

# FEDERAL REGISTER

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**Agencies in this issue—**

The President  
Agricultural Research Service  
Atomic Energy Commission  
Business and Defense Services Administration  
Cabinet Task Force on Oil Import Control  
Civil Aeronautics Board  
Commodity Credit Corporation  
Consumer and Marketing Service  
Delaware River Basin Commission  
Federal Aviation Administration  
Federal Communications Commission  
Federal Home Loan Bank Board  
Federal Power Commission  
Fish and Wildlife Service  
Food and Drug Administration  
Immigration and Naturalization Service  
Interstate Commerce Commission  
Land Management Bureau  
National Park Service  
Navy Department  
Packers and Stockyards Administration  
Securities and Exchange Commission  
Small Business Administration

Detailed list of Contents appears inside.



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[Revised as of January 1, 1969]

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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3913

#### WHITE CANE SAFETY DAY, 1969

By the President of the United States of America

#### A Proclamation

That blindness is a tragedy is known to all men. That courage and determination can help the blind to transcend that tragedy is not nearly as well known.

A symbol of the blind person's determination to help himself and to live a normal life is the white cane. More than a traveling aid for blind people, the familiar white cane has become—to those who can see—a reminder of the tremendous strides which have been made by the blind in adjusting to the world of sight.

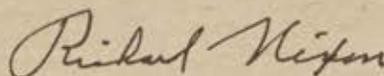
A blind man or woman using a white cane can travel with greater confidence and safety on the Nation's streets. This confidence is reflected in other activities, such as education and employment, where the blind can make needed and highly valued contributions. Thus, the white cane helps the blind person to help himself by increasing the range of his activities.

To make our citizens more fully aware of the significance of the white cane, and of the need for motorists to exercise caution and courtesy when approaching its bearer, the Congress, by a joint resolution, approved October 6, 1964 (78 Stat. 1003), has authorized the President to issue annually a proclamation designating October 15 as White Cane Safety Day.

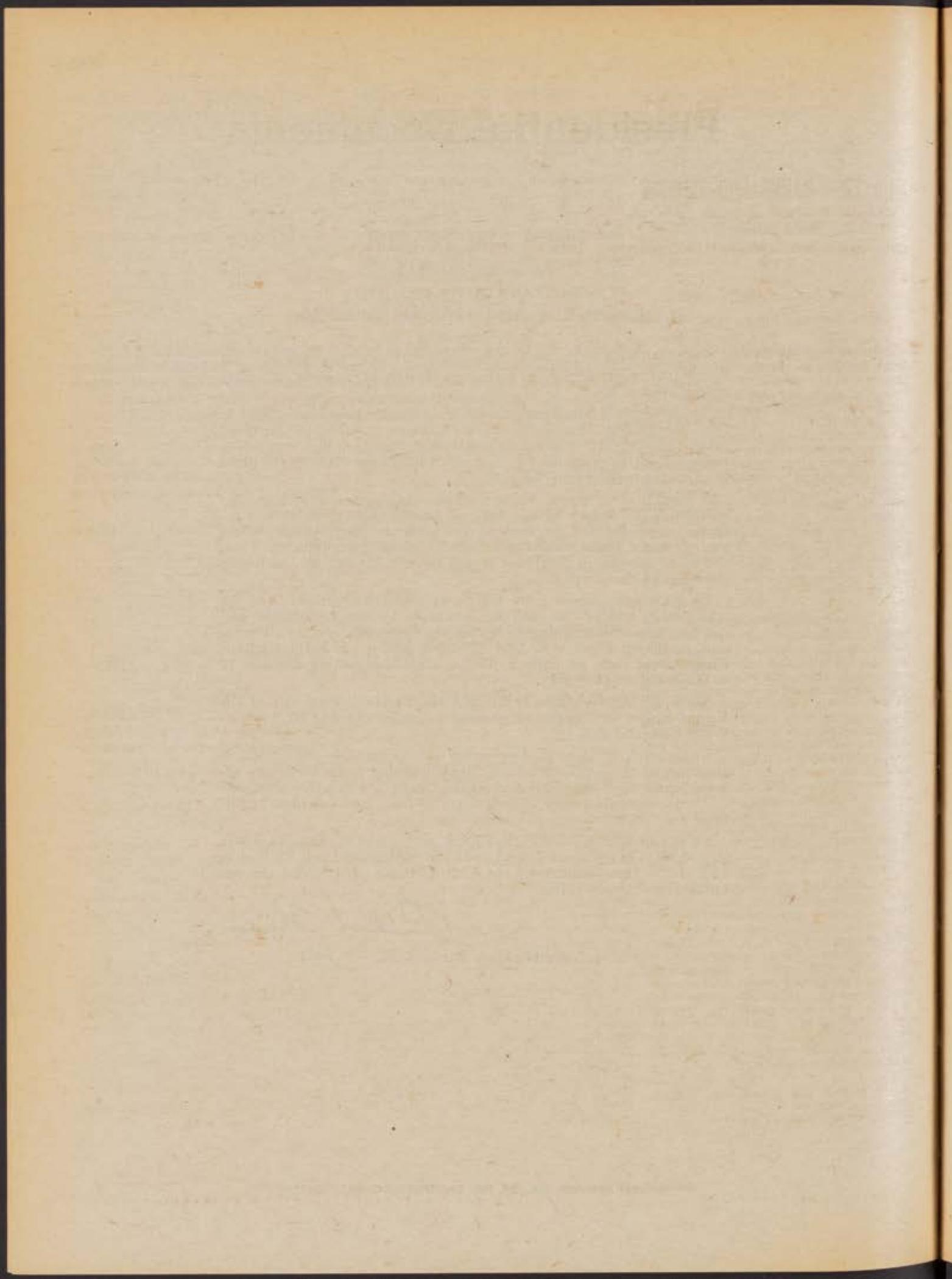
NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim October 15, 1969, as White Cane Safety Day.

I urge all Americans to observe this day by increasing their understanding of the problems of the blind, learning more about the accomplishments of the blind, and seeking ways in which the blind may add even more than they already have to their own personal fulfillment and to the progress of our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of May, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-third.



[F.R. Doc. 69-6169; Filed, May 20, 1969; 4:35 p.m.]



# Rules and Regulations

## Title 12—BANKS AND BANKING

### Chapter V—Federal Home Loan Bank Board

#### SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM [22,831]

#### PART 545—OPERATIONS

##### Fixed-Balance Bonus Accounts

MAY 15, 1969.

Resolved That the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 545.3 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.3) for the purpose of permitting Federal associations to compound earnings at the bonus rate on fixed-balance accounts after the 36-month qualifying period and to set the minimum amount of such accounts at any amount not less than \$1,000, hereby amends paragraph (b) of said § 545.3 by revising the first sentence thereof and subparagraphs (1) and (3) thereof, to read as follows, effective May 22, 1969:

§ 545.3 Bonus on monthly payment and fixed-balance accounts.

(b) *Fixed-balance accounts.* The board of directors of a Federal association which has a charter in a form not inconsistent with the provisions of this section and which has bylaws which include the provisions of paragraph (e) of § 544.6 of this chapter may determine that, in addition to other earnings distributed on savings accounts, such association shall distribute a bonus on accounts of \$1,000 or such greater minimum amount as may be determined in accordance with and subject to the provisions of this paragraph.

(1) Each such bonus account shall be evidenced by a separate certificate issued in the amount originally invested in the account;

(3) While the bonus account certificate remains outstanding, earnings other than the bonus shall be distributed by payment in cash to the account holder or by crediting the bonus account or another account at the regular distribution dates. The bonus on the amount originally invested in such bonus account shall be so distributed upon expiration of the 36-month qualifying period. Thereafter, all earnings, including any bonus, on the amount in such bonus account shall be so distributed at the regular distribution dates;

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., P. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay the amendment from becoming effective for a period of time and since it is in the public interest for the additional authority granted in the amendment to become effective without delay, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of § 508.11 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.11) and 5 U.S.C. 553(b); and since publication of said amendment for the period specified in § 508.14 of such regulations (12 CFR 508.14) and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be contrary to the public interest for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.  
Assistant Secretary.

[F.R. Doc. 69-6093; Filed, May 21, 1969; 8:47 a.m.]

#### SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[22,830]

#### PART 563—OPERATIONS

##### Semiannual Credit Requirements for Federal Insurance Reserve

MAY 15, 1969.

Resolved, that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 563.13 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.13), for the purpose of suspending the semiannual credit requirements for the Federal insurance reserve which are based on percentage of growth in specified assets, hereby amends paragraph (b) of said § 563.13 by adding a new subparagraph (6), immediately after subparagraph (5) thereof, to read as follows, effective May 22, 1969:

§ 563.13 Required amounts and maintenance of Federal insurance reserve.

(b) *Semiannual credits.*

(6) During the two semiannual periods ending June 30, 1969, and December 31, 1969, the semiannual credit requirements based on percentage of growth in specified assets in subdivisions (i) (b) and (c) and (ii) (b) of subparagraph (3) of this paragraph shall be suspended.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-1948 Comp., p. 1071)

Resolved further that, since the above amendment grants exemption from an existing requirement, the Board hereby finds that notice and public procedure with respect to said amendment is unnecessary under the provisions of § 508.11 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.11) and 5 U.S.C. 553(b); and since publication of said amendment for the period specified in § 508.14 of such regulations (12 CFR 508.14) and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board likewise be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,  
Assistant Secretary.

[F.R. Doc. 69-6092; Filed, May 21, 1969; 8:47 a.m.]

## Title 50—WILDLIFE AND FISHERIES

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

#### PART 28—PUBLIC ACCESS, USE, AND RECREATION

##### Parker River National Wildlife Refuge, Mass.

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

§ 28.28 Special regulations: Recreation; for the individual wildlife refuge areas.

#### MASSACHUSETTS

##### PARKER RIVER NATIONAL WILDLIFE REFUGE—SUPPLEMENT

Bathing and swimming are permitted in the designated area during the hours 10 a.m. to 6 p.m. from May 30 through June 30.

RICHARD E. GRIFFITH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

[F.R. Doc. 69-6081; Filed, May 21, 1969; 8:46 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter VI—Department of the Navy MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter VI of Title 32 is amended as follows:

#### PART 701—AVAILABILITY OF OFFICIAL RECORDS

Part 701 is amended as follows:

Section 701.3(a) (2) is revised to read as follows:

§ 701.3 Production of official records in the absence of court order.

(a) \* \* \*

(2) *Provost marshal or base police reports of traffic accidents.* Local commanders are authorized to release copies of traffic accident investigative reports where service personnel are not involved and where no government vehicle is involved, provided the interest of the United States will not be prejudiced thereby. Release may be made to any properly interested party or his authorized representative. If it appears that the interests of the United States may be involved, then such requests shall be referred to the appropriate District Legal Officer (and in Guam, Staff Legal Officer) or the Judge Advocate General. (Charges will be made in accordance with the schedule of fees published in the Navy Comptroller Manual, paragraph 035887 (minimum fee \$3). Fees collected will be credited as set forth in the Navy Comptroller Manual, paragraph 043145.)

#### PART 719—NONJUDICIAL PUNISHMENT, NAVAL COURTS AND CERTAIN FACTFINDING BODIES

Part 719 is amended as follows:

##### Subpart A—Nonjudicial Punishment

Section 719.101 is amended as follows:

§ 719.101 General provisions.

(a) *Authority to impose—*(1) *Multiservice commands.* In addition to the category of officers authorized to impose nonjudicial punishment under article 15(a) of the Code, the commander of a multiservice command to whose staff or command members of the naval service are assigned may designate one or more naval units and may for each such naval unit designate a commissioned officer of the naval service as commanding officer for the administration of discipline under article 15 of the Code. A copy of any such designation by the commander of a multiservice command shall be furnished to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, and to the Judge Advocate General.

(2) *Members of the naval service.* Pursuant to the authority of article 15 of the Code and the provisions of chapter XXVI, MCM 1969, and except as provided in paragraph (b) of this section, nonjudicial

punishment may be imposed in the naval service for minor offenses as follows:

(i) *Upon officers and warrant officers.* Any commanding officer, including a commanding officer as designated pursuant to subparagraph (1) of this paragraph above, may impose upon officers of his command admonition or reprimand and restriction to certain specified limits, with or without suspension from duty, for not more than 15 consecutive days. Officers of the grade of major or lieutenant commander, or above, who are authorized to impose nonjudicial punishment, may, in addition to admonition or reprimand, impose restriction for not more than 30 consecutive days. Only an officer of general or flag rank in command may impose the additional punishments authorized by article 15(b) (1) (B) of the Code. (See also subparagraph (4) of this paragraph.) Any commanding officer, including a commanding officer as designated pursuant to subparagraph (1) of this paragraph, may impose upon enlisted men of his command, and any commissioned officer who is designated as officer in charge of a unit by Departmental Orders, Tables of Organization, orders of a flag or general officer in command (including one in command of a multiservice command to which members of the naval service are attached).

(ii) *Upon other personnel.* Any commanding officer, including a commanding officer as designated pursuant to subparagraph (1) of this paragraph, may impose upon enlisted men of his command, and any commissioned officer who is designated as officer in charge of a unit by Departmental Orders, Tables of Organization, orders of a flag or general officer in command (including one in command of a multiservice command to which members of the naval service are attached) or orders of the Senior Officer Present, may impose upon enlisted men assigned to his unit, admonition or reprimand and one or more of the punishments authorized by article 15(b) (2) (A) through (G) of the Code.

(3) *Jurisdiction over individual.* At the time nonjudicial punishment is imposed the accused must be a member of the command of the commanding officer, or of the unit of the officer in charge, who imposes the punishment. A person "is of the command" or "of the unit" if he is assigned or attached thereto.

(i) *Issuance of Letter of Censure to Party before fact-finding body.* A person who has been designated a party before a fact-finding body convened under the regulations in this part (see subpart J of this part) remains thereafter "of the command" of the unit or organization to which he was assigned or attached at the time of such designation for the purposes of imposition of the sole nonjudicial punishment of a letter of admonition or reprimand, even though for other purposes he may have been assigned or attached to another command before such letter was delivered to him. This status terminates automatically when all action contemplated by article 15 has been completed respecting the letter of admonition or reprimand.

(ii) *Action when accused no longer with command.* Except as provided in subdivision (1) of this subparagraph, if at the time nonjudicial punishment is to be imposed, the accused is no longer assigned or attached to the unit the alleged offense should be referred for appropriate action to a competent authority in the chain of command over the individual concerned. In the case of an officer, the referral normally should be to the officer who exercises general court-martial jurisdiction over him.

(b) \* \* \*

(6) *Extra duties.* Subject to the limitations set forth in paragraph 131c(6), MCM 1969, this punishment shall be considered satisfied when the enlisted person shall have performed extra duties during available time in addition to performing his military duties. Normally the immediate commanding officer of the accused will designate the amount and character of the extra duties to be performed. The daily performance of the extra duties before or after routine duties are completed satisfies the punishment whether the particular daily assignment requires one, two, or more hours but normally extra duties should not extend to more than 2 hours per day. (See article 1410, U.S. Navy Regulations, 1948, for provisions prohibiting (i) guard duty as a punishment and (ii) performance of extra duties on Sunday.)

(7) *Reduction in grade.* Subject to the provisions of paragraph 131c(7), MCM 1969, this punishment may not be imposed except to the next inferior grade. Reduction in grade may be imposed only if the condition concerning promotion authority specified in 131, MCM 1969, is met. See BuPers Manual, articles C-7202 and C-7211 and MarCorps Manual, paragraphs 1430 and 1450.

(8) *Arrest in quarters.* An officer or warrant officer undergoing this punishment may not be required to perform duties involving the exercise of authority over any person who is otherwise subordinate to him. (See article 1316, U.S. Navy Regulations, 1948.)

