine component tests.

(a) For those systems that cannot be adequately substantiated by endurance testing in accordance with the provisions of § 33.87, additional tests must be made to establish that components are able to function reliably in all normally anticipated flight and atmospheric conditions.

(b) Temperature limits must be established for those components that require temperature controlling provisions in the aircraft installation to assure satisfactory functioning, reliability, and durability.

§ 33.93 Teardown inspection.

After completing the endurance test the engine must be completely disassembled and a detailed inspection made of each engine part to check for fatigue and wear.

§ 33.95 Engine-propeller systems tests.

If the engine is designed to operate with a propeller, the following tests must be made with a representative propeller installed by either including the tests in the endurance run or otherwise performing them in a manner acceptable to the Administrator:

(a) Feathering operation: 25 cycles.

(b) Negative torque and thrust system operation: 25 cycles from maximum continuous power.

(c) Automatic decoupler operation: 25 cycles from maximum continuous power (if repeated decoupling and recoupling in service is the intended function of the device).

(d) Reverse thrust operation: 175 cycles from the flight-idle position to full reverse and 25 cycles at maximum continuous power from full forward to full reverse thrust. At the end of each cycle the propeller must be operated in reverse pitch for a period of 30 seconds at the maximum rotational speed and power specified by the applicant for reverse pitch operation.

§ 33.97 Thrust reversers.

(a) If the engine incorporates a reverser, the endurance calibration, operation, and vibration tests prescribed in this subpart must be run with the reverser installed. In complying with this section, the power control lever must be moved from one extreme position to the other in not more than one second except, if regimes of control operations are incorporated necessitating scheduling of the power-control lever motion in going from one extreme position to the other, a longer period of time is acceptable but not more than three seconds. In addition, the test prescribed in paragraph (b) of this section must be made. This test may be scheduled as part of the endurance run.

(b) 175 reversals must be made from flight-idle forward thrust to maximum reverse thrust and 25 reversals must be made from maximum forward to maximum reverse thrust. After each reversal, the reverser must be operated at full reverse thrust for a period of one minute, except that, in the case of a reverser intended for use only as a braking means on the ground, the reverser need only be operated at full reverse thrust for 30 seconds.

§ 33.99 General conduct of block tests.

(a) Each applicant may, in making a block test, use separate engines of identical design and construction in the vibration, calibration, endurance, and operation tests, except that, if a separate engine is used for the endurance test it must be subjected to a calibration check before starting the endurance test.

(b) Each applicant may service and make minor repairs to the engine during the block tests. If major repairs or replacement of parts are found necessary

during the tests or in the teardown inspection, the parts in question must be subjected to any additional tests the Administrator finds necessary.

(c) Each applicant must furnish all testing facilities, including equipment and competent personnel, to conduct the block tests.

DISTRIBUTION TABLE

Former section	Revised section
13.0	33.1
13.1	(1)
13.10—13.19 (except § 13.16)	Part 21 [New]
13.16(b)	Surplusage
13.16 (less (a), (b), and (d))	33.7
13.16 (a) and (d))	33.57, 33.99
13.20	Part 45 [New]
13.21	33.5
13.100 (opening sentence)	33.31
13.100(a)	33.13
13.100 (less opening sentence and (a)).	Obsolete
13.101	33.15
13.102	33.17
13.103	33.33
13.104	33.19
13.110	33.35
13.111	33.37
13.112	33.39
13.113	33.21
13.114	33.23
13.115	33.25
13.116	33.27
13.150	33.41
13.151	33.43
13.152	33.45
13.153	33.47
13.154	33.49
13.155	33.51
13.156	33.53
13.157	33.55
13.158	33.57
13.200 (opening sentence)	33.61
13.200(a)	33.13
13.200 (less opening sentence and (a)).	Obsolete
13.201	33.15
13.202	33.17
13.203	33.63
13.204	33.19
13.205	33.65
13.210	33.67
13.211	33.69
13.212	33.71
13.213	33.21
13.214	33.23
13.215	33.25
13.216	33.27
13.217	33.73
13.250	33.81
13.251	33.83
13.252	33.85
13.254	33.87
13.255	33.89
13.256	33.91
13.257	33.93
13.258	33.99
13.259	33.95
13.260	33.97

[1] Trfd. to Part 1 [New] or executed.

[F.R. Doc. 64-5726; Filed, June 9, 1964; 8:46 a.m.]

[Reg. Docket No. 2095]

SUBCHAPTER A—CIVIL AIR REGULATIONS

PART 14—AIRCRAFT PROPELLER AIRWORTHINESS

SUBCHAPTER C—AIRCRAFT [NEW]

PART 35—AIRWORTHINESS STANDARDS; PROPELLERS

Miscellaneous Amendments

This amendment adds Part 35 [New] to the Federal Aviation Regulations to replace the airworthiness requirements contained in Part 14 of the Civil Air Regulations and is part of the Agency recodification program. Part 35 [New] was published as a notice of proposed rule making in the FEDERAL REGISTER on December 12, 1963 (28 F.R. 13460).

During the life of the recodification project, Chapter I of Title 14 may contain more than one part bearing the same number. To differentiate between the two, the recodified parts, such as this one, will be labeled "[New]". The label will of course be dropped at the completion of the project as all of the regulations will be new.

It should be noted that at this time we are not assigning an effective date for Part 35 [New]. The procedural requirements of Part 14 of the Civil Air Regulations are proposed to be included in Part 21 [New] as published in the FEDERAL REGISTER on May 27, 1964 (29 F.R. 7000). Action will be taken later to make Part 35 [New] effective on the same date that Part 21 [New] is made effective. In addition, at that time Part 14 will be rescinded in its entirety.

A number of changes have been made in the proposal, both as a result of comments received and as a result of further review by the Agency. The reference to "repair and overhaul" in proposed § 35.3 [New] has been deleted since these terms are included in the term "maintenance" as defined in Part 1 [New].

Section 35.11 has been amended to delete, as obsolete, the language that limited the applicability of the subpart to propellers "installed, operated, and maintained in accordance with the instruction manual". Section 35.21 has been clarified by including the provisions of present § 14.103-1. The requirements of § 14.16(a), originally scheduled to be included in Part 21 [New], have been included in § 35.33. In addition, the substance of § 14.16(c) has been included in § 35.5.

Other minor changes of a technical nature have been made. They are not substantive and do not impose any burden on regulated persons.

The definitions, abbreviations, and rules of construction contained in Part 1 [New] of the Federal Aviation Regulations apply to Part 35 [New].

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

In consideration of the foregoing Chapter I of Title 14 is amended by adding a Part 35 [New] reading as hereinafter set forth.

Effective date. As previously noted this amendment does not contain an effective date but will be made effective on the same date that Part 21 [New] becomes effective.

Issued in Washington, D.C., on June 3, 1964.

N. E. HALABY,
Administrator.

PART 35—AIRWORTHINESS STANDARDS; PROPELLERS [NEW]

Subpart A—General

Sec.
35.1 Applicability.
35.3 Instruction manual.
35.5 Propeller operating limitations.

Subpart B—Design and Construction

35.11 Applicability.
35.13 General.
35.15 Design features.
35.17 Materials.
35.19 Durability.
35.21 Reversible propellers.

Subpart C—Tests and Inspections

35.31 Applicability.
35.33 General.
35.35 Centrifugal load test.
35.37 Vibration test.
35.39 Endurance test.
35.41 Functional test.
35.43 Special tests.
35.45 Teardown inspection.
35.47 Propeller adjustments and parts replacements.

AUTHORITY: The provisions of this Part 35 [New] issued under secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423.

Subpart A—General

§ 35.1 Applicability.

This part prescribes airworthiness requirements for issuing type certificates, supplemental type certificates, and changes to those certificates, for propellers.

§ 35.3 Instruction manual.

Each applicant must prepare and make available an approved manual or manuals containing instructions for installing, operating, servicing, and maintaining the propeller.

§ 35.5 Propeller operating limitations.

Propeller operating limitations established by the Administrator are based on the propeller operating conditions demonstrated during the tests required by this part.

Subpart B—Design and Construction

§ 35.11 Applicability.

This subpart prescribes the design and construction requirements for propellers.

§ 35.13 General.

Each applicant must show that the propeller concerned meets the design and construction requirements of this subpart.

§ 35.15 Design features.

The propeller may not have design features that experience has shown to be hazardous or unreliable. The suitability of each questionable design detail or part must be established by tests.

§ 35.17 Materials.

The suitability and durability of the materials used in the propeller must be established on a basis of experience or tests. Each material must conform to approved specifications to ensure that it has the strength and other properties assumed in the design data.

§ 35.19 Durability.

Each part of the propeller must be designed and constructed to minimize the development of any unsafe condition of the propeller between overhaul periods.

§ 35.21 Reversible propellers.

A reversible propeller must be adaptable for use with a reversing system in an airplane so that no single failure or malfunction in that system during normal or emergency operation will result in unwanted travel of the propeller blades to a position substantially below the normal flight low-pitch stop. Failure of structural elements need not be considered if the occurrence of such a failure is expected to be extremely remote. For the purposes of this section the term "reversing system" means that part of the complete reversing system that is in the propeller itself and those other parts that are supplied by the applicant for installation in the aircraft.

Subpart C—Tests and Inspections

§ 35.31 Applicability.

This subpart prescribes the tests and inspections for propellers and their essential accessories.

§ 35.33 General.

(a) Each applicant must show that the propeller concerned and its essential accessories complete the tests and inspections of this subpart without evidence of failure or malfunction.

(b) Each applicant must furnish testing facilities, including equipment, and competent personnel, to conduct the required tests.

§ 35.35 Centrifugal load test.

The hub and blade retention arrangement of propellers with detachable blades must be subjected to a centrifugal load of twice the centrifugal force to which the propeller is to be subjected in normal operation. This may be done by either a one-hour whirl test or a static pull test.

§ 35.37 Vibration test.

Each propeller with metal blades or metal hubs (or both) must undergo a vibration test that establishes the level of vibratory stresses in the blade or hub (or both) when the propeller is operated under all conditions of rotational speed and engine power that are to be established for the propeller. The test must be made on the same or equivalent engine and the test stand configuration on which the endurance tests are conducted.

§ 35.39 Endurance test.

(a) *Fixed-pitch wood propellers.* Fixed-pitch wood propellers must be subjected to one of the following tests:

(1) A 10-hour endurance block test on an engine with a propeller of the greatest pitch and diameter for which certification is sought at the rated rotational speed.

(2) A 50-hour flight test in level flight or in climb. At least five hours of this flight test must be with the propeller operated at the rated rotational speed, and the remainder of the 50 hours must be with the propeller operated at not less than 90 percent of the rated rotational speed.

(3) A 50-hour endurance block test on an engine at the power and propeller rotational speed for which certification is sought.

(b) *Fixed-pitch metal propellers and ground adjustable-pitch propellers.* Each fixed-pitch metal propeller or ground adjustable-pitch propeller must be subjected to the test prescribed in either paragraph (a)(2) or (a)(3) of this section.

(c) *Variable-pitch propellers.* Each variable-pitch propeller (a propeller the pitch setting of which can be changed by the flight crew or by automatic means while the propeller is rotating) must be subjected to one of the following tests:

(1) A 100-hour test on an engine with the same power and rotational speed characteristics as the engine or engines with which the propeller is to be used. Each test must be made at the maximum continuous rotational speed and power rating of the propeller, except that, in the event a rotational speed and power condition is found to be critical on the basis of the vibration test prescribed in § 35.37, part of the test must be made at the critical rotational speed and power condition for a period (not over 50 hours) prescribed by the Administrator. If a takeoff rating greater than the maximum continuous rating is to be established, an additional 10-hour block test must be made at the maximum power and rotational speed for the takeoff rating.

(2) Operation of the propeller throughout the engine endurance tests prescribed in Part 33 [New] of this subchapter.

§ 35.41 Functional test.

(a) Each variable-pitch propeller must be subjected to the applicable functional tests of this section. The same propeller used in the endurance test must be used in the functional tests and must be driven by an engine on a test stand or on an aircraft.

(b) *Manually controllable propellers.* 500 complete cycles of control must be made throughout the pitch and rotational speed ranges.

(c) *Automatically controllable propellers.* 1,500 complete cycles of control must be made throughout the pitch and rotational speed ranges.

(d) *Feathering propellers.* 50 cycles of feathering operation must be made.

(e) *Reversible-pitch propellers.* 200 complete cycles of control must be made from the lowest normal pitch to the maximum reverse pitch.

§ 35.43 Special tests.

The Administrator may require any additional tests he finds necessary to substantiate the use of any unconventional features of design, material, or construction.

§ 35.45 Teardown inspection.

(a) After completing the tests prescribed in this subpart, the propeller must be completely disassembled and a detailed inspection must be made of the propeller parts for fatigue, wear, and distortion.

(b) After the inspection the applicant must make any changes to the design or any additional tests that the Administrator finds necessary to establish the airworthiness of the propeller.

§ 35.47 Propeller adjustments and parts replacements.

The applicant may service and make minor repairs to the propeller during the tests. If major repairs or replacement of parts are found necessary during the tests or in the teardown inspection, the parts in question must be subjected to any additional tests the Administrator finds necessary.

DISTRIBUTION TABLE

Former section	*Revised section*
14.0 (less last sentence)	35.1
14.0 (last sentence)	Surplusage
14.1	(1)
14.1–1	(1)
14.10 through 14.19 (except § 14.16).	Part 21 [New]
14.16(a)	35.33
14.16(b)	Surplusage
14.16 (less (a) and (b))	35.5
14.20	45.11
14.21	35.3
14.100 (less (b))	35.15
14.100(b)	35.11
14.100–1	Not a rule
14.101	35.17
14.102	35.19
14.103	35.21
14.103–1	35.21
14.150 (less last sentence)	35.31
14.150 (last sentence)	35.33
14.150–1	Not a rule
14.151	35.35
14.151–1	Not a rule
14.152	35.37
14.153	35.39
14.153–1	Not a rule
14.154	35.41
14.155	35.43
14.156	35.45
14.156–1 (2d sentence)	35.45
14.156–1 (less 2d sentence)	Not a rule
14.157	35.47

[1] Trfd. to Part 1 [New] or executed.

[F.R. Doc. 64–5727; Filed, June 9, 1964; 8:46 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER D—AIRPORT REGULATIONS

PART 551—N SERIES TECHNICAL STANDARD ORDERS

Recision of Part

Draft Release 61–25 published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698), outlined the objectives of this Agency's recodification program. As part of this program material of a nonregulatory nature presently contained in the Agency's regulations is being eliminated. Accordingly, this amendment rescinds Part 551 of Title 14 of the Code of Federal Regulations.

Part 551—N Series Technical Standard Orders contains Agency policies concerning the design, installation, development, procurement, establishment, and operation of air navigation facilities that govern Agency personnel in making recommendations to the public and in approving the use of Federal funds for

those purposes. This part applies to Agency personnel only and is not binding on any member of the public.

As this amendment imposes no additional burden on any person but simply deletes nonregulatory policy material, compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act is unnecessary.

In view of the foregoing, effective June 15, 1964, Chapter III of Title 14 of the Code of Federal Regulations is amended by deleting Part 551.

This amendment is made under the authority of the Federal Airport Act (49 U.S.C. 1101 through 1119).

Issued in Washington, D.C., on June 3, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-5728; Filed, June 9, 1964; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8085]

PART 13—PROHIBITED TRADE PRACTICES

Country Tweeds, Inc., and Marcus Weisman

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.175 *Quality of product or service;* § 13.265 *Tests and investigations.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Country Tweeds, Inc., et al., New York, N.Y., Docket 8085, May 21, 1964]

In the Matter of Country Tweeds, Inc., a Corporation, and Marcus Weisman, Individually and as an Officer of Said Corporation

Order narrowing original desist order of Nov. 29, 1962, by deleting paragraph four which required New York City manufacturers of ladies' cashmere coats—prohibited from misrepresenting the results of tests of the fabrics therein—also to cease "Misrepresenting in any manner the quality of cashmere or other fabric in their merchandise", as directed by the Second Circuit in its order of Jan. 3, 1964, 326 F. 2d 144.

The order of Nov. 29, 1962 is now modified to read as follows:

It is ordered, That respondents, Country Tweeds, Inc., a corporation, and its officers, and Marcus Weisman, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of ladies' cashmere coats or any other merchandise, composed of fabrics of any kind, or products made therefrom, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

a. That a comparative test of a fabric in respondents' merchandise with another fabric shows that respondents' fabric is the best quality produced or on the market when the test does not so show.

b. That an altered report of a test, comparative or otherwise, is a true and complete copy or reproduction of the report of such test.

2. Misrepresenting in any manner, by means of a test, comparative or otherwise, the quality of any merchandise offered for sale, sold or distributed by respondents or the quality of the fabric in such merchandise.

3. Misrepresenting the results of a test, comparative or otherwise, involving fabrics in their merchandise by altering the report of the test.

4. Furnishing means and instrumentalities to others whereby they may mislead the public as to any of the matters and things set out above.

Issued: May 21, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-5712; Filed, June 9, 1964; 8:45 a.m.]

[Docket C-746]

PART 13—PROHIBITED TRADE PRACTICES

Roy Weaving Co., Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-80 Wool Products Labeling Act; § 13.1900 *Source or origin:* 13.1900-90 Wool Products Labeling Act; 13.1900-90(a) Maker.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Roy Weaving Company, Inc., et al., Brooklyn, N.Y., Docket C-746, May 20, 1964]

In the Matter of Roy Weaving Company, Inc., Perth Woolen Company, Inc., Weldon Woolens Inc., corporations, and Emanuel Seideman and Bella Seideman, Individually and as Officers of Said Corporation

Consent order requiring Brooklyn, N.Y., manufacturers to cease violating the Wool Products Labeling Act by such practices as labeling as "100% all wool", piece goods which contained a substantial quantity of other fibers, and failing to show on labels the registered identification number of the manufacturer and the true generic names of fibers present in a fabric as well as the percentage thereof; and to cease violating the Federal Trade Commission Act by statements on invoices and shipping memoranda which falsely represented the different fibers and quantities thereof present in certain fabrics.

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

It is ordered, That Respondents Roy Weaving Company, Inc., Perth Woolen Company, Inc. and Weldon Woolens Inc., corporations, and their officers, and Emanuel Seideman and Bella Seideman, individually and as officers of said corporations, their agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution or delivery for shipment in commerce, of wool fabrics or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding of such products by:

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

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

It is further ordered, That respondents Roy Weaving Company, Inc., Perth Woolen Company, Inc., and Weldon Woolens Inc., corporations, and their officers, and Emanuel Seideman and Bella Seideman, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of fabrics or other products, in commerce, as "commerce" is defined in the Federal Trade Commisison Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in such products on invoices or shipping memoranda applicable thereto, or in any other manner.

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: May 20, 1964.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 64-5713; Filed, June 9, 1964; 8:45 a.m.]

PART 152—HOSIERY INDUSTRY

Deceptive Price Representations

On March 27, 1964, there was published in the FEDERAL REGISTER (29 F.R. 3815)

a notice of proposed rule making concerning the revision of § 152.7 *Deceptive price representations* of the Trade Practice Rules for the Hosiery Industry. Interested persons were invited to submit views, suggestions, objections, or other information, on or before April 30, 1964.

Upon consideration of all the relevant matters and acting pursuant to sections 5 and 6 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45–46 and provisions of Part 1, Subpart F, of the Commission's procedures and rules of practice (July 11, 1963), the Commission orders that § 152.7 be and it hereby is, amended as follows:

§ 152.7 Deceptive price representations.

Members of the industry shall not represent directly or indirectly in advertising or otherwise that an industry product may be purchased for a specified price, or at a saving, or at a reduced price, when such is not the fact; or otherwise deceive purchasers or prospective purchasers with respect to the price of any product offered for sale; or furnish any means or instrumentality by which others engaged in the sale of industry products may make any such representation.

NOTE: On December 20, 1963, the Commission adopted Guides Against Deceptive Pricing which became effective on January 8, 1964 and which supersede the Guides on this subject as adopted October 2, 1958. The 1964 Guides appear in the January 8, 1964 issue of the FEDERAL REGISTER on pages 178–180 and are set forth as an appendix to the rules in this part. Copies of the Guides will be furnished upon request.

[Rule 7]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Approved: June 1, 1964.

By direction of the Commission.

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

[F.R. Doc. 64–5741; Filed, June 9, 1964; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

Subpart D—Food Additives Permitted in Food for Human Consumption

ZOALENE; ERYTHROMYCIN THIOCYANATE

A. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1054) filed by The Dow Chemical Co., Abbott Road, Midland, Mich., and other relevant material, has concluded that the following amendments to the food additive regulations should issue to provide for the safe use in chicken feed of zoalene in combination with erythromycin thiocyanate for the prevention and control of coccidiosis and for growth promotion and feed efficiency. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the food additive regulations are amended as follows:

§ 121.207 [Amended]

1. In § 121.207 *Zoalene* (21 CFR 121.207; 28 F.R. 4295, 8310) paragraph (c) is amended by adding to the table new items designated "2j." and "3j." respectively. As amended, the affected portions of the table read as follows:

ZOALENE IN COMPLETE FEED FOR CHICKENS AND TURKEYS

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
2. * * *	* * *	* * *	* * *	* * *	* * *
j. Zoalene	113.5	Erythromycin	4.6–18.5	For broiler chickens; as erythromycin thiocyanate.	Growth promotion and feed efficiency.
3. * * *	* * *	* * *	* * *	* * *	* * *
j. Zoalene	36.3–113.5	Erythromycin	4.6–18.5	For replacement chickens; as erythromycin thiocyanate.	Growth promotion and feed efficiency.

§ 121.225 [Amended]

2. Section 121.225 *Antibiotics for growth promotion and feed efficiency* is amended as follows:

a. Paragraphs (b)(3)(v), (c)(3)(vi), (d)(3)(v), and (g)(3)(v) are each amended by changing the cross-reference "(a)(3)(v)" to read "(a)(3)(vi)".

b. Paragraph (e)(3)(iii) is amended by changing the cross-reference "(a)(3)(vi)" to read "(a)(3)(vii)".

c. A new paragraph (j) is added as follows:

(j) *Erythromycin.* Erythromycin, as follows:

(1) Erythromycin is the antibiotic substance produced by the growth of *Streptomyces erythreus,* or the same antibiotic substance produced by any other means.

(2) The quantities of the antibiotic in this paragraph refer to the activities equivalent to those of the appropriate standard.

(3) It is used or intended for use in the feed of chickens, as the thiocyanate salt, in an amount not less than 4.6 grams nor more than 18.5 grams per ton of finished feed.

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

B. The Commissioner of Food and Drugs has further concluded, based upon an evaluation of the data before him, and proceeding under the authority of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), that a tolerance limitation is required in order to assure that the use of the food additive erythromycin thiocyanate in accordance with §§ 121.207 and 121.225 will not cause the edible tissues and byproducts of chickens to be unsafe. Therefore, Subpart D of the food additive regulations is amended by adding thereto the following new section:

§ 121.1143 Erythromycin.

A tolerance of zero is established for residues of erythromycin in the uncooked edible tissues and byproducts of chickens.

(Sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4))

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

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

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: June 1, 1964.

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

[F.R. Doc. 64–5742; Filed, June 9, 1964; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DEFOAMING AGENTS

Effective on the date of publication of this order in the FEDERAL REGISTER, paragraph (a)(3) of § 121.1099 *Defoaming agents* is amended by changing the items "Polyethylene (600) dioleate" and "Polyethylene (600) monoricinoleate" to read as follows:

Substances	*Limitations*
* * *	* * *
Polyoxyethylene (600) dioleate.	----------
Polyoxyethylene (600) monoricinoleate.	----------
* * *	* * *

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this

order, and I so find, since the amendment serves to clarify existing regulations.

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

Dated: June 4, 1964.

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

[F.R. Doc. 64-5744; Filed, June 9, 1964; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DIETHYL PYROCARBONATE

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1170) filed by Farbenfabriken Bayer, A.G. Leverkusen-Bayerwerk, Germany, and other relevant material, has concluded that § 121.1117 of the food additive regulations should be amended to prescribe an additional method of manufacturing diethyl pyrocarbonate which may be safely used as a fermentation inhibitor in still wines. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), § 121.1117(a) is amended as follows:

§ 121.1117 Diethyl pyrocarbonate.

* * * * *

(a) The food additive is manufactured to a purity of at least 98 percent by one of the methods described in this paragraph.

(1) By the controlled reaction of sodium ethylate with carbon dioxide to obtain sodium ethyl carbonate which is subsequently reacted with ethyl chloroformate.

(2) By the reaction of sodium hydroxide and ethyl chloroformate in the presence of a catalyst produced by the reaction of *N*-methyl-*n*-stearylamine with propylene oxide. The amount of the catalyst remaining in the diethyl pyrocarbonate does not exceed 425 parts per million as determined by Kjeldahl nitrogen assay.

* * * * *

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

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

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

Dated: June 3, 1964.

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

[F.R. Doc. 64-5743; Filed, June 9, 1964; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

FUMIGANTS FOR PROCESSED GRAINS USED IN PRODUCTION OF FERMENTED MALT BEVERAGES

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1306) filed by Anheuser-Busch, Inc., 721 Pestalozzi Street, St. Louis, Missouri, and other relevant data, has concluded that an amendment to the food additive regulations should issue to prescribe the use of fumigants in the control of corn grits and cracked rice used in the production of fermented malt beverages, on the basis of an absence of fumigant residues in the fermented malt beverages when processed for consumption. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the food additive regulations are amended by adding a new section, as follows:

§ 121.1152 Fumigants for processed grains used in production of fermented malt beverages.

Fumigants for processed grain may be safely used, in accordance with the following conditions.

(a) They consist of carbon tetrachloride with either carbon disulfide or ethylene dichloride, with or without pentane.

(b) They are used to fumigate corn grits and cracked rice used in the production of fermented malt beverages.

(c) To assure safe use of the fumigant, its label and labeling shall conform to the label and labeling registered by the United States Department of Agriculture, and the usage employed should conform with such label or labeling.

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

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

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

Dated: June 3, 1964.

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

[F.R. Doc. 64-5745; Filed, June 9, 1964; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 64-499]

PART 13—COMMERCIAL RADIO OPERATORS

Duplicate and Replacement Operator Licenses

At a session of the Federal Communications Commission held at its offices in Washington, D.C., the 3d day of June 1964;

The Commission having under consideration an amendment to § 13.71 entitled "Issue of duplicate or replacement licenses"; and

It appearing, that § 13.71, without distinction as to the grade of license involved, provides (among other matters) for issuance of a duplicate license to an operator whose license has been lost, mutilated or destroyed; and

It further appearing, That the restricted radiotelephone operator permit, a card form of operator license, normally is issued for a lifetime term and without examination, as distinguished from the several other grades of licenses which are always issued for a definite term, after examination, and for which proof of qualifications is required; and

It further appearing, That no useful purpose is served by issuing a duplicate of a "lifetime" restricted radiotelephone operator permit; that it is sufficient to issue, instead, a replacement permit dated and numbered currently; and

It further appearing, that the requirement in paragraph (b) of § 13.71 that applications for replacement license because of a change in name be accompanied by documentary evidence of the legality of the name change is unnecessary and should be discontinued; and

It further appearing, that the amendment herein ordered is procedural in nature; that advance notice of rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing, that the public interest, convenience, and necessity will be served by the amendment herein ordered, the authority for which is contained in sections 4(i) and 303(r) of

the Communications Act of 1934, as amended;

It is ordered, That effective July 10, 1964, § 13.71 of the Commission's rules is amended as set forth below.

Released: June 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Section 13.71 of Part 13, Commercial Radio Operators, is amended to read as follows:

§ 13.71 Issue of duplicate or replacement licenses.

(a) An operator whose license or permit has been lost, mutilated or destroyed shall immediately notify the Commission. If the authorization is of the diploma form, a properly executed application for duplicate should be submitted to the office of issue. If the authorization is of the card form (restricted radiotelephone operator permit), a properly executed application for replacement should be submitted to the nearest engineering field office. In either case the application shall embody a statement of the circumstances involved in the loss, multilation or destruction of the license or permit. If the authorization has been lost the applicant must state that reasonable search has been made for it, and further, that in the event it be found, either the original or the duplicate (or replacement) will be returned for cancellation. If the authorization is of the diploma form, the applicant should also submit documentary evidence of the service that has been obtained under the original authorization, or a statement embodying that information.

(b) The holder of any license or permit whose name is legally changed may make application for a replacement document to indiacte the new legal name, by submitting a properly executed application accompanied by the license or permit affected. If the authorization is of the diploma form, the application should be submitted to the office where it was issued. If the authorization is of the card form (restricted radiotelephone operator permit) it should be submitted to the nearest engineering field office.

(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)

[F.R. Doc. 64-5750; Filed, June 9, 1964; 8:50 a.m.]

[Docket No. 15256; FCC 64-515]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (San Diego, Calif.; Jamestown, N.Y.; Newton and Franklin, N.J.; Colorado Springs, Colo.; Toccoa, Ga. and Easley, S.C.; Menomonee Falls, Green Bay, Neenah-Menasha, Milwaukee, and New Berlin, Wis.; St. Louis Park and Minneapolis, Minn.; Radford and Blacksburg, Va.; Fairhope and Mobile, Ala.; Berkeley Springs, W. Va. and Frostburg, Md.; Nantucket, Mass.; Wallace, Idaho; Crestview, Fla.; Missoula, Mont.; Spencer, Iowa; Sanford, Winter Park and Windermere, Fla.; Houston and Senatobia, Miss.; Jacksonville, Fla.; Huntington, W. Va.), Docket Nos. 15256, RM-484, RM-521, RM-488, RM-523, RM-491, RM-526, RM-492, RM-527, RM-500, RM-528, RM-501, RM-529, RM-503, RM-531, RM-507, RM-536, RM-508, RM-537, RM-513, RM-541.

1. The Commission has before it for consideration its notice of proposed rule making, released December 31, 1963 (FCC 63-1192), proposing a number of changes in the FM Table of Assignments.

2. Forty-six formal statements were filed in response to the proposals as well as a substantial number of informal statements in the form of letters from members of Congress and other interested parties. Each was duly considered in making the following determinations.