(9) *Forfeiture and detention.* As provided in paragraph 131c (8) and (9), MCM 1969, the monthly contribution from his pay (\$40.00) that an enlisted person with dependents is required by law to make to entitle him to a basic allowance for quarters must be deducted before the net amount of pay subject to forfeiture or detention is computed. When a punishment of a person in pay grade E-4 (over 4 years' service) or above includes both reduction to pay grade E-4 (4 years' or less service) or below and forfeiture or detention, the same amount (\$40.00) must similarly be deducted before computing the net amount of pay subject to forfeiture or detention.

(c) *Nonpunitive measures.* (1) Commanding officers and officers in charge are authorized and expected to use nonpunitive measures, including administrative withholding of privileges not extending to deprivation of normal liberty, in furthering the efficiency of their commands.

(2) These measures are not punishment and may be administered either orally or in writing. See paragraph 128c, MCM 1969. Nonpunitive letters of censure, other than those issued by the Secretary of the Navy, shall not be forwarded to the Bureau of Naval Personnel or the Commandant of the Marine Corps, quoted or appended to fitness reports, or otherwise included in the official Departmental records of the recipient.

(d) *Procedures.* (1) The procedures prescribed in paragraph 133b, MCM 1969, and in this section will be followed in imposing nonjudicial punishment. The requirements of § 719.102 (d) and (e) are also applicable if a letter of admonition or reprimand is to be imposed as punishment.

(2) If nonjudicial punishment is contemplated on the basis of the record of a court of inquiry or other fact-finding body, a preliminary examination shall be made of such record to determine whether the individual concerned was accorded the rights of a party before such fact-finding body and, if so, whether such rights were accorded with respect to the act or omission for which nonjudicial punishment is contemplated. If the individual concerned was accorded the rights of a party with respect to the act or omission for which nonjudicial punishment is contemplated, such punishment may be imposed without further proceedings. But see § 719.101 (b). If the individual concerned was not accorded the rights of a party with respect to the offense for which punishment is contemplated, the impartial hearing prescribed in paragraph 133b, MCM 1969, must be conducted. In the alternative, the record of the fact-finding body may be returned for additional proceedings during which the individual concerned will be accorded the rights of a party with respect to the act or omission for which nonjudicial punishment is contemplated.

(3) The officer who imposes punishment under article 15 shall require the offender to be fully informed of his right to appeal from such punishment.

(e) *Effective date and execution of punishment.*—(1) *Forfeitures, detention, and reduction in grade.* As provided in paragraph 131e, MCM 1969, these punishments, if unsuspended, take effect on the date imposed. If suspended, and the suspension is later vacated, these punishments take effect for all purposes, on the date the suspension is vacated. However, if a forfeiture or detention is imposed while a prior punishment of forfeiture or detention is still in effect, the prior punishment will be completed before the latter begins to run.

(2) *Punishments involving restraint.* Normally, the punishment of arrest in quarters, correctional custody, confinement on bread and water or diminished rations, extra duties, and restriction, unless suspended, take effect when imposed. However, as with forfeiture and detention, any prior punishment involving restraint will be completed before the second begins to run. In addition,

commanding officers and officers-in-charge at sea may, when the exigencies of the service require, defer execution of correctional custody and confinement on bread and water for a reasonable period of time, not to exceed 15 days, after imposition. When correctional custody is to be served in a regular confinement facility, the conditions of service and the provisions for release therefrom shall be as prescribed in the Corrections Manual (formerly Brig Manual). Otherwise correctional custody will be imposed and administered in accordance with SEC NAVINST 1640.7.

(3) *Admonition and reprimand.* These punishments take effect when imposed. A letter of censure is considered to be imposed when delivered to the offender.

(f) *Appeals.*—(1) *Time* (i) In accordance with paragraph 135, MCM 1969, an appeal not made within a reasonable time may be rejected on that basis by the officer to whom the appeal was addressed. In the absence of unusual circumstances, an appeal made more than 15 days after the punishment was imposed may be considered as not having been made within a reasonable time. In computing this appeal period, allowance shall be made for the time required to transmit communications pertaining to the imposition of nonjudicial punishment and the appeal therefrom through the mails. This appeal period commences to run from the date of the imposition of the punishment, even though all or any part of the punishment imposed is suspended.

(h) \* \* \*

(2) If a letter of admonition or reprimand is canceled by superior authority before a copy of the original of such letter has been received by the Chief of Naval Personnel or the Commandant of the Marine Corps, no copy of the letter of admonition or reprimand will be filed in the member's official record; see Bureau of Naval Personnel Manual and Marine Corps Personnel Manual. If the cancellation occurs after the copy of the letter of admonition or reprimand has been forwarded to the Department, a copy of the letter of cancellation shall be forwarded to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate. Upon receipt of the copy of the letter of cancellation, copies of the letter of admonition or reprimand will not be filed in or will be removed from, as appropriate, the member's official record and will be destroyed. The order or letter of cancellation or a copy thereof shall not be filed in the member's official records. In other cases, physical removal of letters of admonition or reprimand and other documents in official records will normally be accomplished only by the Secretary of the Navy acting through the Board for Correction of Naval Records. (See Part 723 of the chapter.) However, if a letter of censure is filed inadvertently by reason of clerical error or mistake of fact, such document may be removed as authorized by the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate.

(4) *Public reprimands—private reprimands.* For historical purposes and understanding of the captioned types of censure, brief comment is supplied thereon. Under article 24 of the Articles for the Government of the Navy (superseded by the Uniform Code of Military Justice), "private reprimand" was one of the punishments specified as being within the authority of a commanding officer to impose upon officers under his command. The word "private" was employed to distinguish a formal letter of reprimand addressed to an individual officer without general publicity from a "public reprimand", i.e., one published verbatim throughout the naval service. Omission of the word "private" preceding "admonition or reprimand" in article 15 of the Code does not constitute authority to commanding officers to issue "public reprimands," which are looked upon with disfavor by the Department of the Navy.

**Subpart B—Convening Courts-Martial**

Subpart B is revised to read as follows:

**§ 719.103 Designation of additional convening authorities.**

(a) *General courts-martial.* In addition to those officers authorized by article 22(a) (3) through (5) and (7) of the Code, the following officers are, under the authority granted to the Secretary of the Navy by article 22(a) (6) of the Code, designated as empowered to convene general courts-martial:

(1) All flag or general officers, or their immediate temporary successors, in command of units or activities of the Navy or Marine Corps.

(2) The following officers or their successors in command:

- Chief of Naval Operations.
- Commandant of the Marine Corps.
- Commander, Service Group One.
- Commander, Service Force, 6th Fleet.
- Commanders, Fleet Air Wings.
- Commanders, Fleet Air Commands.
- Commander, Morocco—U.S. Naval Training Command.
- Commanding Officer, U.S. Naval Support Activity, Naples.
- Commander, U.S. Naval Activities, Spain.
- Commanding Officer, Camp Butler, Okinawa.
- Commander, U.S. Naval Training Center, Bainbridge, Md.
- Commander, U.S. Naval Training Center, Great Lakes, Ill.
- Commander, U.S. Naval Training Center, San Diego, Calif.
- Commander, U.S. Naval Training Center, Orlando, Fla.

(3) The Commanding Officer, U.S. Naval Disciplinary Command, Portsmouth, N.H., is hereby designated as empowered to exercise limited general court-martial jurisdiction for the purpose of performing the functions described in paragraphs 100c, 102, and 107, MCM 1969. See § 719.122(a) (2) concerning the clemency powers of the Commanding Officer of the Naval Disciplinary Command.

(b) *Special courts-martial.* In addition to those officers otherwise authorized by article 23(a) (1) through (6) of the Code, the following officers are, under the authority granted to the Secretary of the

Navy by article 23(a)(7) of the Code, empowered to convene special courts-martial:

(1) Commanding officer of all battalions and squadrons.

(2) Any commander whose subordinates in the tactical or administrative chain of command have authority to convene special courts-martial.

(3) All commanders and commanding officers of units and activities of the Navy, except inactive-duty training Naval Reserve units.

(4) All commanding officers of enlisted personnel now or hereafter designated pursuant to article 0514, U.S. Navy Regulations by a commander (including the commander of a multiservice command to which members of the naval service are attached).

(5) All commanding officers and officers in charge of commands now or hereafter designated as separate or detached commands by a flag or general officer in command (including the commander of a multiservice command to which members of the naval service are attached).

(6) All directors, Marine Corps Districts.

(7) All officers in charge, Naval Inactive Ship Maintenance Facilities.

(8) All administrative officers, U.S. Naval Shipyards.

(9) All directors, Navy Recruiting, Navy Recruiting Areas.

(10) All Inspector-Instructors, Marine Corps Reserve Organizations.

(11) The following specifically designated officers:

Director, U.S. Naval Research Laboratory, Washington, D.C.

Administrative Officer, U.S. Naval Supply Center, Pearl Harbor, Hawaii.

Director, Administrative Services Department, U.S. Naval Supply Center, Oakland, Calif.

Administrative Officer, U.S. Naval Supply Center, Puget Sound, Bremerton, Wash.

Head, Military Personnel Department, U.S. Naval Station, San Diego, Calif.

Head, Military Personnel Department, U.S. Naval Station, Treasure Island, San Francisco, Calif.

Head, Military Personnel Department, U.S. Naval Station, Norfolk, Va.

Orders accomplishing a designation under subparagraph (5) of this paragraph shall reference this section but shall not reference either article 23(2)(6) of the Code or paragraph 5b(3), MCM 1969. If a determination of separation or detachment respecting a command is made pursuant to paragraph 5b(3), MCM 1969, such as when a group of detached units is placed under a single commander for disciplinary purposes as contemplated by article 23(2)(6) of the Code, only that paragraph of the MCM 1969 and article 23(a)(6) of the Code shall be referenced in such determination. Copies of orders accomplishing a designation under subparagraph (4) or (5) of this paragraph or accomplishing a determination under paragraph 5b(3) of the MCM 1969 shall be forwarded to the Judge Advocate General of the Navy and, in addition, in the case of Marine Corps units, to the Commandant of the Marine Corps.

(c) *Summary courts-martial.* Those officers who are empowered to convene general and special courts-martial may convene summary courts-martial.

#### § 719.104 Appointment of personnel from other Armed Forces.

The authority vested in the Secretary of the Navy under paragraph 4g(3) and 6a, MCM 1969, is delegated to the Judge Advocate General of the Navy or to the officer acting in his absence.

#### § 719.105 Preparation of appointing orders.

(a) *General.* Appointing and amending orders should be in naval letter form from the convening authority to the president of the court or summary court officer (identified by name, grade, or address).

(b) *Contents.* The "Subject" line should indicate the contents of the order, e.g., "Appointing special court-martial." The text of the order is indicated by the forms in appendix 4, MCM 1969, and notes 1, 2, 7, 11, 12, and 14 therein. In the list of members appointed to the court the name of the addressee as president of the court should be clearly indicated. The order shall be personally subscribed by the convening authority and shall show his name, grade, and title, including organization or unit. A copy of the appointing or amending order should be sent to the trial counsel of the court.

#### § 719.105a Changes in members after arraignment.

Article 29(a) of the Code provides that no member of a general or special court-martial may be absent or excused after the accused has been arraigned except for physical disability or as a result of a challenge or by order of the convening authority for good reason. In addition the U.S. Court of Military Appeals has held that no members may be added after arraignment except by the convening authority for good reason. Whenever a court member is to be excused or added after arraignment, the convening authority shall issue a written modification to his appointing order setting forth both the desired change in membership and the specific reason for the change.

#### § 719.106 Restrictions on exercise of court-martial jurisdiction.

(a) *Special and summary courts-martial generally.* In accordance with the provisions of paragraph 5b(4) and 5c, MCM 1969, exercise of authority to convene summary and special courts-martial may be restricted by a competent superior commander.

(b) *Units attached to a ship.* The commanding officer or officer in charge of a unit attached to a ship of the Navy for duty therein should, while the unit is embarked therein, refrain from exercising any power he might possess to convene and order trial by special or summary court-martial, referring all such matters to the commanding officer of the ship for disposition. The foregoing policy does not apply to Military Sea Transportation Service vessels operating under a master.

(c) *Jurisdiction under article 2 (4), (5), and (6) and article 3 of the Code—*(1) *Policy.* Paragraph 11b, MCM 1969, provides, in part, that jurisdiction under article 3(a) of the Code should not be exercised without the consent of the Secretary of the Department concerned.<sup>1</sup> Extending this rule to all cases in which jurisdiction is dependent upon the provisions of article 2(4), 2(5), 2(6), or 3(c) of the Code, the following rules of policy are announced.

(2) *Authorization required.* (i) No case of a retired member of the regular component of the Navy or Marine Corps not on active duty but entitled to receive pay, a retired member of the Naval Reserve or Marine Corps Reserve not on active duty who is receiving hospitalization from an armed force, or a member of the Fleet Reserve or Fleet Marine Corps Reserve not on active duty will be referred for trial by court-martial without the prior authorization therefor of the Secretary of the Navy. This rule applies to offenses allegedly committed by such persons regardless of whether they were on active duty either at the time of the alleged offense or at the time they were accused or suspected of the offense.

(ii) No case in which jurisdiction is based on article 3 (b) or (c) of the Code will be referred for trial by court-martial without the prior authorization therefor of the Secretary of the Navy.

(iii) If authorization is withheld under subdivision (i) or (ii) of this subparagraph the Judge Advocate General shall indicate alternative action or actions, if any, to the convening authority.

(3) *Request for authorization.* Requests for authorization should contain the following information: The nature of the offense or offenses charged; a summary of the evidence in the case; the facts showing amenability of accused to trial by court-martial; whether civil jurisdiction exists; the military status of the accused or suspected person at the present and at the time of the alleged offense, and the reasons which make trial by court-martial advisable. Requests shall be addressed to the Secretary of the Navy and shall be forwarded by airmail or other expeditious means. If considered necessary, authorization may be requested directly by message or telephone.

(4) *Apprehension and restraint.* Specific authorization of the Secretary of the Navy is required prior to apprehension, arrest, or confinement of any person who is amenable to trial by court-martial solely by reason of the provisions of article 2 (4), (5), or (6) or article (3) of the Code.

(5) *Tolling statute of limitations.* The foregoing rules shall not impede the preferring and processing of sworn charges under article 30 of the Code when such preferring and processing are

<sup>1</sup> The exercise of court-martial jurisdiction over a civilian solely by reason of article 3(a) of the Code has been invalidated on Constitutional grounds by the Supreme Court of the United States. *Toth v. Quarles*, 350 U.S. 11(1955).

necessary to prevent the barring of trial by the statute of limitation (see art. 43 of the Code and pars. 29, 31, 33b, and 68c, MCM 1969).

(6) *Recall to active duty.* Members described in subparagraph (2) (1) of this paragraph may not be recalled to active duty solely for trial by court-martial.

(d) *Persons whose cases have been previously adjudicated in domestic or foreign criminal courts.—(1) Policy.* A person in the naval service who has been tried in a domestic or foreign court, whether convicted or acquitted, or whose case has been adjudicated by juvenile court authorities, shall not be tried by court-martial for the same act or acts, except in those unusual cases where trial by court-martial is considered essential in the interests of justice, discipline, and proper administration within the naval service. Such unusual cases, however shall not be referred for trial without specific permission therefor as provided herein.

(2) *Criteria.* Referral for trial within the terms of this policy shall be limited to cases involving substantial discredit to the naval service and which meet one of the following criteria:

(i) Cases in which punishment by civil authorities consists solely of probation, and local practice does not provide rigid supervision of probationers, or the military duties of the probationer make supervision impractical.

(ii) Cases in which civil authorities have, in effect, divested themselves of responsibility by an acquittal manifestly against the evidence, or by the imposition of an exceptionally light sentence on the theory that the individual will be returned to the naval service and thus removed as a problem to the local community.

(iii) Cases of homosexuality in which mild penalties have been imposed upon conviction. Homosexuality with its demoralizing effects is a more serious problem in the military society because of the close-contact living and working conditions of its members.