3. *RM-484, San Diego, California.* The Commission's notice, in response to the request of the Assembly of God of Pacific Beach, Inc., proposed to add Channel 299 to San Diego. The following FM channels are presently assigned to that community:

City	*Channel No.*
San Diego, Calif..	231, 235, 243, 247, 251, 264, 268, 275, 279, 287, 293.

All of these channels are occupied. The population of San Diego is 573,224 and that of its metropolitan statistical area is 1,033,011.[1] Petitioner states that it will apply for Channel 299 if it is assigned to San Diego.

4. Petitioner submitted a showing that Channel 299 cannot be used in southern California other than in the San Diego area, at least at any location where there is a community large enough to warrant the assignment. However, the only limitation on the area in which Channel 299 could be assigned in conformance with the separation rules is a 105 mile circle centered on the site of the adjacent channel assignment on Channel 298 in Los Angeles (KBBI). Thus, there is a large area in the southern and southeastern portion of California in which this channel can be used. While it is true that a number of cummunities in the area in question are small, there are others with populations in the order of 3,000 persons which have no FM assignments. San Diego itself has 11 assignments and communities nearby have additional channels assigned. We are therefore of the view that this assignment should not be made as requested but rather that it should be retained for possible future use in some other community where a need and demand may develop. We are thus denying petitioner's request.

5. *RM-488, Jamestown, N.Y.* The Notice, in response to the request of Trend Radio, Inc., proposed to add Channel 269A to Jamestown. Channel 227, the only channel presently assigned to that community, is occupied. The population of Jamestown is 41,818. Trend Radio, Inc., has stated that it intends to apply for Channel 269A if it is assigned to Jamestown.

6. In view of the availability of Channel 269A, the interest of petitioner, the community's existing service and its population, the Commission is of the view that it is in the public interest to assign Channel 269A to Jamestown.

7. *RM-491, Newton and Franklin, N.J.* The Notice, in response to the request of Sussex County Broadcasters, Inc., proposed to substitute Channel 272A for Channel 279 in Newton and to delete Channel 272A from Franklin. The proposal was made by petitioner because of the short-spacing between Channel 279 in Newton on which it operates Station WNNJ-FM, and several other FM stations, in the expectation that it would be able to improve its facilities in Newton on Channel 272A.

8. The population of Newton is 6,563. Channel 279, on which petitioner operates, is the only channel assigned to it. The population of Franklin is 3,624 and the only channel assigned to it is 272A. There is an application outstanding for that channel filed at Franklin by Louis Vander Plate (BPH-3952). Newton has a daytime-only standard broadcast station while Franklin has no broadcast facilities.

9. If the Commission granted petitioner's request, the result would be the loss of one FM station in this general area since Channel 279 cannot be assigned to Franklin consistent with our rules. Petitioner may obtain increased facilities as a result of the proposals made in the Third Further Notice of Proposed Rule Making in Docket No. 14185, designed to permit increases in facilities of short-spaced existing stations on an overall basis.

10. In view of the foregoing, the Commission is of the view that it is not in the public interest to reassign Channel 272A from Franklin to Newton or to delete Channel 279 from Newton.

11. *RM-492, Colorado Springs, Colo.* The Notice, in response to the request of William S. Cook, proposed to assign Channel 284 to Colorado Springs.

12. The population of Colorado Springs is 70,194 (in 1950 it was 45,472). Channels 225, 232A, and 243 are presently assigned to the community: All are in operation. The only objection to the assignment was made by the licensee of Station KTGM, operating on Channel 286 in Denver. The opposition was based on the fact that if Channel 284 were assigned to Colorado Springs it would be one mile short of the required separation to KTGM's present antenna site and several miles short to a new site which KTGM hopes to obtain in the Denver area. The opposition states that if petitioner constructed a station on Channel 284 in Colorado Springs the transmitter

[1] Commissioner Bartley absent.

[1] The population figures herein are taken from the 1960 U.S. Census unless otherwise indicated.

would have to be located approximately seven miles from the center of the community in order to meet the separation requirement to KTGM's contemplated site. A station operating on Channel 284 with its transmitter seven miles from the center of Colorado Springs should be able to serve that community effectively. However, Channel 270 can be assigned to Colorado Springs in conformance with all the rules and without any limitation on site location. We believe this would be a preferred assignment.

13. In view of the population of Colorado Springs, the interest of petitioner, Colorado Springs' existing services and the availability of Channel 270 the Commission is of the view that it is in the public interest to assign Channel 270 to Colorado Springs.

14. *RM–500 and RM–521, Toccoa, Georgia and Easley, South Carolina.* Stephens County Broadcasting Company, licensee of AM Station WNEG, Toccoa, Georgia, petitioned to have Channel 280A assigned to Toccoa. Pickens County Broadcasting Company, Inc., licensee of AM Station WELP, Easley, South Carolina, petitioned to have the same channel assigned to Easley. In the notice we set out both alternatives with the understanding that the requests were mutually exclusive. In responding to the notice, Pickens suggested an alternate way of providing a channel for Easley, the shift of Channel 297 from Anderson, South Carolina, to Easley.

15. The population of Toccoa is 7,303. It is located in Stephens County, with a population of 18,391. Channel 291 is assigned to Toccoa and WLET–FM is operating on it. The community has two daytime only AM Stations, WLET (5 kw) and WNEG (500 watts). Easley has a population of 8,283 and it is located in Pickens County which has a population of 46,030. There are no FM channels assigned to Easley; one daytime only station (WELP) is assigned thereto. Anderson, South Carolina, has a population of 41,316. It is located in Anderson County with a population of 98,478. Channels 266 and 297 are assigned to the community. Station WCAC is operating on Channel 266. Channel 297 is not occupied nor are there applications pending for its use. Standard broadcasting stations WALM (1 kw day, 250 watts night) and WANS (5 kw day, 1 kw night) also are licensed to Anderson.

16. In view of Anderson's size, its present broadcast services and its likely future needs, the Commission is of the view that it should not change the assignment of Channel 297 to Anderson in order to make an additional channel available to the other communities involved here.

17. Therefore, the problem remaining is to determine whether Channel 280A should be assigned to Toccoa or to Easley. Stephens emphasizes that Toccoa, although a smaller community, is the main market for its region, and alleges that Easley is a satellite community of Greenville, S.C. We note that Easley is some 15 miles from Greenville and is located in a different county. Pickens points out that Toccoa has a fulltime local service and that Easley has none. Toccoa has three local broadcast services to meet its needs during the day and at least one means of local expression during nighttime hours. We cannot conclude that Easley is merely an appendage of Greenville. It has no local means of nighttime expression with only one daytime AM station. On balance, the Commission concludes that it is more important to provide a first fulltime local service to Easley than it is to provide a second competitive service to Toccoa.

18. In view of the foregoing, the Commission is of the view that it is in the public interest to assign Channel 280A to Easley, S.C.

19. *RM–501 and RM–523, Menomonee Falls, Green Bay, Neenah-Menasha, Milwaukee and New Berlin, Wis.* In the Third Report in this proceeding (FCC 63–735) we denied a request to assign Channel 252A to Menomonee Falls, Wis. The grounds for decision was that such an assignment would be short-spaced to Channel 253 at Green Bay for which there was an outstanding construction permit. Subsequently, petitions were filed seeking the Menomonee Falls assignment (that of Falls Broadcasting Corp.) and an assignment to Milwaukee or New Berlin (that of Voice of Christian Youth, Inc.).[2] In the Notice, we put both of these requests out for comment. Following the Third Report the permittee of Channel 253 at Green Bay turned in its permit. Since it appeared that this channel, if used at standard separations, would have to be located some 38 miles outside of Green Bay regardless of the possible use of 252A, in the Notice we proposed deletion of Channel 253 from Green Bay. As a replacement we proposed the reassignment of Channel 230 from Neenah-Menasha to Green Bay.

20. Obviously, since Channel 253 must be more than 35 miles from Green Bay, it is not satisfactory as an assignment to that community and will be deleted, therefore, there is no obstacle to the assignment of Channel 252A at Menomenee Falls or in Milwaukee.

21. The city population of Milwaukee, Wis. is 741,324. Channels 227, 233, 239, 243, 247, 256, 271, 275, and 299 are assigned to the community. All of the channels are occupied. The community also has 7 AM services licensed in it. Menomonee Falls, according to the 1960 U.S. Census, has a population of 18,276 compared to a 1950 census population of 2,469. There are no FM or AM facilities assigned to the community. Menomonee Falls has had a fast rate of growth and is far enough from Milwaukee to have a reasonable degree of separate social and business activities. The above facts indicate that the opportunity for a first local service in Menomonee Falls rather than an additional service to Milwaukee is preferable. This assignment of course may be applied for by any qualified applicant for use either at Menomonee Falls or any other unlisted community (e.g. New Berlin) within 25 miles.

22. The Notice contemplated as a substitute for 253 at Green Bay the reassignment to that city of Channel 230, now assigned to Neenah-Menasha. Green Bay has a population of 62,888. If the Commission takes no action other than deleting Channel 253 from Green Bay, the community would be left with only Channel 266, on which WBAY–FM operates. It also has three fulltime AM stations: WBAY (5 kw/unlimited time), WBUZ (1 kw/day, 250 watts night), and WJPG (5 kw/day, 500 watts night). The combined population of Neenah and Menasha is 32,664. Channels 230 and 289 are assigned to the hyphenated communities. Neither channel is occupied; however, there are two applications pending for the use of Channel 289 (BPH–4273, BPH–4208). WNAM, a standard broadcast station, is the only broadcast facility operating in Neenah-Menasha (5 kw/day, 1 kw night). One of the applicants for Channel 289 filed an opposition to the removal of Channel 230 from that community. There was no indication of interest in the use of the channel at Green Bay; as mentioned, the permit for Channel 253 there was turned in.

23. Because of the existing services in Green Bay and Neenah-Menasha, and the interest in providing Neenah-Menasha with additional services, as contrasted with the apparent lack of interest in Green Bay at this time, the Commission is of the view that it is not in the public interest to reassign a channel from Neenah-Menasha to Green Bay. The Commission is aware of the need to provide for future requirements in Green Bay. This may be done by assigning Channel 252A there. Such an assignment, which will meet all spacing requirements without necessitating any other changes in The Table of Assignments, is in the public interest and is adopted herein.

24. *RM–503, St. Louis Park and Minneapolis, Minn.* The Notice, in response to the request of Radio Suburbia, Inc. (licensee of KRSI–FM operating on Channel 281 in St. Louis Park) proposed the possible interchange of Channel 281 in St. Louis Park with Channel 271, presently assigned to Minneapolis. The Notice also proposed to deal with the short-spacing problem of WAYL–FM operating on Channel 241, in Minneapolis, licensed to Contemporary Radio, Inc., by treating its request for reconsideration of our action in Docket No. 14185 (FCC 63–976) as a comment in this proceeding. No specific substitute channel was proposed.

25. On the last day for filing reply comments (March 16, 1964) licensee of WMIN(AM) St. Paul, filed a counter proposal with respect to Channel 271 urging its shift from Minneapolis to St. Paul. Radio Suburbia and Hennepin Broadcasting Associates, Inc. (applicant for Channel 271 assigned to Minneapolis, BPH–4369), both filed motions to strike WMIN's counter proposal on the grounds

[2] New Berlin was proposed as a transmitter site by the Voice of Christian Youth, Inc. It is approximately seven miles distant from downtown Milwaukee. It is apparent that petitioner's intent is to serve the Milwaukee area generally on its proposed station as it has been doing so far by the purchase of time on existing stations.

that because of the time of its filing other interested parties had no opportunity to file comments in respect to it. We feel that it is established that reply comments should be limited to a discussion of the matters presented in the comments directed to the Notice. Obviously, other parties have no chance (unless the proceeding is to be inordinately delayed) to comment on a suggestion made on the last day of the proceeding. Hence we are striking the reply comments of WMIN insofar as they are not responsive and will not consider the counter proposal. In addition to the above discussed reply comments, WMIN filed at the same time a petition for rule making also requesting the reassignment of Channel 271 from Minneapolis to St. Paul. The Commission is of the view that it can most effectively and expeditiously deal with the problems involved in this proceeding as well as the proposal made by WMIN, by considering the latter apart from the present proceeding. Also on March 16, 1964, Hennepin filed a reply comment which contained the following counter proposal: delete Channel 242 and add Channel 243 at Rice Lake, Wis., and change the authorization of Station WJMC–FM presently operating on Channel 242 to Channel 243 in that community.[2] WJMC–FM filed a Motion to Strike this counter proposal. On the same grounds Hennepin urged striking the counter proposal of WMIN just discussed. We are striking the reply comment of Hennepin insofar as it is not responsive for the same reason.

26. Radio Surburbia's proposal to interchange Channel 281 with 271, in St. Louis Park and Minneapolis respectively, was aimed at solving a short-spacing problem presently existing between its Station KRSI–FM operating on Channel 281 in St. Louis Park and two other stations: KYSM–FM operating on Channel 278 at Mankato, Minn., 57.0 miles distant and KFAM–FM operating on Channel 284 in St. Cloud, Minn., 57.2 miles distant. The Commission's rules specify a minimum mileage separation of 65 miles for FM operation with a three channel separation. A Channel 271 station located in St. Louis Park would not be short-spaced. Hennepin, the applicant for Channel 271 in Minneapolis, and other parties participating in the proceeding, vigorously oppose the interchange. The oppositions point out that notwithstanding the fact that a station constructed on Channel 281 assigned to Minneapolis could be located within 8 miles of downtown Minneapolis and still meet the Commission's minimum mileage spacing requirements, there is great difficulty in finding a site which would be suitable at that distance from Minneapolis due to the proximity of a number of airfields, the density of population and zoning requirements. The practical problems of actually obtaining a new transmitter site must be considered. Considering all of these facts, the Commission is of the view that an interchange of Channel 281 with 271 is not in the public interest. The short-spacing problem of KRSI–FM (which, as shown above, are not severe) can be most effectively dealt with by a development of the proposals set out in the third notice of proposed rule making in Docket No. 14185, concerning overall increases for existing short-spaced stations.

27. The Commission's examination of the question discussed in the previous paragraph has resulted in an examination of the broadcast services, in particular FM, available to the Minneapolis area. The population of Minneapolis, according to the 1960 U.S. Census, is 482, 872. The community has FM Channels 233, 241, 246, 253, 258, 262, 267, 271, and 275 assigned to it. All these channels except Channels 233 and 271 are occupied. There are nine AM services licensed in Minneapolis. St. Paul, Minn., the capital of the state (population 313,411) adjacent to Minneapolis has only FM Channel 237A assigned to it. That channel is occupied. There are three AM services licensed in St. Paul. In view of the fact that St. Paul is the capital of the state, its population and the number of services available in Minneapolis as compared with those available in St. Paul, the Commission feels that it may be in the public interest that St. Paul have additional channels available to it. At the same time the Commission cannot make a finding from the material available to it in this proceeding that channels should be deleted from Minneapolis; hence we have under consideration the making of one or more additional assignments to St. Paul, or the hyphenated communities of Minneapolis-St. Paul, and action in this matter will be taken shortly.

28. Station WAYL (FM) presently occupies Channel 241 in Minneapolis. Because of its short-spacing to WJMC–FM operating on Channel 242 at Rice Lake, Wis., it is seeking operation on a nonshort-spaced channel assigned to Minneapolis. The short-spacing problem with which WAYL is concerned is a serious one, in that Minneapolis is about 85 miles from Rice Lake, whereas our rules provide for 150 mile separation. Because of the spacing involved there is a serious question as to the degree of real relief these stations would receive from any overall action we may take in Docket No. 14185. The Commission does not feel that it can issue an order to show cause specifying an operation for WAYL on Channels 233 or 271 (the only unoccupied channels in Minneapolis) because of outstanding applications for their use. Fortunately there is a solution not involving Channels 233 or 271 which have applications pending for them. Hubbard Broadcasting Company in its comments proposed, and WAYL agreed, to the following:

	Add	Delete
Minneapolis, Minn.	229	241
Faribault, Minn.	240A	228A
Princeton, Minn.	292A	228A

There are neither authorizations outstanding nor applications pending for the use of Channels 228A in either Princeton or Faribault. All of the proposed assignments would meet the minimum mileage separation requirements of the Commission. In view of these facts the Commission is adopting the above set out proposal and modifying the license of WAYL to specify operation on Channel 229 in place of 241 in Minneapolis.

29. *RM–507, Radford and Blacksburg, Va.* The Notice, in response to the request of WRAD Broadcasting Company, proposed to reassign Channel 269A from Blacksburg, Va., to Radford, Va., and to replace it in Blacksburg with Channel 285A.

30. The population of Blacksburg is 7,070. Channel 269A is assigned to that community and there are two applications pending for its use: WBCR, Inc. (BPH–4062) has filed an application for the channel at Blacksburg; WRAD Broadcasting Company (BPH–4168) wishes to use the channel, under the 25-mile rule, at Radford. There are no AM stations licensed in Blacksburg. The population of Radford is 9,371. WRAD, an AM station (5 kw/day, 500 watts night) is operating in the community.

31. If the Commission does not adopt petitioner's proposal, the result would be an FM service for either Radford or Blacksburg but not for both communities. By the adoption of the reassignment and drop-in, both communities can have local FM service without depriving any other community of an FM channel. The reassignment and drop-in proposed by petitioner meets all of the minimum mileage separation requirements.

32. In view of the populations of Radford and Blacksburg, their broadcast service, the interest of both WBCR, Inc. and WRAD Broadcasting Company and the availability of Channel 285A for assignment to Blacksburg, the Commission is of the view that it is in the public interest to reassign Channel 269A from Blacksburg to Radford and to replace it in Blacksburg by assigning Channel 285A to that community.

33. *RM–508, Fairhope and Mobile, Ala.* The Notice in response to the request of Eastern Shore Broadcasters, Inc., proposed to delete Channel 221A from Fairhope and to replace it by reassigning Channel 225 from Mobile to Fairhope.

34. The population of Fairhope is 4,858. It is located in Baldwin County, which has a population of 49,088. Channel 221A is presently assigned to the community. There is no authorization outstanding for the channel nor are there applications pending for it. The community has one daytime only AM station, WABF (1 kw). The population of Mobile is 202,779. It is located in Mobile County, with a population of 314,301. The community has eight standard broadcast stations licensed in it. FM Channels 225, 235, 241, 248 and 260 are presently assigned, of which Channel 260 is in use and Channel 241 is in permit status. Petitioner requested the above amendment of the rules in order to provide Fairhope and Baldwin County with a first local nighttime radio service. It

[2] The counter proposal was aimed at solving the short-spacing problem existing between WAYL (Channel 241 Minneapolis) and WJMC–FM (Channel 242 Rice Lake, Wis.).

was believed that the entire county could not receive service from a station broadcasting on Channel 221A. No parties filed oppositions to the deletion of Channel 225 from Mobile (a station operating on Channel 225 in Fairhope would serve Mobile as well as Baldwin County).

35. Our stated policy in developing the assignment table and in subsequent changes has been to assign Class A channels to the smaller communities and the Class B or Class C channels to the larger cities and metropolitan areas. There were of course a number of markets in which Class A's and B's or C's were mixed, but these were stations already in existence or where we could not make all the assignments the same class. We have also made a number of Class B or C assignments in smaller communities, but these were far removed from large cities and metropolitan markets and in situations where a showing was made that there was a large rural population. Usually a showing was made that the extended coverage was needed to make a station viable in the area. In the instant case Fairhope is a small community very near a large city. This is the type of case where a Class A assignment is contemplated. We do not feel that the deletion of one of the 5 Class C assignments should be made from the large and important market of Mobile in order to make it available to the small community of Fairhope. Nor are we convinced that the Class A assignment cannot adequately serve the local needs of this community. In view of the foregoing, the petition of Eastern Shore Broadcasters is denied.

36. *RM–513 and 541, Berkeley Springs, W. Va., and Frostburg, Md.* The Notice, in response to the request of Regional Broadcasting Company, and Western Maryland Broadcasting Company, proposed several alternative changes in the FM Table of Assignments. The purpose of the changes was to provide FM channels for both Berkeley Springs,[4] W. Va., and Halfway, Md., and additionally to provide a wide coverage channel for Frostburg, Md.

37. The population of Halfway is 4,256. FM Channel 228A is assigned to the community and there are two applications pending for its use: that of Regional Broadcasting Company for use at Halfway (BPH–3767), and that of Berkeley Springs Radio Station Corporation for use, under the 25-mile rule, at Berkeley Springs (BPH–4123). Standard broadcast station WHAG (1 kw daytime only) is licensed in Halfway. The population of Berkeley Springs is 1,138. There is no FM channel assigned to the community. Standard broadcast station WCST (250 watts daytime only) is operating in Berkeley Springs. The population of Frostburg is 6,722. It is located in Allegany County. The population of that county is 84,169. FM Channel 244A is assigned to the community. There is no authorization outstanding nor are there applications pending for its use. The community is served by standard broadcast station WFRB (1 kw daytime only).

38. In view of the interest in providing Berkeley Springs and Halfway with separate local fulltime radio service, the interest in providing Frostburg with a wide-coverage FM service, the present service in each of the three communities and the feasibility of the following assignments (which meet all the minimum mileage separation requirements), the Commission is of the view that it is in the public interest to make the following additions and deletions of FM channels in the communities:

City	Add	Delete
Bath (Berkeley Springs), W. Va.	228A	
Halfway, Md.	244A	228A
Frostburg, Md.	287	244A

39. Because of minimum mileage separation requirements, it is necessary to change the assignments in two other communities. Oakland (western Maryland) is presently assigned Channel 285A. There is no authorization outstanding nor are there applications pending for the channel's use; therefore, our substitution of Channel 244A for Channel 285A does not adversely affect any party. Huntingdon,[5] Pa., is assigned Channel 244A. There is an application pending for its use by Huntingdon Broadcasters, Inc. (BPH–4394). Our substitution of Channel 292A for Channel 244A may mean some minor inconvenience for this applicant. However, on balance, the gain in service by the additions and deletions made in this rule making outweigh any inconvenience to Huntingdon Broadcasters, Inc. Channel 292A will meet all the minimum mileage separation requirements and is equivalent to Channel 244A. The assignment of a Class B channel to Frostburg is justified not only since it would permit the changes necessary to make the assignment to Berkeley Springs, but also because it is the type of smaller community which would wararnt such an assignment. Frostburg is far removed from any large metropolitan area (the nearest one being at Pittsburgh over 75 miles distant).

40. *RM–526, Nantucket, Massachusetts.* The Notice in response to the request of the Inquirer and Mirror Publishing Company, Inc., proposed to make an assignment of Channel 260 to Nantucket. The population of Nantucket is 3,559. There are no FM channels assigned to the community nor is there an AM station operating there. The Inquirer and Mirror Publishing Company, Inc., has stated that it will apply for Channel 260 if it is assigned to Nantucket.

41. In view of the lack of local service in Nantucket, the community's population, the availability of Channel 260, and the interest of petitioner, the Commission is of the view that it is in the public interest to assign Channel 260 to Nantucket.

42. *RM–527, Wallace, Idaho.* The Notice in response to the request of KXLY–FM, Spokane, Washington, proposed to substitute Channel 282 for Channel 258 in Wallace, Idaho. There is no authorization outstanding nor are there applications pending for the use of Channel 258 there: The purpose of the proposed change is to effect a substantial improvement in the service provided by KXLY–FM (operating on Channel 260) by permitting it to shift its antenna site from its AM to its TV tower with no resultant short-spacing to a channel assigned to Wallace.

43. In view of the fact that the proposed substitution will in no way deprive Wallace of its present potential for FM service, the increase in service in the Spokane area and the fact that the proposal meets the minimum mileage separation requirements of the Commission, the Commission is of the view that it is in the public interest to substitute Channel 282 for Channel 258 at Wallace and to continue the assignment of Channel 264 to that community.

44. *RM–528, Crestview, Fla.* The Notice, in response to the request of Everett M. McCrary, proposed to assign Channel 285A to Crestview, Fla. The population of Crestview according to the 1960 U.S. Census is 7,467 (in 1950 the population was 5,003). There are no FM channels asigned to Crestview; however, there are two daytime only AM stations operating there: WCNU (1 kw) and WJSB (1 kw). The proposed assignment to Crestview, the county seat of Okaloosa County, meets all of the minimum mileage separation requirements of the Commission.

45. In view of the community's population, the availability of Channel 285A, the interest of petitioner and the lack of local nighttime service in the community, the Commission is of the view that it is in the public interest to assign Channel 285A to Crestview.

46. *RM–529, Missoula, Montana.* The Notice, in response to the request of KGVO Broadcasters, Inc., proposed to make an additional assignment, Channel 261A, to Missoula, Montana. The purpose of petitioner's proposal is to provide a channel for Missoula on which petitioner could build a station without meeting the power and height requirements for a Class C station. Petitioner believes that a Class C station is not feasible in Missoula from a financial point of view. The population of Missoula is 27,090. It is located in Missoula County. The population of that county is 44,663. FM Channels 227 and 235 are assigned to the community. There are neither authorizations outstanding nor applications pending for their use. There are four AM services operating in Missoula: KYSS (1 kw daytime only); KGVO (5 kw unlimited time); KYLT (250 watts unlimited time); KGMY (250 watts unlimited time). The assignment of 261A to Missoula meets all of the minimum mileage separation requirements of the Commission.

47. In the interest of providing FM service to Missoula as quickly and economically as possible, the Commission is of the view that it is in the public interest to assign Channel 261A to Missoula.

48. *RM–531, Spencer, Iowa.* The Notice, in response to the request of the

[4] According to the 1960 Census the correct corporate name for Berkeley Springs is Bath. We are using its popular name in this discussion.

[5] Huntingdon, Pennsylvania, appears as Huntington, Pa., in Section 73.202 of our rules as a result of a typographical error.

Iowa Great Lakes Broadcasting Company, proposed to assign Channel 300 to Spencer, Iowa. The purpose of the proposal is to provide Spencer and a wide segment of the rural population of northwest Iowa with FM service.

49. The population of Spencer, Iowa, is 8,864. It is located in Clay County. The population of that county is 18,504. FM Channel 221A is presently assigned to the community. There is no authorization outstanding nor are there applications pending for its use. Standard broadcast station KICD (1 kw day, 250 watts night) is operating in the community. The only objection to the proposed assignment was made by Northwest Broadcasting Company, which seeks to use Channel 300 at a location in Minnesota conflicting with its assignment to Spencer. This party alleged that the assignment would not be fair, efficient and equitable. A number of other communities were mentioned as deserving of this channel; of these the only one which was not the same size or smaller than Spencer was Fort Dodge, Iowa. Fort Dodge is a significantly larger community. The Commission agrees that additional AM and FM service may be warranted there. However, Channel 300 cannot be assigned to that community without serious violation of the Commission's minimum mileage separation requirements. Channel 300 located in Spencer will serve a large isolated area and will meet all the minimum mileage separation requirements of the Commission's rules.[6]

50. In view of the isolated location of Spencer, the population that would be served by a wide coverage FM channel located there, the available broadcast service and the fact that Channel 300 can be assigned to the community without violating the minimum mileage separation requirements, the Commission is of the view that it is in the public interest to assign Channel 300 to Spencer.

51. *RM–537, Sanford, Winter Park, and Windermere, Florida.* The Notice, in response to the request of Richard Baird, proposed to reassign Channel 276A from Sanford to Winter Park and to replace it in Sanford by reassigning Channel 237A from Windermere to Sanford. There are neither authorizations nor applications for any of these present assignments.

52. The proposal, in effect, would assign a first commercial FM channel to Winter Park[7] at the cost of deleting Windermere's assignment. The proposal would not have any effect on the FM service potential for Sanford since interested parties in Sanford will be able to apply for Channel 237A.

53. The population of Winter Park is 17,162. Standard broadcast station WABR (5 kw daytime only) is operating in the community. Windermere has a population of 576. Standard broadcast station WXIV (1 kw daytime only) is operating in Windermere. Petitioner states that he will promptly apply for an FM channel if it is assigned to Winter Park. There seems to be no present interest in activating an FM channel in Windermere. No oppositions were filed to the proposal. The proposed reassignments meet the Commission's minimum mileage separation requirements.

54. In view of the substantial disparity in size between Windermere's and Winter Park's population, the fact that Windermere will not be left without a local broadcast service and the interest in an early activation of a local commercial FM service for Winter Park, the Commission is of the view that it is in the public interest to reassign Channel 237A from Windermere to Sanford and Channel 276A from Sanford to Winter Park.

55. *RM–536, Houston and Senatobia, Miss.* The Notice, in response to the request of WCPC Broadcasting Company, proposed to substitute Class C Channel 231 for Channel 228A in Houston, Miss. Such an assignment would require the substitution of Channel 224A for Channel 232A in Senatobia, Miss.

56. Houston has a population of 2,577. It is the county seat of Chickasaw County (population 16,891) and is asserted to be an important market center in the area. Channel 228A is assigned to the community. There is no authorization outstanding nor are there applications pending for its use. There is a standard broadcast station assigned to the community, WCPC (5 kw daytime only). There is no local nighttime service in Houston. A Class C channel assigned to the community would be able to serve a wide area presently without FM. Houston is far removed from any metropolitan area or large city and is the type of community for which we are justified in making an exception to the policy of assigning a Class A channel to small communities. We are therefore adopting the proposal.

57. Pickens County Broadcasting Co., Inc., filed a counterproposal in this proceeding suggesting that Class C Channel 227 be assigned to Houston rather than the proposed Class C Channel 231 in order to make Channel 231 available to Carrollton, Ala., in lieu of 292A presently assigned to that community. The use of Channel 227 in Houston would require the substitution of Channel 237A for 228A at Corinth, Miss. The Commission is of the view that such a substitution at Corinth would not be in the public interest since it would rule out the possibility of using Channel 237A to meet the future needs of other communities such as Holly Springs, Miss., a community with a population of 5,621, with the only advantage being the provision of a Class C channel for Carrollton (population 894).[8] Therefore, we are assigning Channel 231 to Houston rather than Channel 227. As our Notice stated, this can be done by the simple substitution of Channel 224A for Channel 232A at Senatobia. There is no authorization outstanding nor are there applications pending for the use of Channel 232A at Senatobia.