(iv) Other cases in which the interest of justice and discipline are considered to require further action under the Uniform Code of Military Justice; for example, cases where conduct leading to trial before a foreign court has reflected adversely upon the naval service itself.

(3) *Procedure.* (i) *General and special courts-martial.* No case described in subdivision (ii) of this subparagraph will be referred by trial by general court-martial or special court-martial without the prior permission therefor of the Secretary of the Navy. Requests for such permission shall be forwarded by the general court-martial authority concerned (or by the special court-martial authority concerned via the general court-martial authority) to the Secretary of the Navy via the Commandant of the Marine Corps or the Chief of Naval Personnel, as appropriate, and the Judge Advocate General.

(ii) *Summary courts-martial.* No case described in subsection (2) above will

be referred for trial by summary court-martial without the prior permission therefor of the officer exercising general court-martial jurisdiction over the command. Grants of such permission shall be reported by the general court-martial authority concerned by means of a letter addressed to the Secretary of the Navy in which he shall describe the offense alleged, action by civil authorities, and the circumstances bringing the case within the exception to the general policy.

(iii) *Reporting requirements.* The provisions of this section do not affect reporting requirements or other actions required under other regulations in cases of convictions of service personnel by domestic or foreign courts and adjudications by juvenile court authorities.

(4) *Limitations.* Personnel who have been tried by courts which derive their authority from the United States, such as U.S. District Courts, will not be tried by court-martial for the same act or acts (see par. 68d, MCM 1969).

(e) *Cases involving cryptographic systems and publications.* See SECNAV Instruction 5511.4 series for policies relating to trial in such cases.

(f) *Major Federal offenses.—(1) Background.* The Federal civil authorities have concurrent jurisdiction with military authorities over offenses committed by military personnel which violate both the Federal criminal law and the Uniform Code of Military Justice. The Attorney General and the Secretary of Defense have agreed on guidelines for determining which authorities shall have jurisdiction to investigate and prosecute major crimes in particular cases. The administration of this program, on behalf of the naval service, has been assigned to the Naval Investigative Service; the guidelines are set forth in SECNAVINST 5430.13 series.

(2) *Limitation on court-martial jurisdiction.* Commanding officers receiving information indicating that naval personnel have committed a major Federal offense (including any major criminal offense, as defined in SECNAVINST 5430.13 series, committed on a naval installation) shall refrain from taking action with a view to trial by court-martial, but shall refer the matter to the commanding officer of the cognizant Naval Investigative Service Office or his nearest representative, for a determination in accordance with SECNAVINST 5430.13 series. In the event that the investigation of any such case is referred to a Federal civilian investigative agency, any resulting prosecution will normally be conducted by the cognizant U.S. attorney, subject however, to the exceptions set forth below.

(3) *Exceptions.* (i) Where it appears that naval personnel have committed several offenses, including both major Federal offenses and serious but purely military offenses, naval authorities are authorized to investigate all of the suspected military offenses, and such of the civil offenses as may be practicable, and to retain the accused for prosecution.

Any such action shall be reported immediately to the Secretary of the Navy (Judge Advocate General) and to the cognizant officer exercising general court-martial jurisdiction.

(ii) When, following referral of a case a civilian Federal investigative agency for investigation, the cognizant U.S. attorney declines prosecution, the investigation will normally be resumed by the Naval Investigative Service, and the command may commence court-martial proceedings as soon as the circumstances so warrant.

(iii) If while investigation by a Federal civilian, investigative agency is pending, existing conditions require immediate prosecution by naval authorities, the officer exercising general court-martial jurisdiction will contact the cognizant U.S. attorney to seek approval for trial by court-martial. If agreement cannot be reached on the local level, the matter shall be referred to the Judge Advocate General for disposition.

(4) *Related matters.* See SECNAV VINST 5430.13 series for procedures in cases involving civilian employees; § 720.6 of this chapter, concerning the interviewing of naval personnel by Federal investigative agencies; and § 720.4 of this chapter concerning the delivery of personnel to Federal authorities.

#### § 719.107 Superior competent authority defined.

(a) *Accuser in a Navy chain of command.* Whenever an accuser forwards charges pursuant to articles 22(b) and 23(b) of the Code, the "superior competent authority" as used in those articles is, in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to such accuser, the area coordinator authorized to convene general or special courts-martial, as appropriate. For mobile units, the area coordinator for the above purpose is the area coordinator most accessible to the mobile unit at the time of forwarding of the charges. When the cognizant area coordinator is not superior in rank or command to the accuser, however, or when the accuser is an area coordinator, or if it is otherwise impossible or impracticable to forward the charges as specified above, they shall be forwarded to any superior officer exercising the appropriate court-martial jurisdiction (see par. 33i MCM 1969). An immediate or delegated area coordinator may receive the charges in lieu of the area coordinator if he is authorized to convene the appropriate court-martial and is superior in rank or command to the accuser.

(b) *Accuser in the chain of command of the Commandant of the Marine Corps.* Whenever an accuser forwards charges pursuant to articles 22(b) and 23(b) of the Code, the "superior competent authority" as used in those articles is defined as any superior officer in the chain of command authorized to convene a special or general court-martial, as appropriate. If such an officer is not rea-

sonably available, or if it is otherwise impossible or impracticable to so forward the charges, they shall be forwarded to any superior officer exercising the appropriate court-martial jurisdiction (see par. 331, MCM 1969).

### Subpart C—Trial Matters

Subpart C is revised to read as follows:

#### § 719.108 Trial guides.

For the conduct of summary and special courts-martial, guidance may be obtained in NAVPERS 10091 and NAVPERS 10096, trial guides for summary and special courts-martial, respectively. These publications are for assistance and do not have the mandatory effect of regulations.

#### § 719.108a Reports and interpreters.

(a) *Appointment*—(1) *Reporters*. In each case before a general or special court-martial or military commission, the convening authority shall appoint a qualified court reporter or reporters who shall record in shorthand or by mechanical or other means the proceedings of and the testimony taken before such court or commission. A reporter may be appointed by the convening authority of a summary court-martial, by the officer who orders an investigation under article 32 of the Code, or by the officer who directs the taking of a deposition. The reporter, as directed by the trial counsel or summary court, shall preserve the complete shorthand notes or mechanical record of the proceedings until appellate review has been completed and shall prepare either a verbatim or summarized record as directed. Additional clerical assistants may be appointed when necessary.

(2) *Interpreters*. In each case before a court-martial or military commission, in each investigation conducted under article 32 of the Code, and in each instance of the taking of a deposition, the convening authority or the officer directing such proceeding shall appoint, when necessary, an interpreter who shall interpret for the court, commission, investigation, or officer taking the deposition.

(3) *Manner of appointment*. Appointment of reporters and interpreters by the convening authority or authority directing the proceedings may be effected personally by him or at his discretion by any other person. Such appointment may be oral or in writing.

(b) *Source and expenses*. Whenever possible, reporters, interpreters, and clerical assistants shall be detailed from either naval or civilian personnel serving under the convening authority or officer directing the proceeding, or placed at his disposal by another officer or by other governmental agencies. When necessary, the convening authority or officer directing the proceeding may employ or authorize the employment of a reporter or interpreter at the prevailing wage scale for duty with a general or special court-martial or military commission or at the taking of a deposition. No expense to the Government by the employment of a reporter, interpreter, or other person

to assist in a court-martial, military commission, or the taking of a deposition shall be incurred except when authorized by the convening authority or officer directing the proceeding. When required reporters or interpreters are not available locally, the convening authority or officer directing the proceeding shall communicate with the Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate requesting that such assistance be provided or authorized.

#### § 719.109 Authority to grant immunity from prosecution.

(a) *General*. In certain cases involving more than one participant, in order to prevent the defeat of justice it may be advisable to grant immunity from prosecution to one or more of the participants in the offense in consideration of their testifying for the Government in the investigation of and upon the trial of the principal offender. The authority to grant immunity from prosecution to a witness is reserved to officers exercising general court-martial jurisdiction. This authority may be exercised in any case whether or not formal charges have been preferred and whether or not the matter has been referred for trial.

(b) *Procedure*. The written recommendation of the trial counsel in cases referred for trial, the pretrial investigating officer conducting an investigation upon preferred charges, the counsel or recorder of any other fact-finding body, or the investigator when no charges have been preferred, that a certain witness be granted immunity from prosecution in consideration for testimony deemed essential to the Government shall be forwarded to the cognizant officer exercising general court-martial jurisdiction. The recommendation shall state in detail why the testimony of the witness is deemed so essential or material that the interests of justice cannot be served without the grant of immunity. The officer exercising general court-martial jurisdiction shall act upon such request after referring it to his staff judge advocate for consideration and advice. The officer granting immunity to a witness is thereafter precluded from taking reviewing action the record of the trial before which the witness granted immunity testified.

(c) *Form of grant*. In any case in which a witness is granted immunity, the general court-martial convening authority should execute a written agreement substantially in the form set forth in § 719.222.

#### § 719.109a Pretrial agreements in general and special courts-martial.

(a) *Legality of pretrial agreements*. Under the provisions of the Uniform Code of Military Justice, it is legal and proper for the convening authority to make a pretrial agreement as to charges and specifications upon which the accused will be tried and/or the maximum sentence which will be finally approved by the convening authority if the accused pleads guilty. Experience has shown that opportunities for advanced planning,

savings in money and manpower, and a more expeditious administration of justice can be effected by such agreements.

(b) *Action by convening authorities*. Convening authorities and their staff judge advocates will take the necessary action to insure that the rights of accused persons are fully protected in cases where there is a pretrial agreement. To that end, the following procedures shall apply:

(1) *General courts-martial*. (i) The offer to plead guilty must originate with the accused and his counsel and should be submitted to the assigned trial counsel who will conduct all arrangements as to the offer and make recommendations to the convening authority through the staff legal officer with respect thereto. Whether or not the convening authority enters into such a pretrial agreement is a matter within his sound discretion. The agreement, if made, must be in writing and must be personally signed by the convening authority and the accused and witnessed on behalf of the accused by his counsel. A suggested form of such an agreement is set forth in § 719.223, but this form must be modified as appropriate to include all of the agreement made between the accused and the convening authority; and no matters "understood" between the parties should be omitted from the written agreement. The sentence which will ultimately be approved by the convening authority (under various sentences which may be adjudged by the court, if desired) will be set forth clearly and should, under all of the circumstances of the particular case, be appropriate for the offense or offenses.

(ii) The offer of the accused to plead guilty will not be accepted if the Government has reason to believe that the evidence which it will be able to produce at the trial will be insufficient to convict. Unreasonable multiplication of charges which might tend to persuade the accused to enter into a pretrial agreement shall be avoided; nor shall an accused be induced to plead guilty to a lesser included offense by preferring more serious charges—as, for example, preferring a charge of desertion where the evidence indicates that unauthorized absence is the appropriate charge.

(iii) Under no circumstances will the court be in any way informed of any negotiations between counsel and the convening authority on the subject of a pretrial agreement; of any such agreement existing at the time of trial; or of any such agreement made and later rejected by the accused to permit a plea of not guilty. A pretrial agreement will not preclude the accused from presenting matter in mitigation and extenuation; and defense counsel has a continuing duty, despite such agreement, to vigorously represent the accused before the court with respect to the sentence to be adjudged.

(iv) In all cases where there is a pretrial agreement followed by a guilty plea of the accused, the agreement in a form substantially similar to the form set forth in § 719.223 shall, where it has not

been made a part of the record of proceedings as an appellate exhibit or otherwise, be made an enclosure to the review of the staff judge advocate prescribed by paragraph 85, MCM 1969.

(2) *Special courts-martial.* (i) The offer to plead guilty must originate with the accused and his counsel. The pretrial agreement proposed by the accused must be personally signed by the accused and must be witnessed on behalf of the accused by his counsel. In those cases wherein the agreement contemplates a punitive discharge, if counsel for the accused is not a lawyer within the meaning of article 27(b) of the Code, additional counsel so qualified will be made available to the accused, unless specifically waived by the accused. Such additional counsel will advise the accused relative to the pretrial agreement and will also witness the signature of the accused thereon.

(ii) The pretrial agreement proposed by the accused will be submitted to the assigned trial counsel who will conduct arrangements as to the offer and make recommendations to the convening authority with respect thereto. Whether or not the convening authority enters into such an agreement is a matter within his sound discretion. If entered into by the convening authority, the pretrial agreement must be personally signed by him. The sentence which will ultimately be approved by the convening authority pursuant to the agreement should, under all the circumstances of the particular case, be appropriate for the offense.

(iii) Practices which would be improper in cases where no pretrial agreement is involved must be scrupulously avoided. The offer of the accused to plead guilty will not be accepted if the Government has reason to believe that the evidence which it will be able to produce at the trial will be insufficient to convict. Unreasonable multiplication of charges which might tend to persuade the accused to enter into a pretrial agreement shall be avoided. Furthermore, an accused shall not be induced to plead guilty to a lesser included offense by preferring more serious charges where the evidence indicates that a lesser charge is more appropriate.

(iv) Under no circumstances will the court be officially informed of any negotiations between counsel and the convening authority on the subject of a pretrial agreement; of any such agreement existing at the time of trial; or of any such agreement made and later rejected by the accused to permit a plea of not guilty. Precaution shall also be taken to prevent the court, insofar as possible, from obtaining unofficial knowledge of the foregoing. While a pretrial agreement should not be referred to at the trial by the accused or his counsel, its existence will not preclude the accused from presenting matter in mitigation and extenuation; and counsel for the accused has a continuing duty, despite such an agreement, to represent the accused before the court as to the sentences.

(v) In all cases where there is a pretrial agreement, followed by a guilty plea

of the accused, the agreement in a form substantially similar to the form set forth in §719.224 shall be included as an enclosure to the convening authority's action on the record of trial.

§ 719.110 Release of information pertaining to accused persons; spectators at judicial sessions.

(a) *Release of information.*—(1) *General.* There are valid reasons for making available to the public information about the administration of military justice. The task of striking a fair balance between the protection of individuals accused of offenses against improper or unwarranted publicity pertaining to their case, and public understanding of the problems of controlling misconduct in the military service and of the workings of military justice, depends largely on the exercise of sound judgment by those responsible for administering military justice and by representatives of the press and other news media. At the heart of all guidelines pertaining to the furnishing of information concerning an accused or the allegations against him is the mandate that no statements or information will be furnished to news media for the purpose of influencing the outcome of an accused's trial, or which could reasonably have such an effect.

(2) *Applicability of regulations.* These regulations in this part apply to all persons who may obtain information as the result of duties performed in connection with the processing of accused persons, the investigation of suspected offenses, or the trial of persons by court-martial. These regulations are applicable from the time of apprehension, the referral of charges, or the commencement of an official investigation looking toward court-martial action, until the completion of trial (court-martial sessions) or disposition of the case without trial, and prescribe guidelines for the release or dissemination of information to public news agencies, to other public news media, or to other persons or agencies for unofficial purposes.

(3) *Release of information.* (i) As a general matter, release of information pertaining to accused persons should not be initiated by persons in the naval service; instead, information of this nature should be released only upon specific request therefor, and, subject to the following guidelines, should not exceed the scope of the inquiry concerned.

(ii) Except in unusual circumstances, information which under this regulation is subject to release should be released by the cognizant public affairs officer; and requests for information received by others from representatives of news media should be referred to such officer for action. When an individual is suspected or accused of an offense, care shall be taken to indicate that the individual is alleged to have or suspected or accused of having committed an offense, as distinguished from stating or implying that the accused, has committed the offense or offenses.

(4) *Information subject to release.* On inquiry the following information concerning a person accused or suspected of

an offense or offenses may generally be released except as provided in subparagraph (6) of this paragraph:

(i) The accused's name, grade, age, unit, regular assigned duties, residence.

(ii) The substance of the offenses of which the individual is accused or suspected.

(iii) The identity of the victim of any alleged or suspected offense, except the victim of a sexual offense.

(iv) The identity of the apprehending and investigating agency, and the identity of counsel of the accused, if any.