58. The Commission will not adopt a second alternative suggested by Pickens County Broadcasting Co., Inc., the assignment of Class C Channel 300 to Carrollton because such an assignment would require the deletion of Channel 299 from Birmingham, Ala. There are only two FM channels unoccupied in Birmingham. The population of Birmingham is 340,887. The population of Carrollton is 894. The small community of Carrollton has standard broadcast station WRAG (1 kw daytime only) operating in it. Channel 292A is assigned to the community. There are no authorizations outstanding or applications pending for its use. Channel 292A, because of the wide spacing of assignments on adjacent channels in the area, should be able to serve Carrollton and the surrounding area adequately.

59. *Jacksonville, Fla., and Huntington, W. Va.* The Commission on its own motion proposed to substitute Channel 275 for Channel 223 in Jacksonville, Fla., and Channel 300 for Channel 223 in Huntington, W. Va. The substitutions were proposed to eliminate a short spacing problem in Jacksonville and other technical difficulties (I.F. difference) in Huntington. There are neither authorizations outstanding nor applications pending for Channel 223 in either Jacksonville or Huntington. No oppositions were filed opposing either substitution. In view of the foregoing, the Commission is of the view that it is in the public interest to substitute Channel 275 for Channel 223 in Jacksonville and Channel 300 for Channel 223 in Huntington.

60. Authority for the amendments adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

61. *It is ordered*, That effective July 13, 1964, the Table of Assignments contained in § 73.202 of the Commission's rules and regulations is amended to read as follows in respect to the communities named:

City	*Channel No.*
Colorado:	
Colorado Springs	225, 232A, 243, 270.
Florida:	
Crestview	285A.
Jacksonville	236, 241, 245, 256, 275.
Sanford	237A.
Winter Park	276A.
Idaho:	
Wallace	264, 282.
Iowa:	
Spencer	221A, 300.
Maryland:	
Frostburg	287.
Halfway	244A.
Oakland (Western)	244A.
Massachusetts:	
Nantucket	260.
Minnesota:	
Faribault	240A.
Minneapolis	229, 233, 246, 253, 258, 262, 267, 271, 275.
Princeton	292A.
Mississippi:	
Houston	231.
Senatobia	224A.
Montana:	
Missoula	227, 235, 261A.
New York:	
Jamestown	227, 269A.
Pennsylvania:	
Huntingdon	292A.
South Carolina:	
Easley	280A.

[6] Northwest Broadcasting Company has tendered an application for Channel 300, assigned to Cambridge, Minn., at Anoka, Minn., under the 25-mile rule. A waiver of the 25-mile rule is required since Anoka is approximately 28 miles from Cambridge. The requested waiver has been denied this date and the application of Northwest is being returned.

[7] WPRK, a noncommercial educational FM station, operates on Channel 218 in Winter Park.

[8] See RM–593 filed on Apr. 14, 1964.

City	Channel No.
Virginia:	
Blacksburg	285A.
Radford	269A.
West Virginia:	
Bath (Berkeley Springs).	228A.
Huntington	263, 277, 300.
Wisconsin:	
Green Bay	252A, 266.
Menomonee Falls	252A.

62. *It is further ordered,* That, effective the same date the Table of Assignments contained in § 73.202 of the Commission's rules and regulations is amended to delete any reference to, and assignments in Windermere, Fla., and Huntington, Pa.

63. *It is further ordered,* That, effective July 13, 1964, the outstanding license held by Contemporary Radio, Inc., for Radio Station WAYL(FM) is modified to specify operation on Channel 229 in lieu of Channel 241 in Minneapolis, Minn., subject to the following conditions:

(a) The licensee shall inform the Commission in writing by June 25, 1964, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by June 25, 1964, all technical information necessary to the issuance of a modified construction permit for operation on Channel 229, including any changes in antenna and transmission line.

(c) The licensee may continue to operate on Channel 241 until, upon its request, the Commission authorizes interim operation on Channel 229, following which the licensee shall submit (within 30 days) the measurement data normally required of an applicant for an FM broadcast station license.

64. *It is further ordered,* That, all comments, reply comments, counter proposals, briefs, motions and other pleadings filed in this proceeding and petitions dealt with in this proceeding are denied insofar as they are inconsistent with the actions taken in this Report and Order.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: June 3, 1964.

Released: June 8, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 64-5752; Filed, June 9, 1964; 8:50 a.m.]

[1] Commissioners Bartley and Ford absent.

[Docket No. 15028; FCC 64-517]

PART 73—RADIO BROADCAST SERVICES

"Simplex" Transmission of Subscriber Background Music

In the matter of amendment of Part 73—Radio Broadcast Services—to proscribe the "simplex" transmission of subscriber background music by FM Broadcast Stations, and to make related changes (including the proscription of superaudible control signals except as specifically authorized by the Commission and simplification of SCA logging requirements).

1. The basic issue in this proceeding is whether the Commission should permit the continuance of "simplexing", as still practiced by Functional Music, Inc. (Radio Station WFMF, Chicago, Ill.) and a few other FM broadcast licensees,[1] or whether public interest considerations dictate its abandonment. The terms "simplex" and "simplexing", as used herein, mean the transmission of background music or other specialized program services on an FM station's regularly assigned main channel, usually in conjunction with superaudible "beeps" to eliminate spoken material from main channel receivers in subscribers' establishments. Since 1955, our rules have provided for the rendition of such services on multiplex subcarriers of the assigned main channel—a practice which is normally described as "multiplexing".

2. *Background of this proceeding.* On March 16, 1955, we adopted a Report and Order (Docket No. 10832; FCC 55-340) amending our rules to provide for the issuance of Subsidiary Communications Authorizations (SCA's) to FM broadcasters wishing to render background music and other subsidiary services on a subscription basis. Those amendments provided for the transmission of subscription services, such as background music and storecasting, initially on a simplex basis. Because subscription services were felt to be essentially nonbroadcast in nature, the 1955 amendments further provided for their relocation on multiplex subchannels when suitable equipment became available. Our stated objective in providing for simplex operation on an interim basis was to bolster the economic position of FM licensees and thereby to promote the development of FM as a broadcast medium (FCC 53-1747, par. 10.).

3. Target dates for the termination of simplex operation were repeatedly extended in response to industry petitions alleging unavailability of multiplex transmitting and receiving equipment. Finally, by Report and Order adopted December 5, 1957 (FCC 57-1325), we denied the petitions of 15 background music operators to the extent that they had requested further postponement of the simplex deadline beyond March 1, 1958. Our subsequent denial of reconsideration was appealed. On March 18, 1956, the U.S. Court of Appeals for the District of Columbia Circuit, stayed the simplex deadline with respect to Functional Music, Inc., licensee of Radio Station WFMF, Chicago, the first "simplexer" to seek judicial review of our SCA Rules and implementing Orders. Parallel stays were sought and obtained by other FM stations then engaged in simplexing. On November 7, 1958, the Court reached the merits of the WFMF appeal (Functional Music, Inc. v. U.S.A. & F.C.C., 274 F. 2d 543) holding that the transmission of background music on a simplex basis, as practiced by WFMF and others, had the attributes of "broadcasting" as defined in Section 3(o) of the Communications Act. The Court therefore concluded that the SCA Rules were invalid insofar as those Rules called for the termination of simplexing because of its assumed nonbroadcast character.[2]

4. By letter adopted December 23, 1958, and later appearing as a Public Notice, Radio Station WFMF was informed that "* * * If [your] contention that [simplex] operations are broadcast in nature should ultimately prevail, serious questions are raised as to whether your FM operation is consistent with the basic duties incumbent upon broadcast licensees which flow from the Communications Act and the Commission's Rules * * *" Action on the WFMF renewal application was therefore deferred "pending a final determination of the issues in said court proceeding." Action on other "simplexers'" renewal applications was similarly deferred, as they were submitted.

5. On October 12, 1959, a joint FCC/Justice Department petition for writ of certiorari was denied by the Supreme Court. Inasmuch as various stays previously granted by the Court of Appeals had expired or were about to expire, we adopted an Order on October 28, 1959 (FCC 59-1116) preserving the status quo by continuing, on our own motion, the Court-imposed stays of the simplex deadline. That Order applied to the 15 "simplexers" then before the Court, and by its terms continues in effect until the issues flowing from the Court's decision in the Functional Music case are finally resolved.

6. *Current proposal.* The Notice of Proposed Rule Making and Order in this proceeding released March 29, 1963 (FCC 63-303) looks toward the eventual prohibition of simplexing,[3] but on different grounds than those found to be objectionable by the Court in 1958. The assumptions underlying the current proposal, as more fully set out in the Notice, may be summarized as follows:

[1] Radio Stations KBMS and KGLA, Los Angeles, California, and WNAV-FM, Annapolis, Md. Unlike WFMF, these stations hold Subsidiary Communications Authorizations (SCA's) for the transmission of background music on one or more multiplex subchannels. KBMS and KGLA are apparently transmitting subchannel signals for the limited purpose of controlling main channel receivers, for which appropriate notices of violation have been issued. WNAV-FM is converting its background music operations to SCA circuits, and expects to discontinue simplexing eventually. In accordance with the terms of the Notice—FCC 63-303—the Commission has continued to defer action on these stations' applications for renewal of station license, awaiting outcome of this proceeding. Approximately 400 FM broadcasters currently hold SCA's to provide background music and other subscription services on a multiplex basis.

[2] The Court did not, however, pass upon the question "[w]hether or not [WFMF's] functional music service may be barred as objectionable for reasons other than its supposed status as a nonbroadcast service" (274 F. 2d at 548-49).

[3] The proscription of superaudible control signals (without express Commission authority), and simplification of SCA logging and announcement requirements was also proposed. The comment deadline was extended (through August 1, 1963) at the request of Radio Station WFMF, by Orders released June 13 and July 23, 1963.

(a) Because of contractual arrangements with subscribers, the simplex operator is, or may be, inhibited from inserting into his program schedule substantial amounts of programing which he might otherwise find to be responsive to the needs and interests of his service area.

(b) Subscribed orientation in programing tends toward abdication of licensee control.

(c) The public detriment flowing from subscribed-oriented programing is not offset by any overriding benefit to the public nor, in view of the multiplex alternative, to the FM broadcast industry itself.

(d) The FM broadcast industry no longer needs simplexing as an economic crutch.

(e) As evidenced by the 400-odd FM broadcasters holding SCA's to engage in multiplexing, the multiplex mode is not only technically feasible but, since two separately-programed subchannels may be employed, offers a sound basis for long term economic growth.

(f) On the other hand, the multiplex operator suffers an unfair competitive disadvantage *vis-a-vis* the simplexer because, other things being equal, of the simplexer's larger service area and his use of less costly receiving equipment; and

(g) Because of the competitive incompatibility between simplexing and multiplexing, the development in SCA multiplexing which has taken place in recent years would, even at this late date, be reversed if we were now to adopt rules condoning simplex operation.

7. *Comments received.* Timely comments were entered in this proceeding by the following organizations:

(a) The Pacific Network, Inc. (a Los Angeles Muzak franchise holder).
(b) The Maryland Broadcasting Company (WITH–FM, Baltimore, Maryland).
(c) MIA Enterprises, Inc. (KWBE, Beatrice, Nebraska).
(d) Annapolis Broadcasting Corporation (WXTC, Annapolis, Maryland).
(e) Functional Music, Inc. (WFMF, Chicago, Illinois).
(f) North Shore Broadcasting, Inc. (WEAW–FM, Evanston, Illinois).
(g) Capital Broadcasting Company (WNAV–FM, Annapolis, Maryland).
(h) KMLA Broadcasting Corporation (KMLA, Los Angeles, California).

8. *Analysis.* With the exception of WFMF, the proposed rules have been endorsed or accepted in principle by all parties to this proceeding.[4]

9. Pacific Network calls attention to the "highly unfair competitive situation" existing in the Los Angeles market, where two FM stations are engaging in what we believe amounts to simplex operation. The problem in this particular market is aggravated, it is claimed, by rugged terrain which complicates subchannel coverage.

10. Maryland Broadcasting (WITH–FM) confined its comments to SCA technical logging, observing that it interrupts its subcarrier transmissions eight times each hour, for short intervals, in order to eliminate electronic noise and main channel cross-talk. Section 73.295, as proposed, would require that individual entries be made in the SCA operating log for each interruption and restoration. We agree that in the circumstances described, the making of such entries would tend to become pro forma and, in any event, would serve no useful purpose. We therefore adopt the respondent's suggestion that service interruptions of five minutes' duration (or less) be omitted from the SCA operating log.

11. MIA Enterprises (KWBE) argues that the legitimate objectives of FM broadcasting "suffer and are stifled at the hands of a simplex operation", and urges that simplexing be discontinued in order that "greater latitude of operation on the main FM channel" may be achieved.

12. Annapolis Broadcasting (WXTC) is interested in entering the background music field in Annapolis, Maryland, but alleges that it cannot successfully compete with the simplex operation still being conducted in that community (WNAV–FM). Specifically, it is alleged that "WNAV–FM has preempted the background music field in Annapolis, and if WXTC were to offer a multiplexed background music service with its necessarily higher subscription cost . . . there would be few, if any takers". More significantly, the respondent states that "WNAV–FM has presented a highly specialized main channel operation for several years, in order to accommodate its simplex subscribers, [which] has not only had an adverse and unfair competitive effect upon WXTC, but has [also] had a naturally stifling effect upon the sale of FM receivers, for which the public can hardly be blamed". The respondent therefore urges speedy adoption of the Commission's "long overdue" proposals in this proceeding.

13. As indicated in footnote 4, supra, Radio Stations WEAW–FM and WNAV–FM expressed concern about the impact of the new rules, if adopted, on their residual simplex operations. WEAW–FM has since transferred all of its subscription services to appropriate subchannels, thereby rendering moot its earlier reservations. WNAV–FM continues to question whether adoption of the proposed rules is warranted, but indicates that it can "live with" the proposal if a six-month transition period is provided beyond the effective date of the new rules. We note that a lead time of six months was built into the Notice itself (§ 73.276(a), as proposed). We therefore adopt WNAV–FM's position in this regard.

14. KMLA Broadcasting (KLMA), a pioneer multiplexer, treats in considerable depth the competitive aspects of background music in the Los Angeles market where, as already indicated, two stations engage in simplex operation.[5] This, it is urged, has placed "the legitimate multiplex background music operators of Los Angeles in an untenable position". Among the factors underlying this conclusion are: KMLA's initial investment of "approximately $150,000 * * * to convert some 1,300 accounts from simplex to multiplex"; its failure to recoup the earlier investment in simplex receivers, now in storage; the additional expense incurred in delivering "separate diversified programming on its main channel" estimated at $60,000 over the past 30 months; loss of fringe area subscribers; an expenditure of "approximately $10,000 in more sophisticated [receiving] antennas * * * to guarantee an adequate signal in some areas"; higher maintenance costs due to the complexity of multiplex receiver circuitry; and intangible effects related to customer satisfaction, including the higher noise level of multiplex reproduction and, based on the foregoing considerations, the necessity for charging higher subscription rates. In the latter connection, KMLA and KMLA subchannel lessees must charge an average monthly fee of $24.95, as against monthly rates of $19.50 charged by the two simplex competitors. The respondent suggests that "if the situation is allowed to remain status quo, the price of cooperation will be financial destruction of those who cooperated", and urges that "the Commission act with dispatch in this matter in order not to prolong the gross inequity that exists between the multiplexer and the simplexer". In terms of licensees' freedom to respond to the changing needs of their communities, KMLA states that never during its own period of simplex operation (spanning some 90,000 hours of broadcasting) was a special program substituted for the background music format; but yet, that

> * * * within three months of the * * * conversion to multiplex * * * KMLA had substituted fourteen hours of new, completely diversified programming daily in order to conform to its determination of the community needs. In addition, the two years following, 1961–1963, produced well over 100 other program substitutions which were deemed in the public interest. This comparison between a completely restricted program format demanded of a simplex licensee and the infinite flexibility available to the station whose main channel is not limited to background music, graphically illustrates the position taken by the Commission in this Notice.

Radio Station KMLA supports all other tentative conclusions expressed in the Notice, but suggests the following refinements:

(a) Amend § 73.261(a) of the rules to exclude (from the 36-hour weekly mini-

[4] Written comments by Radio Stations WEAW–FM and WNAV–FM expressed certain reservations based on the fact that their background music operations had not been fully converted to the multiplex mode. Radio Station WEAW–FM has since completed its conversion; WNAV–FM has not, but can do so if a six-month transition period is provided beyond the effective date of the new rules.

[5] Radio Stations KBMS and KGLA. Both actually transmit background music on authorized subcarrier frequencies, but only for the limited purpose of controlling *main channel* receivers. This is accomplished by interruptions in the SCA transmissions, a muting technique obviously comparable to the transmission of superaudible "beeps" to control main channel receivers. We are inclined to view this practice as simplexing which, in at least one case, violates the terms of the outstanding SCA. As indicated in footnote 1, *supra*, the KBMS/KGLA situation is being handled separately as an enforcement matter.

mum for FM broadcast stations) time devoted to main channel programing which is duplicated on a multiplex subchannel. Such a rule, it is urged, would reduce the amount of time a licensee can "force feed" its background music fare to the general public.

Finding. Although sympathetic with this objective, we are not prepared at this time to place limitations on the extent to which main channel programing may be duplicated on the subchannel. For, as stated in Paragraph 10 of the Notice, a background music operation in some areas "might fall well within the principle of large market specialization heretofore recognized and sanctioned by the Commission". Whether a background music format is suitable for main channel broadcast exposure must, we think, be determined on a case-by-case basis, taking into account the character and variety of other program services locally available. On the other hand, we recognize that the reference to SCA's in § 73.261(a) was meaningful only in the context of the original SCA-simplex type of operation. We are therefore deleting from that rule all reference to SCA operation.

(b) Revise § 73.295(e), as proposed, to provide (in lieu of logging each hour segment of SCA programming) for a single daily entry in the SCA program log, with additional entries to be made only to reflect changes in the general category of programming.

Finding. This suggestion appears to be reasonable and will be adopted.

(c) Revise § 73.295(f), as proposed, to exclude subcarrier interruptions of less than five minutes from the SCA operating log.

Finding. As noted in Paragraph 10, supra, this point was made by another party and appropriate changes are being made in the rule.

15. By way of contrast, Functional Music (WFMF)[6] remains categorically opposed to our proposals in this proceeding. Its principal arguments, and our findings with respect thereto, are set forth below:

(a) The cost involved in converting to multiplex would be "so onerous as to be ruinous".

Finding. A great number of simplex functional music operators have converted to multiplex, and without ruinous consequences (see par. 6, Notice). No other party besides WFMF has advanced this claim; in the circumstances, it is patently an argument for waiver of any rule adopted, not against adoption of the rule.[7] Indeed, we stress again one of the important considerations behind our proposal—and one which was supported by the comments—namely, that the subscription background music service cannot be healthily maintained on an intermixed (simplex-multiplex) basis, and that the multiplex segment would suffer seriously because of its competitive disadvantage.[8] For the reasons developed in paragraphs 15–17 (and especially par. 17) of the Notice, and the supporting comments in this proceeding, we conclude that the public interest would be better served by promotion of the multiplex subscription background music service.

(b) The WFMF background music format, considered independently and without regard to the fact that it is purchased by subscribers, is not only suitable for general broadcast exposure but "would conform to all Commission standards and might well rate as exemplary".

Finding. Here again we think that WFMF is not fully addressing itself to our position—namely, that the simplex operator would appear, practically speaking, inhibited in the discharge of his vital licensee responsibility to be responsive to the changing needs of the community (see pars. 10, 12, Notice). We stressed that our aim is a prophylactic one—to preserve and promote the licensee's ability to meet the foregoing responsibility.[9] For example, during its 90,000 hours of simplex broadcast operation, KMLA never substituted a special program for the background music format—yet it made frequent substitutions to meet community needs after it converted to multiplex (par. 14, supra). We think that this points up the promotional or prophylactic purpose of the rule: The Commission, we believe, could not have intervened during these years to hold that such substitutions were required in the particular circumstances of this specialized FM broadcast operation—but through its multiplex policies, it can create an environment in which he can fairly and in good faith make the programing judgments called for by the 1960 Programing Statement. For the reasons developed in our Notice (pars. 12–14) and supported in the comments, we conclude that on this ground also, the multiplex functional music operation better serves the public interest. If WFMF believes that its present operation serves the public interest,[10] it may, as we stated in the Notice, continue to provide such operation on its main carrier. As we pointed out in the Notice (par. 13), in such circumstances "the licensee will, practically speaking, be completely free to accommodate what he thinks are the needs of his area, and the Commission could deal appropriately with any question of failure to properly use that freedom in particular cases; the basic issue presented could be the same as in the case of any specialized service and would be treated on a case-to-case basis." Cf. Herbert Muschel, et al., 23 R.R. 1059 (1962).

(c) The public interest considerations on which the current proposal is based are only a different "verbal formula" for earlier arguments found to be objectionable by the Court; therefore, the Commission is foreclosed from further consideration of the issues by the principle of res judicata.

Finding. As indicated in footnote 2, supra, the Court did not pass upon the question "[w]hether or not [WFMF's] functional music service may be barred as objectionable for reasons other than its supposed status as a nonbroadcast service" (275 F. 2d at 548–49). We believe that such reasons do exist, and that they were adequately developed in the Notice and in this Report. In determining whether the simplex background music broadcast service accords with the public interest, we have taken into account the fact that during the past six years more than 400 SCA's have been granted for multiplex operation, and that most of the FM broadcast channels allocated to major markets have now been occupied (thus warranting the adoption of policies ensuring the fullest possible use of these main channels to serve the public). It follows that WFMF's contention that the issues of this proceeding are res judicata must be rejected.

(d) The decision of the Court of Appeals in the Pay-TV case—Connecticut Committee Against Pay-TV v. FCC, 301 F. 2d 835 (1962)—is dispositive of the issue of main channel subscription programing by FM broadcasters.

Finding. An appeal was there taken from our decision to authorize a three

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[6] WFMF turns on and mutes subscribers' receivers by superaudible tones or "beeps" transmitted on subcarrier frequencies of 20, 25 and 35 kc/s removed from the assigned main channel. The 20 kc/s "beep" mutes subscribers' sets just before commercial or other spoken material is transmitted. At the end of the spoken material, a 35 kc/s "beep" is used to activate the receivers of those subscribers desiring continuous music service; 25 kc/s "beeps" control receivers of those wishing music only during alternate quarter hours. WFMF holds no written authorization to transmit control tones on subcarrier frequencies.

[7] The cost of conversion is estimated by WFMF as falling within the $150,000/250,000 range, based on more than 600 simplex accounts. Financial information filed with the Commission during the past five years indicates that WFMF could absorb this cost without undue financial hardship. We make no finding in this regard, however, since it is not directly relevant to the issues of this proceeding, but rather is a matter pertinent to a request for waiver of any rule adopted.

[8] Although WFMF does not address itself to the competitive impact of its simplexing on multiplex operators in the Chicago area, complaints on this score have been received—see letter dated December 9, 1963, from Radio Station WKFM.

[9] WFMF also argues that adoption of these rules for such a purpose amounts to censorship in violation of Section 326 of the Act. We think the law is too well settled to the contrary to require discussion. See *N.B.C. v. U.S.*, 319 U.S. 190 (1943).

[10] WFMF's deferred renewal application (File No. BRH–357) lists the following composite week percentages:

Entertainment (mainly background music)	97.19%
Religious	.80%
News	1.85%
Educational	.16%
Agricultural	(None)
Discussion	(None)
Talks	(None)

We note that WFMF may be able to show that its background music programing, which enjoys a substantial following in the Chicago area, falls within the principle of large market specialization and is grantable on that basis. However, the WFMF renewal application is not before us in the proceeding and we make no findings with respect thereto.

year trial of subscription television by RKO Phonevision at Hartford, Connecticut—a clearly experimental operation undertaken for the purpose of ascertaining the public advantages and disadvantages of "pay-TV". The narrow issue before the Court was whether we have the statutory right to authorize experiments of this nature. In affirming our decision, the Court supported our discretionary powers in this area by noting that "the Commission [also] has the power to decline to renew the license once three years have expired". The Court also noted that the station transmitting the experimental programs (WHCT–TV) would devote the remaining hours to "free" television broadcasting and in so doing would meet the minimum 28-hour broadcast week. We find WFMF's situation to be distinguishable from that of RKO Phonevision both in facts and regulatory objective, and therefore reject the contention that the instant proceeding is controlled by this precedent.

(c) The assumption that main channel subscription arrangements cause a broadcaster to be less sensitive to community needs is a "phantom evil" not warranting adoption of a mandatory rule.

Finding. We have already set out our views on this contention (par. 15(b), supra) and are not repeated here. It may also be said that WFMF's contention does not square with the experience of those who have converted (see par. 14, supra) and, indeed, is not supported by its own experience. With the exception of special news bulletins and requiem music carried on WFMF during part of the weekend following the assassination of President Kennedy, WFMF has failed to show that at any time during the past several years has a program of general interest been substituted for any part of its taped output.[11]

16. *Conclusion.* For the reasons indicated, we believe that the record in this proceeding supports the view that the public interest will be served by divorcing subscription services from main channel FM broadcasting. Accordingly, except as to the specific changes discussed above, we affirm the tentative conclusions expressed in the Notice.

17. Authority for the adoption of this Report and Order, and associated rule amendments, is contained in sections 301, 303(a), 303(b), 303(e), 303(j), 303(r), and 317(d) of the Communications Act of 1934, as amended.

18. *It is ordered,* This 3d day of June 1964, that, effective December 31, 1964, the Commission's Rules are amended as set forth below; and

19. *It is further ordered,* That proceedings in Docket No. 15028 are hereby terminated.

[11] It may be that this situation is an inevitable byproduct of the web of subscription contracts surrounding the station's main channel operation, from which it derives the greater part of its operating revenues. According to financial data on file with the Commission, WFMF's receipts from subscribers exceed revenue from the sale of station time by a substantial margin.

(Secs. 4, 301, 303, 317, 48 Stat. 1066, 1081, 1082, 1089, as amended; 47 U.S.C. 154, 301, 303, 317)

Released: June 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 73—Radio Broadcast Services, is amended as indicated below:

1. Section 73.261(a) is amended to read as follows:

§ 73.261 Time of operation.

(a) All FM broadcast stations will be licensed for unlimited time operation. A minimum of 36 hours per week during the hours of 6:00 a.m. to midnight, consisting of not less than 5 hours in any one day, except Sunday, must be devoted to the FM broadcast operation.

* * * * *

2. Add new § 73.276 to read as follows:

§ 73.276 Permissible transmissions.

(a) No FM broadcast licensee or permittee shall enter into any agreement, arrangement or understanding, oral or written, whereby it undertakes to supply, or receives consideration for supplying, on its main channel a functional music, background music, or other subscription service (including storecasting) for reception in the place or places of business of any subscriber.

(b) The transmission (or interruption) of radio energy in the FM broadcast band is permissible only pursuant to a station license, program test authorization, Subsidiary Communications Authorization (SCA) or other specific authority therefor.

3. Section 73.295 is amended to read as follows:

§ 73.295 Operation under Subsidiary Communications Authorizations.

(a) Operations conducted under a Subsidiary Communications Authorization (SCA) shall conform to the uses and purposes authorized by the Commission in granting the SCA application. Prior permission to engage in any new or additional activity must be obtained from the Commission pursuant to application therefor.

(b) Superaudible and subaudible tones and pulses may, when authorized by the Commission, be employed by SCA holders to activate and deactivate subscribers' multiplex receivers. The use of these or any other control techniques to delete main channel material is specifically forbidden.

(c) In all arrangements entered into with outside parties affecting SCA operation, the licensee or permittee must retain control over all material transmitted over the station's facilities, with the right to reject any material which it deems inappropriate or undesirable. Subchannel leasing agreements shall be reduced to writing and filed with the Commission pursuant to § 1.613(d) of this chapter.

[1] Commissioners Bartley and Ford absent; Commissioner Cox dissenting.

(d) The logging, announcement, and other requirements imposed by §§ 73.282, 73.283, 73.284, 73.287, 73.288, and 73.289 are not applicable to material transmitted on authorized subcarrier frequencies.

(e) To the extent that SCA circuits are used for the transmission of program material, each licensee or permittee shall maintain a daily program log in which a general description of the material transmitted shall be entered once during each broadcast day: *Provided, however,* That in the event of a change in the general description of the material transmitted, an entry shall be made in the SCA program log indicating the time of each such change and a description thereof.

(f) Each licensee or permittee shall maintain a daily operating log for SCA operation in which the following entries shall be made (excluding subcarrier interruptions of five minutes or less):

(1) Time subcarrier generator is turned on.

(2) Time modulation is applied to subcarrier.

(3) Time modulation is removed from subcarrier.

(4) Time subcarrier generator is turned off.

(g) Program and operating logs for SCA operation may be kept on special columns provided on the station's regular program and operating log sheets.

(h) Technical standards governing SCA operation (§ 73.319) shall be observed by all FM broadcast stations engaging in such operation.

[F.R. Doc. 64–5751; Filed, June 9, 1964; 8:50 a.m.]

[Docket No. 15377; FCC 64–518]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations (Roscoe-Seneca, South Dakota), Docket No. 15377, RM–543.

1. The Commission has before it for consideration its Notice of Proposed Rule Making, adopted March 11, 1964 (FCC 64–214), looking toward amendment of the Table of Assignments, Television Broadcast Stations (§ 73.606 of the Commission's rules and regulations), as proposed by petition of the South Dakota Educational Association ("SDETA" hereafter) and M. F. Coddington, State Superintendent of Public Instruction of the State of South Dakota.

2. Specifically, petitioners proposed to assign Channel 2 as a noncommercial educational television channel to Roscoe, South Dakota, for the purpose of adding a fifth VHF channel to South Dakota's statewide educational television network. The reasons, inter alia, are: to use such channel and the network for in-school educational programs to ameliorate the teacher shortage problem particularly as to certain courses (lan-

guages) needed for college entrance, and to provide such service to sparsely populated areas. The addition of this fifth channel would give the network a capability of serving about 95 percent of South Dakota's entire population; this is an increase of about 15 percent. The principal area of population that would be served is the second largest community in the State, Aberdeen, population 23,073, according to the 1960 census.

3. The assignment as requested is short spaced with the site proposed by the North Dakota State Board of Higher Education for the Grand Forks, North Dakota, Channel *2 station (BPET–185). See § 73.611(a) of the Commission's rules and regulations. To obviate this, petitioners have made a counterproposal (see next paragraph) which is endorsed by the North Dakota State Board of Higher Education in Reply Comments, filed April 23, 1964. Such solution is also suggested by AMST; see Comments and Statement of Position, filed April 20, 1964.

4. The counterproposal submitted by petitioners is to assign Channel *2 to Seneca, South Dakota, which is located about 25 miles south of Roscoe. A television station located here, it is stated, would be able to serve the same general area as from Roscoe and Aberdeen (the principal population area desired to be served) would receive a Grade B signal. As already noted, others interested in this proceeding are in favor of such counterproposal.

5. We conclude that the public interest would be served by assigning Channel 2 as a noncommercial educational television station to Seneca, South Dakota, as now proposed, inasmuch as by doing so, the further pressing needs of education in South Dakota would be served thereby.

6. Authority for the amendments adopted herein is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered,* That effective July 13, 1964, the Table of Assignments contained in § 73.606 of the rules and regulations is amended to add the following entry under the State of South Dakota.

City	*Channel*
Seneca	*2

(Sec. 4, 48 Stat. 1066, as amended: 57 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: June 3, 1964.

Released: July 5, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–5753; Filed, June 9, 1964; 8:50 a.m.]

[1] Commissioners Hyde and Bartley absent.

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 3]

SUMMARY DISMISSAL OF CERTAIN APPEALS BY THE BOARD OF IMMIGRATION APPEALS

Notice of Proposed Rule Making

JUNE 8, 1964.

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given of the proposed issuance of the following rule pertaining to the summary denial by the Board of Immigration Appeals of certain appeals and oral arguments requested in conjunction therewith. The changes made in the departmental regulations involve the insertion of a new subparagraph (1–a) in § 3.1(d) of Part 3 of Title 8 of the Code of Federal Regulations.

In accordance with section 4(b) of the Administrative Procedure Act, interested persons may submit written data, views, or arguments relative to this proposed rule to the Chairman of the Board of Immigration Appeals. Such representations may not be presented orally in any manner.

All relevant material received within twenty (20) days following the date of publication of this notice will be considered.

ROBERT F. KENNEDY,
Attorney General.

By virtue of the authority vested in me by section 103 of the Immigration and Nationality Act, 66 Stat. 173 (8 U.S.C. 1103), section 161 of the Revised Statutes (5 U.S.C. 22), and section 2 of Reorganization Plan No. 2 of 1950, § 3.1(d) of Part 3 of Title 8 of the Code of Federal Regulations, relating to the powers of the Board of Immigration Appeals, is hereby amended by inserting a new subparagraph (1–a) as follows:

§ 3.1 **Board of Immigration Appeals.**

* * * * *

(d) Powers of the Board. * * *

(1–a) *Summary dismissal of appeals.* Notwithstanding the provisions of paragraph (e) of this section, the Board may deny oral argument concerning, and summarily dismiss, any appeal in any deportation proceeding under Part 242 of this chapter in any case in which (i) the party concerned fails to specify the reasons for his appeal on Form I–290A (Notice of Appeal), (ii) the only reason specified by the party concerned for his appeal involves a finding of fact or a conclusion of law which was conceded by him at the hearing, or (iii) the appeal is from an order that granted the party concerned the relief which he requested.

* * * * *

(Sec. 103 of the Immigration and Nationality Act, 66 Stat. 173 (8 U.S.C. 1103), sec. 161 of the Revised Statutes (5 U.S.C. 22), and sec. 2 of Reorganization Plan No. 2 of 1950, 3 CFR, 1949–1953 Comp. 1003, 64 Stat. 1261)

[F.R. Doc. 64–5825; Filed, June 9, 1964; 11:54 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Food Starch-Modified, Industrial Starch-Modified; Proposed Revision of Regulations

Comments and objections have been received relative to the sections in the food additive regulations dealing with food starch-modified and industrial starch-modified. These comments and objections have been evaluated together with a petition received for proposed amendment of the regulations involved and other available data, and the Commissioner of Food and Drugs has concluded that reasonable grounds to justify such amendments have been furnished by interested persons. Therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1784 et seq.; 21 U.S.C. 348) and delegated to the Commissioner (21 CFR 2.90; 29 F.R. 471), and in accordance with the procedure outlined in § 121.74, the Commissioner proposes to revise §§ 121.1031 and 121.2506 to read as hereinafter indicated:

§ 121.1031 **Food starch-modified.**

Food starch-modified as described in this section may be safely used in food. The quantity of any substance employed to effect such modification shall not exceed the amount reasonably required to accomplish the intended physical or technical effect, nor exceed any limitation prescribed. To insure safe use of the food starch-modified, the label of the food additive container shall bear the name of the additive "food starch-modified" in addition to other information required by the act. Food starch may be modified by treatment prescribed as follows:

(a) Food starch may be acid-modified by treatment with hydrochloric acid or sulfuric acid or both.

(b) Food starch may be bleached by treatment with one of the following:

	Limitation
Active oxygen obtained from hydrogen peroxide and/or peracetic acid, not to exceed 0.45 percent of active oxygen.	----------
Chlorine, as sodium hypochlorite, not to exceed 0.0016 pound of chlorine per pound of dry starch.	----------
Potassium permanganate, not to exceed 0.2 percent.	Residual manganese (calculated as Mn), not to exceed 50 parts per million in food starch-modified.
Sodium chlorite, not to exceed 0.5 percent.	----------

(c) Food starch may be oxidized by treatment with chlorine, as sodium hypochlorite, not to exceed 0.055 pound of chlorine per pound of dry starch.

(d) Food starch may be esterified by treatment with one of the following:

	Limitation
Acetic anhydride, not to exceed 5.0 percent.	----------
Adipic anhydride, not to exceed 0.12 percent in the presence of not more than 5.0 percent acetic anhydride.	----------
1-Octenyl succinic anhydride, not to exceed 3.0 percent.	----------
1-Octenyl succinic anhydride, not to exceed 2.0 percent, and aluminum sulfate, not to exceed 2.0 percent.	----------
Phosphorus oxychloride, not to exceed 0.1 percent.	----------
Sodium trimetaphosphate.	Residual phosphate in food starch-modified not to exceed 0.04 percent, calculated as phosphorus.
Succinic anhydride, not to exceed 4.0 percent.	----------
Vinyl acetate	Acetyl groups in food starch-modified not to exceed 2.5 percent.

(e) Food starch may be etherified by treatment with one of the following:

Acrolein, not to exceed 0.6 percent.
Epichlorohydrin, not to exceed 0.3 percent.
Propylene oxide, not to exceed 25 percent.

(f) Food starch may be esterified and etherified by treatment with one of the following:

Epichlorohydrin, not to exceed 0.3 percent in the presence of not more than 5.0 percent acetic anhydride.
Phosphorus oxychloride, not to exceed 0.1 percent in the presence of not more than 8.0 percent propylene oxide.

(g) Food starch may be modified by treatment with one of the following:

Chlorine, as sodium hypochlorite, not to exceed 0.055 pound of chlorine per pound of dry starch; 0.45 percent of active oxygen obtained from hydrogen peroxide; and propylene oxide, not to exceed 25 percent.
Sodium hydroxide, not to exceed 1.0 percent.

(h) Food starch may be modified by a combination of the treatments prescribed by paragraphs (a) and/or (b) of this section and any one of the treatments prescribed by paragraph (c), (d), (e), (f), or (g) of this section, subject to any limitations prescribed by the paragraphs named.

* * * * *

§ 121.2506 Industrial starch-modified.

Industrial starch-modified may be safely used as a component of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, subject to the provisions of this section.

(a) Industrial starch-modified is a food starch-modified or starch or any combination thereof that has been modified by treatment with one of the reactants hereinafter specified, in an amount reasonably required to achieve the desided functional effect but in no event in excess of any limitation prescribed.

List of reactants:	*Limitations*
β-Diethylaminoethyl chloride hydrochloride, not to exceed 4.0 percent.	----------
Dimethylaminoethyl methacrylate, not to exceed 3.0 percent.	----------
Dimethylol ethylene urea, not to exceed 0.375 percent.	Industrial starch modified by this treatment shall be used only as internal sizing for paper and paperboard intended for food packaging.
2,3-Epoxypropyltrimethylammonium chloride, not to exceed 5.0 percent.	----------
Ethylene oxide, not to exceed 3.0 percent of reacted ethylene oxide in finished product.	----------

(b) The following adjuvants may be used as surface-active agents in the processing of industrial starch-modified:

Polyethylene glycol (400) dilaurate.
Polyethylene glycol (400) monolaurate.
Polyoxyethylene (4) lauryl ether.
Polyoxyethylene (20) sorbitan trioleate.
Sorbitan monolaurate.

(c) To insure safe use of the industrial starch-modified, the label of the food additive container shall bear the name of the additive "industrial starch-modified," and in the instance of an industrial starch-modified which is limited with respect to conditions of use, the label of the food additive container shall contain a statement of such limited use.

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

Dated: June 4, 1964.

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

[F.R. Doc. 64-5747; Filed, June 9, 1964; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 31]

[Docket No. 15494; FCC 64-486]

TELEPHONE COMPANIES, CLASSES A AND B

Uniform System of Accounts; Payment of Benefits to Active and Retired Employees

In the matter of amendment of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules to permit advance accruals by charge to operating expense account 672, Relief and Pensions, of provisions for the payment of benefits to active and retired employees in addition to those now so permitted, Docket No. 15494 (RM-587).

1. American Telephone and Telegraph Company (AT&T), on behalf of itself and its associated operating companies, in a letter to the Commission dated March 27, 1964 pointed out that the Bell System company Plans for Employees' Pensions, Disability Benefits and Death Benefits now provide, among other employee benefits, that upon the death of an active employee or a pensioner there shall be paid to certain surviving dependents a death benefit generally equal to one year's salary. At present, it was added, these costs are accounted for on a pay-as-you-go basis; that is, Account 672, Relief and Pensions, is charged with the amount of death benefits as they become payable. The cost of these benefits as a percentage of payroll has been increasing and will continue to increase. This is especially true with respect to pensioners, the number of which is now in a ratio of about 1 to 9 active employees and is expected ultimately to be about 1 to 4.

2. The now effective Bell company Plan provision that a pensioner's death benefit be equal to one year's salary at time of retirement is the result of recent change in the Plans. Formerly, these Plans provided that such death benefit should not be less than the annual salary at retirement reduced by 10 percent for each year that the pensioner lived beyond the date of retirement until the benefit payable reached an amount equal to the pensioner's annual pension before adjustment for social security benefits. It is the Commission's understanding that the survivors of a pensioner who was in that status at the effective date of the recent change in the Plans will not in any case be placed on a par with the survivors of those who retire later with respect to death benefits as a result of such change; the amount provided for immediately prior to the change is expected, however, to be frozen at that level by voluntary action of the Bell companies, i.e., the 10 percent per year reduction provision will no longer be operative.

3. In view of the above, AT&T and its associated operating companies believe that they should now be permitted to provide for mandatory death benefits to active employees and pensioners through payments into trust funds, with the payments so made being chargeable to operating expense account 672. They assert that by funding these benefits each accounting period will bear its share of the cost, as it does in the case of service pension costs. This would be accomplished by accurals based on a rate determined actuarially as a percentage of payrolls. The cost of suspending the operation of the 10 percent reduction per year in death benefits as to pensioners who were such at the time of the change in the Plans, being non-mandatory, will continue to be financed on the pay-as-you-go basis.

4. It is not entirely clear to AT&T, however, whether operating expense accrual accounting for the funding it desires would be permissible under the provisions of §§ 31.170(b) and 31.672 (b), (d) and (e) of the Commission's rules and regulations as presently constituted. To resolve the ambiguity, AT&T, on behalf of itself and its associated operating companies, requests that the Commission amend the afore-mentioned sections of its rules and regulations. In the revised text proposed, the reference is to "pensions or other benefits," rather than to "pensions or death benefits," in order to broaden the provisions of §§ 31.170 and 31.672 sufficiently so that if there should be occasion in the future to accrue in advance for mandatory obligations other than those for pensions and death benefits it will not again be necessary to amend Part 31. The amendments proposed would be merely enabling changes and would not be blanket approval to use accrual accounting for any and all benefit obligations. Section 31.672(d) gives the Commission authority and opportunity to review and approve or disapprove any future proposals to apply accrual accounting to other obligations.

5. If the Commission decides that it is necessary to broaden Part 31 to permit accrual accounting for death benefits, AT&T stated it would appreciate having the Commission include in its Report and Order a provision that carriers who wish to may adopt the new accounting retroactive to the beginning of calendar year 1964.

6. The Commission believes that the provisions of accounts 170 and 672 in Part 31 of its rules are now so worded as not to permit accrual accounting for active or retired employee benefits other than pensions to retired employees, termination allowances to employees laid off, and necessary and warranted relief to former employees which the Commission does not consider as covering death benefits. The Commission is also of the view that the proposal of AT&T on its face has enough merit that

comments of interested and informed persons should be invited on the subject.

7. As a matter of information, the Commission is informed that on the "pay-as-you-go" basis in use in 1963 death benefits paid by the Bell System companies were almost $12 million. Going to the advance accrual basis as is proposed would increase this gross cost to almost $53 million, plus a relatively minor amount, to be accounted for "pay-as-you-go," representing cost of freezing the death benefits to the survivors of pensioners already in that status when the recent change in the Bell Plans was made effective. The word "gross" is used because it is expected that the death benefit accruals if adopted will be deductible from taxable income for federal income tax purposes as "pay-as-you-go" payments have been. The word "cost" rather than "expense" is used because a portion of death benefits have been in the past and are proposed by the Bell companies in the future with the accrual accounting requested to be capitalized as a cost of construction of plant following employee wages capitalized. Such capitalization, of course, results merely in deferring the treatment of some of the payments as an expense of operation. The advance accruals, if adopted, will include a substantial element related to past service wage payments.

8. It may be of interest that Western Electric Company, Inc., the manufacturing and supply purchasing affiliate of the Bell telephone operating companies, commenced in 1955 to accrue in advance on the basis of actuarial type studies to provide for death benefits to qualified beneficiaries of deceased pensioners. It was not until 1962, however, that funding of these advance accruals was commenced so that prior to 1962 only the actual expenditures to beneficiaries were deductible from taxable income. The Bell telephone operating companies would commence advance expense accruals and funding at the same time and make this practice applicable to death benefits paid on account of active employees as well as pensioners.

9. If, after considering comments received in this proceeding, the Commission decides to adopt amendments to Part 31 of its rules of the type requested it proposes to do so by making the exact amendments to §§ 31.170(b) and 31.672 (b), (d) and (e) proposed by AT&T in an attachment to its letter of March 27, 1964. These changes are simple and quite obvious and will not be set out in full here in the interests of brevity.

10. We are not proposing any changes in our systems of accounts for Class C telephone companies, for radiotelegraph carriers, or for wiretelegraph and oceancable carriers which are Parts 33, 34 and 35 of our rules, respectively. Class C telephone companies under Part 33 are now at liberty to practice expense accrual accounting for death and other benefits. We know of no plans by carriers subject to either Part 34 or Part 35 to adopt expense accrual accounting for this purpose.

11. It is expected that any rule amendments adopted as a result of this proceeding will be permissive so that they will not be "alterations * * * in the required manner or form of keeping accounts" for which advance notice of effective date is required to be given by section 220(g) of the Communications Act. Accordingly, any rule amendments adopted will be made effective immediately upon adoption, with a provision that they may, at telephone company option, be made effective retroactively to a date not earlier than January 1, 1964.

12. This Notice of Proposed Rule Making is issued under authority of sections 4(i) and 220 of the Communications Act of 1934, as amended.

13. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before July 6, 1964 and reply comments on or before July 20, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

14. In accordnace with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements or briefs shall be furnished to the Commission.

Adopted: June 3, 1964.

Released: June 5, 1964.

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

[F.R. Doc. 64-5755; Filed, June 9, 1964; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 3, 23 [New]]

[Reg. Docket No. 4080; Notice 64-17A]

AIRWORTHINESS STANDARDS; NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

Extension of Comment Period

The Federal Aviation Agency proposed, in Notice 64-17 published in the FEDERAL REGISTER on April 14, 1964, to recodify the airworthiness standards of present Part 3 of the Civil Air Regulations into Part 23 [New]. That notice stated that consideration would be given to all comments received within 60 days after publication of the notice in the FEDERAL REGISTER.

The Aerospace Industries Association of America has requested a 30-day extension of time for submission of comments. Cessna Aircraft Company has also requested an extension. They contend that an extension is necessary because of the complex nature of Part 23 [New] and the fact that a more comprehensive review would be possible by reviewing that Part in conjunction with Part 21 [New], published in the FEDERAL REGISTER on May 27, 1964. Part 21 [New] contains the procedural requirements now found in Part 3.

I find that the petitioners have a substantial interest in the proposed rule, good cause for the extension, and that the extension is consistent with the public interest. Therefore, the time within which comments on Notice 64-17 may be submitted is extended to July 13, 1964.

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 comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Issued in Washington, D.C., on June 4, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-5729; Filed, June 9, 1964; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

National Park Service

[Order No. 1, Amdt. 3]

REGIONAL CHIEF, DIVISION OF MANAGEMENT ANALYSIS AND SERVICES, AND REGIONAL PROCUREMENT OFFICER

Amendment of Delegation of Authority With Respect to Construction Contracting and Purchasing

Section 4 of Order No. 1, issued January 14, 1963 (28 F.R. 1811) is amended to read as follows:

SEC. 4. *Regional Chief, Division of Management Analysis and Services and Regional Procurement Officer.* The Regional Chief, Division of Management Analysis and Services, may execute, administer and approve contracts not in excess of $200,000 for construction, supplies, equipment and services. The Regional Procurement Officer may execute and approve contracts not in excess of $50,000 for supplies, equipment and services. This authority may be exercised by these officers on behalf of any office or area for which the National Capital Regional Office serves as the field finance office, except the National Capital Office, Design and Construction.

(National Park Service Order No. 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., Sec. 2; National Capital Region Order No. 1 (28 F.R. 1811).)

Dated: May 20, 1964.

T. SUTTON JETT,
Regional Director,
National Capital Region.

[F.R. Doc. 64-5721; Filed, June 9, 1964; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 33]

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

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

FLAG OF REGISTRY, NAME OF SHIP	*Gross tonnage*
Total—all flags (219 ships)	1,615,251
British (81 ships)	654,340
Amalia	7,189
*Amazon River	7,234
Ardgem	6,981
Ardmore	4,664
Ardrowan	7,300
Ardsirod	7,025
**Arlington Court (now Southgate—British flag)	9,662
Athelcrown (Tanker)	11,149
Athelduke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
Athelsultan (Tanker)	9,149
Avisfaith	7,868
Baxtergate	8,813
Beech Hill	7,150
Canuk Trader	7,151
Cedar Hill	7,156
Chipbee	7,271
**Cosmo Trader (trip to Cuba under ex-name, Ivy Fair—British flag).	
Dairen	4,939
Denmark Hill	7,150
East Breeze	8,708
Eastfortune	8,789
Eirini	7,402
Elm Hill	7,125
Fir Hill	7,119
Free Enterprise	6,807
*Garthdale	7,542
Grosvenor Mariner	7,026
Hazelmoor	7,907
Hemisphere	8,718
Ho Fung	7,121
Inchstaffa	5,255
**Ivy Fair (now Cosmo Trader—British flag)	7,201
Kinross	5,388
Kirriemoor	5,923
Linkmoor	8,236
London Endurance (Tanker)	10,081
London Glory (Tanker)	10,081
London Harmony (Tanker)	13,157
London Majesty (Tanker)	12,132
London Pride (Tanker)	10,776
London Spirit (Tanker)	10,176
London Splendour (Tanker)	16,195
London Valour (Tanker)	16,268
Maple Hill	7,139
Maratha Enterprise	7,166
Mulberry Hill	7,121
Muswell Hill	7,131
Nancy Dee	6,597
*Newforest	7,185
Newgate	6,743
Newgrove	7,172
Newheath	5,891
Newhill	7,855
Newlane	7,043
Oak Hill	7,139
Oceantramp	6,185
Oceantravel	10,477
Overseas Explorer (Tanker)	16,267
Overseas Pioneer (Tanker)	16,267
Redbrook	7,388
Ruthy Ann	7,361
Sandsend	7,236
Santa Granda	7,229

*Added to Report No. 32, appearing in the FEDERAL REGISTER issue of May 27, 1964.

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

FLAG OF REGISTRY, NAME OF SHIP—Continued	*Gross tonnage*
British—Continued	
Sea Coral	10,421
Shienfoon	7,127
Shun Fung	7,148
**Southgate (trip to Cuba under ex-name, Arlington Court—British flag).	
Stanwear	8,108
Streatham Hill	7,130
Sudbury Hill	7,140
Suva Breeze	4,970
*Swift River	7,251
Sycamore Hill	7,124
Thames Breeze	7,878
**Timios Stavros (previous trips to Cuba under Greek flag)	5,269
Vercharmian	7,265
Vergmont	7,381
West Breeze	8,718
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Greek (42 ships)	325,858
Agios Therapon	5,617
Akastos	7,331
Aldebaran (Tanker)	12,897
Alice	7,189
**Ambassade (sold Hongkong ship breakers)	8,600
Americana	7,104
Anacreon	7,359
Anatoli	7,178
**Andromachi (trips to Cuba under ex-name, Penelope—Greek flag).	
Antonia	5,171
Apollon	9,744
Armathia	7,091
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
Capetan Petros	7,291
**Embassy (broken up)	8,418
Everest	7,031
Flora M	7,244
Galini	7,266
Gloria	7,128
Irena	7,232
Istros II	7,275
Kapetan Kostis	5,032
Kyra Hariklia	6,888
Maria Theresa	7,245
Marigo	7,147
Maroudio	7,369
Mastro-Stelios II	7,282
**Nicolaos F. (trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag).	
**Nicolaos Frangistas (now Nicolaos F.—Greek flag)	7,199
**Pamit (now Christos—Lebanese flag)	3,929
Pantanassa	7,131
Paxoi	7,144
**Penelope (now Andromachi)	6,712
Perseus (Tanker)	15,852
**Plate Trader (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag).	
**Presvia (broken up)	10,820
Propontis	7,128
Redestos	5,911
**Seirios (sold Japanese ship breakers)	7,239
Sirius (Tanker)	16,241
**Stylianos N. Vlassopulos (now Plate Trader—Greek flag).	

Flag of Registry, Name of Ship—Continued	Gross tonnage
Greek—Continued	
**Timios Stavros (now British flag)	7,244
Tina	7,362
Western Trader	9,268
Lebanese (48 ships)	313,997
Agia Sophia	3,106
Aiolos II	7,256
Ais Giannis	6,997
Akamas	7,285
Alaska	6,989
Anthas	7,044
Antonis	6,259
Ares	4,557
Areti	7,176
Aristefs	6,995
Astir	5,324
Athamas	4,729
Carnation	4,884
**Christos (trip to Cuba under ex-name, Pamit—Greek flag).	
Claire	5,411
Cris	6,032
Dimos	7,187
Free Trader	7,067
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
Kalliopi D. Lemos	5,103
Leftric	7,176
Malou	7,145
Mantric	7,255
Marichristina	7,124
Marymark	4,383
Mersinidi	6,782
Mousse	6,984
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
**Razani (broken up)	7,253
Rio	7,194
St. Anthony	5,349
St. Nicolas	7,165
San John	5,172
San Spyridon	7,260
Stevo	7,066
Tertric	7,045
Theologos	6,529
Toula	4,561
Vassiliki	7,192
Vastric	6,453
Vergolivada	6,339
Yanxilas	10,051
Polish (13 ships)	87,426
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorzow	7,237
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,175
Huta Zgoda	6,840
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Italian (9 ships)	79,539
Achille	6,950
Airone	6,969
Andrea Costa (Tanker)	10,440
Aspromonte	7,154
Giuseppe Giulietti (Tanker)	17,519
Montiron	1,595
Nazareno	7,173

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

Flag of Registry, Name of Ship—Continued	
Italian—Continued	
San Nicola (Tanker)	12,461
Santa Lucia	9,278
Yugoslav (6 ships)	42,801
Bar	7,233
Cavtat	7,266
Cetinje	7,200
Dugi Otok	6,997
Promina	6,960
**Trebisnjica (wrecked)	7,145
Spanish (5 ships)	8,159
Castillo Ampudia	3,566
Escorpion	999
Sierra Andia	1,596
Sierra Madre	999
Sierra Maria	999
Norwegian (4 ships)	34,503
Lovdal (Tanker)	12,764
Ole Bratt	5,252
Polyclipper (Tanker)	11,737
**Tine (now Jezreel—Panamanian flag)	4,750
French (4 ships)	10,028
Circe	2,874
Enee	1,232
**Guinee (now Comfort, Chinese "Formosa" flag)	3,048
Nelee	2,874
Moroccan (4 ships)	32,614
Atlas	10,392
Banora	3,082
Mauritanie	10,392
Toubkal	8,748
Swedish (2 ships)	14,295
**Atlantic Friend (now Atlantic Venture—Liberian flag)	7,805
Dagmar	6,490
Finnish (1 ship):	
Valny (Tanker)	11,691
Chinese (Formosa):	
**Comfort (trip to Cuba under ex-name, Guinee—French flag).	

Flag of Registry, Name of Ship—Continued
Liberian:
**Atlantic Venture (trip to Cuba under ex-name, Atlantic Friend—Swedish flag).
Panamanian:
**Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag).

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

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

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

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

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report: None.

b. Previous reports:

Flag of registry:	Number of ships
British	10
Danish	1
German (West)	1
Greek	16
Italian	4
Japanese	1
Norwegian	2

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

Flag of registry	Number of trips							
	1963		1964					
	Jan.–June	July–Dec.	Jan.	Feb.	Mar.	Apr.	May	Total
British	66	67	15	7	21	20	12	208
Greek	55	44	1	5	3	----	2	110
Lebanese	28	36	6	4	13	7	5	99
Norwegian	9	5	2	1	----	1	1	19
Italian	10	6	1	----	1	3	1	22
Yugoslav	6	6	1	1	1	1	----	16
Spanish	2	6	----	3	----	3	----	14
Danish	1	----	----	----	----	----	----	1
Finnish	1	----	----	----	----	----	----	1
French	----	8	----	----	----	1	----	9
German (West)	1	----	----	----	----	----	----	1
Japanese	1	----	----	----	----	----	----	1
Moroccan	2	7	----	2	----	----	----	11
Swedish	2	1	----	----	----	----	----	3
Subtotal	184	186	26	23	39	36	21	515
Polish	10	8	1	3	1	2	----	25
Grand total	194	194	27	26	40	38	21	540

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

Dated: June 2, 1964.

J. W. GULICK,
Deputy Maritime Administrator.

[F.R. Doc. 64-5720; Filed, June 9, 1964; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15339; FCC 64M-497]

JAMES E. WALLEY

Order Granting Motion and Continuing Hearing Date

In regard to application of James E. Walley, Oroville, California, Docket No. 15339, File No. BP-15814; for construction permit.

The Hearing Examiner having under consideration the "Motion for Extension of Hearing Date", filed on May 26, 1964, by counsel for the above-named appplicant, requesting that the presently scheduled hearing date of May 27, 1964, be extended to June 17, 1964;

It appearing, that on May 5, 1964, bureau counsel informally requested a supplemental engineering exhibit, and that on May 25, 1964, the same was furnished to the Broadcast Bureau; and, it further appearing, that good cause has been shown for a grant of the requested relief;

It is ordered, That the above "Motion for Extension of Hearing Date", be and the same is hereby granted; that the hearing date presently scheduled for May 27, 1964, be and the same is hereby continued to June 17, 1964; and this order having been directed to be entered on May 27, 1964, it is ordered nunc pro tunc.

Dated: June 4, 1964.

Released: June 4, 1964.

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

[F.R. Doc. 64-5756; Filed, June 9, 1964; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DODINE

Notice of Establishment of Temporary Tolerance

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), and in accordance with authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), notice is given that at the request of American Cyanamid Company, Princeton, New Jersey, a temporary tolerance is established for residues of the fungicide dodine (*n*-dodecylguanidine acetate) in or on peaches grown in New Jersey in the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Monmouth, and Salem, at 5 parts per million. Included in the conditions of granting the temporary tolerances are:

1. The total amount of the formulated fungicide to be used under the experimental permit issued by the U.S. Department of Agriculture will not exceed 100,000 pounds. Distribution will be under the American Cyanamid Company name.

2. The fungicide will not be marketed for sale for general use on peaches but will be supplied to qualified persons, as indicated in the experimental permit, for bona fide experimental use.

3. The American Cyanamid Company will immediately notify the Food and Drug Administration of any reports on findings from the experimental use that have a bearing on safety. The company will also keep records relating to manufacture, distribution, and performance, and on request make these records available to any authorized officer or employee of the Food and Drug Administration.

This temporary tolerance expires May 21, 1965.

Dated: June 3, 1964.

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

[F.R. Doc. 64-5748; Filed, June 9, 1964; 8:49 a.m.]

EASTMAN CHEMICAL PRODUCTS, INC.

Notice of Filing of Petition Regarding Food Additives Adhesives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1410) has been filed by Eastman Chemical Products, Inc., Kingsport, Tennessee, proposing that § 121.2520 *Adhesives* be amended by adding 2,6-bis(1-methylheptadecyl)-*p*-cresol to the list of substances contained therein.

Dated: June 4, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-5749; Filed, June 9, 1964; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13777; Order No. E-20899]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of June 1964.

Agreement adopted by Joint Conference 3-1 of the International Air Transport Association relating to specific commodity rates, Docket 13777, Agreement C.A.B. 17456, R-5.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 3-1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memorandum SFO Board/10/JT31-Rates 339, names an additional specific commodity rate as follows:

Item 3981—Metal Artware.
Rate: 201/168 cents per kilogram, minimum weight 45/100 kilograms, respectively, from Brisbane to West Coast.

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

Accordingly, it is ordered, That Agreement C.A.B. 17456, R-5, is approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-5758; Filed, June 9, 1964; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

ATLANTIC & GULF AMERICAN-FLAG BERTH OPERATORS

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9355 between the member lines to the Atlantic & Gulf American-Flag Berth Operators association, provides that the members of AGAFBO may meet as a group to discuss credit and collection problems and procedures and to deal with inland carriers under this agreement in connection with through bills of lading movements of military household goods, personal effects and military unaccompanied baggage moving at rates, terms and conditions mutually agreed upon with MSTS under Agreement 8086.