(v) The factual circumstances immediately surrounding the apprehension of the accused, including the time and place of apprehension, resistance, pursuit, and use of weapons.

(vi) The type and place of custody, if any.

(vii) Information which has become a part of the record of proceedings of the court-martial in open session in the case.

(viii) The scheduling or result of any stage in the judicial process.

(ix) The denial by the accused of any offense or offenses of which he may be accused or suspected (when release of such information is approved by the counsel of the accused).

(5) *Prohibited information.* The following information concerning a person accused or suspected of an offense or offenses may generally not be released except as provided in subparagraph (6) of this paragraph:

(i) Subjective opinions, observations or comments concerning the accused's character, demeanor at any time (except as authorized in subparagraph (4)(iv) of this paragraph) or guilt of the offense or offenses involved.

(ii) The prior criminal record (including other apprehensions, charges or trials) or the character or reputation of the accused.

(iii) The existence or contents of any confession, admission, statement or alibi given by the accused, or the refusal or failure of the accused to make any statement.

(iv) The performance of any examinations or tests, such as polygraph examinations, chemical tests, ballistics tests, etc., or the refusal or the failure of the accused to submit to an examination or test.

(v) The identity, testimony, or credibility of possible witnesses (except as authorized in subparagraph (4)(iii) of this paragraph).

(vi) The possibility of a plea of guilty to any offense charged or to a lesser offense and any negotiations or any offer to negotiate respecting a plea of guilty.

(vii) References to confidential sources or investigative techniques or procedures.

(viii) Any other matter when there is a reasonable likelihood that the dissemination of such matter will affect the findings or sentence of a court-martial or otherwise prejudice the due administration of military justice either before, during or after trial.

(6) *Exceptional cases.* The provisions of this section are not intended to restrict the release of information designed

to enlist public assistance in apprehending an accused or suspect who is a fugitive from justice or to warn the public of any dangers that a fugitive accused or suspect may present. Further, since the purpose of this section is to prescribe generally applicable guidelines, there may be exceptional circumstances which warrant the release of information prohibited under subparagraph (5) of this paragraph or the nonrelease of information permitted under subparagraph (4) of this paragraph. In these cases the senior judge advocate of the command involved shall be responsible for determining whether questionable material shall be released.

(b) *Spectators*—(1) *At sessions of courts-martial.* The sessions of courts-martial shall be public and, in general, all persons, except those who may be required to give evidence, shall be admitted as spectators. Whenever necessary to prevent the dissemination of classified information to other than authorized persons, the law officer, president of a special court-martial, or summary court-martial, as appropriate, may direct that the spectators involved be excluded from a trial or a portion thereof. In all other situations, spectators or classes of spectators may be excluded only when the law officer, president of a special court-martial, or summary court-martial, in the exercise of the discretion reposed in him, determines such action to be legally necessary or proper.

(2) *At pretrial hearings.* In any preliminary hearing, including a hearing conducted pursuant to article 32, UCMJ, or a court of inquiry or investigation conducted pursuant to this Manual, the presiding officer, upon motion of the Government or the defense or upon his own motion, on the ground that dissemination of evidence, information or argument presented at the hearing may disclose matters that will be inadmissible in evidence at the subsequent trial by court-martial and is therefore likely to interfere with the right of the accused to a fair trial by an impartial tribunal, may direct that all or part of the hearing be held in closed session and that all persons not connected with the hearing be excluded therefrom.

#### § 719.111 Preparation and forwarding of charges.

(a) *Enlisted pay grades.* The pay grade of an accused, e.g., E-1, E-2 etc., shall be indicated following the grade or rate of the accused on page 1 of the charge sheet.

(b) *Pay and allotment data.*—(1) *Longevity increases.* Under applicable provisions of chapter 4 of volume 4 of the Navy Comptroller Manual, certain periods, such as unauthorized absence, do not constitute "time served" for the purposes of determining the cumulative years of service creditable for longevity pay increases. Care shall be taken in recording the basic pay of the accused on page 1 of the charge sheet to insure that the entry accurately reflects only the longevity increase to which the accused is entitled.

(2) *Contribution to basic allowance for quarters.* Inasmuch as the monthly contribution of an enlisted person to basic allowance for quarters which is to be deducted prior to computing the net amount of pay subject to partial forfeitures or detention of pay is the minimum contribution as required by law in the particular case (see § 719.113a), only such minimum amount, regardless of the actual contribution of the accused, shall be entered in the appropriate place on page 1 of the charge sheet.

(c) *Forwarding of charges by an officer in a Navy chain of command.*—(1) *General court-martial cases.* When a commanding officer, in taking action on charges, deems trial by general court-martial to be appropriate, but he is not authorized to convene such court or finds the convening of such court impracticable, the charges and necessary allied papers will, in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to such commanding officer, be forwarded to the area coordinator actively exercising general court-martial jurisdiction. For mobile units, the area coordinator most accessible to the mobile unit at the time of forwarding of the charges. See § 719.107 for additional provisions in cases in which the forwarding officer is an accuser. An immediate or delegated area coordinator may receive the charges in lieu of the area coordinator if he is actively exercising general court-martial jurisdiction.

(2) *Special and summary court-martial cases.* When an officer in command or in charge, in taking action on charges, deems trial by special or summary court-martial to be appropriate, but he is not authorized to convene such courts-martial, the charges and necessary allied papers will be forwarded to the superior in the chain of command authorized to convene the type of court-martial deemed appropriate unless an officer authorized to convene general courts-martial and superior in the chain of command to such officer in command or charge, on the basis of a local arrangement with the area coordinator, has directed that such cases be forwarded to the area coordinator. For mobile units, the area coordinator for the above purposes is the area coordinator most accessible to the mobile unit at the time of forwarding of the charges. See § 719.107 for additional provisions in cases in which the forwarding officer is an accuser. Subject to the terms of the local arrangement, forwarding to the area coordinator may also be resorted to even though the immediate or superior commanding officer of the accused is authorized to convene the type of court-martial deemed appropriate but finds such action impracticable. An immediate or delegated area coordinator may receive the charges in lieu of the area coordinator if he is authorized to convene the type of court-martial deemed appropriate.

(d) *Forwarding of charges by an officer in the chain of command of the Commandant of the Marine Corps.* When a commander, in taking action on charges,

deems trial by general, special, or summary court-martial to be appropriate, but he is not empowered to convene a court as deemed appropriate for the trial of the case, the officer will forward the charges and necessary allied papers through the chain of command to an officer exercising the kind of court-martial jurisdiction deemed appropriate. See paragraph 32f and 33i, MCM 1969; see also § 719.107 for additional provisions in cases in which the forwarding officer is an accuser.

#### § 719.107 Court-martial punishment of reduction in grade.

(a) *Automatic reduction.* Automatic reduction to the lowest enlisted pay grade under article 58A of the Code<sup>1</sup> shall not be effected in the naval service. It is the policy of the Department of the Navy that enlisted persons of other than the lowest enlisted pay grade who are sentenced to confinement exceeding 3 months or to dishonorable or bad-conduct discharge also be sentenced to reduction to the lowest enlisted pay grade. The sentence in such cases should expressly include reduction to the lowest enlisted pay grade.

(b) *Form of sentences to reduction in grade.* In adjudging a sentence which includes reduction to the lowest enlisted pay grade or to an intermediate pay grade, that portion of the sentence which relates to reduction should refer exclusively to the numerical designation of the grade to which reduced. Thus, this portion of the sentence should read: "To be reduced to the grade of pay grade (E-1) (\* \* \*)". The proper grade or rate title, occupational field, or apprenticeship or striker designation of the reduced pay grade shall be administratively determined by the convening authority, subject to the provisions of the Bureau of Naval Personnel Manual or the Marine Corps Manual, as appropriate.

<sup>1</sup> While article 58A of the Code is inoperative in the naval service by reason of the regulations in this section, the text of article 58A is quoted below for the sake of completeness:

"§ 58A. Art 58A. Sentences: reduction in enlisted grade upon approval

"(a) Unless otherwise provided in regulations to be prescribed by the Secretary concerned, a court-martial sentence of an enlisted member in a pay grade above E-1, as approved by the convening authority, that includes—

"(1) a dishonorable or bad-conduct discharge;

"(2) confinement; or

"(3) hard labor without confinement; reduces that member to pay grade E-1, effective on date of that approval.

"(b) If the sentence of a member who is reduced in pay grade under subsection (a) is set aside or disapproved, or, as finally approved, does not include any punishment named in subsection (a) (1), (2), or (3), the rights and privileges of which he was deprived because of that reduction shall be restored to him and he is entitled to the pay and allowances to which he would have been entitled, for the period the reduction was in effect, had he not been so reduced."

(Act of July 12, 1960, Public Law 86-633, 74 Stat. 468)

(c) *Execution of sentence to reduction in grade.* If the sentence includes unsuspended, a dishonorable or bad conduct discharge or confinement for 1 year or more, execution of reduction included in the sentence shall not be accomplished until the sentence has been affirmed by a board of review and, in cases reviewed by it, the U.S. Court of Military Appeals.

**§ 719.113 Forfeiture, detentions, fines.**

(a) *Deduction of contribution to basic allowance for quarters.* Unless a punitive discharge or total forfeiture is adjudged, the monthly contribution to basic allowance for quarters of persons in pay grades E-1 through E-4 (4 years' service or less) with dependents, required by paragraph 126h(2), MCM 1969, to be deducted prior to computing the net amount of pay subject to forfeiture or detention, is \$40 in all cases. The foregoing provisions is equally applicable to members in pay grades E-4 (more than 4 years' service) or higher with dependents who are sentenced to reduction to pay grade E-4 (4 years' service or less) or below in combination with partial forfeiture or detention of pay. In such cases the amount of \$40 shall be deducted whether or not an allotment has been registered. Regardless of the pay grade of a member with dependents, the effect of any forfeiture or detention of pay on his ability to discharge his responsibility for the care of his dependents is a factor in considering the amount of forfeiture or detention.

(b) *Forfeiture imposed by a summary court-martial.* Forfeitures of pay adjudged by summary court-martial under article 20 of the Code may be apportioned over more than 1 month, but, as a matter of policy, the period of apportionment should not exceed 3 months.

(c) *Limitations.* In cases in which the sentence involves forfeiture of pay, detention of pay, or fine, the limitations prescribed by paragraph 126h, MCM 1969, shall be observed, as well as the procedures prescribed in section VIII, part B, chapter 4 of volume 4, Navy troller Manual.

**§ 719.114 Preparation of records of trial.**

(a) *General and special courts-martial.* The provisions of appendixes 9 and 10, MCM 1969, will be followed in the preparation, arrangement, and authentication of records of trial and allied papers, with the following modifications:

(1) *Copies of appointing orders.* Carbon copies or mimeographed copies of the appointing orders and amending orders may be utilized for insertion into records at the place where appendixes 9a and 10a, MCM 1969 (pp. 526 and 531), require insertion of "literal copy".

(2) *Charge sheets.* The original of the charge sheet may be inserted into the original record and copies of the charge sheet into copies of the record in lieu of copying into the record the charges and specifications upon which the accused is to be tried, the name and description of the accuser, the affidavit and

reference for trial. However, when the charges and specifications, the name and description of the accuser, his affidavit and reference for trial have been copied verbatim into the record, as recommended in the guide on page 507, MCM 1969 (appendix 8a), the original of the charge sheet is to be prefixed to the original of the record (appendix 9e, item 5, MCM 1969).

(3) *Staff judge advocate's review.* In addition to the requirements of paragraph 85d, MCM 1969, copies of the staff judge advocate's legal review will be attached to all copies of records of trial forwarded for review by a board of review.

(4) *Court-Martial Data Sheet.* Unless otherwise directed by the cognizant officer exercising general court-martial jurisdiction, the use of the Court-Martial Data Sheet (DD Form 494) is not required.

(5) *Request for appellate defense counsel.* When the statement of the accused concerning appellate representation before a board of review is required (see § 719.115), the original thereof will be prefixed to the original record and a copy thereof to each copy of the record.

(6) *Court-Martial Chronology/Prisoner Data Form, NAVJAG 420 (Rev. 5-65).* As provided in §§ 719.121a(a) and 719.226, this form will be prefixed to the originals of all records of trial by general court-martial and all records of trial by special court-martial which include a bad conduct discharge.

(7) *Recordings and notes of trial.* In general courts-martial, the trial counsel will, unless unavoidably impracticable, retain or cause to be retained any notes (stenographic or otherwise) or any recordings (mechanical or voice) from which the record of trial was prepared until such time as the convening authority takes action upon the case. In special courts-martial which include a bad conduct discharge, such notes and recordings will be retained until such time as the officer exercising general court-martial jurisdiction takes action on the case.

(8) *Authentication.* Nonverbatim records of trial by special courts-martial shall be authenticated in the same manner as verbatim records.

(b) *Summary courts-martial.* Unless otherwise prescribed by the convening authority or officer having supervisory authority, the evidence considered by a summary court-martial need not be summarized or attached to the record of trial. Strict compliance with the provisions of paragraph 79e, MCM 1969, concerning the listing of names of witnesses on the charge sheet is directed.

(c) *Security classification of records of trial.* Records of trial containing classified matter shall be properly classified in accordance with the provisions of paragraph 82d, MCM 1969, and the Department of the Navy Security Manual for Classified Information. Copies of such records for delivery to the accused shall be prepared and handled in accordance with paragraph 82g, MCM 1969. Attention is directed to the fact that,

while article 0407.1 of the Security Manual requires that matter bear the classification, overall, of its highest component, that degree of classification is not then imparted to other components. Rather, articles 0407.1 and 0407.3 authorize and require that a component be marked with the classification it warrants (if any). Misunderstanding of these provisions may result in erroneously marking as classified each page of a voluminous record, rendering review for downgrading unnecessarily difficult and excision for delivery to the accused or counsel impossible.

**Subpart D—Post Trial Matters**

Sections 719.115 through 719.124 are revised to read as follows:

**§ 719.115 Request for Appellate Defense Counsel.**

Article 70(c) (1) of the Code provides that appellate defense counsel shall represent the accused, when requested by him, before a board of review or the Court of Military Appeals. Paragraph 48j(3), MCM 1969, requires the trial defense counsel, immediately after a trial which results in a conviction, to advise the accused generally as to his appellate rights. In order that each record of trial will show compliance with that paragraph, the following procedure will be followed: In all general courts-martial which result in a conviction, and in those special courts-martial involving a bad-conduct discharge, and within the period prescribed in paragraph 48j(3), MCM 1969, the accused will, after being advised of his appellate rights, be requested to indicate his wishes as to appellate representation by a statement in the form set forth in § 719.225. The original signed statement will be attached to the original trial record immediately following the appellate exhibits, and an unsigned copy will be similarly attached to each copy of the trial record.

**§ 719.116 Review by Staff Judge Advocate.**

(a) *Who may act.* Ordinarily the senior judge advocate attached to the command of an officer exercising general court-martial jurisdiction is the staff judge advocate of that command within the meaning of articles 34, 61, and 65(b) of the Code. If, however, more than one judge advocate is attached to such a command, and if it appears that the senior is or may become disqualified for any reason from acting as staff judge advocate in any particular case or for a specified period of time, a convening authority may, in addition to the action authorized by paragraph 85a, MCM 1969, designate, in writing, a junior to act as his staff judge advocate in any particular case or for a specified period of time if that junior officer is otherwise qualified.

(b) *Distribution of staff judge advocate's review.* In addition to the requirements of paragraph 85d, MCM 1969, and § 719.114(a) (3), a copy of the review of the staff judge advocate shall be forwarded to the command at which time the accused is to be confined in order that it may be available to those charged

with developing an institutional program for the individual. In addition to the foregoing, one copy of the review of the staff judge advocate shall be forwarded to the Senior Member, Naval Clemency and Parole Board, Washington, D.C. 20370, in those cases wherein the sentence includes confinement for 8 months or more, or an unsuspended bad-conduct discharge.