Interested parties may inspect this agreement and obtain copies thereof at

the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C. or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573 within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: June 5, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-5737; Filed, June 9, 1964; 8:48 a.m.]

JOHNSON LINE AND PACIFIC FAR EAST LINE, INC.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9354 between Johnson Line and Pacific Far East Line, Inc., establishes a through billing arrangement restricted to the transportation of cargo between Scandinavian ports and Guam and Kwajalein with transhipment at Los Angeles Harbor, Long Beach or San Francisco, California, in accordance with the terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C. or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573 within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: June 5, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-5738; Filed, June 9, 1964; 8:48 a.m.]

NEDLLOYD LINES AND CHINA NAVIGATION CO., LTD.

Notice of Filing of Agreement

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9353 between Nedlloyd Lines and The China Navigation Co., Ltd., establishes a through billing arrangement restricted to the transportation of asbestos in bags between ports in the State of Western Australia and ports in the United States situated on the Great Lakes, with transhipment at the port of Singapore, in accordance with the terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C. or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573 within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: June 5, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-5739; Filed, June 9, 1964; 8:48 a.m.]

[Docket No. 1182]

REDUCTION OF RATES FROM JACKSONVILLE, FLORIDA, TO PUERTO RICO

Expansion of Investigation

First supplemental order; notice of expansion of investigation to include TMT Trailer Ferry, Inc. (C. GORDON ANDERSON, TRUSTEE).

Whereas, on March 26, 1964, Sea-Land Service, Inc., Puerto Rico Division (Sea-Land), filed an amendment to its tariff FMC-F No. 3 (Pan-Atlantic Steamship Corporation FMC-F series), effective May 1, 1964, which reduced the rate for trailerload shipments of "stoves and parts, other than electric with or without electrical attachments" (stoves) from 55 cents per cubic foot for shipments of any quantity to 50 cents per cubic foot, minimum 1,600 cubic feet, when such shipments move through the port of Jacksonville, Florida to ports in Puerto Rico. The 55 cents per cubic foot rate continues to apply as an any quantity rate on shipments moving through the ports of New York and Baltimore and as a less-than-trailerload (LTL) rate on LTL shipments moving through the port of Jacksonville;

Whereas, TMT Trailer Ferry, Inc. (C. Gordon Anderson, Trustee) (TMT) protested the reduction on the grounds that it is unfair for Sea-Land to charge a lower rate from Jacksonville to Puerto Rico than it charges from other ports it serves;

Whereas, by order dated April 30, 1964, the Commission entered into an investigation to determine whether the publication by Sea-Land of a lower rate on stoves from Jacksonville to Puerto Rico than it maintains on stoves from other ports to Puerto Rico is unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

Whereas, on April 21, 1964, TMT filed an amendment to its tariff FMC-F No. 3 (Trailer Marine Transportation (TMT), Inc., Series) effective May 22, 1964, which reduced its rate on less-than-trailerload shipments of stoves from 52 cents per cubic foot or 124 cents per hundred pounds to 48 cents per cubic foot; and reduced its rate on its trailerload shipments of stoves from 50 cents per cubic foot or 119 cents per hundred pounds, minimum 16,000 pounds, to 45 cents per cubic foot subject to a minimum of 1,600 cubic feet when the shipment is tendered in a standard trailer and a minimum of 1,800 cubic feet when the shipment is tendered in a high cube van;

Whereas, Sea-Land protested the TMT tariff changes on the grounds that said changes were published by TMT to reinstate an unlawful, self-imposed and self-serving differential which would precipitate a rate war;

Whereas, The Commission is of the opinion that the new TMT tariff provisions should be made the subject of a public investigation to the same extent as other matter affecting the transportation of stoves currently under investigation herein, to determine whether they are unjust, unreasonable, or otherwise unlawful, under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

Now therefore, is is ordered, That this proceeding be, and it is hereby expanded to include, in addition to matters now under investigation herein, an investigation into and a hearing concerning the lawfulness of TMT's reduced rates on stoves, effective on May 22, 1964, and the issue of whether TMT is entitled to maintain a differential below the rate of Sea-Land because of TMT's slower barge service and any cost differences which may be inherent in TMT's barge operation, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

It is further ordered, That TMT, Trailer Ferry, Inc. (C). Gordon Anderson, Trustee) be and it is hereby made respondent in this proceeding;

It is further ordered, That (I) a copy of this order shall forthwith be served upon the respondents, and protestants herein; (II) the said respondents, and protestants be duly notified of the time and place of the hearing ordered; and (III) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in ac-

cordance with Rule 5(n) (46 CFR § 502.73).

By the Commission May 21, 1964.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 64-5740; Filed, June 9, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI64-540]

ATLAS CORP.

Order Permitting Substitution of Rate Filing, Providing for Hearing on and Suspension of Proposed Change in Rate

JUNE 3, 1964.

On May 7, 1964, Atlas Corporation (Atlas)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser and producing area: El Paso Natural Gas Company (Gallegos Gallup Sand Unit, San Juan Field, San Juan County, New Mexico) (San Juan Basin Area).
Rate schedule designation: Supplement No. 1 to Supplement No. 11 to Atlas' FPC Gas Rate Schedule No. 3.
Effective date: June 7, 1964.[2]
Amount of annual increase: (Decrease)—($250).[3]
Effective rate: 15.0577 cents per Mcf.[4,5]
Proposed rate: 14.0577 cents per Mcf.
Pressure base: 15.025 psia.

The rate filing of Atlas was tendered to correct a previously filed periodic increase wherein the producer included a 1.0 cent per Mcf minimum guarantee for liquids as part of the proposed rate. The contract does not provide for such guarantee. The producer has filed a correction to its previously filed rate increase by deleting the 1.0 cent per Mcf minimum guarantee for liquids. Atlas' proposed periodic rate increase, from 14.0 cents to 15.0577 cents per Mcf, was suspended by the Commission's order issued January 22, 1964, in Docket No. RI64-540, until June 23, 1964. The instant decreased rate of 14.0577 cents per Mcf is proposed to be substituted for the aforementioned suspended rate of 15.0577 cents per Mcf. We believe it would be in the public interest to permit Atlas to substitute the instant decreased rate filing for a previous rate filing (designated as Supplement No. 11 to Atlas' FPC Gas Rate Schedule No. 3) suspended in Docket No. RI64-540. The suspension period for the decreased rate filing to terminate concurrently with the suspension period (June 23, 1964) of Atlas' original filing in said docket.

Atlas' corrected rate filing does not affect the suspension ordered by the Commission in Docket No. RI64-540 since the proposed decreased rate exceeds the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists that Atlas' tendered corrected rate filing, designated as Supplement No. 1 to Supplement No. 11 to Atlas' FPC Gas Rate Schedule No. 3, be permitted to be substituted for the rate increase involved in the proceeding in Docket No. RI64-540, and be suspended in said docket until June 23, 1964, the expiration of the suspension period ordered therein for Atlas' previous filing.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 1 to Supplement No. 11 to Atlas' FPC Gas Rate Schedule No. 3 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplement No. 1 to Supplement No. 11 to Atlas' FPC Gas Rate Schedule No. 3 is hereby substituted for the previous rate filed in Docket No. RI64-540, and is suspended herein until June 23, 1964.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 1 to Supplement No. 11 to Atlas' FPC Gas Rate Schedule No. 3.

(C) Pending such hearing and decision thereon, Supplement No. 1 to Supplement No. 11 to Atlas' FPC Gas Rate Schedule No. 3 is hereby suspended and the use thereof deferred until June 23, 1964, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 20, 1964.

By the Commission.

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

[F.R. Doc. 64-5715; Filed, June 9, 1964; 8:45 a.m.]

[1] Address is: 200 National Bank of Tulsa Building, Tulsa 3, Oklahoma.

[2] The stated effective date is the effective date requested by the Respondent.

[3] Previously reported amount of the rate increase was $264 annually.

[4] Rate suspended in Docket No. RI64-540 until June 23, 1964.

[5] Inclusive of 1.0 cent per Mcf minimum guarantee for liquids.

[Docket No. G-15694, etc.]

DST EXPLORATION CORP. ET AL.

Order Amending Certain Orders

JUNE 3, 1964.

DST Exploration Corporation (Operator), et al. (Successor to Hanley Company (Operator), et al.), Docket No. G-15694; DST Exploration Corporation (Operator), et al. (Successor to Sunac Petroleum Corporation (Operator), et al.), Docket No. G-19233; Hanley Company (Operator), et al., and DST Exploration Corporation (Operator), et al., Docket No. RI60-76;[1] Sunac Petroleum Corporation (Operator), et al. and DST Exploration Corporation (Operator), et al., Docket No. RI60-114.[1]

In the matter of order amending orders issuing certificates of public convenience and necessity, accepting notices of succession and supplements to FPC gas rate schedules for filing, redesignating FPC gas rate schedules, making successor in interest co-respondent, redesignating proceedings, requiring filing of agreements and undertakings, and accepting rider to surety bond for filing.

On February 13, 1964, DST Exploration Corporation (Operator), et al. (applicant), filed in Docket Nos. G-15694 and G-19233 applications pursuant to section 7(c) of the Natural Gas Act for authorization to continue the sales of natural gas authorized in said dockets in lieu of Hanley Company (Operator), et al., and Sunac Petroleum Corporation (Operator), et al.,[2] respectively, all as more fully set forth in the respective applications.

Applicant proposes to sell and deliver natural gas in interstate commerce to El Paso Natural Gas Company for resale from the Sprayberry Field Area, Midland County, Texas, pursuant to contracts heretofore designated as Hanley Company (Operator), et al., FPC Gas Rate Schedule No. 21[3] and Stekoll Petroleum Corporation (Operator), et al., FPC Gas Rate Schedule No. 3.[4] The presently effective rates under said rate schedules are 17.1632 and 17.2295 cents per Mcf at 14.65 psia, respectively, and are in effect subject to refund in Docket Nos. RI60-76, and RI60-114, respectively. The last rates not subject to refund are 10.0 and 11.1056 cents per Mcf at 14.65 psia, respectively. The Commission's notice issued February 24, 1964, in Docket No. G-4653, et al., erroneously stated the presently effective rates to be 9.0 and 15.5 cents per Mcf at 14.65 psia.

[1] Consolidated with Docket Nos. AR61-1, et al.

[2] Formerly Stekoll Petroleum Corporation (Operator), et al.

[3] This rate schedule is for the sale authorized in Docket No. G-15694.

[4] This rate schedule is for the sale authorized in Docket No. G-19233.

respectively. Applicant has submitted notices of succession to the respective rate schdules and has filed motions in Docket Nos. RI60–76 and RI60–114 to be made co-respondent in said proceedings.

On June 11, 1962, the name of Stekoll Petroleum Corporation was changed to Sunac Petroleum Corporation. On May 27, 1963, Sunac Petroleum Corporation submitted a rider to the surety bond filed in Docket No. RI60–114 to reflect the change in name.

After due notice, no petition to intervene, notice of intervention, or protest to the granting of the applications in Docket Nos. G–15694 and G–19233 has been filed.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificates of public convenience and necessity heretofore issued in Docket Nos. G–15694 and G–19233 should be amended as hereinafter ordered.

(2) The notices of succession and supplements to FPC gas rate schedules submitted by Applicant herein should be accepted for filing, and said rate schedules should be redesignated accordingly.

(3) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Applicant should be made co-respondent in the rate proceedings pending in Docket Nos. RI60–76 and RI60–114, that said proceedings should be redesignated accordingly, and that Applicant should be required to file agreements and undertakings to assure refund of any amounts collected in excess of the amounts to be found just and reasonable in said proceedings.

(4) The designation of the rate proceeding pending in Docket No. RI60–114 should be changed to reflect the change in name of Stekoll Petroleum Corporation to Sunac Petroleum Corporation, and the rider to the surety bond submitted in said proceeding should be accepted for filing.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity in Docket Nos. G–15694 and G–19233 be and the same are hereby amended by substituting Applicant as certificate holder in lieu of Hanley Company (Operator), et al., and Sunac Petroleum Corporation (Operator), et al., respectively, and in all other respects said orders shall remain in full force and effect.

(B) Applicant be and it is hereby made a co-respondent as of January 2, 1963, with Hanley Company (Operator), et al., in the pending rate proceeding in Docket No. RI60–76; and said proceeding is redesignated accordingly.

(C) Applicant be and it is hereby made a co-respondent as of November 1, 1963, with Sunac Petroleum Corporation (Operator), et al., in the pending rate proceeding in Docket No. RI60–114; the name of co-respondent, Stekoll Petroleum Corporation (Operator), et al., is changed to Sunac Petroleum Corporation (Operator), et al., and the the rider to the surety bond is accepted for filing; and said proceeding is redesignated accordingly.

(D) Within 30 days from the issuance of this order, Applicant shall execute, in the form set out below,[5] and shall file with the Secretary of the Commission, acceptable agreements and undertakings in Docket Nos. RI60–76 and RI60–114 to assure refund of any amounts, together with interest at the rate of seven percent per annum, collected in excess of the amounts to be determined to be just and reasonable in said dockets. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing.

(E) Applicant shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and Applicant's agreements and undertakings filed in Docket Nos. RI60–76 and RI60–114 shall remain in full force and effect until discharged by the Commission.

(F) The notices of succession and supplements to the related rate schedules are accepted for filing, and said rate schedules are redesignated, all as follows:

Docket No.	DST exploration corporation (Operator), et al.		Former designation and description and date of instrument	Effective date
	Rate schedule	Supplement		
G–15694	2		Hanley Co. (Operator), et al., FPC Gas Rate Schedule No. 21.	
	2	1–11	Supplement Nos. 1–11 to above.	
			Notice of succession 2–11–64	1–2–63
	2	12	Assignment 1–16–63	1–2–63
	2	13	Assignment 4–4–63	1–2–63
G–19233	3		Stekoll Petroleum Corp. (Operator), et al., FPC Gas Rate Schedule No. 3.	
	3	1–3	Supplement Nos. 1–3 to above.	
			Notice of succession 2–11–64	11–1–63
	3	4	Assignment 11–14–63	11–1–63
	3	5	Assignment 12–19–63	11–1–63

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–5716; Filed, June 9, 1964; 8:45 a.m.]

[Docket No. RI64–577 etc.]

MURCHISON TRUSTS ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

MAY 14, 1964.

Murchison Trusts (Operator), et al., Docket Nos. RI64–577, et al.; A. N. Brown (Operator), et al., Docket No. RI64–583.

In the Order Providing for Hearings on and Suspension of Proposed Changes in Rates, issued January 31, 1964, and published in the FEDERAL REGISTER February 7, 1964 (F.R. Doc. 64–1224; 29 F.R. 1857) change footnote "10" to footnote "5" in the chart, after Docket No. RI64–583, A. N. Brown (Operator), et al., opposite the rate shown as 14.0536.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–5718; Filed, June 9, 1964; 8:46 a.m.]

[Docket No. CP64–229]

WISCONSIN POWER AND LIGHT CO.

Notice of Application

JUNE 3, 1964.

Take notice that Wisconsin Power and Light Company (Applicant), 122 West Washington Avenue, Madison, Wisconsin, filed an application on April 7, 1964, in Docket No. CP64–229, pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan-Wisconsin Pipe Line Company (Michigan-Wisconsin) to extend its existing transportation facilities (from its Marshfield-Appleton line), to establish physical connection of such facilities with facilities proposed to be constructed by Applicant, and to sell natural gas to Applicant for distribution in Manawa, Wisconsin, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a distribution system in the town of Manawa, Wisconsin, as well as 1.8 miles of 4-inch pipeline extending from Manawa to a city gate measuring and regulating station, at which point connection will be made with the facilities requested to be constructed and operated by Michigan-Wisconsin.

The application reflects the three year annual and maximum day requirements (Mcf at 14.73 psia) of Manawa to be as follows:

	1st year	2d year	3d year
Annual	21,932	50,559	62,755
Maximum day	181	417	519

[5] Filed as part of the original document.

The total estimated cost of the transmission and distribution facilities for the project at the end of the third year is $181,778, the cost of which will be defrayed from cash on hand or funds borrowed from the sales of securities as may be necessary as a part of Applicant's overall construction program.

State authorization for the proposed distribution system and related facilities was obtained from the Public Service Commission of Wisconsin on March 23, 1964.

On April 24, 1964, Michigan Wisconsin filed an answer to the application and stated therein it had no objection to the entry of an order requiring it to provide the requested service and to construct 2 miles of 4-inch lateral connecting its system to the proposed facilities of the Applicant.

Protests, petitions to intervene or requests for hearing in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 25, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-5719; Filed, June 9, 1964; 8:46 a.m.]

[Docket Nos. RI64-757, etc.]

MARATHON OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates;[1] and Allowing Rate Changes To Become Effective Subject to Refund

JUNE 3, 1964.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI164-757...	Marathon Oil Co., 539 South Main Street, Findlay, Ohio, 45840, Attn: Mr. R. Joseph Opperman.	25	7	El Paso Natural Gas Co. (Jicabilla Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	$723	5- 4-64	[2] 6- 4-64	[2] 6- 5-64	12.0	[4] [5] 12.2295	
R164-758...	Bruce Anderson, et al., 930 Petroleum Club Building, Denver, Colo.	3	1	El Paso Natural Gas Co. (Basin-Dakota Pool, San Juan County, N. Mex.) (San Juan Basin Area).	550	5-11-64	[2] 6-11-64	[3] 6-12-64	[7] 13.0	[6] [7] 14.0	
R164-759...	Sharples and Co. Properties (Operator), et al. Suite 1001, 1700 Broadway, Denver, Colo., 80202, Attn: Mr. Samuel Butler, Jr.	1	11	Montana-Dakota Utilities Co. (Worland Field, Washakie, and Big Horn Counties, Wyo).	18,569	5- 4-64	[2] 6- 4-64	[2] 6- 5-64	[10] 10.5	[8] [9] 13.0	

[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] The suspension period is limited to 1 day.
[4] Tax reimbursement increase. Partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.
[5] Pressure base is 15.025 psia.
[6] Periodic rate increase.
[7] Inclusive of 1.0 cent per Mcf minimum guarantee for liquids.
[8] Favored-nation rate increase.
[9] Fractured rate.
[10] Base rate 10.0 cents plus 0.5 cent maximum delivery pressure adjustment.

Marathon Oil Company (Marathon) requests an effective date of February 1, 1964, for its proposed rate increase. Bruce Anderson, et al. (Anderson), request that their proposed rate filing be made effective as of January 1, 1964, the contractually provided effective date, and Sharples and Company Properties (Operator), et al. (Sharples), request that their proposed rate increase be permitted to become effective as of May 4, 1964, the date of filing. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

Marathon's proposed rate increase reflects partial reimbursement for the full 2.55 percent New Mexico Oil and Gas Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. The buyer, El Paso Natural Gas Company (El Paso) has protested the rate increase filed by Marathon. El Paso questions the right of Marathon under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearing provided for herein for Marathon shall concern itself with the contractual basis for the producer's rate filing which El Paso has protested. However, the suspension period for Marathon's proposed rate increase may be shortened to one day from June 4, 1964, the date of expiration of the required statutory notice. Marathon's proposed increased rate is below the applicable area ceiling price for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended, but is suspended because of El Paso's protest with respect to the tax reimbursement.

Anderson did not include as part of his proposed rate the contractually provided for 1.0 cent per Mcf minimum guarantee for liquids. The addition of this minimum guarantee of 1.0 cent per Mcf to the base rate plus the periodic increase results in a total rate in excess of 13.0 cents per Mcf area ceiling for increased rates in the San Juan Basin Area. We believe, in this situation, Anderson's rate filing should be suspended for one day from June 11, 1964, the date of expiration of the required statutory notice.

Sharples proposed favored-nation rate increase does not exceed the applicable area price level as set forth in the Commission's Statement of General Policy No. 61-1, as amended. The proposed rate, being lower than the contractually authorized rate, is considered to be a "fractured" rate. Had Sharples' instant filing been accompanied by a waiver of the right to file for a further rate increase above the ceiling level, we would not suspend the instant filing. But in the absence of such a waiver, or a contractual amendment substituting the 13.0 cents per Mcf rate in place of the now contractually authorized rate, we conclude that Sharples' rate filing should be suspended for one day, as hereinafter ordered.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the contractual basis for Marathon's proposed rate filing which El Paso has protested, as well as hearings as to the statutory lawfulness of the increased rates and charges contained in Anderson and Sharples' proposed rate filings, and that the above designated supplements be suspended and the use thereof

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's Rules of Practice and Procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), public

[1] Does not consolidate for hearing or dispose of the matters herein.

hearings shall be held upon dates to be fixed by notices from the Secretary concerning the contractual basis for Marathon's proposed rate filing which El Paso has protested, and the statutory lawfulness of the rates and charges contained in Anderson and Sharples' proposed rate supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f) on or before July 20, 1964.

By the Commission.

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

[F.R. Doc. 64-5717; Filed, June 9, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 5, 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. 39066: *Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 92), 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 18 to Southern Motor Carriers Rate Conference, agent, tariff MF-I.C.C. 1272.

FSA No. 39067: *Fresh meats and packinghouse products from Darr, Nebr.* Filed by Western Trunk Line Committee, agent (No. A-2364), for interested rail carriers. Rates on fresh meats and packinghouse products, in carloads, from Darr, Nebr., to points in Southern territory.

Grounds for relief: Market competition.

Tariff: Supplement 10 to Western Trunk Line Committee, agent, tariff I.C.C. A-4518.

FSA No. 39068: *Sodium silicate from Cincinnati, Ohio.* Filed by O. W. South, Jr., agent (No. A4523), for interested rail carriers. Rates on sodium silicate, other than dry, in tank carloads, from Cincinnati, Ohio, to Kingsport and Fordtown, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 174 to Southern Freight Association, agent, tariff I.C.C. S-116.

FSA No. 39069: *Bituminous coal from Alabama mine origins.* Filed by O. W. South, Jr., agent (No. A4524), for interested rail carriers. Rates on bituminous coal, in carloads, from mines in Alabama, to Summerville, Trion, LaFayette, Rock Springs, Missionary Ridge, and Chickamauga, Ga.

Grounds for relief: Market competition and origin rate relationship.

Tariff: Supplement 87 to Southern Freight Association, agent, tariff I.C.C. S-39.

By the Commission.

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

[F.R. Doc. 64-5730; Filed, June 9, 1964; 8:47 a.m.]

[Notice 308]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 5, 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 50034 (Deviation No. 2), COURIER EXPRESS, INC., Logansport, Ind., filed May 25, 1964. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* over a deviation route as follows: From Detroit, Mich., over Interstate Highway 94 to junction Michigan Highway 60, thence over Michigan Highway 60 to junction U.S. Highway 27, thence over U.S. Highway 27 to Fort Wayne, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: from Detroit over U.S. Highway 112 to Coldwater, Mich., thence over U.S. Highway 27 to Fort Wayne, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 176), GREYHOUND LINES, INC. (Western Greyhound Lines Division), Market and Fremont Streets, San Francisco, Calif., 94105, carrier's attorney: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94106, filed May 25, 1964. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *passengers and their baggage,* over a deviation route as follows: From junction Interstate Highway 5 and unnumbered highway (Dakota Creek) over Interstate Highway 5 to junction unnumbered highway (Ferndale Road), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers over a pertinent service route as follows: From the International Boundary between Canada and the United States over U.S. Highway 99 to Seattle, Wash., and return over the same route.

By the Commission.

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

[F.R. Doc. 64-5731; Filed, June 9, 1964; 8:47 a.m.]

[Notice 646]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 5, 1964.

Section A. The following publications are governed by the new § 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Section B. The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241)

governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and prehearing conferences will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING AND PREHEARING CONFERENCES

SECTION A—MOTOR CARRIERS OF PROPERTY

No. MC 55236 (Sub-No. 86), filed May 22, 1964. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow and grease*, in bulk, in tank vehicles, (1) from points in Iowa, Michigan, Wisconsin, and those points in Indiana on and north of Indiana Highway 14, to points in Aurora Township, Kane County, Ill., and (2) from points in Michigan and those points in Indiana on and north of Indiana Highway 14, to Chicago, Ill.

HEARING: June 17, 1964, at the Midland Hotel, Chicago, Ill., before Examiner William N. Culbertson.

No. MC 108859 (Sub-No. 39), filed June 1, 1964. Applicant: CLAIRMONT TRANSFER CO., a corporation, 1803—7th Avenue North, Escanaba, Mich. Applicant's attorney: Eugene L. Cohn, 1 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, commodities in bulk, and those requiring special equipment), serving the plant site of The Godfrey Company, located at Waukesha, Wis., as an off-route point in connection with applicant's authorized regular-route operations.

HEARING: July 10, 1964, at the U.S. Courtrooms, Madison, Wis., before Joint Board No. 96.

SECTION B—MOTOR CARRIERS OF PROPERTY

No. MC 28478 (Sub-No. 23), filed December 20, 1963. Applicant: GREAT LAKES EXPRESS CO., a corporation, 172 Davenport Street, Saginaw, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between the junction of Michigan Highway 46, and U.S. Highway 131 and the junction of Michigan Highway 46 and 66, over Michigan Highway 46, serving no intermediate or off-route points, (2) between Greenville, Mich., and the junction of Michigan Highways 57, and 66, over Michigan Highway 57, serving no intermediate or off-route points, (3) between the junction of Michigan Highways 57, and 47, and the junction of U.S. Highway 27, and Michigan Highway 57, over Michigan Highway 57, and return over the same route, serving no intermediate points, (4) between Three Rivers and Coldwater, Mich., over Michigan Highway 86, serving no intermediate or off-route points, and (5) between the junction of Michigan Highways 66 and 61, and the junction of U.S. Highway 27, and Michigan Highway 61, over Michigan Highway 61, serving no intermediate or off-route points.

NOTE: The service as proposed above in (1) thru (5) is for operating convenience only in connection with applicant's authorized regular route operations.

HEARING: July 10, 1964, at the Federal Building, Lansing, Mich., before Joint Board No. 76.

No. MC 48958 (Sub-No. 66), filed October 22, 1963. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo. Applicant's attorney: Morris G. Cobb, Post Office Box 9050, Amarillo, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious and contaminating to other lading) (1) between Hobbs, N. Mex., and Witco, N. Mex., as follows: From Hobbs over New Mexico Highway 18 to junction Loop 18 approximately six (6) miles north of Eunice, N. Mex., thence over Loop 18 to Witco and return over the same route; (2) between Lubbock, Tex., and Witco, N. Mex., as follows: From Lubbock over U.S. Highway 62 to junction with U.S. Highway 385, thence over U.S. Highway 385 to junction with Texas Highway 176, thence over Texas Highway 176 to junction with New Mexico 176, thence over New Mexico Highway 176 to junction with New Mexico Highway 18, thence over New Mexico Highway 18 to junction with Loop 18 approximately six (6) miles north of Eunice, thence over Loop 18 to Witco and return over the same routes, serving no intermediate points and (3) serving the site of the Continental Carbon Company plant at Witco, N. Mex., as an off-route point in connection with applicant's regular-route operations.

HEARING: July 15, 1964, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 33, or, if the joint board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 48958 (Sub-No. 68), filed November 29, 1963. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo., Applicant's attorney: Morris G. Cobb, 221 Barfield Building, 1300 Grant Street, Amarillo, Tex., Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, household goods as defined by the Commission, livestock, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), between Albuquerque, N. Mex., and El Paso, Tex., from Albuquerque, over U.S. Highway 85 (Interstate Highway 25) to El Paso (and also from Albuquerque to Las Cruces, N. Mex., over the above route specified, and thence over New Mexico Highway 28 to its intersection with New Mexico Highway 273, thence over New Mexico Highway 273 to El Paso, and return over the same route), serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

NOTE: Common control may be involved.

HEARING: July 14, 1964, at the New Mexico State Corporation, Commission, Santa Fe, N. Mex., before Joint Board No. 33, or, if the joint board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 76032 (Sub-No. 180), filed October 1, 1963. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, Post Office Box 1437, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Cannon Air Force Base located near Clovis, N. Mex., as an off-route point in connection with applicant's regular-route operations.

HEARING: July 13, 1964, at the New Mexico State Corporation, Commission, Santa Fe, N. Mex., before Joint Board No. 87, or, if the joint board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 105813 (Sub-No. 104), filed October 16, 1963. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods, (including fruit juices and vegetable juices and/or concentrates thereof)*, in mixed shipments with canned goods, *(including fruit juices and vegetable juices and/or concentrates thereof, not frozen)*, (2) *frozen foods (including fruit juices and vegetable juices and/or concentrates thereof)*, in mixed shipments with commodities exempt from economic regulations pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, (3) *canned goods (including fruit juices and vegetable juices and/or concentrates thereof, not frozen)*, in mixed shipments with commodities exempt from economic regulations pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, (4) *canned goods including fruit juices and vegetable juices and/or concentrates thereof, not frozen)*, and (5) *frozen foods including fruit juices and vegetable juices and/or concentrates thereof)*, from points in California and Arizona, to points in Louisiana, Mississippi, Georgia, Florida, and Alabama.

NOTE: Common control may be involved.

HEARING: July 27, 1964, at the Pickwick Motor Inn, McGee and 10th,

Kansas City, Mo., before Examiner Lacy W. Hinely.

No. MC 107064 (Sub-No. 33), filed December 18, 1963. Applicant: STEERE TANK LINES, INC., 2808 Fairmount Avenue, Post Office Box 2998, Dallas, Tex. Applicant's attorney: Hugh T. Mathews, 630 Fidelity Union Tower, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from El Paso, Tex., to points in Arizona.

HEARING: July 16, 1964, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 127, or, if the joint board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 108228 (Sub-No. 16), filed October 22, 1963. Applicant: J. A. MILES, JR., 304 East Reynolds Street, Plant City, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, from Boston, Mass., and Naugatuck, Conn., to points in Florida.

HEARING: July 20, 1964, at the U.S. Courtrooms, Tampa, Fla., before Examiner Theodore M. Tahan.

No. MC 113463 (Sub-No. 4), filed November 14, 1963. Applicant: CONTRACT CARRIERS, INC., 830 Broadway NE., Albuquerque, N. Mex., 87102. Applicant's attorney: John P. Dwyer, 606 Bank of New Mexico Building, Albuquerque, N. Mex. Authority sought to operate as a *contract carrier*, by motor vehicle, over, irregular routes, transporting: *Malt beverages*, from Golden, Colo., to Clovis, N. Mex., and *empty malt beverage containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

HEARING: July 13, 1964, at the New Mexico State Corporation, Commission, Santa Fe., N. Mex., before Joint Board No. 125, or, if the joint board waives its right to participate, before Examiner Lyle C. Farmer.

No. MC 115331 (Sub-No. 61), filed September 23, 1963. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. Applicant's attorney: Thomas Kilroy, 1250 Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dried sewerage sludge*, from Milwaukee, Wis., to points in Illinois, Indiana, Iowa and Missouri, and *empty containers or other incidental facilities* (not specified) used in transporting the above named commodity, on return.

HEARING: July 21, 1964, in Room 1620, New Federal Building, 1520 Market Street, St. Louis, Mo., before Examiner Lacy W. Hinely.

No. MC 115491 (Sub-No. 42), filed September 18, 1963. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's attorney: M. Craig Massey, 223 South Florida Avenue, Post Office Box 586, Lakeland, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods (including fruit juices and vegetable juices and concentrates thereof)* in mixed shipments with canned goods (including fruit juices and vegetable juices thereof and concentrates thereof, not frozen), (2) *frozen foods (including fruit juices and vegetable juices and concentrates thereof)* in mixed shipments with commodities exempt from economic regulations pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, (3) *canned goods (including fruit juices and vegetable juices and concentrates thereof*, not frozen) in mixed shipments with commodities exempt from regulations pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, (4) *canned goods (including fruit juices and vegetable juices and concentrates thereof*, not frozen), and (5) *frozen foods (including fruit juices and vegetable juices and concentrates thereof)*, from points in California and Arizona, to points in Iowa, Nebraska, Missouri, Kansas, Oklahoma, Arkansas, Louisiana, Mississippi, Georgia, Florida, Alabama, Tennessee, Kentucky, North Dakota, South Dakota, Minnesota, and Wisconsin.

HEARING: July 27, 1964, at the Pickwick Motor Inn, McGee and 10th, Kansas City, Mo., before Examiner Lacy W. Hinely.

No. MC 117766 (Sub-No. 5), filed December 19, 1963. Applicant: SAM BLAIR, doing business as R. & S. BROKERAGE COMPANY, Post Office Box 1027, 5508 Guadalupe Trail NW., Albuquerque, N. Mex. Applicant's attorney: Dale Walker, Bank of New Mexico Building, Albuquerque. N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooked frozen vegetables*, (1) from Watsonville, Salinas, San Martin, San Jose, Santa Clara, Modesto, Fresno, Sanger, Patterson, and Los Angeles, Calif., to Albuquerque, N. Mex., and Phoenix, Ariz., (2) from Auburn, Mt. Vernon, Arlington, and Seattle, Wash., to Albuquerque, N. Mex., and (3) from Seattle, Wash., to Durango, Colo., and El Paso, Tex.,

HEARING: July 17, 1964, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner Lyle C. Farmer.

No. MC 118196 (Sub-No. 11), filed September 6, 1963. Applicant: RAYE & COMPANY TRANSPORTS, INC., Post Office Box 613, Carthage, Mo. Applicant's attorney: Harry Ross, Warner Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, including *fruit juices and vegetable juices and concentrates thereof*, in mixed shipments with canned goods including fruit juices and vegetable juices and concentrates thereof, not frozen; (2) *frozen foods*, including *fruit juices and vegetable juices and concentrates thereof*, in mixed shipments with commodities exempt from economic regulation pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act; (3) *canned goods*, including *fruit juices and vegetable juices and concentrates thereof*, not frozen, in mixed shipments with commodities exempt from economic regulation pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act; (4) *canned goods*, including *fruit juices and vegetable juices and concentrates thereof*, not frozen; and (5) *frozen foods*, including *fruit juices and vegetable juices and concentrates thereof*, from points in California and Arizona, to points in Colorado, Wyoming, Iowa, Nebraska, Missouri, Kansas, Oklahoma, Arkansas, Louisiana, Mississippi, Georgia, Florida, Alabama, Tennessee, Kentucky, North Dakota, South Dakota, Minnesota, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities in (1), (2), (3), (4), and (5) above, on return.

HEARING: July 27, 1964, at the Pickwick Motor Inn, McGee and 10th Kansas City, Mo., before Examiner Lacy W. Hinely.

No. MC 120725 (Sub-No. 1), filed August 6, 1963. Applicant: HOMER MOVING & STORAGE CO., INC., Hammond Lane, Post Office Box 84, Plattsburgh, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in Clinton County, N.Y., on the one hand, and, on the other, points in New York, and (2) between points in Essex, Franklin, and St. Lawrence Counties, N.Y., on the one hand, and, on the other, points in New York.

HEARING: July 17, 1964, at the U.S. Post Office and Customhouse, Plattsburgh, N.Y., before Examiner Allen W. Hagerty.

No. MC 124485 (Sub-No. 1) (REPUBLICATION), filed August 1, 1962, published FEDERAL REGISTER issue of August 22, 1962, and republished this issue. Applicant: ALASKA BARGE AND TRANSPORT, INC., 525 Third Avenue Anchorage, Alaska. Applicant's attorney: Alan F. Wohlstetter, One Farragut Square South, Washington 6, D.C. By application filed August 1, 1962, amended as hereinafter shown, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of general commodities for the U.S. Department of Defense and moving on Government bills of lading, in seasonal operations extending from May 1 to September 30, both inclusive of each year, between tidewater beachlanding sites and specified DEW Line and Mona Lisa sites in Alaska. An amendment of the application, submitted by letter, was accepted by the joint board; which eliminates the restriction that movements of traffic be handled on Government bills of lading, and provides for service for the U.S. Coast Guard and for service to additional points in Alaska. A report of the Commission, decided May 14, 1964, and served May 22, 1964, finds the proposed operation to be that of a common carrier by motor vehicle; and that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, over irregular routes, of general commodities, in seasonal operations extending from April

1 to November 30, both dates inclusive, of each year, between beachlanding sites in Alaska on the one hand, and, on the other, DEW Line and Mona Lisa sites at or near the following points; Shemya, Tin City, Lisburne, Point Burrow, Barter Island, Newenham, Romanzof, Unalakleet, North East Cape, Cape Beauford, Point Lay, Icy Cape, Wainwright, Peard Bay, Simpson Lagoon, Lonely Lagoon, Kogru River, Oliktok Point, Point McIntyre, Bullen Point, Brownlow Point, Demarcation Point, Saint Paul Island, Hoonah, Yakutat, Yakataga, Duncan Canal, Boswell Bay, Middleton Island, Cold Bay, Driftwood Bay, Nikolski, Cape Simson, Pitt Point, North River, Cape Sarichef, Port Moller, Port Heiden, Nome, Aniak, King Salmon, Metlakatla, McGrath, Kotzebue, Fire Island, Sitkinak, Scotch Cap, Dillingham, Platinum, St. George Island, Attu, Gamble, Savoonga, Port Clarence, St. Michael, Nash Harbor, Smugglers Cove, Ocean Cape, and Point McKenzie, Alaska; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act, and the Commission's rules and regulations thereunder; that an appropriate certificate authorizing such operation should be granted, subject, to the conditions (1) that the authority granted to transport dangerous explosives should be limited, in point of time, to a period expiring 5 years from the effective date of the certificate; and (2) that a correct notice be published in the FEDERAL REGISTER and any interested person will be permitted to file an appropriate petition within 30 days of the date of such republication.

No. MC 125899, filed December 20, 1963. Applicant: JOHN McCABE, 1804 South 27th Avenue, Phoenix, Ariz. Applicant's representative: Pete H. Dawson, 4453 East Piccadilly Road, Phoenix 18, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone, including building stone*, (a) from points in Yavapai, Maricopa, Coconino, Pima, and Yuma Counties, Ariz., to points in California, (b) from points in California to points in Apache, Cochise, Coconino, Maricopa, Navajo, Pima, and Yavapai Counties, Ariz.; (2) *lumber*, (a) from Medford, Ashland, White City, Wolf Creek, Grants Pass, Glendale, Riddle, Dillard, Roseburg Remote, Cottage Grove, Eugene, Portland, Tillamook, and Wilbur, Oreg., and Redding, Ukiah, Eureka, Susanville, and Hoopa, Calif., to points in Apache, Cochise, Coconino, Maricopa, Navajo, Pima, and Yavapai Counties, Ariz., (b) from points in Apache, Coconino, and Navajo Counties, Ariz., to points in Los Angeles, Riverside, Orange, San Bernardino, Ventura, San Francisco, San Mateo, and Santa Clara Counties, Calif.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 117821, therefore dual operations may be involved.

HEARING: July 21, 1964, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 225, or, if the joint board waives its right to participate, before Examiner Lyle C. Farmer.

MOTOR CARRIERS OF PASSENGERS

No. MC 124738 (Sub-No. 4), filed September 23, 1963. Applicant: CHARLOTTE LAMENDOLA, doing business as POWER CITY BUS LINE, 151 Center Street, Massena, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle, between Massena, N.Y., and the port of entry on the international boundary line between the United States and Canada at or near St. Regis, N.Y., from Massena, N.Y., over New York Highway 37 to Raquette River, N.Y., thence over New York Highway 37C to Rooseveltown, N.Y., thence over New York Highway 37 to Hogansburg, N.Y., thence over an unnamed route to port of entry on the international boundary line between the United States and Canada at or near St. Regis, N.Y., and return over the same route, serving all intermediate points.

HEARING: July 15, 1964, at the Federal Courtroom, U.S. Post Office Building, Ogdensburg, N.Y., before Examiner Allen W. Hagerty.

NOTICE OF FILING OF PETITION

No. MC 71219 (PETITION FOR CORRECTION OF CERTIFICATE), filed May 22, 1964. Petitioner: FRIEDMAN TRANSFER AND CONSTRUCTION CO., INC., Oakdale, Pa. Petitioner's attorney: Noel F. George, 44 East Broad Street, Columbus, Ohio. Petitioner held a Certificate, issued September 25, 1941, authorizing operations in interstate or foreign commerce, as a common carrier, transporting: "Steel and steel articles, between points in Mahoning and Trumbull Counties, Ohio, on the one hand, and, on the other, points in Pennsylvania *on and west* of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 219 to Lantz Corners, Pa., thence along U.S. Highway 6 to Kane, Pa., thence along Pennsylvania Highway 321 (formerly unnumbered highway) to Wilcox, Pa., thence along U.S. Highway 219 to the Pennsylvania-Maryland State line." This certificate was reissued on July 29, 1957, and the operating authority contained in the paragraph "steel and steel articles" above-described, was exactly the same and described the area in Pennsylvania as "on *and* west of a line." On August 12, 1957 the certificate was again reissued and at that time was described to read: "on *the* west of a line beginning," etc. By the instant petition, petitioner requests that a corrected certificate be issued to read as follows: "*Steel* and *steel articles*, between points in Mahoning and Trumbull Counties, Ohio, on the one hand, and, on the other, points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 219 to Lantz Corners, Pa., thence along U.S. Highway 6 to Kane, Pa., thence along Pennsylvania Highway 321 (formerly unnumbered highway) to Wilcox, Pa., thence along U.S. Highway 219 to the Pennsylvania-Maryland State line." Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication, become a party to this proceeding by filing representations supporting or opposing the relief sought by petitioner.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8642 (AC TRANSPORTATION, INC.—CONTROL AND MERGER—PERTH AMBOY TRUCKING CORP., AND DOBBIE TRANSPORTATION CO., INC.), published in the January 15, 1964, issue of the FEDERAL REGISTER on page 384. Correction published in the March 11, 1964, issue of the FEDERAL REGISTER on page 3262. Petition filed May 25, 1964, to include ALBERT R. FINK and LILLIAN E. FINK, as party applicants.

No. MC-F-8762 (COSSITT MOTOR EXPRESS, INC.—PURCHASE—F. & F. MOTOR EXPRESS, INC. (INTERNAL REVENUE SERVICE, SUCCESSOR IN INTEREST)), published in the June 3, 1964, issue of the FEDERAL REGISTER, on page 7265. Application filed June 1, 1964, for temporary authority under section 210a(b).

No. MC-F-8763. Authority sought for purchase by WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, Pa., of the operating rights and certain property of PENN-JERSEY, INC., Post Office Box 158, Collegeville, Pa., and for acquisition by WINFIELD A. WEST, also of Boyertown, Pa., of control of such rights and property through the purchase. Applicants' representative: John W. Frame, Post Office Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over a regular route, between Philadelphia, Pa., and Collegeville, Pa., serving intermediate and off-route points within 4 miles of Collegeville; *general commodities*, with exceptions as specified above, over irregular routes, between Collegeville, Pa., and points within 2 miles thereof, on the one hand, and, on the other, New York, N.Y., and points in New Jersey; *household goods*, as defined by the Commission, between Collegeville, Pa., and points in Pennsylvania within 30 miles thereof, on the one hand, and, on the other, points in New Jersey, and New York; and *printing supplies*, from Philadelphia, Pa., to points in New Jersey south and west of a line extending from Trenton to Atlantic City, including the points named. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Delaware, Maryland, New Jersey, Virginia, West Virginia, Ohio, North Carolina, South Caro-

lina, Georgia, Indiana, Illinois, Michigan, Vermont, Maine, New Hampshire, Kentucky, Wisconsin, Iowa, Minnesota, Missouri, Tennessee, Colorado, Kansas, Alabama, Arkansas, Florida, Louisiana, Mississippi, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8764. Authority sought for purchase by WORSTER MOTOR LINES, INC., East Main Road, Rural Delivery No. 1, North East, Pa., of a portion of the operating rights of MOTORWAY CORPORATION, 131 Matzinger Road, Toledo 12, Ohio, and for acquisition by DAVID B. WORSTER, W. Lake Road, Rural Delivery No. 1, North East, Pa., of control of such rights through the purchase. Applicant's attorney: William W. Knox, 23 West Tenth St., Erie, Pa. Operating rights sought to be transferred: *Glass containers and caps, covers, disks or tops therefor*, as a *common carrier*, over irregular routes, from Fairmont, W. Va., to points in that part of New York on and south of New York Highway 13, from Port Ontario to Pulaski, N.Y., and on and west of U.S. Highway 11, from Pulaski, N.Y., to the New York-Pennsylvania State line; *glass containers, caps, covers, disks and tops*, and *fiberboard boxes*, corrugated or knocked down flat, from Fairmont, W. Va., to points in Erie County, Pa.; and *glass bottles, glass jars*, and *caps, covers, disks and tops therefor*, and *fiberboard boxes*, from Fairmont, W. Va., to points in New Jersey (except East Riverton, Trenton and points within 25 miles of New York, N.Y.) and that part of New York north of New York Highway 13, from Port Ontario, to Pulaski, N.Y., and east of U.S. Highway 11, from Pulaski, N.Y., to the New York-Pennsylvania State line (except Yonkers and New York, N.Y.). Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, West Virginia, Indiana, Illinois, Michigan, Ohio, New Hampshire, Vermont, Maine, Minnesota, Virginia, South Carolina, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8765. Authority sought for purchase by MILTON K. MORRIS, INC., 9547 Walley Avenue, Philadelphia 15, Pa., of the operating rights and property of MILTON K. MORRIS, 9547 Walley Avenue, Philadelphia 15, Pa., and for acquisition by MILTON K. MORRIS, EMMA JAME MORRIS, both of 9547 Walley Avenue, Philadelphia, Pa., and CHARLES E. MORRIS, 9559 Walley Avenue, Philadelphia, Pa., of control of such rights and property through the purchase. Applicants' attorney: V. Baker Smith, 2107 Fidelity-Phila. Trust Building, Philadelphia 9, Pa. Operating rights sought to be transferred: *Carbonated beverages*, as a *contract carrier*, over irregular routes, from Philadelphia, Pa., to certain points in New York, Maryland, Delaware, and New Jersey; *groceries* and *grocery store supplies*, from Philadelphia, Pa., to Baltimore, Md., and points in New Jersey; *canned goods*, from points in that part of Maryland east of the Chesapeake Bay, to Philadelphia, Pa.; *nonalcoholic beverages*, other than carbonated, from Philadelphia, Pa., to points in New Jersey, Delaware, and Maryland, within 75 miles of Philadelphia; *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies*, used in the conduct of such business, between certain points in New Jersey, Delaware, and Pennsylvania, between points in the above territory, on the one hand, and, on the other, New York, N.Y., Newark, N.J., Washington, D.C., and Baltimore, Bel Air, and the canning district in the vicinity of Aberdeen, Md.; and *fruits, vegetables, farm products, poultry*, and *seafood*, in the respective seasons of their production, from points in New Jersey, Pennsylvania, Delaware, New York, and Maryland, to points in New Jersey, Delaware, Pennsylvania, New York, Maryland, and the District of Columbia. Vendee holds no authority from this Commission. However, CHARLES E. MORRIS, doing business as MORRIS TRUCKING, is authorized to operate as a *common carrier* in Pennsylvania, Maryland, Rhode Island, Connecticut, Delaware, New Jersey, New York, and the District of Columbia. It is expected that CHARLES E. MORRIS, will receive stock if this application is granted. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8766. Authority sought for control by OIL TRANSPORT COMPANY, East U.S. Highway 80, Abilene, Tex., of BRAZOS TRANSPORT CO., Post Office Box 2031, East U.S. Highway 80, Abilene, Tex., and for acquisition by B. R. GAMBLIN, also of Abilene, Tex., of control of BRAZOS TRANSPORT CO., through the acquisition by OIL TRANSPORT COMPANY. Applicants' attorney: Reagan Sayers, Century Life Building, Fort Worth, Tex., 76102. Operating rights sought to be controlled: Authority applied for in No. MC–126089, covering the transportation of *building materials, gypsum, and materials and supplies*, used in the manufacture and distribution thereof, as a *contract carrier*, over irregular routes, between the plant sites of National Gypsum Company within a five (5) mile radius of Rotan, Tex., on the one hand, and, on the other, points in Arkansas, Louisiana, New Mexico, and Oklahoma. OIL TRANSPORT COMPANY, is authorized to operate as a *common carrier* in Texas, Oklahoma, Kansas, Nebraska, New Mexico, and Arizona. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–8767. Authority sought for purchase by THE YOUNGSTOWN CARTAGE CO., 825 West Federal Street, Youngstown, Ohio, 44501, of the operating rights and certain property of CHICAGO, MICHIGAN & EASTERN FREIGHT LINES, INC., 9625 South Colfax Avenue, Chicago 17, Ill., and for acquisition by WILLIAM F. WOLFF, also of Youngstown, Ohio, of control of such rights and property through the purchase. Applicants' attorneys: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio, and James F. Flanagan, 111 West Washington Street, Chicago 2, Ill. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Detroit, Mich., and points in the CHICAGO, ILL., Commercial Zone, as defined by the Commission in 1 M.C.C. 673; *iron and steel*, and *articles made thereof*, between points in the CHICAGO, ILL., commercial zone, as defined by the Commission in 1 M.C.C. 673, on the one hand, and, on the other, certain points in Michigan, between Portage, Ind., on the one hand, and, on the other, certain points in Michigan; and *roofing* and *roofing materials*, between points in the CHICAGO, ILL., commercial zone, as defined by the Commission in 1 M.C.C. 673, and Chicago Heights, Ill., and Lowell, Ind., on the one hand, and, on the other, certain points in Michigan. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Ohio, West Virginia, New York, New Jersey, Michigan, Massachusetts, Rhode Island, Connecticut, Delaware, Maryland, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–8768. Authority sought for control by GEORGE ANDREW BROWNING, JR., 1321 Southeast Water Avenue, Portland 14, Oreg., of SITES SILVER WHEEL FREIGHTLINES, INC., 1321 Southeast Water Avenue, Portland 14, Oreg. Applicants' attorney: Moe M. Tonkon, Public Service Building, Portland 4, Oreg. Operating rights sought to controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a common carrier, over regular routes, between Boardman, Oreg., and Stanfield Junction, Oreg., serving all intermediate points, between Portland, Oreg., and Heppner, Oreg., serving certain intermediate points, between Maupin, Oreg., and Goldendale, Wash., serving all intermediate and certain off-route points, between Portland, Oreg., and Harrisburg, Oreg., between Newport, Oreg., and Lebanon, Oreg., between Halsey, Oreg., and Brownsville, Oreg., between Corvallis, Oreg., and Yachats, Oreg., serving certain intermediate and off-route points, between Newport, Oreg., and Waldport, Oreg., serving no intermediate points, between Lebanon, Oreg., and the C.C.C. Camp near Cascadia, Oreg., serving all intermediate points, between Baker, Oreg., and Hells Canyon Dam Site (near Homestead), Oreg., between Portland, Oreg., and Dallas, Oreg., between Salem, Oreg., and Scio, Oreg., serving certain intermediate and off-route points, between Stayton, Oreg., and West Stayton, Oreg., serving no intermediate points, three alternate routes for operating convenience only; *general commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk (other than whole grain), and commodities requiring special equipment, between Portland, Oreg., points in Oregon, and Vancouver, Wash., between Vancouver, Wash., and The Dalles, Oreg., serving all intermediate and certain off-route points, between the junction of U.S. Highway 30 with the Wasco County Bridge (at a point approximately

3 miles east of The Dalles, Oreg.), and the junction of U.S. Highway 830 with an unnumbered Washington highway (near the north end of the Wasco County Bridge), serving no intermediate points; *general commodities*, except petroleum products, in bulk, between Portland, Oreg., and Salem, Oreg., serving all intermediate points; *general commodities*, between Salem, Oreg., and Idanha, Oreg., serving all intermediate points within restriction, and the off-route point of Turner, Oreg., restricted against the pickup and delivery of commodities of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading; *fruit, grain, vegetables, wool*, and *lumber* between The Dalles, Oreg., and Portland, Oreg., serving all intermediate and off-route points in Washington on and within 1 mile of a specified route; *malt beverages*, and *fruits and vegetables*, from Spokane, Wash., to Portland, Oreg., serving the intermediate point of The Dalles, Oreg.; *malt beverages*, from Spokane, Wash., to La Grande, Oreg., serving the intermediate point of Pendleton, Oreg., restricted to delivery only, from Spokane, Wash., to Klamath Falls, Oreg., serving the intermediate point of Bend, Oreg.; *general commodities*, excepting, among others, household goods, but not excepting, commodities in bulk, over irregular routes, between The Dalles, Oreg., on the one hand, and, on the other, points in Klickitat County, Wash.; *grain*, between points in Oregon within 125 miles of The Dalles, Oreg., including The Dalles; *livestock, agricultural commodities*, and *farm machinery*, between points in Wheeler, Morrow, Gilliam, Grant, and Umatilla Counties, Oreg., and those in Yakima, Benton, Columbia, and Walla Walla, Counties, Wash.; and *agricultural commodities, building material, livestock, flour*, and *feed*, between points in Umatilla County, Oreg., and those in Columbia, Garfield, and Walla Walla Counties, Wash. Application has not been filed for temporary authority under section 210a(b).

NOTE: This application will be heard together with No. MC–F–8633 (BROWNING FREIGHT LINES, INC., ET AL., INVESTIGATION OF CONTROL), on July 27, 1964, at Boise, Idaho.

No. MC–F–8769. Authority sought for purchase by CEL TRANSPORTATION CO., Post Office Box 447, Latrobe, Pa., of the operating rights and property of JOHN H. PRESTON, Rural Delivery No. 2, Mount Pleasant, Pa., and for acquisition by ROSE F. LIZZA and CHARLES E. LIZZA, JR., both of Latrobe, Pa., of control of such rights and property through the purchase. Applicants' attorneys: Henry M. Wick, Jr., and Delisi, Wick & Vuono, 1515 Park Building, Pittsburgh, Pa., 15222, and John V. Bowser and Bowser & Berman, 1130 Porter Building, Pittsburgh, Pa., 15210. Operating rights sought to be transferred: *Tallow*, in bulk, in tank vehicles, as a *contract carrier*, over irregular routes, from Massillon, Neffs, Carey, Marietta, Troy, Cleveland, Defiance, and Akron, Ohio, Wheeling and Morgantown, W. Va., and Detroit, Mich., to Philadelphia, Pa., from Pittsburgh, Pa., to Baltimore, Md., *RESTRICTION:* The service authorized herein is subject to the following conditions: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts with Jacob Stern & Sons, Inc., of Philadelphia, Pa.; carrier shall maintain a system of accounts covering his operations as a contract carrier separate from those covering his other operations; and carrier shall not transport commodities as a private carrier at the same time and in the same vehicle with those transported as a for-hire carrier. Vendee holds no authority from this Commission. However, its controlling stockholders, ROSE R. LIZZA AND CHARLES E. LIZZA, JR., own the majority stock of C. E. LIZZA, INC., Post Office Box 447, Latrobe, Pa., which is authorized to operate as a *contract carrier* in all States in the United States (except Alaska, California, Hawaii, Idaho, Nevada, Oregon, Washington, and the District of Columbia). Application has been filed for temporary authority under section 210a(b).

No. MC–F–8770. Authority sought for control by C. E. LIZZA, INC., Post Office Box 447, Latrobe, Pa., of CEL TRANSPORTATION CO., Post Office Box 447, Latrobe, Pa., and for acquisition by ROSE F. LIZZA, and CHARLES E. LIZZA, JR., both of Latrobe, Pa., of control of CEL TRANSPORTATION CO., through the acquisition by C. E. LIZZA, INC. Applicants' attorneys: Henry M. Wick, Jr., and Delisi, Wick & Vuono, 1515 Park Building, Pittsburgh, Pa., 15222. Operating rights sought to be controlled: In pending Docket No. MC–F–8769, CEL TRANSPORTATION CO., seeks to purchase the operating rights and property of JOHN H. PRESTON, in Docket No. MC–119469, covering the transportation of *tallow*, in bulk, in tank vehicles, as a *contract carrier*, over irregular routes, from Massillon, Neffs, Carey, Marietta, Troy, Cleveland, Defiance, and Akron, Ohio, Wheeling and Morgantown, W. Va., and Detroit, Mich., to Philadelphia, Pa., from Pittsburgh, Pa., to Baltimore, Md., RESTRICTION: The service authorized herein is subject to the following conditions: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Jacob Stern & Sons, Inc., of Philadelphia, Pa.; carrier shall maintain a system of accounts covering his operations as a contract carrier separate from those covering his other operations; carrier shall not transport commodities as a private carrier at the same time and in the same vehicle with those transported as a for-hire carrier. C. E. LIZZA, INC., is authorized to operate as a *contract carrier* in all States in the United States (except Alaska, California, Hawaii, Idaho, Nevada, Oregon, Washington, and the District of Columbia). Application has not been filed for temporary authority under section 210a(b).

NOTE: No. MC–F–8769 (CEL TRANSPORTATION CO.—PURCHASE—JOHN H. PRESTON), is being published this same issue.

No. MC–F–8771. Authority sought for control by LEASEWAY TRANSPORTATION CORP., 21111 Chagrin Boulevard, Cleveland 22, Ohio, of (1) ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Boulevard, Cleveland 22, Ohio, (2) GREEN BAG TRANSPORT, INC., Neville Island, Pittsburgh 25, Pa., (3) MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland 22, Ohio, (4) POOL TRUCK, INC., 365 Victor Avenue, Highland Park, Mich., (5) QUICK DELIVERIES, INC., 110 Olean Street, Rochester, N.Y., (6) SIGNAL DELIVERY SERVICE, INC., 5321 West Madison Street, Chicago 44, Ill., and (7) SUGAR TRANSPORT, INC., Post Office Box 4063, Port Wentworth, Ga., and for acquisition by H. M. O'NEILL, F. J. O'NEILL, and W. J. O'NEILL, all of Cleveland 22, Ohio, of control of ANCHOR MOTOR FREIGHT, INC., GREEN BAG TRANSPORT, INC., MITCHELL TRANSPORT, INC., POOL TRUCK, INC., QUICK DELIVERIES, INC., SIGNAL DELIVERY SERVICE, INC., and SUGAR TRANSPORT, INC., through the acquisition by LEASEWAY TRANSPORTATION CORP. Applicants' attorneys: Roland Rice, 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C., and Ewald E. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. Operating rights sought to be controlled: (1) (ANCHOR MOTOR FREIGHT, INC.) In Docket No. MC–F–8673, ANCHOR MOTOR FREIGHT, INC., was granted authority on May 13, 1964, to purchase the operating rights of (A) ANCHOR MOTOR FREIGHT, INC., OF DELAWARE, (B) ANCHOR MOTOR FREIGHT, N.Y., CORP., and (C) ANCHOR MOTOR FREIGHT, INC., OF MICHIGAN, which authority covers the transportation of *automobiles, trucks, chassis, automobile show equipment or paraphernalia, automobile parts and accessories, trailers, bodies, cabs*, and *tools*, new, used, finished, unfinished, or wrecked, in initial, secondary or subsequent movements, in truckaway and driveaway service, as *contract carriers*, over irregular routes, from, between and to points in the United States, with certain restrictions. A more detailed description of the above authority may be found in the February 19, 1964, issue of the FEDERAL REGISTER, on page 2583, in connection with No. MC–F–8673; (2) (GREEN BAG TRANSPORT, INC.) *Cement*, as a *contract carrier*, over irregular routes, from Neville Island, Pa., to certain points in Maryland, West Virginia, and Ohio, RESTRICTION: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Green Bag Cement Company, Pittsburgh, Pa.; (3) (MITCHELL TRANSPORT, INC.) *Cement, dry cement, expanded shale*, and *petroleum products*, in bulk and in bags, in tank vehicles, as a *common carrier*, over irregular routes, from and to points in Indiana, Ohio, Kentucky, Illinois, Maryland, Pennsylvania, Rhode Island, Connecticut, Massachusetts, New York, Maine, New Hampshire, Vermont, New Jersey, Alabama, Florida, Mississippi, Tennessee, Kansas, Arkansas, Missouri, Oklahoma, Iowa, Minne-

sota, North Dakota, South Dakota, Wisconsin, Georgia, the District of Columbia, Delaware, Virginia, North Carolina, West Virginia, South Carolina, and Michigan, with certain restrictions, as more specifically described in Docket No. MC–124212 and Sub-numbers thereunder; (4) (POOL TRUCK, INC.) *Building materials and equipment* and *supplies and materials*, incidental to the installation thereof, *plumbing and heating equipment, fixtures*, and *materials and supplies* incidental to the installation thereof, *such merchandise* as is dealt in by mail-order and chain retail department stores, *such merchandise* as drugs, pharmaceuticals, toiletries, and drugstore sundries, as is dealt in by wholesale drug supply houses, and *empty drums* and *empty steel containers*, in drop-frame trailers, as a *contract carrier*, over irregular routes, from and to certain points in Michigan, Ohio, Indiana, New York, Pennsylvania, and West Virginia, with certain restrictions, as more specifically described in Docket No. MC–111909 Sub-1, and Sub-numbers thereunder; (5) (QUICK DELIVERIES, INC.) *Iron and steel tanks*, as a *contract carrier* over irregular routes, from points in Onondaga County, N.Y., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; (6) (SIGNAL DELIVERY SERVICE, INC.) *Such merchandise* as is dealt in by wholesale and retail general mercantile establishments, and in connection therewith, *materials* and *supplies* used in the conduct of such business, as a *contract carrier*, over irregular routes, between points in Cook, Du Page, Kane, Kendall, Lake, McHenry, and Will Counties, Ill., and those in Lake and Porter Counties, Ind.; *plumbing and heating equipment and fixtures*, and *materials and supplies*, used in the installation and maintenance of such commodities, between Chicago, Ill., on the one hand, and, on the other, certain points in Indiana and Michigan; and (7) (SUGAR TRANSPORT, INC.) *Liquid and invert sugar, corn syrup and blends of corn syrup, sugar*, and *dry sugar*, in bulk, in tank vehicles, as a *contract carrier*, over irregular routes, from, between and to points in Georgia, Tennessee, Florida, North Carolina, South Carolina, Virginia, Alabama, Kentucky, and West Virginia, with certain restrictions, as more specifically described in Docket No. MC–115924 and Sub-numbers thereunder. This notice does not purport to be complete descriptions of all the operating rights of the carriers involved. The foregoing summaries are believed to be sufficient for purposes of public notice regarding the nature and extent of these carrier's operating rights, without stating, in full, the entirety thereof. Application has not been filed for temporary authority under section 210a(b).