**§ 719.117 Action on courts-martial by convening authority.**

(a) *Companion cases tried separately.* In court-martial cases where the separate trial of a companion case is ordered, the convening authority will so indicate in his action on the record in each case.

(b) *Suspension of sentences.* Convening authorities are encouraged to suspend, for a probationary period, all or any part of a sentence when the accused's prospects for rehabilitation would more likely be enhanced by probation than by the execution of all or any part of the sentence adjudged.

(c) *Sentences including a punitive discharge.* In order that the best interests of the service as well as those of the accused may be served, the convening authority, in those cases where the sentence as approved by him extends to a punitive discharge whether or not suspended, shall include in his initial action a brief synopsis of the accused's conduct record during the current enlistment or current enlistment as extended. This synopsis should include in chronological order: dates, nature of offenses committed, sentences adjudged and approved, and non-judicial punishment imposed. The synopsis should also include medals and awards, commendations, and any other information of a commendable nature. Although not required, similar action may, if circumstances are deemed appropriate, be taken in other cases. The foregoing requirement does not, in any way, affect the legal requirements as to the admissibility of records of previous convictions during the trial itself. See also paragraph (f) of this section.

(d) *Sentences including censure—(1) General.* Censures (reprimand and admonition, in descending order of severity) issued in execution of court-martial sentences are required to be in writing. Except as otherwise prescribed in this section, the provisions of § 719.102(e) (1), (2), and (3) shall be applicable to letters of censure issued in execution of court-martial sentence.

(2) *By whom issued.* Letters of censure in execution of sentences of summary courts-martial shall be issued by the convening authority. In those special and general court-martial cases wherein a sentence imposing censure is ordered executed by the convening authority, he shall issue the letter as part of his action on the record in accordance with the provisions of paragraph 89c(8), MCM 1969. Otherwise the letter shall be issued as part of the promulgating order of the officer who subsequently directs execution of the sentence.

(3) *Contents.* The letter shall include the time and place of trial, type of court,

and a statement of the charges and specifications of which convicted. It shall also contain the following paragraph:

A copy of this letter will be placed in your official record in (the Bureau of Naval Personnel) (Headquarters, U.S. Marine Corps). You are therefore privileged to forward, within 15 days after receipt of this action, such statement concerning this letter as you may desire, also for inclusion in your record. If you elect not to submit a statement, you shall state so officially in writing within the time prescribed. In connection with your statement, attention is directed to article 1404.2 and 3, U.S. Navy Regulations, 1948.

(4) *Procedure for issuance.* The original letter will be delivered to the accused and a copy appended to the convening authority's action (or the promulgating order of the officer subsequently directing execution of the sentence). The action (or order) should refer to the letter, in tenor, as follows:

Pursuant to the sentence of the court, as herein approved, a letter of (reprimand) (admonition) is this date being served upon the accused and a copy thereof is hereby incorporated as an integral part of this action.

(5) *Forwarding copy to Department.* Upon receipt of the accused's written statement or his written declaration that he does not desire to make a statement, an additional copy, together with the statement or declaration, shall be forwarded to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate.

(6) *Appeals.* Review, including appellate review, of letters of censure issued as part of an approved court-martial sentence will be accomplished as provided for by the Uniform Code of Military Justice, the Manual for Courts-Martial, and the Manual of the Judge Advocate General with respect to the proceedings of the particular court-martial which imposed the sentence. No separate appeal from these letters will be considered.

(e) *Designation of places of confinement.* The convening authority of a court-martial sentencing an accused to confinement is a competent authority to designate the place of temporary custody or confinement of naval prisoners. See also § 719.138.

(f) *Cases involving convictions of larceny or other offenses involving moral turpitude.* If a punitive discharge has been approved, whether or not suspended, in a case involving conviction of larceny or other offense or offenses involving moral turpitude, the convening authority shall include in his action on the record any facts which tend to extenuate, mitigate, or aggravate the offense or offenses and do not appear in the court record or in the papers accompanying the same. If the accused entered a plea of guilty, the convening authority shall also include a synopsis of the circumstances of the offense amplifying the allegations set forth in the specification, regardless of whether such facts are otherwise set forth in the record of trial. In all cases in which the information to be so set forth in the action of the convening authority is not exclusively extenuating or mitigating, the

convening authority shall refer a copy of the information to the accused before taking action on the case, and shall afford the accused an opportunity to rebut any part or portion of the information. A comment that such opportunity to rebut was afforded shall be included in the action of the convening authority, and any statement made by the accused in rebuttal shall be appended to such action.

**§ 719.118 Promulgating orders.**

(a) *General and special courts-martial—(1) When promulgating orders required.* Any action taken on the proceedings, findings, or sentence of a general or special court-martial by the convening authority or any other party empowered to take such action shall be promulgated as prescribed in paragraphs 90 and 91, MCM 1969. Separate orders shall be issued for each accused in case of a joint or common trial. (See note, appendix 15a, MCM 1969, page 551.)

(2) *When supplementary order is not required.* Where the findings and sentence set forth in the initial promulgating order are affirmed without modification upon subsequent review of the case, no supplementary promulgating order is required except as necessary to order the execution of the sentence or to designate a place of confinement.

(3) *Supplementary orders in board of review cases.* If the sentence was ordered executed or suspended in its entirety by the convening or other authority, and the approved findings and sentence have been affirmed without modification by the board of review and, in appropriate cases, the Court of Military Appeals, no supplementary court-martial order is necessary. Although not necessary for the validity of the action taken, a supplementary court-martial order shall be issued in all other cases. Such orders shall be published as follows:

(i) Supplementary orders in cases involving flag or general officers, death sentences, and dismissals are issued by the Judge Advocate General by direction of the Secretary of the Navy.

(ii) Other supplementary orders shall be issued by the cognizant general court-martial authority. In cases not reviewed by the Court of Military Appeals (by petition or certification), orders should be issued immediately following accused's execution of a "Request for Immediate Release" (see § 719.128) or upon expiration of 30 days from the date of service of the board-of-review decision upon the accused. In cases considered by the Court of Military Appeals, supplementary orders shall be issued upon notification of completion of review by the Court.

(iii) All supplementary orders in board-of-review cases shall bear the "NCM" number appearing on the board-of-review decision.

(4) *Form.* The form of a promulgating order is prescribed in appendix 15, MCM 1969. In copying and including the action of the convening authority in the promulgating order, any synopsis of the accused's record and/or circumstances of

the offense contained in the convening authority's action pursuant to § 719.117 (c) and/or (f) shall also be copied and included in the promulgating order. The order shall be subscribed by the officer issuing the order or by a subordinate officer designated by him. In either case the name, grade, and title of the subscribing officer, including his organization or unit, shall be given. Where a subordinate officer signs by direction, his name, title, and organization shall be followed by the words: "By direction of (name, grade, title, and organization of issuing officer)." Duplicate originals of promulgating orders are copies personally subscribed by the officer who subscribed the original. Certified copies of promulgating orders are copies bearing the statement: "Certified to be a true copy," over the signature, grade, and title of an officer.

(5) *Distribution.* All initial and supplementary promulgating orders shall be distributed as follows:

(i) Original to be attached to original record of trial.

(ii) Duplicate original to be placed in the service record or service record book of the accused, unless the court-martial proceedings resulted in acquittal of all charges, disapproval of all findings of guilty, or disapproval of the sentence by the convening authority when no findings have been expressly approved by him.

(iii) Certified copies:

(a) Three to be attached to the original record of trial.

(b) One to be attached to each copy of the record of trial.

(c) Two to the commanding officer of an accused who is ordered to a brig as a place of confinement; three if a disciplinary command is designated as a place of confinement. These copies should accompany the records of the accused to the place of confinement.

(d) One to the Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate.

(e) One to the Senior Member, Naval Clemency and Parole Board, Washington, D.C. 20370, if the sentence, as approved by the convening authority, includes a punitive discharge or confinement for 8 months or more.

(iv) Plain copies:

(a) One to the accused.

(b) One each to the law officer, trial counsel, and defense counsel of the court-martial before which the case was tried.

(c) One to the convening authority and, if the accused was serving in a command other than that of the convening authority at the time of the alleged offense, one to the command in which he was then serving.

(d) One to each appropriate subordinate unit and any other local distribution desired.

(b) *Summary courts-martial.* In accordance with paragraph 90e, MCM 1969, the results of a trial by summary court-martial need be promulgated only to the accused. The results of any review or action on a summary court-martial pursuant to § 719.119, subsequent to the initial action of the convening authority,

shall be communicated to the convening authority and to the commanding officer of the accused for notation in the service record or service record book of the accused.

§ 719.119 *Review of summary and special courts-martial.*

(a) *Summary courts-martial and special courts-martial not involving a bad conduct discharge.* (1) *Officers having supervisory powers.* In addition to the officer immediately exercising general court-martial jurisdiction over a command, the Judge Advocate General, any Assistant Judge Advocate General, all officers exercising general court-martial jurisdiction, and the deputies or chiefs of staff of officers exercising general court-martial jurisdiction are designated as having supervisory authority for the review of records of trial pursuant to article 65(c) of the Code and paragraph 94a(2), MCM 1969.

(2) *Selection of supervisory authorities.* (i) It is the policy of the Department of the Navy that review of cases pursuant to paragraph 94a(2), MCM 1969, will be accomplished in the field, unless compelling reasons exist for forwarding the record or records to the Judge Advocate General for review.

(a) For commands in a Navy chain of command, review pursuant to paragraph 94a(2), MCM 1969, will be accomplished if practicable, and in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to the convening authority, by the area coordinator authorized to convene general courts-martial. For mobile units, the area coordinator for the above purpose is the area coordinator most accessible to the mobile unit at the time of forwarding of the record. An immediate or delegated area coordinator may take action in lieu of an area coordinator if he has authority to convene general courts-martial.

(b) (1) For commands in the chain of command of the Commandant of the Marine Corps, review pursuant to paragraph 94a(2), MCM 1969, will be accomplished within the chain of command if practicable.

(2) If such accomplishment of the review is found not practicable, any officer having supervisory authority in the field may be requested to accept records of such cases and to act thereon pursuant to paragraph 94a(2), MCM 1969. Only if all reasonably available officers having supervisory authority in the field find it impracticable to grant such request will the records in such cases be forwarded to the Judge Advocate General for review. If so forwarded to the Judge Advocate General, they shall be accompanied by a letter stating the reasons why supervisory-authority action was not accomplished in the field.

(3) *Courts convened by officer exercising general court-martial jurisdiction.*

(i) When an officer exercising general court-martial jurisdiction is the convening authority of a summary court-martial or a special court-martial not involving a bad-conduct discharge, his

action thereon will be as convening authority only.

(a) At activities in a Navy chain of command, the record should then be forwarded, in the absence of specific direction to the contrary by a superior in the chain of command, to the area coordinator if superior in rank or command to the convening authority and authorized to convene general courts-martial; otherwise the record should be forwarded to any appropriate superior officer authorized to convene general courts-martial, or if no such superior officer has a judge advocate available, the record shall be forwarded to the Judge Advocate General for review. (For mobile units, the area coordinator for the above purpose is the area coordinator most accessible to the mobile unit at the time of forwarding the record.)

(b) At activities in the chain of command of the Commandant of the Marine Corps, the record should then be forwarded to an appropriate superior officer exercising general court-martial jurisdiction or, if no such superior officer has a judge advocate available, the record shall be forwarded to the Judge Advocate General for review.

(4) *Identification of officer to whom record is forwarded for supervisory review.* In all cases, the action of the convening authority in forwarding the record for supervisory review shall identify the officer to whom the record is forwarded by stating his official title, such as "The record of trial is forwarded to the Commandant, First Naval District, for action under article 65(c), Uniform Code of Military Justice."

(5) *Review procedures.* (1) In accordance with the provisions of paragraph 94a(2), MCM 1969, the officer having supervisory authority will cause a judge advocate to review records of trial received for a review under article 65(c) of the Code. Unless, following such review, corrective or mitigating action by the officer having supervisory authority is required or recommended, no supervisory action need be taken. In lieu thereof, a notation may be made by the staff judge advocate on the record of trial, reciting the designation on the command in which the review was accomplished, the date, the result of the review, and the signature of the judge advocate; and in such cases notification of the review and the result thereof will be made to the convening authority, the accused and the commanding officer of the accused for notation in the service record or service record book of the accused. In cases in which corrective or mitigative action is required or recommended, action will be placed on the record over the signature of the supervisory authority and a supplemental promulgating order will be issued (see § 719.118(a)(2)).

(ii) If the officer having supervisory authority disagrees with the recommendation of the judge advocate as to a matter of law, he shall not place an action on the record but shall forward the record to the Judge Advocate General, together with a signed copy of the judge advocate's recommendation by a letter

of transmittal giving his reasons for disagreement with the judge advocate's recommendation. When the question of law has been resolved by the Judge Advocate General, he may take action on the record as officer having supervisory authority, or he may return the record with a final determination as to the law of the case to the cognizant officer having supervisory authority for his action on the record.

(iii) Any action on the record by the officer having supervisory authority shall affirmatively indicate that the record was reviewed by a judge advocate by including the statement "This record has been reviewed in accordance with article 65(c), UCMJ."

(b) *Special courts-martial involving a bad-conduct discharge*—(1) *Action by convening authority who is an officer exercising general court-martial jurisdiction.* When an officer exercising general court-martial jurisdiction is the convening authority of a special court-martial which involves a bad-conduct discharge, and if such discharge is approved by him, the record shall be forwarded direct to the Judge Advocate General for review by a board of review. In taking his action on the record, such a convening authority shall follow the procedures set forth in paragraph 85, MCM 1969.

(2) *Action by reviewing authority (officer exercising general court-martial jurisdiction).* In special court-martial cases where the sentence as approved by the convening authority who is not an officer exercising general court-martial jurisdiction includes a bad-conduct discharge, review will be accomplished in accordance with paragraph 94a(3), MCM 1969.

(1) For activities in a Navy chain of command, and in the absence of specific direction to the contrary by an officer authorized to convene general courts-martial and superior in the chain of command to the convening authority, review will be accomplished by the area coordinator authorized to convene general courts-martial. For mobile units, the area coordinator for the above purposes is the area coordinator most accessible to the mobile unit at the time of forwarding of the record. An immediate or delegated area coordinator may take action in lieu of an area coordinator if he has authority to convene general courts-martial. As indicated above, a superior officer authorized to convene general courts-martial in the chain of command may direct otherwise; he may, e.g., direct that the records be forwarded to him for review.

(ii) For activities in the chain of command of the Commandant of the Marine Corps, review will be accomplished by the officer ordinarily exercising general court-martial jurisdiction over the command.

In the event review by any of the foregoing is impracticable—for instance, because of the absence or lack of a staff legal officer—any other officer authorized to convene general courts-martial may be requested to accept records of trial for

review. Only if all reasonably available officers exercising general court-martial jurisdiction find it impracticable to grant such request will the records be forwarded direct to the Judge Advocate General for review by a board of review. If so forwarded, they shall be accompanied by a letter stating the reasons why review under article 65(b) was not accomplished in the field.

(3) *Disagreement between reviewing authority and his staff legal officer.* If the reviewing authority is in disagreement with his staff legal officer as to any matter of law, he shall nevertheless take such action on the record as is within his discretionary powers and unaffected by the disagreement, and shall transmit the record of trial, with an expression of his own views as to the matters of law involved in the disagreement, to the Judge Advocate General for review by a board of review.

(4) *Disapproval of bad-conduct discharge by reviewing authority.* If a reviewing authority determines that he will not approve that portion of the sentence which provides for a bad-conduct discharge, he shall, prior to placing his action upon the record, cause the record to be reviewed by a law specialist in accordance with article 65(c) of the Code, and in the manner set forth in § 719.119a(3).

(c) *Special courts-martial tried in joinder or in common.* When one or more of the sentences adjudged in cases tried in joinder or in common requires review only under paragraph 94a(2), MCM 1969 (not involving an approved bad-conduct discharge), and the remaining sentence or sentences require review under paragraph 94a(3), MCM 1969 (including an approved bad-conduct discharge), the officer exercising general court-martial jurisdiction shall cause each of the sentences to be reviewed in accordance with the applicable paragraph of the MCM 1969. In his action on the sentence or sentences requiring review under paragraph 94a(3), MCM 1969, he shall state that the sentence or sentences requiring review only under paragraph 94a(2) have been reviewed in accordance with article 65(c) of the Code. The original of the action or review taken on the sentence or sentences requiring review only under paragraph 94a(2), MCM 1969, shall be filed with the copy or copies of the record in the files of the officer exercising general court-martial jurisdiction, and a copy of such action or review shall be attached to the record forwarding to the Judge Advocate General, together with the action taken on the sentence or sentences requiring review under paragraph 94a(3), MCM 1969.

§ 719.120 *Action on special courts-martial by general court-martial convening authorities.*

(a) *Suspension of sentences.* Officers exercising general court-martial jurisdiction are encouraged to suspend, for a probationary period, all or any part of a sentence when such action would promote discipline, and when the accused's prospects for rehabilitation would

more likely be enhanced by probation than by the execution of all or any part of the sentence which was adjudged and approved by the convening authority.

(b) *Designation of places of confinement.* The general court-martial convening authority who orders a sentence of confinement into execution subsequent to the initial action of the convening authority on the record shall designate the place of confinement in his action on the record. See also § 719.138.

§ 719.121 *Supervision over court-martial records and their disposition after review in the field.*

(a) *JAG supervision.* Records of all trials by courts-martial in the naval service are under the supervision of the Judge Advocate General of the Navy.

(b) *Board-of-review cases.* After completion of review in the field, all records requiring review by a board of review shall be forwarded to the Navy Appellate Review Activity, Office of the Judge Advocate General, Washington Navy Yard, Washington, D.C. 20390.

(c) *Other general court-martial cases.* General court-martial cases which do not require review by a board of review under article 66(b) of the Code shall be forwarded to the Navy Appellate Review Activity, Office of the Judge Advocate General, Washington Navy Yard, Washington, D.C. 20390.

(d) *Summary courts-martial and special courts-martial not involving a bad-conduct discharge.* The record of trial of such cases shall be filed as provided in § 719.129.

§ 719.121a *Preparation of court-martial statistical forms.*

(a) *General court-martial cases and special court-martial cases involving a bad-conduct discharge.* Effective January 1, 1966, all convening authorities and supervisory authorities, as appropriate, shall complete NAVJAG Form 420 (Rev. 5-65) during the review of all trials of general courts-martial and all trials of special courts-martial involving a bad-conduct discharge. The form will be prefixed to the original records of trial. NAVJAG Form 420 (6-58) is obsolete. Supplies of NAVJAG Form 420 (Rev. 5-65) are available in the Forms and Publications Segment of the Navy Supply System under Stock No. 0105-100-0201. A form containing sample entries and the Punitive Article Identification Code to be used in completing the form are set forth in § 719.226.

(b) *Non-bad-conduct discharge, special courts-martial, and summary courts-martial.* Effective July 1, 1965, section A of NAVJAG Form 425 (Rev. 4-65) will be prepared by each supervisory authority for semi-annual submission to the Judge Advocate General, Navy Department, Washington, D.C. 20370. NAVJAG Form 425 (Rev. 1-60) is obsolete. The first semiannual report to be submitted on Section A of NAVJAG Form 425 (Rev. 4-65) should cover the period July 1, 1965 to December 31, 1965. Supplies of NAVJAG Form 425 (Rev. 4-65) are available in the Forms and Publications Segment of the Navy Supply System under Stock

No. 0105-100-0302. A sample form is set forth in § 719.227.

§ 719.122 Remission and suspension.

(a) *Authority to remit or suspend sentences*—(1) *General*. Pursuant to the provisions of article 74(a) of the Code and paragraph 97a, MCM 1969, the Under Secretary of the Navy, the Assistant Secretaries of the Navy, the Judge Advocate General, and all officers exercising general court-martial jurisdiction over the command to which the accused is attached are designated as empowered to remit or suspend any part or amount of the unexecuted portion of any sentence including all uncollected forfeitures, other than a sentence approved by the President, provided that the Judge Advocate General shall not exercise this power in cases involving flag or general officers, and that officers exercising general court-martial jurisdiction shall not exercise this power in cases involving officers or warrant officers. A sentence to death may not be suspended. The foregoing action may be taken without regard to whether the person acting has previously approved the sentence.

(2) *Authority of Commanding Officer, Naval Disciplinary Command, Portsmouth, N.H.* Authority of the Commanding Officer, Naval Disciplinary Command, Portsmouth, N.H., to take action pursuant to article 74a of the Code, other than remission or suspension of any part or amount of any sentence by summary court-martial or of a sentence by special court-martial which does not include a bad-conduct discharge, is limited to the following:

(i) Effecting actions directed by the Secretary following clemency review.

(ii) Remission of uncollected forfeitures in the cases of court-martial prisoners who are to be returned to duty.

(iii) Remission of confinement, not in excess of 5 days, for the purpose of facilitating administration by adjusting dates of transfer upon completion of confinement. Early releases in excess of 5 days may be granted when specifically authorized by the Chief of Naval Personnel.

(iv) In the event of an emergency, where, in the opinion of the commanding officer, the requirements to remit additional confinement or a punitive discharge is of such immediate nature as to preclude the normal or urgent processes of clemency as provided by SECNAVINST 5815.3 series, the commanding officer may take such action following report of the circumstances to, and having received concurrence in such action of, the Secretary of the Navy (Naval Clemency and Parole Board).

(3) *Inferior courts-martial*. Paragraph 97a, MCM 1969, grants power to remit or suspend any part or amount of the unexecuted portion of a sentence by summary court-martial or of a sentence by special court-martial which does not include a bad-conduct discharge to the officer having supervisory authority § 719.119 and the commanding officer of the accused who has immediate authority to convene a court of the kind that adjudged the sentence.

(b) *Probationary period*. All suspensions shall be of the conditional-remission type and shall be for a definite period of time. The running of the period of suspension of a sentence is interrupted either by the unauthorized (and unexcused) absence of the probationer or by commencement of proceedings to vacate suspension of sentence. The running of the period of suspension of a sentence resumes (1) as of the date the probationer's unauthorized (and unexcused) absence ends or (2) as of the initial date of the interruption if proceedings to vacate suspension of the sentence are concluded without vacation of the suspension. For instructions concerning voluntary extension of enlistment for the purpose of serving probation, see § 719.205.

(c) *Liaison with Naval Clemency and Parole Board*. Officers who take clemency action pursuant to the authority of § 719.122a on any sentence which includes a punitive discharge or confinement for 8 months or more shall coordinate such action with the Naval Clemency and Parole Board in accordance with the provisions of § 719.205.

§ 719.123 Effective date of confinement and forfeitures when previous sentence not completed.

(a) *Confinement*. When a prisoner serving a sentence to confinement adjudged by court-martial is convicted by a court-martial for another offense and sentenced to a term of confinement, the subsequent sentence, upon being ordered into execution, will begin to run as of the date adjudged and will interrupt the running of the prior sentence. After the subsequent sentence has been fully executed, the prisoner will resume the service of any unremitted interrupted sentence to confinement.

(b) *Forfeitures*. If forfeitures are being collected pursuant to a sentence adjudged by a previous court-martial at the time the convening authority takes action approving a sentence to forfeitures adjudged by a subsequent court-martial, he may, in his discretion, provide in his action that the application of forfeitures adjudged by the latter court-martial will be deferred until the date upon which the sentence to forfeitures adjudged by the previous court-martial has been fully executed.

§ 719.124 Vacation of suspension.

(a) *Form of order*. The forms prescribed in appendix 15e, MCM 1969, shall be used for promulgating orders vacating suspensions of sentences. In cases wherein article 71(c) of the Code is applicable and appellate review is not complete, the final sentence of the appropriate form may be modified to read: "Upon completion of appellate review pursuant to article 71(c), the sentence as affirmed may be executed without further order."

(b) *Distribution of order*. The promulgating order shall be distributed in accordance with the applicable provisions of § 719.118 except that in article 72(a) cases the original promulgating order

and original report of proceedings to vacate suspension shall be forwarded to the Judge Advocate General for attachment to the record of trial.

Section 719.126(d) (4) (iv) is revised as follows:

§ 719.126 Service of decision of board of review on accused.

(d) \* \* \*

(4) \* \* \*

(iv) *Effect of constructive service*. Constructive service constitutes notification of the accused of the decision of the board of review and commences the running of the 30-day appeal period within which he may petition the U.S. Court of Military Appeals for grant of review. At the termination of the 30-day appeal period, action will be taken in the same manner as though the accused had been served personally or by registered mail on the date of the execution of the certificate of attempted service.

(v) *Form*. The form set forth in § 719.228 is recommended but may be modified as necessary to meet the requirements of a particular case.

Sections 719.127, 719.128, and 719.129 are revised to read as follows:

§ 719.127 Execution of sentence.

(a) *General*. When the sentence of an enlisted man or warrant officer as affirmed by the board of review includes, unsuspended, a dishonorable or bad-conduct discharge, or confinement for 1 year or more, it may not, except as provided in § 719.128, be executed until completion of appellate review; i.e., expiration of the 30-day appeal period, if no petition for review is filed, or final review by the Court of Military Appeals if a petition is filed. When such sentence as affirmed by the board of review does not include, unsuspended, dishonorable or bad-conduct discharge, or confinement for 1 year or more, it may be executed without further delay. See § 719.118 for requirements concerning issuance of promulgating orders.

(b) *Execution of punitive discharge*. In addition to the foregoing requirements, and notwithstanding the fact that the sentence may have been duly ordered executed, a punitive discharge may not in fact be executed until the provisions of SECNAV Instruction 5815.3 series have been complied with.

§ 719.128 Request for immediate execution of discharge.

(a) *General*. Prior to completion of appellate review, an accused may request immediate execution of the unexecuted portion of his sentence, following completion of the confinement portion thereof, if any, in those cases in which his sentence as affirmed by a board of review:

(1) Includes an unsuspended punitive discharge; and

(2) Either does not include confinement, or the confinement portion thereof has been or will be completed prior to 30 days from the date the accused is served with a copy of the board of review decision.

(b) *Conditions of approval.* Such requests may be approved by the officer exercising general court-martial jurisdiction subject to the following conditions:

(1) That the accused has received a copy of the decision of the board of review in his case;

(2) That the accused has had fully explained to him his right to petition the U.S. Court of Military Appeals for grant of review;

(3) That the accused does not have an appeal pending before the U.S. Court of Military Appeals;

(4) That the accused does not intend to appeal to the U.S. Court of Military Appeals but, nevertheless, understands that his request for immediate release does not affect his right seasonably to petition the U.S. Court of Military Appeals;

(5) That the accused has consulted counsel of his own choice, and

(6) Naval Clemency and Parole Board review, under the provisions of SECNAV Instruction 5815.3 series, if applicable, has been completed.

(c) *Execution of unexecuted portion of sentence.* Upon approval of such requests the officer exercising general court-martial jurisdiction will order the unexecuted portion of the sentence to be duly executed.

(d) *Form of request for immediate release.* The prescribed form is set forth in § 719.229. Three signed copies thereof will be transmitted to the Judge Advocate General.

#### § 719.129 Filing of court-martial records.

(a) *General courts-martial.* All records of trial by general court-martial shall, after completion of final action, be filed in the Office of the Judge Advocate General.

(b) *Special courts-martial.* Records of trial by special courts-martial which (1) involve an officer accused or (2) have been acted upon by a board of review, including a rehearing of a case in which a board of review acted on the earlier record of trial, shall, after completion of final action, be filed in the Office of the Judge Advocate General. All other special court-martial records shall be filed in the manner provided below for summary courts-martial.

(c) *Summary courts-martial—(1) Shore activities.* Officers having supervisory authority over shore activities will retain original records for a period of 2 years after final action. At the termination of such retention period, they will transfer the original records of proceedings to the Navy Branch, Federal Military Personnel Records Center, 9700 Page Boulevard, St. Louis, Mo. 63132.

(2) *Fleet activities.* Supervisory authorities who are in command of fleet activities, including Fleet Air Wings and Fleet Marine Forces, will retain original records of proceedings for a period of 3 months. At the termination of such retention period, such fleet officers will transfer the original records of proceedings to the Navy Branch, Federal Military Personnel Records Center, 9700 Page Boulevard, St. Louis, Mo. 63132.

### Subpart E—Miscellaneous Matters

Section 719.130 is revised to read as follows:

#### § 719.130 Financial responsibility for costs incurred in support of courts-martial.

Financial responsibility for costs incurred as the result of necessary activities of appointees to or witnesses called before courts-martial will be governed by the following delineation:

(a) *Travel, per diem, and fees.* (1) The costs of travel and per diem of military personnel and civilian employees of the Navy, including that of JAG Task Force personnel but excluding that of personnel attached to the Office of the Director, U.S. Navy—Marine Corps Judiciary Activity, and branch offices thereof when acting as law officer of general courts-martial, will be charged to the operation and maintenance allotment which supports temporary additional duty travel for the convening authority of the court-martial. Such costs incurred

#### § 719.229 Form of—Request for Immediate Execution of Discharge.

UNITED STATES

v.

(Name, service number, grade or rate, and armed service)

SPCM (GCM) NCM \_\_\_\_\_  
Request For Immediate Execution of (Bad Conduct) (Dishonorable) Discharge Adjudged on \_\_\_\_\_ by (Special) (General) Court-Martial Convened by \_\_\_\_\_ at (on Board) \_\_\_\_\_

To: (Officer exercising general court-martial jurisdiction.)

1. I, the undersigned, the accused in the above-captioned case, hereby request the immediate execution of the above-described \_\_\_\_\_ discharge and my release from the naval service.

2. Naval Clemency and Parole Board review pursuant to SECNAV Instruction 5815.3 series (has been completed) (is not required). [Delete inapplicable alternative.]

3. I received a copy of the decision of the board of review in my case on \_\_\_\_\_

4. I have had fully explained to me and I understand my right, under article 67(c) of the Uniform Code of Military Justice, to petition the U.S. Court of Military Appeals for grant of review within 30 days from the date I received my copy of the decision of the board of review.

5. I do not have an appeal pending before the U.S. Court of Military Appeals at this time, nor do I now intend to appeal; however, I understand that, if this request is granted, it will not affect my right to appeal if I later change my mind and decided to appeal.

6. I have discussed this matter with \_\_\_\_\_ (Name, grade, file number, branch of service)

counsel of my own choice.

(Name of accused)

#### CERTIFICATE

I, the undersigned officer of the grade, file number, and branch of service below stated, certify that the above-named accused personally appeared before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_, at \_\_\_\_\_; I explained to him his right, under article 67(c) of the

Uniform Code of Military Justice, to petition the U.S. Court of Military Appeals for grant of review; I read aloud to him the foregoing request; and he thereafter signed the same in my presence and acknowledged that he did so as his free and voluntary act.

(Name, grade, file number, branch of service)

### PART 720—PROCEEDINGS IN CIVIL COURTS

Section 720.1 (b) and (c) is revised as follows:

#### § 720.1 Delivery when personnel beyond territorial limits of the requesting State.

(b) *Waiver of extradition.* (1) Any person may waive formal extradition, as

by personnel attached to the Office of the Director, U.S. Navy—Marine Corps Judiciary Activity, and branch offices thereof when acting as law officer of general courts-martial will be charged to the operation and maintenance allotment of the Judge Advocate General.

(2) The costs of fees and mileage of civilians other than employees of the Navy will be charged to appropriation "Operations and Maintenance, Navy" funds administered by the Bureau of Naval Personnel.