NOTE: A motion to dismiss has been filed simultaneously with the above application for lack of jurisdiction.

By the Commission.

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

[F.R. Doc. 64–5732; Filed, June 9, 1964; 8:47 a.m.]

[Notice 647]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JUNE 5, 1964.

The following applications are governed by § 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. The 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. Protest not in reasonable compliance with the requirements of the rules may be rejected. The original and six copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If a 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 4405 (Sub-No. 417), filed May 25, 1964. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks*, with special purpose bodies mounted thereon, in initial driveaway service, from New Holstein, Wis., to points in the United States (except Hawaii).

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 4405 (Sub-No. 418), filed May 25, 1964. Applicant: DEALERS TRANSIT, INC., 13101 Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles), *and parts* moving in conjunction with such trailers and chassis, in initial movements in truckaway and driveaway service, from Monee, Ill., to points in the United States, including Alaska but excluding Hawaii and (2) *tractors*, in secondary driveaway service, only when drawing trailers and trailer chassis moving in initial driveaway service, from Monee, Ill., to points in Alaska, Arizona, Nevada, Oregon, and Vermont.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. Common control may be involved.

No. MC 4405 (Sub-No. 419), filed June 1, 1964. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck and trailer bodies and refuse containers, hydraulic hoists, lift gates, and parts thereof*, from points in Bryan County, Okla., to points in Arizona, Arkansas, California, Colorado, Georgia, Idaho, Iowa, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Mexico, Nevada, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming.

NOTE: Applicant intends to tack the above authority where necessary where such joinder can be made appropriately. Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 4405 (Sub-No. 420), filed June 1, 1964. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semitrailers and trailer chassis* (except those designed to be drawn by passenger automobiles), and *parts* moving in conjunction with such trailers and chassis, in initial movements in truckaway and driveaway service, from points in Bryan County, Okla., to points in Arizona, California, Arkansas, Colorado, Georgia, Idaho, Iowa, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Mexico, Nevada, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, (2) *tractors*, in secondary driveaway service, only when drawing trailers, semitrailers and trailer chassis moving in initial driveaway service, from points in Bryan County, Okla., to points in Arizona, Nevada and Oregon, and (3) *truck and trailer bodies, refuse containers, hydraulic hoists, lift gates and parts thereof*, when moving with trailers moving in initial truckaway or driveaway service, from points in Bryan County, Okla., to points in Arizona, Arkansas, California, Colorado, Georgia, Idaho, Iowa, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Mexico, Nevada, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming.

NOTE: Applicant states no tacking with existing authority is contemplated. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 20722 (Sub-No. 13), filed May 22, 1964. Applicant: M & G CONVOY, INC., 590 Elk Street, Post Office Box 218, Buffalo 5, N.Y. Applicant's attorney: Walter N. Bienemann, 605 Bank of Lansing Building, Detroit, Mich. Au-

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

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 239, and 61 M.C.C. 766, 769, from Selkirk, N.Y., and Framingham, Mass., to points in Vermont, New Hampshire, Maine, and Rhode Island.

NOTE: Applicant states the proposed service shall be restricted to traffic originating at the Chrysler Corporation plant located in Newark, Del., and having an immediately prior movement by rail. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 27817 (Sub-No. 56), filed May 19, 1964. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grass stop*, in rolls, *metal stove shovels, metal roofing and siding*, and *fabricated metal building products*, from the site of the plant of Penn Supply and Metal Corporation, Inc., located at Philadelphia, Pa., to points in that part of West Virginia located south of U.S. Highway 33.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 149), filed May 25, 1964. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. 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: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions of Motor Carrier Certificates*, Packinghouse Products 61 M.C.C. 209 and 766, from Cedar Rapids, Iowa, to Indianapolis, Ind., and Columbus, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 32839 (Sub-No. 14), filed May 18, 1964. Applicant: E. A. SCHLAIRET TRANSFER CO., a corporation, 701 Harcourt Road, Box 271, Mount Vernon, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between points in Morrow County, Ohio (except municipalities of Edison, Cardington, and Mount Gilead), on the one hand, and, on the other, points in Ohio.

NOTE: Applicant states that it intends to tack the authority here applied for to other authority held by it under MC 32839 and Subs 2, 3, 5, 6, 7, 9, 10, 11, and 13 thereunder and to interchange traffic with other common carriers at various Ohio interchange points including Cleveland, Columbus, Mansfield, Marion, Newark, and Toledo, Ohio. This interchange traffic will originate at or be destined to various points throughout the United States and in foreign commerce. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 40388 (Sub-No. 8), filed May 22, 1964. Applicant: BURNS & SIMMONS, INC., Route 9 and Factory Street, Buchanan, N.Y. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md., 21157. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, (1) from Peekskill, N.Y., to Pittsburgh, Pa., Ayden, Faison, Henderson, and Mount Olive, N.C., and points in Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, and Vermont, and (2) from Peach Glen, Pa., to Peekskill, N.Y.

NOTE: Applicant states that the proposed service is to be performed under a continuing contract with Standard Brands, Inc., New York, N.Y. If a hearing is deemed necessary applicant requests that it be held at Washington, D.C.

No. MC 40388 (Sub-No. 9), filed May 22, 1964. Applicant: BURNS & SIMMONS, INC., Route 9 and Factory Street, Buchanan, N.Y. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Schoharie, N.Y., to Fairlawn, N.J. RESTRICTION: The proposed operation will be under a continuing contract with Hinze & Holsten, Schoharie, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 42487 (Sub-No. 602), filed May 25, 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: *Liquid fertilizers, fertilizer ingredients*, and *fertilizer compounds*, in bulk, in tank vehicles, from points in Klamath County, Oreg., to points in California, on and north of a line beginning at and including San Francisco, and extending over U.S. Highway 50, to junction California Highway 120, located approximately six (6) miles west of Manteca, thence over California Highway 120, to junction U.S. Highway 6, thence over U.S. Highway 6, to the California-Nevada boundary line.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Portland, Oreg.

No. MC 46737 (Sub-No. 44), filed May 24, 1964. Applicant: GEO. F. ALGER COMPANY, a corporation, 3050 Lonyo Road, Detroit, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. 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 Minnesota, Wisconsin, Iowa, Missouri, Illinois, Indiana, Kentucky, Tennessee, Ohio, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New York, and New Jersey Pennsylvania, New York, and New Jersey, and *damaged and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 52751 (Sub-No. 38), filed May 21, 1964. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building materials, wallboard, pulpboard, and insulation, and insulation materials*, from Duluth, Cloquet, Bemidji, and Virginia, Minn., to points in Indiana, Michigan, Ohio, and Pennsylvania.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 52932 (Sub-No. 8), filed May 20, 1964. Applicant: NORTH PENN TRANSFER, INC., Box 230, Lansdale, Pa. Applicant's representative John W. Frame, Post Office Box 626, Camp Hill, Pa. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Flower pots and flower pot saucers* from Kensington, Conn., to points in New Jersey, New York, and Pennsylvania.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52979 (Sub-No. 10), filed May 27, 1964. Applicant: HUNT TRUCK LINES, INC., West Highway Street, Rockwell City, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Minneapolis, St. Paul, South St. Paul, Inver Grove, West St. Paul, Newport, North St. Paul, Columbia Heights, Robbinsdale, St. Louis Park, Hopkins, Edina, Richfield, Red Rock, McCarron's Lake, Fort Snelling, State Fairgrounds, Bloomington, and Plymouth, Minn.

NOTE: Applicant states that the authority sought will be joined with that which it presently holds for purpose of performing through services. If a hearing is deemed necessary, applicant requests that it be held at Minneapolis, Minn.

No. MC 55896 (Sub-No. 19), filed May 19, 1964. Applicant: R. W. EXPRESS, INC., 4840 Wyoming, Dearborn, Mich. Applicant's attorney: Frank J. Kerwin, Jr., 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Pig iron*, in dump vehicles, from Toledo, Ohio, to points in the lower peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 59396 (Sub-No. 16), filed June 1, 1964. Applicant: BUILDERS EXPRESS, INC., Rural Delivery Limecrest Road, Lafayette, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone and limestone products*, in bulk, in pneumatic tank vehicles and dump trucks, and in bags, from Canaan, Conn., to points in New Jersey on and north of New Jersey Highway 33.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61403 (Sub-No. 108), filed May 21, 1964. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals and plastics* (except liquid fertilizer solutions), in bulk, in tank and hopper vehicles, from Peru, Ill., to points in Indiana, Ohio, Michigan, Wisconsin, Minnesota, Iowa, and Missouri, and (2) *dry plastics*, in bulk, in tank and hopper vehicles, from Peru, Ill., to points in Kansas, Arkansas, Tennessee, Kentucky, Pennsylvania, and Nebraska.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61692 (Sub-No. 13) (CORRECTION), filed May 6, 1964, published FEDERAL REGISTER issue May 27, 1964, corrected and republished this issue. Applicant: WARNERS MOTOR EXPRESS, INC., West Country Club Road, Red Lion, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, and office furniture (in use)*, between points in York and Lancaster Counties, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Massachusetts, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, and West Virginia.

NOTE: The purpose of this republication is to clarify the commodity description more clearly than that previously published. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 67200 (Sub-No. 20), filed May 27, 1964. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., 5 Hart Street, West Haven, Conn. Applicant's attorney: Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, and *empty containers or other such incidental facilities* used in transporting the above-described commodities, and *returned, refused, and rejected shipments*, between Milford, Conn., on the one hand, and, on the other, points in Connecticut.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 78786 (Sub-No. 250), filed May 19, 1964. Applicant: PACIFIC MOTOR TRUCKING COMPANY, a corporation, 9 Main Street, San Francisco, Calif. Applicant's attorney: John MacDonald Smith, 65 Market Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and classes A and B explosives), between Eloy, Ariz., and junction Arizona Highway 84 and Sunland Gin Road; from Eloy over Battaglia Road to Arizona City, Ariz., thence over Sunland Gin Road to junction Arizona Highway 84, and return over the same route, serving all intermediate points.

NOTE: Applicant holds contract carrier authority under MC 78787 and Subs, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Casa Grande, Ariz.

No. MC 85934 (Sub-No. 31), filed May 25, 1964. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. 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 Minnesota, Wisconsin, Iowa, Missouri, Illinois, Indiana, Kentucky, Tennessee, Ohio, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New York, and New Jersey, and *damaged and rejected shipments*, on return.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Lansing, or Detroit, Mich.

No. MC 94265 (Sub-No. 133), filed May 19, 1964. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388 Thomas Corner Station, Norfolk, Va. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Webster City, Fort Dodge, and Des Moines, Iowa to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Kentucky, Virginia, North Carolina, and the District of Columbia.

NOTE: Common control may be involved. Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 94350 (Sub-No. 29), filed May 21, 1964. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Genessee County, N.Y., to points in Louisiana and states east of the Mississippi River, namely, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Michigan, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Washington, D.C., and New Hampshire, and *damaged and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Batavia, N.Y.

No. MC 94350 (Sub-No. 30), filed May 21, 1964. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Webster County, Ky., to points in the United States, including Alaska, but (excluding Hawaii), and *damaged and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Sebree, Ky.

No. MC 94350 (Sub-No. 31), filed May 21, 1964. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Pennsylvania, to points in Louisiana, and points in the United States, east of the Mississippi River, and *damaged and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Harrisburg, Pa.

No. MC 92983 (Sub-No. 435), filed May 22, 1964. Applicant: ELDON MILLER, INC., Post Office Drawer 617; 531 Walnut Street, Kansas City, Mo., 64141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages and spirits*, in bulk, in tank vehicles, from Atchison, Kans., to points in Illinois, Indiana, Kentucky, Minnesota, New York, and Wisconsin.

NOTE: If a hearing is deemed necessary applicant requests it be held at Kansas City, Mo.

No. MC 10569 (Sub-No. 3), filed May 12, 1964. Applicant: MILDRED M. POHUTSKY, doing business as OLD FORGE TRANSFER, 185 North Main Street, Old Forge, Pa. Applicant's at-

torney: Daniel H. Jenkins, Suite 309 Mears Building, Scranton 3, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, new furniture* and *office equipment* requiring pads, between points in Lackawanna, Luzerne, Wayne, Pike, Monroe, Susquehanna and Wyoming Counties, Pa., on the one hand, and, on the other, points in Ohio, Michigan, Indiana, Illinois, Florida, North Carolina, South Carolina, Georgia, West Virginia, Virginia, Maine, Vermont, New Hampshire, New York, New Jersey, Delaware, Maryland, Connecticut, Massachusetts, and Rhode Island.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa.

No. MC 106603 (Sub-No. 71), filed May 25, 1964. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. Applicant's attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit 26, Mich. 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 Minnesota, Wisconsin, Iowa, Missouri, Illinois, Indiana, Kentucky, Tennessee, Ohio, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New York, and New Jersey, and *damaged and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 107064 (Sub-No. 37), filed May 22, 1964. Applicant: STEERE TANK LINES, INC., 2808 Fairmount Avenue, Dallas 21, Tex. Applicant's attorney: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex., 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals, acids, fertilizer solutions and anhydrous ammonia*, in bulk, in tank vehicles, and (2) *fertilizer* in bulk, in tank and hopper vehicles, between points in Arizona, on the one hand, and, on the other, points in New Mexico and points in Texas on and west of U.S. Highway 277.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Santa Fe, N. Mex.

No. MC 107162 (Sub-No. 14), filed June 1, 1964. Applicant: NOBLE GRAHAM, Brimley, Mich. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Paul, Minn., and South Bend, Ind., to Sault Ste. Marie, and Engadine, Mich., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 107403 (Sub-No. 558), filed May 21, 1964. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 that it be held at Washington, D.C.

No. MC 108449 (Sub-No. 179) (CORRECTION), filed May 5, 1964, published FEDERAL REGISTER issue May 27, 1964, republished as amended, this issue. Applicant: INDIANAHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's attorney: Glen W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly* ash, in bulk, from points in Burnsville Township (Dakota County), Minn., and from Minneapolis and St. Paul, Minn., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin.

NOTE: The purpose of this republication is to show Minneapolis as an origin point. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 109632 (Sub-No. 21), filed May 27, 1964. Applicant: LOPEZ TRUCKING, INC., 131 Linden Street, Waltham, Mass. Applicant's attorney: Kenneth B. Williams, 111 State Street, Boston 9, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated structural beams and arches, prefabricated buildings*, complete, knocked down, or in sections, and when transported in connection with such buildings, *component parts thereof and equipment and materials* incidental to the erection and completion of such buildings, between Acton, Sudbury and Billerica, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, Ohio, Michigan, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 110683 (Sub-No. 27), filed June 1, 1964. Applicant: SMITH'S TRANSFER CORPORATION OF STAUNTON, VIRGINIA, P.O. Box 1000, Staunton, Va. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic resins*, in bulk, from Leominster, Mass., to Winchester, Va.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110988 (Sub-No. 85), filed May 25, 1964. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from points in Wisconsin to points in Illinois and Iowa.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Madison, Wis.

No. MC 111053 (Sub-No. 3), filed May 21, 1964. Applicant: MRS. S. E. EHRLICK, doing business as EHRLICK HORSE TRANSPORT, 1279 Dundas StreetWest, Toronto, Ontario, Canada. Applicant's attorney: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y., 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses* (other than ordinary), and in the same vehicle with such horses, *stable supplies* and *equipment* used in the car eand exhibition of such horses, *mascots*, and the *personal effects* of their attendants, trainers, and exhibitors, between ports of entry on the international boundary line between the United States and Canada, located in Michigan, New York, New Hampshire, Vermont, and Maine, on the one hand, and, on the other, points in the District of Columbia, Florida, Georgia, Illinois, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, and West Virginia.

NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests that it be held at Buffalo, N.Y.

No. MC 111397 (Sub-No. 63), filed May 21, 1964. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., Suite 215 Katterjohn Building, Paducah, Ky., 42002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granulated limestone*, in bulk and in bags, from the plant site of Fredonia Valley Quarries, located at or near Fredonia, Ky., to points in Indiana, Illinois, Missouri, Arkansas, Louisiana, Mississippi, Alabama, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 111397 (Sub-No. 64), filed May 21, 1964. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., Suite 215 Katterjohn Building, Box 1284—Avondale Station, Paducah, Ky. Authority sought to operate as a *common carrier*, by motor vehicles, from points in Madison County, ing: *Emulsified asphalt*, in bulk, in tank vehicles, from point in Madison County, Tenn., to points in Allen, Ballard, Barren, Butler, Caldwell, Calloway, Carlisle, Christian, Cumberland, Edmonson, Fulton, Graves, Hart, Hickman, Hopkins, Logan, Lyon, McCracken, Marshall, Metcalf, Monroe, Muhlenberg, Simpson, Todd, Trigg, and Warren Counties, Ky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 111687 (Sub-No. 19), filed June 1, 1964. Applicant: BENJAMIN H.

RUEGSEGGER, Route No. 1, Kawkawlin, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from St. Louis, Mo., to Grayling, Saginaw, Cadillac, Alpena, Adrian, Ann Arbor, Bad Axe, Battle Creek, Cheboygan, Detroit, Engadine, Escanaba, Flint, Grand Rapids, Greenville, Hastings, Holland, Iron Mountain, Jackson, Kalazazoo, Lansing, Ludington, Manistee, Monroe, Mt. Clemens, Munising, Muskegon, Negaunee, Niles, Owosso, Port Huron, Ramsay, St. Joseph, Sault Ste. Marie, Sturgis, Traverse City, Oscoda, Pontiac, and Wyandotte, Mich., (2) from South Bend, Ind., to Grayling, Houghton Lake, West Branch, Prudenville, Tawas-East Tawas, Alpena, Petoskey, Lapeer, Adrian, Ann Arbor, Bad Axe, Battle Creek, Cheboygan, Detroit, Engadine, Escanaba, Flint, Grand Rapids, Hastings, Holland, Iron Mountain, Jackson, Kalazazoo, Lansing, Ludington, Manistee, Monroe, Mt. Clemens, Munising, Muskegon, Negaunee, Niles, Owosso, Port Huron, Ramsay, St. Joseph, Sault Ste. Marie, Sturgis, Traverse City, and Wyandotte, Mich., and (3) from Sheboygan, Wis., to Bay City, Mich., and *empty used malt beverage containers*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 111722 (Sub-No. 3), filed May 21, 1964. Applicant: CHESTER C. CHITTENDEN, doing business as CHET'S TRUCK LINE, Post Office Box 148, Ottumwa, Iowa. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Ottumwa, Iowa, 52502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Ottumwa, Iowa, to Elk Grove Village and Addison, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 112520 (Sub-No. 107), filed May 22, 1964. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Norman J. Bolinger, 1730 Lynch Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate, phosphate products and phosphate byproducts*, in bulk, in tank-type and hopper-type vehicles, from points in Polk County, Fla., to points in Hillsborough County, Fla.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Tampa, Fla.

No. MC 112617 (Sub-No. 180) (AMENDMENT), filed May 18, 1964, published FEDERAL REGISTER issue June 3, 1964, republished as amended, this issue. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, 600 Madison Building, Washington, D.C. 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 Wilder, Ky., to points in Indiana, Michigan, Ohio, and West Virginia.

NOTE: The purpose of this republication is to add fertilizer solutions as a commodity and to add the destination states of Michigan and West Virginia. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 112617 (Sub-No. 181), filed May 27, 1964. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135 Cherokee Station, Louisville 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, 600 Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from Hillsboro and Fritchton, Ind., to points in Illinois, Indiana, and Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Louisville, Ky.

No. MC 113624 (Sub-No. 17), filed May 22, 1964. Applicant: WARD TRANSPORT, INC., Post Office Box 133, Pueblo, Colo. Applicant's attorney: Alvin J. Meiklejohn, Jr., Suite 526, Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizers, fertilizer ingredients, and fertilizer solutions*, from Cheyenne, Wyo., and points within 10 miles thereof, to points in Nebraska, Colorado, Kansas, South Dakota, Montana, North Dakota, Utah, Idaho, Oklahoma, on and north of U.S. Highway 66, points in Texas on and north of U.S. Highway 66, and points in New Mexico, on and north of U.S. Highway 66.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114045 (Sub-No. 140), filed May 22, 1964. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, from points in Ware County, Ga., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and Washington, D.C.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Dallas, Tex.

No. MC 114045 (Sub-No. 141), filed May 22, 1964. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Pike and Spaulding Counties, Ga., to points in Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Dallas, Tex.

No. MC 114045 (Sub-No. 143), filed May 22, 1964. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Florida, to points in Mississippi, Louisiana, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114045 (Sub-No. 144), filed May 22, 1964. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned animal food* and *canned goods*, from points in Massachusetts to points in Florida, and (2) *frozen citrus concentrate* and *other frozen foods*, from points in Florida to points in Massachusetts.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114204 (Sub-No. 1), filed June 1, 1964. Applicant: FRANK DELLI SANTI, 90 Clifford Street, Newark, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, for the account of Jerry Mastermarino Lumber, from Port Newark, N.J., to Haverstraw, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J. or New York, N.Y.

No. MC 114273 (Sub-No. 8), filed June 1, 1964. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 1904, Cedar Rapids, Iowa. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 622, Ottumwa, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Milwaukee, Wis., to points in Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 114457 (Sub-No. 16), filed May 25, 1964. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. Applicant's attorney: Charles W. Singer, James C. Hardman, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, articles distributed by meat packinghouses, and supplies, equipment, and material, used in the conduct of such business as described in Sections A, C, and D of appendix I* in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant side of Argar Packing Co., located at or near Monmouth, Ill., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 114533 (Sub-No. 91), filed May 22, 1964. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Accounting media, business reports and records*, between Elk Grove Village, Ill., on the one hand, and, on the other, Racine, Wis.

NOTE: Applicant states the proposed service to be restricted to service that shall be "limited to the transportation of shipments each weighing 25 pounds or less, and that carrier shall not transport more than one shipment from one consignor at one location to one consignee at one location on any one day." If hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 115331 (Sub-No. 75), filed May 19, 1964. Applicant: TRUCK TRANSPORT, INC., 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from points in Ste. Genevieve County, Mo., to points in Illinois.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115491 (Sub-No. 46), filed May 21, 1964. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Applicant's attorney: M. Craig Massey, 223 South Florida Avenue—Drawer J, Lakeland, Fla., 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, from Waycross, Ga., to points in Montana, Wyoming, Colorado, New Mexico, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Illinois, Wisconsin, Michigan, Indiana, Ohio, Kentucky, Tennessee, Alabama, and Georgia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo.

No. MC 115931 (Sub-No. 9), filed May 18, 1964. Applicant: BABCOCK & LEE TRANSPORTATION, INC., 1002 3d Avenue North, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Blasting sand*, in bulk and in sacks, from Hill City, S. Dak., to Yellowtail Dam Site, Mont., and *exempt agricultural commodities*, on return, and (2) *fertilizer, ground limestone*, and *calcium carbonate*, in bulk and in sacks, between points in Montana, and points in South Dakota.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 116273 (Sub-No. 26), filed May 25, 1964. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank and hopper type vehicles, from Romeoville, Ill., to Logansport, Ind., and points within 5 miles thereof.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116722 (Sub-No. 10), filed May 27, 1964. Applicant: DENVER-CLIMAX TRUCK LINE, INC., 1380 Umatilla Street, Denver 4, Colo. Applicant's attorney: J. P. Thompson, 450 Capitol Life Building, Denver, Colo., 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Ore, concentrates*, and *mining* and *milling machinery* and *supplies*, serving the Urad Mine, located approximately seven (7) miles southwest of Empire, in Clear Creek County, Colo., as an off-route point in connection with applicant's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 117119 (Sub-No. 153), filed May 25, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Omaha, Nebr., to Salisbury, Md.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 117119 (Sub-No. 154), filed May 25, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products* from Hackettstown, N.J., to points in Arizona, New Mexico, Idaho, Nevada, California, Oregon, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117119 (Sub-No. 155), filed May 25, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and packinghouse products*, fresh and frozen, in vehicles equipped with mechanical refrigeration, from Bristol, Va., to points in California, Oregon, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at either Bristol, Va., or Tampa, Fla.

No. MC 117119 (Sub-No. 156), filed June 1, 1964. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) from Golden, Colo., to points in Idaho and (2) from Pueblo, Colo., to points in Utah, Oregon, and Washington.

NOTE: If a hearing is deemed necessary applicant requests it be held at Denver, Colo.

No. MC 117690 (Sub-No. 2), filed May 27, 1964. Applicant: CHESTER D. HAUGEN, 2516 Bemidji Avenue, Bemidji, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from three (3) miles east of East Grand Forks, Minn., to points in North Dakota and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities *and grain* on return.

NOTE: If a hearing is deemed necessary applicant requests it be held at Fargo, N. Dak.

No. MC 118993 (Sub-No. 9), filed May 22, 1964. Applicant: L. R. McDONALD & SONS LTD., a corporation, 843 Sydney Street, Cornwall, Ontario, Canada. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between the port of entry on the international boundary line between the United States and Canada, located on the Cornwall-Massena International Bridge, on the one hand, and, on the other points in New York.

NOTE: Applicant states that the proposed operations will be restricted to traffic originating at or destined to points in Canada. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 119476 (Sub-No. 4), filed May 18, 1964. Applicant: D. S. SCOTT TRANSPORT LIMITED, Post Office Box 241, Clarke Side Road, London, Ontario, Canada. Applicant's attorney: Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment other than refrigerated equipment), between ports of entry on the international boundary line between the United States and Canada located in Michigan, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada west of Port Arthur, Ontario, Canada,

located in Wisconsin, Minnesota, North Dakota, Montana, Idaho and Washington.

NOTE: Applicant states the above proposed service will be restricted to traffic which subject carrier transports from a point in Canada to another point in Canada and receives from other carriers a prior or subsequent movement from or to a point in the United States. This application was accompanied by a motion to dismiss. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 119767 (Sub-No. 24), filed May 25, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from La Porte, Ind., to points in Minnesota, North Dakota, and South Dakota, and *exempt commodities*, on return.

NOTE: Common control may be involved. Applicant does not specify where it wishes hearing to be held if one is deemed necessary.

No. MC 119767 (Sub-No. 25), filed May 25, 1964. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, starch, and products of grain* (except in bulk, in tank or hopper vehicles), from Muscatine, Iowa, to points in Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Louisville, Ky., and St. Louis, Mo.

NOTE: Common control may be involved. If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 120307 (Sub-No. 2), filed May 18, 1964. Applicant: MORVEN FREIGHT LINES, INCORPORATED, Route 1, Morven, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, dirt and debris* in bags, packages and boxes, from points in Anson County, N.C., to points in North Carolina, and *used pallets and containers*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 123048 (Sub-No. 42), filed May 21, 1964. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* (other than hand), *farm machinery* and *farm wagons* (except commodities, the transportation of which requires the use of special equipment or handling), from Pepin, Wis., to points in Illnois and the Upper Peninsula of Michigan, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123048 (Sub-No. 43), filed May 25, 1964. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm machinery*, (2) *agricultural implements*, (3) *barn cleaners*, (4) *cattle feeding systems*, (5) *silo unloaders*, and (6) *parts, attachments*, and *accessories* of the commodities described in (1), (2), (3), (4), and (5) when moving with the units of which they are a part (except commodities, the transportation of which requires the use of special equipment), from Algoma and Kaukauna, Wis. to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, and West Virginia, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or Milwaukee or Madison, Wis.

No. MC 123061 (Sub-No. 23), filed May 25, 1964. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, 600 El Paso Gas Building, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pepper*, in packages, moving in mixed shipments with salt and salt products, from Saltair Junction, Utah to points in Colorado and Nevada, *mineral mixtures*, in packages, moving in mixed shipments with salt and salt products from Saltair Junction, Utah to points in Nevada, Idaho, Montana, Wyoming, Oregon, Washington, and Colorado, and *exempt commodities* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 123329 (Sub-No. 8), filed May 8, 1964. Applicant: H. M. TRIMBLE & SONS LTD., 1510 40th Avenue, SE., Calgary, Alberta, Canada. Applicant's attorney: Ray F. Colby, 314 Montana Building, Great Falls, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vermiculite ore*, in bulk, in tank vehicles, from points within a 5-mile radius of Libby, Mont., to the international boundary line between the United States and Canada, at or near the Ports of Entry of Roosville, Mont., and Eastport and Porthill, Idaho, on shipments destined to Calgary, Alberta, and Vancouver, British Columbia, Canada, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont.