(b) *Services and supplies.* (1) The following costs of services and supplies provided by an activity in support of courts-martial will be charged to the operation and maintenance allotment of the convening authority:

(i) In-house costs which are direct, out-of-pocket, identifiable, and which total \$100 or more in a calendar month; and

(ii) Costs which arise under contracts which were entered into in support of courts-martial.

Section 719.229 is revised as follows:

SPCM (GCM) NCM \_\_\_\_\_  
Request For Immediate Execution of (Bad Conduct) (Dishonorable) Discharge Adjudged on \_\_\_\_\_ by (Special) (General) Court-Martial Convened by \_\_\_\_\_ at (on Board) \_\_\_\_\_

provided for in paragraph (a) of this section under any circumstances cognizable under paragraph (a) of this section. A waiver must be in writing and witnessed, and must include a statement that the person signing it has received counsel of either a military or civilian attorney prior to executing the waiver, and must further set forth the name and address of the attorney consulted.

(2) In every case where there is any doubt as to the voluntary nature of a

waiver, such doubt shall be resolved against its use and all persons concerned will be advised to comply with the procedures set forth in paragraph (a) of this section.

(3) Prior to effecting delivery, the Judge Advocate General and the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, must be advised of the circumstances involved; must be furnished with a specific recommendation of the command as to whether or not waiver of extradition is desired which recommendation must include a statement of full compliance with the provisions of this subsection and § 720.3; and specific authority for the delivery must be obtained from the Judge Advocate General.

(4) Executed copies of all waivers will be mailed to the Judge Advocate General immediately after their execution. The form of waiver should be substantially as follows:

"I, \_\_\_\_\_, U.S. Navy (U.S. Marine Corps), having been advised of my rights of formal extradition as provided for in JAG Manual section 1301a (32 CFR 720.1(a)) by \_\_\_\_\_ (Name of military or civilian attorney) of \_\_\_\_\_, waive such rights (Address of attorney) and agree to accompany \_\_\_\_\_ a representative of the State of \_\_\_\_\_ into the territorial limits of said State. I have been advised that the crime which I am charged to have committed in the State of \_\_\_\_\_ is as follows:

(Short description of crime charged.) \_\_\_\_\_ (Signature)

Witnessed: \_\_\_\_\_ (Signature of witness)

(c) *JAG authority.* The Judge Advocate General, the Deputy Judge Advocate General, and any Assistant Judge Advocate General are authorized each to act for the Secretary of the Navy in the performance of his functions under paragraph (a) and (b) of this section and §§ 720.2(b), 720.4(a), and 720.13.

Section 720.5 is hereby added to read as follows:

§ 720.5 *Interviewing of naval personnel by Federal civilian investigative agencies.*

Requests by the Federal Bureau of Investigation or other Federal civilian investigative agencies to interrogate persons in the naval service who are suspected or accused of crimes will be promptly honored. Any refusal of such requests shall be immediately reported to the Judge Advocate General.

Section 720.8(d) (3) is added to read as follows:

§ 720.8 *Service of process upon personnel of the Naval Establishment.*

(d) \* \* \*

(3) Under the laws of some countries (such as Sweden) the courts interpret an offer of service of process by the commanding officer or other officer of the U.S. military services to be an effective service, permitting the court to proceed

to judgment. Upon receipt of foreign process with a request that it be served upon a member of his command, a commanding officer will immediately inform the Judge Advocate General of the details thereof and request guidance, taking care not to inform the defendant that such a document has been received.

Section 720.12(d) is revised to read as follows:

§ 720.12 *Interviewing of personnel of the Naval Establishment preliminary to litigation in matters pertaining to official duties.*

(d) *Admiralty matters.* Inquiries which relate to admiralty matters or to damage caused to Government property by merchant vessels or generally to maritime litigation, whether involving naval vessels or not, shall be sent to the Office of the Judge Advocate General (Deputy Assistant JAG (Admiralty)).

**PART 726—PAYMENT OF AMOUNTS DUE MENTALLY INCOMPETENT MEMBERS OF THE NAVAL SERVICE**

Section 726.3(a) is revised to read as follows:

§ 726.3 *Authority of the Judge Advocate General to designate trustees to receive Federal monies to which incompetents are or may become entitled.*

(a) *Delegation of authority.* Each of the following, to wit, the Judge Advocate General; the Deputy Judge Advocate General; any Assistant Judge Advocate General of the Navy; and the Officer in Charge, Navy Appellate Review Activity, Office of the Judge Advocate General, has been delegated authority by the Secretary of the Navy to designate at his discretion, the person or persons who may receive active-duty pay and allowances, amounts due for accrued or accumulated leave, or retired or retainer pay, otherwise payable to a member of the naval service who in the opinion of competent medical authority is mentally incapable of managing his affairs, and for whom no committee, guardian, or other legal representative has been appointed by a court of competent jurisdiction.

**PART 750—NAVY GENERAL CLAIMS**

Section 750.16e(b) (2) and (3) is revised to read as follows:

§ 750.16e *Approval or disapproval of claims.*

(b) \* \* \*

(2) A claim in an amount not exceeding \$10,000 may be approved or disapproved, and a claim in any amount may be compromised or settled in an amount not exceeding \$10,000, by any of the following:

(i) Any Assistant Judge Advocate General.

(ii) Deputy Assistant JAG (Litigation and Claims).

(iii) Such other officers as may be designated by the Secretary of the Navy.

(3) A claim in an amount not exceeding \$5,000 may be approved or disapproved, and a claim in any amount may be compromised or settled in an amount not exceeding \$5,000, by any of the following:

(i) Deputy Assistant JAG (Litigation and Claims).

(ii) The commandant or the district legal officer of the naval district within which the claim arose or, if the claim arose in Guam, Commander Naval Forces Marianas or his staff legal officer.

(iii) The Legal Officer, U.S. Naval Base, Newport, R.I., and the Legal Officer, U.S. Naval Submarine Base, New London, Conn., for claims accruing to operators of fishing vessels for damage to nets, booms, lines, or other trawler impedimenta as a result of contact with naval ordnance (mines or torpedoes).

(iv) Such other officers as may be designated by the Secretary of the Navy.

Section 750.41 is amended by revising paragraphs (a) (3), (4), and (5), (b) (3) through (10), (d) (3), (4), and (5), (e) (3), (4), and (5), and (f) (3), (4), and (5) to read as follows:

§ 750.41 *Approval of claims.*

(a) \* \* \*  
(3) Any Assistant Judge Advocate General.

(4) Deputy Assistant Judge Advocate General (Litigation and Claims).

(5) The Director, Litigation and Claims Division, Office of the Judge Advocate General.

(b) \* \* \*

(3) Any Assistant Judge Advocate General.

(4) Deputy Assistant, Judge Advocate General (Litigation and Claims).

(5) The Director, Litigation and Claims Division, Office of the Judge Advocate General.

(6) Such other officers as may be designated by the Secretary of the Navy.

(7) The commandant or the district legal officer of the naval district within which the claims arose or, if the claims arose in Guam, Commander Naval Forces Marianas or his staff legal officer.

(8) The Officer in Charge, U.S. Sending State Office for Italy, and the Officer in Charge, U.S. Sending State Office for Australia.

(9) The Legal Officer, U.S. Naval Base, Newport, R.I., and the Legal Officer, U.S. Naval Submarine Base, New London, Conn., for claims accruing to operators of fishing vessels for damage to nets, booms, lines, and other trawler impedimenta as a result of contact with naval ordnance (mines and torpedoes).

(10) Foreign Claims Commissions to the extent authorized by current Department of Defense Directive published in the FEDERAL REGISTER.

(d) \* \* \*

(3) Any Assistant Judge Advocate General.

(4) Deputy Assistant Judge Advocate General (Litigation and Claims).

(5) The Director, Litigation and Claims Division, Office of the Judge Advocate General.

(e) \* \* \*

(3) Any Assistant Judge Advocate General.

(4) Deputy Assistant Judge Advocate General (Litigation and Claims).

(5) The Director, Litigation and Claims Division, Office of the Judge Advocate General.

(f) \* \* \*

(3) Any Assistant Judge Advocate General.

(4) Deputy Assistant Judge Advocate General (Litigation and Claims).

(5) The Director, Litigation and Claims Division, Office of the Judge Advocate General.

Section 750.44 is revised to read as follows:

#### § 750.44 Payment of claims.

Claims approved by the Secretary of the Navy, the Judge Advocate General, the Deputy Judge Advocate General, any Assistant Judge Advocate General, or the Deputy Assistant JAG (Litigation and Claims) as provided in § 750.41 shall be forwarded to the U.S. Navy Finance Center, Washington, D.C. 20390, for payment from appropriations designated for that purpose. Claims approved by the Officer in Charge, U.S. Sending State Office for Italy, the Officer in Charge, U.S. Sending State Office for Australia, the Legal Officer, U.S. Naval Base, Newport, R.I., the Legal Officer, U.S. Naval Submarine Base, New London, Conn., or a commandant, commander, or district or staff legal officer as provided in § 750.41 shall be forwarded to such disbursing officer as may be designated by the Comptroller of the Navy for payment from appropriations designated for that purpose. (30 F.R. 10978, Aug. 25, 1965)

Section 750.45(d) (1) is revised to read as follows:

#### § 750.45 Claims in favor of the United States.

(d) \* \* \*

(1) The Deputy Judge Advocate General; any Assistant Judge Advocate General; and the Deputy Assistant JAG (Litigation and Claims); for all purposes;

### PART 751—NAVY PERSONNEL CLAIMS

#### § 751.22 [Amended]

Section 751.22(b) is revised by substituting the words "NAVJAG 5890/118" for NAVJAG 518B.

Section 751.24(a) is revised to read as follows:

#### § 751.24 Navy Service Personnel Adjudicating Authority.

(a) *Claims.* The Chief of Naval Personnel; Deputy Chief of Naval Personnel; Director, Policy Division, Bureau of Naval Personnel; Assistant Chief for Records and Assistant Chief for Records, Bureau of Naval Personnel; Deputy Director, Operations Advisor, Technical Assistant, Heads and Assistant Heads of Branches ONE-FOUR, Enlisted Services and Records Division, Bureau of Naval Personnel; and such other officers as may be specifically designated by the Secretary of the Navy are hereby designated and authorized to consider, adjust, and determine claims of Navy service personnel for reimbursement in cash filed under this chapter.

Section 751.26(a) is revised to read as follows:

#### § 751.26 Civilian Personnel Adjudicating Authority.

(a) *Claims.* The Judge Advocate General of the Navy; the Deputy Judge Advocate General; any Assistant Judge Advocate General; the Deputy Assistant JAG (Litigation and Claims); the Head, Operational Claims and Litigation Branch and such other officers as may be specifically designated by the Secretary of the Navy are hereby designated and authorized to consider, ascertain, adjust, and determine claims of civilian personnel of the Navy and Marine Corps for reimbursement in cash filed under this chapter.

### PART 756—NONAPPROPRIATED FUND CLAIMS

Section 756.2 is revised to read as follows:

#### § 756.2 Insurance.

(a) Many nonappropriated fund activities carry commercial insurance to protect them from claims for damages and injuries attributable to their operations. The Commandant of the Marine Corps, the Chief of Naval Personnel, and the Chief, Bureau of Supplies and Accounts, will determine whether nonappropriated fund activities within their cognizance shall carry liability insurance or become self-insurers, in whole or in part. Every liability insurance contract shall contain provisions which preclude the insurance carrier from pleading sovereign immunity in behalf of the nonappropriated fund activity, should legal action be instituted by a claimant.

(b) Headquarters, U.S. Marine Corps, and the Bureau of Naval Personnel issue separate instructions in pamphlet form for the administration of their respective composite nonappropriated fund insurance programs. The provisions of the pamphlets are to be compiled with in conjunction with those set forth in this chapter. Where the pamphlets require immediate notification of an insurance firm, the message or other notification should, whenever appropriate, indicate

that the claim has not yet been processed, investigated, etc. See also Navy Exchange Manual (Chap. 5, Part F, Sec. III). 29 F.R. 13193, September 23, 1964.

Section 756.3 is revised to read as follows:

#### § 753.3 Processing of claims.

Except as otherwise prescribed in this chapter, every claim in the amount of \$1,000 or less against a nonappropriated fund activity within the United States, and in territories and possessions of the United States, for damage to or loss of personal property or for personal injury or death caused by the negligent or wrongful act or omission of any employee of the nonappropriated fund activity, acting within the scope of his employment, will be processed in accordance with the Navy General Claims Regulations (chapter XX of this manual). Such claims shall be adjudicated by the naval district commandant or district legal officer (or, with respect to cases arising in Guam, Commander Naval Forces Marianas or his Staff Legal Officer) within their authority as set forth in Navy General Claims Regulations. Claims in excess of the commandant's or district legal officer's authority will be adjudicated by any of the following:

(a) The Judge Advocate General.

(b) The Deputy Judge Advocate General.

(c) Any Assistant Judge Advocate General (International and Administrative Law).

(d) Deputy Assistant Judge Advocate General (Litigation and Claims).

(e) The Director, Litigation and Claims Divisions, Office of the Judge Advocate General.

### PART 757—MEDICAL CARE RECOVERY CLAIMS

Section 757.1(b) is revised to read as follows:

#### § 757.1 Definitions.

(b) *JAG Designees.* "JAG Designees" are the Commandants of all Naval Districts; District Legal Officers; Commander, U.S. Naval Forces Marianas, and his Staff Legal Officer; Commander, U.S. Naval Forces, Iceland; Officer in Charge, U.S. Sending State Office for Italy; Officer in Charge, U.S. Sending State Office for Australia; Deputy Judge Advocate General; any Assistant Judge Advocate General; and the Deputy Assistant JAG (Litigation and Claims).

Section 757.4 (c), (e), and (f) are revised to read as follows:

#### § 757.4 Authority of the Judge Advocate General and JAG designees.

(c) *Authority of JAG and JAG designees serving in JAG's Office.*

(1) The Judge Advocate General and JAG Designees serving in the Office of the Judge Advocate General may accept

the full amount of a claim and execute a release therefor.

(2) A claim not in excess of \$20,000 may be compromised or settled, and a release therefor executed, by either the Judge Advocate General or the Deputy Judge Advocate General.

(3) A claim not in excess of \$10,000 may be compromised or settled, and a release therefor executed, by any Assistant Judge Advocate General.

(4) A claim not in excess of \$7,500 may be compromised or settled, and a release therefor executed, by the Deputy Assistant Judge Advocate General (Litigation and Claims).

(e) *Waiver.* The Judge Advocate General, the Deputy Judge Advocate General, or a JAG Designee, when specifically authorized by either of the foregoing, may waive and in this connection release any claim not in excess of \$20,000, in whole or in part, either for the convenience of the Government or if he determines that collection would result in undue hardship on the person who suffered the injury or disease giving rise to the claim. A request for waiver and the claim file will be forwarded to the Judge Advocate General. The claim file should contain the information required by § 757.7, and, in addition, the request for waiver should contain detailed information as to:

(1) The anticipated amount of gross recovery from the tortious third party.

(2) The degree and permanency of any disability and the extent to which the Government otherwise is obligated to compensate the injured party for such disability.

(3) Whether the injured party is entitled to continuing medical care at Government expense.

(4) Out-of-pocket expenses incurred or anticipated by the injured party, including litigation costs and counsel fees.

(5) The present and prospective assets, income, and obligations of the injured party.

(f) *Claims exceeding \$20,000.* Claims in excess of \$20,000 may be compromised, settled, and waived only with the prior approval of the Department of Justice.

Section 757.6(a) is revised to read as follows:

§ 757.6 Investigations.

(a) *When required.* Whenever medical care is furnished by the Department of the Navy, either in kind without reimbursement or by reimbursing another department, agency, private facility, or individual, under circumstances which may give rise to a claim against a third person, an investigation shall be conducted in the manner and form prescribed in Part 750 of this chapter. No investigation is required for the purpose of this part, however, if the medical care furnished does not exceed 3 inpatient days or 10 outpatient treatments. In cases where the Department of the Navy receives reimbursement from another department or agency for medical care furnished at a naval facility, that department or

agency will normally be responsible for investigating the incident giving rise to the medical care and processing any resulting claim. See § 757.5(b) regarding the appropriate addresses of the other departments and agencies.