No. MC 124247 (Sub-No. 7), filed May 21, 1964. Applicant: DAN LODESKY TRUCKING, INC., Gurnee, Ill. Applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, from Waukegan, Ill., to points in Lake, Porter, Newton, Jasper, LaPorte, Starke, Pulaski, Fulton, Marshall, and St. Joseph Counties, Ind.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124413 (Sub-No. 5), filed June 1, 1964. Applicant: MR. AND MRS. CHARLES OUELLETTE a partnership, doing business as ARROWHEAD TRANSFER, Sitka, Alaska. Applicant's attorney: George H. Hart, Central Building, Seattle, Wash., 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except classes A and B explosives and commodities in bulk) between points in King, Snohomish, Skagit, and Whatcom Counties, Wash., on the one hand, and, on the other, Sitka, Alaska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Sitka, Alaska.

No. MC 124628 (Sub-No. 6), filed May 25, 1964. Applicant: SAM FALLICK TRUCKING, INC., 345 Butler Street, Brooklyn, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen baked goods, edible nuts, coffee* in mixed shipments in the same vehicle, from Secaucus and Carlstadt, N.J., and New York, N.Y., to points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia, Virginia, and the District of Columbia.

NOTE: Applicant states that the proposed service will be under continuing contract or contracts with Chock Full O' Nuts Corp. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124740 (Sub-No. 2), filed May 20, 1964. Applicant: JAWSON EXPRESS CO., a corporation, State Route 149, Flushing, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Flushing, Ohio, to points in New York, N.Y., on and east of U.S. Highway 15 and points in Pennsylvania on and east of U.S. Highway 15. *Restriction:* The operations to be performed under the above described authority will be limited to a transportation service to be performed under a continuing contract or contracts with J. S. Hayest, doing business as Cloverland Dairy, of Flushing, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 125474 (Sub-No. 8), filed May 20, 1964. Applicant: BULK HAULERS, INC., 1901 Wooster St., Wilmington, N.C. Applicant's attorney: Cyrus D. Hogue, Jr., Post Office Box 1266, 608 Carolina Power & Light Building, Wilmington,

N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in covered, tank dump and hopper vehicles, from Wilmington, N.C., to points in South Carolina and Virginia, and *empty containers or other such incidental facilities* (not specified), used in transporting the commodity specified above, on return.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wilmington, N.C.

No. MC 125777 (Sub-No. 1), filed May 21, 1964. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in dump vehicles, from Chicago Heights, Ill., to points in Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125922, filed January 2, 1964. Applicant: GERALD B. LEWIS, doing business as LEWIS SERVICE CENTER, Route 6, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked* and *disabled motor vehicles* and *replacement vehicles*, between points in Nebraska, Kansas, Oklahoma, Texas, Iowa, Minnesota, South Dakota, Illinois, Indiana, Colorado, Wyoming and Missouri, and *empty containers or other such incidental facilities* used in transporting the above described commodities on return.

No. MC 126216 (CORRECTION), filed April 27, 1964, published in FEDERAL REGISTER, issue of May 13, 1964, and republished as corrected, this issue. Applicant: GLENN PYLES, doing business as PYLES TRUCKING CO., Box 285, Deer Creek, Ill. Applicant's attorney: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill., 62707. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural equipment and machinery* (except farm tractors) including but not limited to grain dryers, mixermills, hay conditioners, grain elevating equipment and component parts of said equipment and machinery between Morton, Ill., on the one hand, and, on the other, points in the United States east and south of Montana, Wyoming, Colorado, and New Mexico.

NOTE: The purpose of this republication is to clearly describe the commodities to be transported. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 126267, filed May 18, 1964. Applicant: CHARLES E. ZINSMEISTER, doing business as ZINSMEISTER TRUCKING, 840 German Street, Huntington, Ind. Applicant's attorney: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soybean meal*, in bulk, from Kankakee, Danville, and Chicago, Ill., to Huntington, North Manchester, Roann, Treaty, and Speicherville, Ind., (2) *salt*, in bags, from Rittman, Ohio, to points in Huntington County, Ind., and (3) *lime*, from Rockford, Ohio, to points in Huntington County, Ind.

NOTE: Applicant states that the proposed operation is to be limited to service to be performed under a continuing contract or contracts with the Huntington County Farm Bureau Co-operative Association, Inc. If a hearing is deemed necessary applicant requests that it be held at Indianapolis, Ind.

No. MC 126276, filed May 21, 1964. Applicant: FAST MOTOR SERVICE, INC., 2023 South Morgan Street, Chicago 8, Ill. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lids, bottle caps, crowns, closures, and metal containers*, from Chicago, Ill., to points in Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, and Wisconsin; (2) *tin plate*, from Weirton, W. Va., and Pittsburgh, Pa., to Chicago, Ill., (3) *metal containers and lids, aluminum foil, cork discs, varnish, and lacquer* in drums, from Philadelphia, Pa., to Chicago, Ill., (4) *knocked down cartons*, from Minneapolis, Minn., and Milwaukee, Wis., to Chicago, Ill., and (5) *empty containers* or *other incidental facilities* (not specified) used in transporting the commodities described above in (1), (2), (3), and (4).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126254, filed May 7, 1964. Applicant: SAM PARLAPIANO, 1827 East 10th Street, Pueblo, Colo. Applicant's attorney: John H. Lewis, The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine* (including but not limited to vermouth, brandy, and champagne), *scotch and other whiskey*, in containers, in truck load lots, from Los Angeles, Calif., including the Los Angeles Harbor, Ripon, Reedley, and Madera, Calif., to Denver, and Pueblo, Colo., restricted (1) on service from Los Angeles commercial zone or the Los Angeles Harbor commercial zone, to partial loading at Ripon, Reedley or Madera, Calif., and (2) all deliveries must be made at the site of the Diodosio Wholesale Liquor Company, Pueblo, Colo., and Western Distributing Co., Denver, Colo.

NOTE: Applicant states that dual operations may be involved. It is respectfully requested that should the authority be granted herein as a common carrier, that the authority that might be granted in MC 125269 to the same carrier as a contract carrier be canceled. This is necessary because of the liquor code of California. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 126281, filed May 25, 1964. Applicant: ROBERT J. CZUB, Rural Delivery No 1, Miller Road, Rexford, 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: *Limestone building block* palletized and unpalletized, on special equipment with self-loading and unloading device attached, from Schenectady, N.Y., to points in Vermont, Massachusetts, and Connecticut.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 126283, filed May 27, 1964. Applicant: BERGEN-PASSAIC AIR EXPRESS, INC., 124 East Columbia Avenue, Palisades Park, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobile accessories, parts, materials*, and *supplies*, in same day service, (1) between Mahwah, N.J., on the one hand, and, on the other, Newark and Teterboro Airports, N.J., La Guardia, Kennedy International, and Spring Valley Airports, N.Y., and Hoboken, N.J., and (2) between Teterboro, N.J., on the one hand, and, on the other, the Greyhound Bus Terminal, New York, N.Y.

NOTE: Applicant states that the proposed service is to be performed under a continuing contract or contracts with Ford Motor Company. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126284, filed May 28, 1964. Applicant: TWIN FALLS DISTRIBUTORS, INC., Box 709, 508 Washington, Twin Falls, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and agricultural commodities*, processed or unprocessed, from points in Malheur County, Oreg., and points south of Salmon River, Idaho, to points in Montana, and *agricultural commodities, honey, grain*, and *potatoes*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 126292, filed June 1, 1964. Applicant: MOORE & MOORE MOVING AND STORAGE COMPANY, INC., 4206 Madison Street, Denver, Colo. Applicant's attorney: Ruth A. Kirkland, The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Adams, Arapahoe, Jefferson, Boulder, and Denver Counties, Colo., and points in Colorado.

NOTE: If a hearing is deemed necessary applicant requests it be held at Denver, Colo.

MOTOR CARRIERS OF PASSENGERS

No. MC 58915 (Sub-No. 49), filed May 22, 1964. Applicant: LINCOLN TRANSIT CO., INC., U.S. 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *passengers and their baggage, express*, and *newspapers*, in the same vehicle with passengers, (1) between points in Woodbridge Township, N.J. and New York, N.Y.; from the junction U.S. Highway 9 and New Jersey Highway 440, Wood-

bridge Township, N.J., over New Jersey Highway 440 access roads and New Jersey Highway 440, and Outerbridge Crossing to New York, N.Y., and return over the same route, serving all intermediate points, and serving junction U.S. Highway 9 and New Jersey Highway 440 for the purpose of joinder. *RESTRICTIONS:* (A) No passengers will be transported whose entire transportation will be between Perth Amboy, N.J. and Staten Island, N.Y., and (B) No passengers will be transported between Staten Island, N.Y., on the one hand, and, Manhattan, New York, N.Y., on the other hand, and (2) between Elizabeth, N.J. and New York, N.Y.; from Elizabeth over New Jersey Highway 439 and Goethals Bridge, to New York, and return over the same route, serving all intermediate points. *RESTRICTIONS:* (A) No passengers will be transported whose entire transportation will be between Elizabeth, N.J. and Staten Island, N.Y., and (B) No passengers will be transported between Staten Island, N.Y., on the one hand, and, Manhattan, New York, N.Y., on the other hand.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 126282, filed May 14, 1964. Applicant: ALLEN'S TAXI CO., INC., 502 North Barry Street, Olean, N.Y. Applicant's attorney: Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y., 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in vehicles having a seating capacity of not more than nine adult passengers, excluding the driver, and *packages*, not in excess of one hundred pounds each, in the same vehicle with passengers, between Olean, N.Y., and points within 20 miles thereof on the one hand, and, on the other, air, rail, and bus terminals in Pennsylvania, New York, and Ohio and to the ports of entry on the international boundary line between the United States and Canada located at Buffalo, Niagara Falls, and Lewiston, N.Y., for continuing movements to or from air, rail, and bus terminals located in the Province of Ontario, Canada.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

APPLICATION FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12907, filed April 17, 1964. Applicant: KERRVILLE TOURS, INC., Post Office Box 712, Kerrville, Tex. Applicant's attorney: Jerry Prestridge, Post Office Box 1148, Austin, Tex. For a BMC 5 license to engage in operations as a *broker* at Kerrville, Tex., in arranging for the transportation, in interstate or foreign commerce of *passengers and their baggage*, both as individuals and groups in charter and special operations, in round-trip, all-expense sightseeing and pleasure tours, from points in Texas, to points in the United States, including Alaska and Hawaii and the ports of entry on the international boundary lines between the United States and Canada and between the United States and Mexico.

NOTE: Applicant conducts passenger operations in connection with authority granted Kerrville Bus Company, Inc., in MC 27530 and Subs thereto. If a hearing is deemed necessary, applicant requests it be held at Houston, San Antonio or Austin, Tex.

No. MC 12911, filed May 15, 1964. Applicant: WARREN SUBURBAN, INC., 538 West Market Street, Warren, Ohio. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. For a license (BMC 5) to engage in operations as a *broker* at Warren, Ohio, in arranging for transportation by motor vehicle, in interstate or foreign commerce of *Passengers and their baggage*, in special and charter operations, both as individuals and in groups, between points in the United States.

NOTE: Applicant holds a Certificate under MC 47126 as a motor common carrier of passengers. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 12913, filed May 15, 1964. Applicant: HIGH ADVENTURE TOURS, INC., 18 French Street, Berea, Ohio. Applicant's attorney: Bernard S. Goldfarb, 1625, The Illuminating Building, 55 Public Square, Cleveland, Ohio. For a license (BMC 5) to engage in operations as a *broker* at Berea, Ohio, in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, in charter operations, both as individuals and in groups, beginning and ending at points in Cuyohoga County, Ohio, and extending to points in the United States, including ports of entry on the international boundary lines between the United States and Canada and between the United States and Mexico.

No. MC 12914, filed June 1, 1964. Applicant: VALLEY TRAVEL, INC., 1818 Pot Spring Road, Timonium, Md. For a license (BMC 5) to engage in operations as a *broker* at Timonium, Md., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, both as individuals and in groups, in special or charter operations, beginning and ending at Baltimore, Md., and points in Baltimore, Anne Arundel, Howard, Carroll, and Harford Counties, Md., and extending to points in the United States, including Alaska, but excluding Hawaii.

APPLICATIONS OF WATER CARRIERS

WATER CARRIERS OF PROPERTY

No. W-12 (Sub-No. 5) (CLARIFICATION), MORGAN TOWING & TRANSPORTATION CO., INC. EXTENSION—HUNTSVILLE), filed May 4, 1964, published FEDERAL REGISTER, issue of May 13, 1964, and republished this issue. Applicant: MORGAN TOWING & TRANSPORTATION CO., INC., 17 Battery Place, New York, N.Y. Applicant's attorney: John H. Eisenhart, Jr., Suite 503, 1815 H Street NW., Washington, D.C. Authority sought to extend service as a *common carrier* by water, by towing, in the transportation of *guided missiles* (in Government barges), and *parts thereof*, loaded and empty, (1) between the port of Huntsville, Ala. (including Redstone Arsenal) and the port of New Orleans, La. (including Michaud, La.) and (2) between the above named points in the Port of Cape Kennedy, Fla., via the Tennessee, Ohio, and Mississippi Rivers, portions of the Gulf of Mexico not already authorized, the Gulf Intracoastal Waterway, the Atlantic Intracoastal Waterway, the Cross-Florida Waterway and the Atlantic Ocean, and Texas points via the Gulf of Mexico, including tributary waters thereto, in order to serve Pearl River and other points as required by the U.S. Government.

NOTE: The purpose of this republication is to show that applicant only proposes to transport special commodities as set forth above, and does not propose to transport general commodities. This republication also lists applicant's attorney.

No. W-1164 (Sub-No. 1) (A. & O. BARGE LINE, INC. COMMON CARRIER APPLICATION), filed May 13, 1964. Applicant: A. & O. BARGE LINE, INC., 420 Drennen Street, Van Buren, Ark. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by water in interstate or foreign commerce in the transportation of *general commodities*, in year round operation, between Greenville, Miss., on the Mississippi River and the lower states of construction on the Arkansas River and on the Arkansas Post Canal near its confluence with the White River, from Greenville up the Mississippi River to the mouth of the Arkansas River, thence up the Arkansas River to Dam No. 2, and (2) from Greenville up the Mississippi River to the mouth of the White River, thence up the White River to the construction of the Arkansas Post Canal and of Lock and Dam No. 1.

No. W-1189 (Sub-No. 2) (BULK FOOD CARRIERS, INC., CONTRACT CARRIER APPLICATION), filed May 22, 1964. Applicant: BULK FOOD CARRIERS, INC., Room 826, 311 California Street, San Francisco, Calif., 94104. Applicant's attorney: J. Richard Townsend, 1010 Mills Building, San Francisco 4, Calif. Authority sought to operate as a *contract carrier*, in interstate or foreign commerce under Part III of the Interstate Commerce Act, in the transportation of *phosphate rock*, in bulk, in cargoes of not less than 5,000 tons, from ports on the West Coast of Florida to ports in California.

WATER CARRIERS OF PASSENGERS

No. W-1201 (CANADIAN HOLIDAY COMPANY, INC., COMMON CARRIER APPLICATION), filed May 20, 1964. Applicant: Canadian Holiday Company, Inc., 23 West Seventh Street, Erie, Pa. Applicant's attorney: J. S. Jiuliante, Jr., 23 West Seventh Street, Erie, Pa. Authority sought under Part III of the Interstate Commerce Act, to operate as a common carrier, by water in the transportation of *passengers*, between Erie, Pa., and certain other Great Lake ports. The service will be seasonal, between May and September, both inclusive.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2153 (Sub-No. 36), filed June 1, 1964. Applicant: MIDWEST MOTOR EXPRESS, INC., 12th Street and Front Avenue, Bismarck, N. Dak. Applicant's attorney: F. J. Smith, Suite 200, Professional Building, Bismarck, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Bismarck, N. Dak., and Minot, N. Dak., over U.S. Highway 83, serving the intermediate points of Wilton, Washburn, Underwood, Coleharbor, Max, and Minot Radar Base, and the off-route points of Riverdale, Big Bend, Garrison, Turtle Lake, and Mercer, N. Dak.

NOTE: Applicant holds irregular route authority from Bismarck, N. Dak., to points in North Dakota within 100 miles of Bismarck, which it will cancel if and when the regular-route authority is granted. This application is filed pursuant to MC–C–4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular-route motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 41116 (Sub-No. 20), filed June 1, 1964. Applicant: MRS. LOIS M. FOGLEMAN, doing business as, FOGLEMAN TRUCK LINE, Post Office Box 603, Crowley, La. Applicant's attorney: Austin L. Hatchell, Suite 1102, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bags, bagging, steel cotton bale ties, burlap*, and *twine*, and *rejected shipments*, between Crowley, La., on the one hand, and, on the other, points in Missouri.

NOTE: Applicant states that the proposed operations will be performed under a continuing contract with Crowley Industrial Bag Co., Inc., of Crowley, La. Applicant is also authorized to conduct common carrier operations in Certificate MC 123993; therefore dual operations may be involved.

No. MC 102616 (Sub-No. 751), filed May 27, 1964. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products* (excluding chemicals), in bulk, in tank vehicles, from Baltimore, Md., to points in North Carolina.

No. MC 107500 (Sub-No. 79), filed May 21, 1964. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Applicant's attorney: R. J. Schreiber, 547 West Jackson Boulevard, Chicago, Ill., 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Lenox, Iowa, and Bedford, Iowa, from Lenox over Iowa Highway 49 to Bedford and return over the same route, serving no intermediate or off-route points, as an alternate route for the purpose of joinder only in connection with applicant's regular route operations

NOTE: Common control may be involved.

No. MC 107500 (Sub-No. 80), filed May 21, 1964. Applicant: BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill. Applicant's attorney: R. J. Schreiber, 547 West Jackson Boulevard, Chicago, Ill., 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers* of Household Goods 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Emerson, Iowa, and Shenandoah, Iowa, from Emerson over U.S. Highway 59 to Shenandoah and return over the same route, serving no intermediate or off route points, as an alternate route for the purposes of joinder only in connection with applicant's regular route operations.

NOTE: Common control may be involved.

No. MC 110663 (Sub-No. 6), filed May 25, 1964. Applicant: R. CONLEY, INC., Seneca Street, Elma, N.Y. Applicant's attorney: Winthrop H. Phelps, Suite 610, Bank of Buffalo Building, Buffalo 2, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid corn syrup*, in tank vehicles, (1) from North East, Pa., to points in New York (except New York City and points in the following counties: Albany, Columbia, Delaware, Dutchess, Essex, Greene, Orange, Nassau, Putnam, Rockland, Saratoga, Schoharie, Sullivan, Rensselaer, Suffolk, Ulster, Warren, Washington, and Westchester), (2) from Victor, N.Y., to points in Tioga, Bradford, Susquehanna, Lycoming, Sullivan, Wyoming, Lackawanna, Columbia, Luzerne, and Schuylkill Counties, Pa., and (3) from North East, Pa., to points in Ashtabula, Trumbull, Mahoning, Columbiana, Lake, Geauga, Portage, Stark, Cuyahoga, Summit, and Medina Counties, Ohio.

No. MC 114194 (Sub-No. 69), filed May 25, 1964. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collingsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caramel coloring, coloring syrup, and blends*, in bulk, from Granite City, Ill., to Philadelphia, Pa., and *rejected shipments*, on return.

No. MC 119987 (Sub-No. 7), filed May 25, 1964. Applicant: FRANK RUSSELL CROCKETT, doing business as, F. R. CROCKETT, R.F.D. 2, North Tazewell, Va. Applicant's attorney: Robert M. Richardson, 602 Law and Commerce Building, Bluefield, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime*, from points in Tazewell County, Va., to Spruce Pine, N.C., and points within a radius of twenty-five (25) miles thereof, and to Marion, Shelby, Hickory, Winston-Salem, Reidsville, North Wilkesboro, and Wilmington, N.C., Madison, Williamson, Welch, Beckley, Oak Hill, Huntington, Gary, and Logan, W. Va., and Wheelwright, Ky., and (2) *fruit juices, dairy products, fruit, and milk beverages, frozen confections, and advertising matter, and manufacturing and storage equipment, and empty cases*, between Bristol, Va., and Pikeville, Ky.

No. MC 126287, filed May 27, 1964. Applicant: CHARLES A. WICKER, doing business as, WICKER TRANSFER, 1224 Water Avenue, Selma, Ala. Applicant's attorney: Alexander B. Hawes, 1701 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and office removals*, between points in Alabama.

NOTE: Common control may be involved.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 49), filed May 25, 1964. Applicant: GREYHOUND LINES, INC., WESTERN GREYHOUND LINES, 371 Market Street, San Francisco, Calif., 94106. Applicant's attorney: W. T. Meinhold (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express*, and *newspapers* in the same vehicle with passengers, *Revision of Route No. 116 on Certificate Sheet No. 25:* Establish a new regular route of operation over a relocated segment of U.S. Highway 99 between Fresno and North Selma Junction, and over temporary access streets between North Selma Junction and Selma, to be included as segments of regular Route No. 116, in lieu of the presently authorized segment of route over former U.S. Highway 99, to read as follows: "116. Between San Francisco and Los Angeles: From San Francisco over San Francisco-Oakland Bay Bridge to Oakland, thence over unnumbered highway via San Leandro and Hayward to junction U.S. Highway 50 northeast of Hayward (Hayward Junction), thence over U.S. Highway 50 to junction California Highway 120 (San Joaquin Bridge), thence over California Highway 120 to junction unnumbered highway (Manteca), thence over unnumbered highway to junction U.S. Highway 99 south of Manteca (South Manteca), thence over U.S. Highway 99 to junction Interstate Highway 5 (San Fernando Junction), thence over Interstate Highway 5 to Los Angeles," and return over the same route, serving all intermediate points, subject to the general

conditions and orders set forth on First Revised Sheet No. 1A of said proposed Certificate No. MC 1515 (Sub-No. 7) (formerly MC 1501 (Sub-No. 138)).

NOTE: The changes in operating authority hereinabove shown and explained are proposed to be incorporated in the designated revised sheet to said proposed Certificate No. MC 1515 (Sub-No. 7) formerly MC 1501 (Sub-No. 138).

By the Commission.

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

[F.R. Doc. 64-5733; Filed, June 9, 1964; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 5, 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. 7516-CCT, filed April 17, 1964. Applicant: GRAY TRUCK LINE CO., Post Office Box 1081, Lake Alfred, Fla. Applicant's attorney: Sol A. Proctor, 1730 Lynch Building, Jacksonville, Fla., 32202. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *sugar*, as a common carrier, over irregular routes, between points in Florida.

HEARING: June 18, 1964, at 9:30 a.m., in State Office Building, Morse Boulevard, Winter Park, Fla.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Florida Public Utilities Commission, 700 South Adams Street, Tallahassee, Fla., 32304, and should not be directed to the Interstate Commerce Commission.

State Docket No. 20424—Ext., filed April 3, 1964. Applicant: DENVER-CLIMAX TRUCK LINE, INC., 1380 Umatilla Street, Denver, Colo. Applicant's attorney: John P. Thompson, 450 Capitol Life Building, Denver, Colo., 80203. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *freight*, serving the construction site of Public Service Company of Colorado on Cabin Creek, approximately four (4) miles southwest of Georgetown, Colo., as an off-route point in conjunction with scheduled regular route service conducted by applicant under its PUC 1195 and 1195-I between Denver and Climax, Colo., and intermediate points.

HEARING: July 1, 1964, 10 a.m., at 532 State Services Building, 1525 Sherman Street, Denver, Colo. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Colorado Public Utilities Commission, State Services Building, Denver, Colo., and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 64-5734; Filed, June 9, 1964; 8:47 a.m.]

[Notice 996]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 5, 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 66818. By order of May 28, 1964, the Transfer Board approved the transfer to R & K Enterprises, Inc., 4161 North Lincoln, Chicago, Ill., of the Certificate of Registration in No. MC 121465 (Sub-No. 1), issued December 26, 1963, to Adolph Ruge, Robert Ruge, Gustav Kawell and Ronald Kawell, a partnership, doing business as R & K Cartage, 4161 North Lincoln, Chicago, Ill., authorizing transportation in interstate and foreign commerce corresponding to the grant of intrastate authority in certificate No. 17635 MC-C, issued April 17, 1958 by the Illinois Commerce Commission.

No. MC-FC 66908. By order of May 28, 1964, the Transfer Board approved the transfer to The Chieppo Bus Company, a corporation, New Haven, Conn., of the operating rights issued by the Commission April 15, 1963, under Certificate No. MC 124246, to Bruce Vanderbrook and Louis Vanderbrook, a partnership, doing business as Western Holiday Lines, Manchester, Conn., authorizing the transportation, over irregular routes, of passengers and their baggage, in special operations, in round-trip, all-expense, pleasure and sightseeing tours, beginning and ending at Manchester, Conn., and extending to points in New York, New Jersey, Pennsylvania, Ohio, Kentucky, Missouri, Kansas, Colorado, Utah, Arizona, California, Nevada, Wyoming, South Dakota, Iowa, Illinois, Indiana, West Virginia, Idaho, and Montana. Glenn E. Knierim, 410 Asylum Street, Hartford, Conn., attorney for applicants.

No. MC-FC 66929. By order of May 28, 1964, the Transfer Board approved the transfer to A. Bocchi Trucking, Inc., Mechanicville, N.Y., of the operating rights in Certificate No. MC 124641 (Sub-No. 2), issued March 11, 1964, to Amerigo Bocchi, Mechanicville, N.Y., authorizing the transportation, over irregular routes, of: Brick and building tile, in vehicles equipped with mechanical loading and unloading devices, from and to, and between, specified points and designated counties in New York, Pennsylvania, Connecticut, Vermont, New Hampshire, and Massachusetts. Patrick J. Keniry, 35 North Main Street, Mechanicville, N.Y., attorney for applicants.

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

[F.R. Doc. 64-5735; Filed, June 9, 1964; 8:48 a.m.]

[No. FF-C-20]

HOUSEHOLD GOODS CARRIERS BUREAU

Petition for a Declaratory Order

JUNE 5, 1964.

Petitioner: Household Goods Carriers Bureau. Petitioner's attorney: Homer S. Carpenter, 618 Perpetual Building, Washington, D.C., 20004.

By petition filed May 11, 1964, petitioner, as an association of some 1700 household goods carriers, seeks a declaratory order under section 5(d) of the Administrative Procedure Act holding that: (1) The Interstate Commerce Act requires any person claiming the exemption of section 402(c) as a forwarder of used household goods to assemble, consolidate, break bulk, and distribute the shipments handled in the ordinary and usual course of such person's undertaking. (2) A person who, while claiming the exemption of section 402(c), does not in the ordinary and usual course of his undertaking assemble and consolidate shipments of household goods violates the Interstate Commerce Act when he accepts such shipments for transportation in interstate or foreign commerce and arranges for the transportation thereof. (3) The Interstate Commerce Act requires any non-regulated forwarder of used household goods to utilize the services of duly authorized common carriers regulated by the Commission under Parts I, II, or III of the Act for all transportation services, whether line-haul or terminal in character. (4) All of the preliminary services involved in the preparation of a shipment of household goods for transportation, the physical stowage of such goods into the van or transportation container, the removal of the goods from the van or container at destination, and the placing of such goods in the residence at destination are so integrally a part of the services of a household goods carrier as to make impossible the fragmentation or separation thereof. (5) A person claiming the ex-

emption of section 402(c) must utilize for the performance of all transportation services in the terminal area of origin and the terminal area of destination of any shipment handled by such person only the services of those motor common carriers which have been duly certificated by the Interstate Commerce Commission to perform transportation of household goods between points in said terminal areas and such person claiming such exemption must pay the lawfully established tariff charges of such motor common carrier for such terminal services. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication, become a party to this proceeding by filing representation supporting or opposing the relief sought by petitioner.

By the Commission.

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

[F.R. Doc. 64-5736; Filed, June 9, 1964; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2977]

ALAN-RANDAL CO., INC.

Order Vacating Temporary Suspension Order

JUNE 4, 1964.

Alan-Randal Co., Inc. (issuer), 11608-11622 Ventura Blvd., Studio City, California, a California corporation, filed with the San Francisco Regional Office on October 27, 1961, a notification on Form 1-A and an offering circular, relating to a proposed offering of 120,000 shares of its $1.00 par value common stock at $2.50 per share, for an aggregate amount of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. Pacific Coast Securities Company, a California corporation, was named as underwriter.

On January 15, 1964, the Commission issued an order temporarily suspending the issuer's Regulation A exemption, stating that it had reason to believe the issuer had filed a false report of sales on Form 2-A and that an event had occurred after the filing which would have rendered the Regulation A exemption unavailable under Rule 252(e)(2) of the general rules and regulations of the Securities Act of 1933 had it occurred prior to such filing, in that the issuer's underwriter was the underwriter of another Regulation A offering which was temporarily suspended on September 18, 1963. At the request of the issuer, a hearing was held on this matter on March 27 and 31, 1964.

The Commission, on February 10, 1964, vacated the temporary suspension of the other Regulation A offering underwritten by issuer's underwriter, and in the course of the hearing in this matter a motion by the Division of Corporation Finance to withdraw this allegation was granted by the Hearing Examiner, subject to any objection of the Commission.

On April 23, 1964, the issuer filed an Offer of Settlement, pursuant to Rule 8 of the Commission's rules of practice, in which it has agreed to repurchase from the underwriter, and the underwriter has agreed to sell to the issuer, all of its common stock presently held by the underwriter. The issuer offers to file an amended report of sales on Form 2-A correcting certain inaccurate information contained in the original report dated as of August 1, 1963, and terminating the offering. On the basis of this action the issuer requests that the Commission vacate the temporary suspension order.

The Division of Corporation Finance and the San Francisco Regional Office recommend that the issuer's Offer of Settlement be accepted.

Therefore, having considered issuer's Offer of Settlement and the record in these proceedings and it appearing that it is not in the public interest that the temporary suspension of the Alan-Randal Co., Inc. Regulation A exemption be made permanent,

It is ordered, Pursuant to Rule 261(b) of the general rules and regulations under the Securities Act of 1933, as amended, that the temporary order of suspension entered in these proceedings on January 15, 1964, be, and it hereby is, vacated.

By the Commission.

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

[F.R. Doc. 64-5714; Filed, June 9, 1964; 8:45 a.m.]

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