Section 757.7(e) is revised to read as follows:

§ 757.7 Determination, assertion, and collection of claims.

(e) *Claims file.* As indicated in 757.4(d), Action JAG Designees may accept the full amount of a claim and execute a release therefor, but otherwise have no authority to compromise or settle claims in excess of \$5,000. In cases exceeding their settlement authority, Action JAG Designees shall take the action set forth in paragraphs (a) and (b) of this section; develop a claim file; and forward the file to the Judge Advocate General for action. The claim file should contain the following information:

(1) The name, address, and occupation of each person determined to be a third party.

(2) In those cases where the third party is a serviceman or an employee of the United States, a statement should be included regarding whether such person was acting within the scope of his official duties or employment at the time of the incident.

(3) The nature and extent of any insurance coverage of the third party with the name and address of the insurer.

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

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

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

JOSEPH B. McDEVITT,  
Rear Admiral, JAGC, U.S. Navy,  
Judge Advocate General of  
the Navy.

[F.R. Doc. 69-6069; Filed, May 21, 1969; 8:45 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

Release From Custody by Special Inquiry Officer

Reference is made to the order published in the FEDERAL REGISTER of May 6,

1969 (34 F.R. 7327) which authorized determinations regarding custody or bond following the denial of such application to be made by a special inquiry officer. For the purpose of clarification, the following additional amendments are made:

1. The last sentence of paragraph (a) *Warrant of arrest of § 242.2 Apprehension, custody, and detention* is amended to read as follows: "The respondent shall be furnished Form I-286 containing the decision to detain or release and the circumstances under which a determination on that subject by a special inquiry officer may be requested."

2. The last sentence of paragraph (b) *Authorized officer of § 242.2 Apprehension, custody, and detention* is amended to read as follows: "The foregoing provisions regarding the renewal of an application or request for a determination by a special inquiry officer, and appeal therefrom to the Board of Immigration Appeals, shall not apply when the Service notifies the alien that it is ready to execute the order of deportation and takes him into custody for that purpose."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on June 1, 1969. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to delayed effective date, is unnecessary in this instance because the above prescribed rules are clarifying in nature.

Dated: May 16, 1969.

RAYMOND F. FARRELL,  
Commissioner of  
Immigration and Naturalization.

[F.R. Doc. 69-6083; Filed, May 21, 1969; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 68-SW-82]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Big Sandy, Tex., transition area.

On December 6, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 18198) stating the Federal Aviation Administration proposed to designate a transition area at Big Sandy, Tex.

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

The Air Transport Association of America (ATA) recommended that the approach procedure to serve Ambassador Field be independent of procedures serving Gregg County Airport, Longview, Tex., and that the proposed transition area be modified accordingly.

It is expected that the Ambassador Field procedure will be used only occasionally; therefore, in view of the anticipated volume of these approaches, the agency cannot foresee any adverse effect on IFR operations at the Gregg County Airport by the addition of the proposed instrument approach procedure to serve Ambassador Field.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 24, 1969, as herein set forth.

In § 71.181 (34 F.R. 4637), the following transition area is added:

**BIG SANDY, TEX.**

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ambassador Field (lat. 32°35'00" N., long. 95°03'45" W.), and within 2 miles each side of the Gregg County VORTAC 303° radial extending from the 5-mile radius area to 15 miles northwest of the VORTAC.

Issued in Fort Worth, Tex., on May 13, 1969.

**HENRY L. NEWMAN,**  
*Director, Southwest Region.*

[F.R. Doc. 69-6089; Filed, May 21, 1969;  
8:47 a.m.]

[Docket No. 9601; Amdt. 123-1]

**PART 123—CERTIFICATION AND OPERATIONS: AIR TRAVEL CLUBS USING LARGE AIRPLANES**

**Eligibility for Certification**

The purpose of this amendment to Part 123 of the Federal Aviation Regulations is to clarify existing regulations by explicitly declaring ineligible for air travel club certification persons who hold operating certificates issued under Parts 121 or 135.

With the adoption of Part 123 new certification and operation rules were established specifically for air travel clubs, as distinguished from operations for compensation or hire which require certification under Parts 121 and 135.

In keeping with established policy, the FAA did not intend for Part 123 certificates to be issued to Part 121 or 135 certificate holders, since such dual certification is considered unnecessary and, in addition, would create unduly burdensome administrative and enforcement problems.

Since this amendment merely makes explicit established FAA policy and intent regarding the issuance of Part 123 air travel club certificates, and imposes no additional burden on any person, I find that notice and public procedure are unnecessary and that good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, § 123.17 of Part 123 of the Federal Avia-

tion Regulations is hereby amended by adding a new paragraph (c) to read as follows, effective May 22, 1969:

**§ 123.17 Issue of certificate.**

(c) No person holding a certificate issued under Part 121 or 135 of this chapter is eligible for a certificate issued under this part.

(Sec. 313(a), 601, 607, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1427, sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 15, 1969.

**D. D. THOMAS,**  
*Acting Administrator.*

[F.R. Doc. 69-6090; Filed, May 21, 1969;  
8:47 a.m.]

**Chapter II—Civil Aeronautics Board**

**SUBCHAPTER E—ORGANIZATION REGULATIONS**

[Reg. OR-40, Amdt. 11]

**PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS; RELEASE OF INTERNATIONAL ORIGIN AND DESTINATION STATISTICS BY THE DIRECTOR, BUREAU OF ACCOUNTS AND STATISTICS**

**Release of International Origin and Destination Statistics by Director, Bureau of Accounts and Statistics**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of May 1969.

In PS-39, adopted concurrently with this notice, the Board is issuing a policy statement, § 399.100, restricting the release of international origin and destination statistics. In implementation of that policy statement the Board has determined to delegate to the Director, Bureau of Accounts and Statistics, the authority to grant or deny requests for use of such data. Since the amendment provided for herein is a rule of agency organization, the Board finds that notice and public procedure are unnecessary and that the amendment may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 385 of the Organization Regulations (14 CFR Part 385) by adding a new subsection (k) to § 385.17, effective May 16, 1969, to read as follows:

**§ 385.17 Delegation to the Director, Bureau of Accounts and Statistics.**

(k) Grant or deny requests for use of international origin and destination statistics in accordance with Board policy as set forth in § 399.100 of this chapter. Copies of the Board's magnetic tapes containing the international survey data banks and also computer-generated tabulations of such data for microfilming may be furnished to the Air Transport

Association of America (ATA) by the Director, provided that ATA agrees in writing to release these data only to such persons as may be authorized in writing by the Director to receive them.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 F.R. 5989; 49 U.S.C. 1324 (note).)

By the Civil Aeronautics Board,

[SEAL]

**MABEL McCART,**  
*Acting Secretary.*

[F.R. Doc. 69-6109; Filed, May 21, 1969;  
8:48 a.m.]

**SUBCHAPTER F—POLICY STATEMENTS**

[Reg. PS-39, Amdt. 18]

**PART 399—STATEMENTS OF GENERAL POLICY**

**Release of International Passenger Origin and Destination Statistics**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of May 1969.

In the past, published International Origin and Destination Survey data have been available to the general public. However, other information collected in the survey, but not published, has been available only within the Board from the carrier reports and magnetic tapes on which this information is contained, and has not been available to the general public. The new survey which became effective January 1, 1968, greatly expands the body of facts being collected from the U.S. carriers. In light of this expansion, and of our inability to obtain O&D information from most foreign carriers on a reciprocal basis, the Board has re-examined its policy regarding public disclosure of the international O&D survey data. It is clear that continued disclosure will enable each foreign flag carrier to readily identify the specific traffic most sensitive to competitive diversion, as well as provide new information as to fare basis which permits evaluation of the impact of specific fares on volume.<sup>1</sup> Because of this adverse competitive effect, we now find that disclosure of this information to foreign flag carriers on a unilateral basis is not in the national interest.

The Board therefore has determined to withhold international O&D survey data from foreign flag carriers who do not share their traffic statistics on a reciprocal basis. To be effective, however, this withholding of data must of necessity restrict the free access of data to many elements of the U.S. public. The attached Policy Statement sets out these restrictions and makes availability to the public dependent upon a showing that release of the data will serve specifically identified needs of U.S. users which are consistent with U.S. interests, or service-

<sup>1</sup> The information is thus in the nature of "trade secrets," subject to the special provisions of the Freedom of Information Act, as codified in 5 U.S.C. 552(b) (4).

ing for the account of a particular U.S. carrier participating in the survey.<sup>2</sup>

In consideration of the foregoing, the Board finds that disclosure of international origin and destination statistics, except as provided herein, would adversely affect the interests of U.S. air carriers, and is not required in the interest of the public. Since the amendment provided for herein is a general statement of policy, notice and public procedure are unnecessary and the amendment may be made effective immediately. Accordingly, the Board hereby amends Part 399, Statements of General Policy (14 CFR Part 399), effective May 16, 1969, as follows:

1. By amending the table of contents of Part 399 to include the new title of Subpart I and the title of the new policy statement as follows:

**Subpart I—Policies Relating to Disclosure of Information**

Sec. 399.100 Release of international passenger origin and destination statistics.

2. By adding a new Subpart I, the title of which shall read as follows:

**Subpart I—Policies Relating to Disclosure of Information**

3. By adding a new § 399.100 to read as follows:

§ 399.100 Release of international passenger origin and destination statistics.

(a) International data in the Civil Aeronautics Board's "Origin-Destination Survey of Airline Passenger Traffic" are contained in reports submitted by U.S. carriers to the Board, in data banks on magnetic tape maintained at the CAB, and in tabulations prepared from the data banks by CAB.

(b) Similar international passenger origin and destination survey data covering the operations of the non-U.S. carriers are not generally available to the Civil Aeronautics Board, the U.S. carriers, or U.S. interests. Therefore, because of the damaging competitive impact upon U.S.-flag carriers and the adverse effect upon the public interest that would result from unilateral disclosure of the U.S. survey data, the Civil Aeronautics Board has determined its policy to be that the international data in the CAB "Origin-Destination Survey of Airline Passenger Traffic" shall be disclosed only as follows:

(1) To an air carrier directly participating in, and contributing input data to, the survey; or to a legal or consulting firm or other organization designated by an air carrier to use on its

<sup>2</sup>By concurrent amendment of Part 385 (OR-40), the Board is delegating to the Director, Bureau of Accounts and Statistics, authority to grant or deny requests for the use of international origin and destination statistics, and further to provide to the Air Transport Association of America international survey data under such terms as he deems necessary to ensure that only persons authorized by the Director will receive the data.

behalf O&D data in connection with a specific assignment by such carrier.

(2) To parties to any proceeding before the Board to the extent that such data are relevant and material to the issues in the proceeding upon a determination to this effect by the hearing examiner assigned to the case or by the Board. Any data to which access is granted pursuant to this section may be introduced into evidence, subject to the normal rules of admissibility of evidence.

(3) To agencies and other components of the U.S. Government.

(4) To other persons upon a showing that the release of the data will serve specifically identified needs of U.S. users which are consistent with U.S. interests.

(5) To foreign governments and foreign users as provided in formal reciprocal arrangements between the foreign and U.S. governments for the exchange of comparable O&D data.

(c) The Board reserves the right to make such other disclosure of the subject data as is consistent with its regulatory functions and responsibilities.

(Secs. 204(a) and 1104 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 797; 49 U.S.C. 1324, 1504. Interpret or apply secs. 3 and 4 of the Administrative Procedure Act as amended and recodified, 80 Stat. 383, 81 Stat. 54; 5 U.S.C. 552, 553)

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,  
Acting Secretary.

[F.R. Doc. 69-6110; Filed, May 21, 1969; 8:48 a.m.]

**Title 17—COMMODITY AND SECURITIES EXCHANGES**

**Chapter II—Securities and Exchange Commission**

[Release No. 34-8608]

**PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934**

**PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934**

**Fees for Brokers and Dealers Not Members of Registered National Securities Association**

On April 11, 1969, in Securities Exchange Act Release No. 8569 and in the FEDERAL REGISTER for April 19, 1969 (34 F.R. 6700), the Securities and Exchange Commission published a proposal: (1) To amend paragraph (d) of Rule 15b9-2 (17 CFR 240.15b9-2) under the Securities Exchange Act of 1934; and (2) to set fees for the fiscal year 1969 for registered broker-dealers who are not members of the National Association of Securities Dealers (nonmember broker-dealers).

Section 15(b)(9) under the Securities Exchange Act of 1934 authorizes the Commission to collect such reasonable fees and charges as may be necessary to defray the costs of regulatory duties re-

quired to be performed with respect to nonmember broker-dealers. Rule 15b9-2 (17 CFR 240.15b9-2) provides for the required annual fees. The amendment of Rule 15b9-2(d) (17 CFR 240.15b9-2 (d)) omits the \$15,000 maximum fee previously set forth in that paragraph so that such maximum will be set each year on the Form SECO-4 for the particular fiscal year. As thus amended, the maximum fee to be paid by any one broker or dealer will include the office fees as well as the base fee and the fee for each associated person. This year's maximum as set forth on Form SECO-4-69 (17 CFR 249.504c) is \$20,000.

The fees are due on June 1, and checks should be mailed to the Office of the Comptroller, U.S. Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549.

The full text of Rules 15b9-1 (17 CFR 240.15b9-1) and 15b9-2 (17 CFR 240.15b9-2), which together contain all the fee requirements for nonmember broker-dealers, may be obtained by sending a written request to the Branch of Non-NASD Regulation, Division of Trading and Markets, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549.

*Commission action.* The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 15(b)(9) and 23(a) thereof, deeming such action necessary and appropriate in the public interest, for the protection of investors, to prescribe reasonable fees for nonmember broker-dealers, and for the execution of the functions vested in the Commission by the Act, hereby amends paragraph (d) of § 240.15b9-2, and adds a new § 249.504c, under Chapter II of Title 17 of the Code of Federal Registration as set forth below. The Commission finds, pursuant to section 4(c) of the Administrative Procedure Act [5 U.S.C., sec. 553(c)], that in order to allow adequate time for collection of the annual fees provided for in Rule 15b9-2 (17 CFR 240.15b9-2) the Commission may, and hereby does, for good cause declare the above actions effective May 15, 1969.

§ 240.15b9-2 Annual fees for registered brokers and dealers not members of a registered national securities association.

(d) *Limitations.* In no case shall the total fees required by this rule exceed the limitation set each year on the Form SECO-4 provided for that particular fiscal year.

§ 249.504c Form SECO-4-69, 1969 assessment and information form for registered brokers and dealers not members of a registered national securities association.

This form shall be filed, pursuant to Rule 15b9-2 (§ 240.15b9-2 of this chapter), accompanied by the annual assessment fee required thereunder, for the fiscal year ended June 30, 1969, on or before June 1, 1969, by every registered

broker-dealer not a member of a registered national securities association.

Incorporation by reference provisions approved by the Director of the Federal Register on May 21, 1969.

*NOTE:* Copies of the form have been filed with the Office of the Federal Register, and may be obtained from the Securities and Exchange Commission upon request.

(Secs. 15(b) and 23(a), 48 Stat. 895, 901, as amended, 49 Stat. 1379; 15 U.S.C. 78o and 78w)

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

MAY 15, 1969.

[F.R. Doc. 69-6009; Filed, May 21, 1969;  
8:45 a.m.]

## Title 21—FOOD AND DRUGS

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

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

#### PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### Allethrin

A petition (PP 9F0778) was filed with the Food and Drug Administration by Nationwide Chemical Corp., Post Office Box 775, Fort Myers, Fla. 33901, proposing an exemption from the requirement of a tolerance for residues from preharvest use of the insecticide allethrin in or on the raw agricultural commodities apples, citrus, peaches, pears, peppers, and tomatoes.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the exemption is being established.

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. Since the proposed usage is not reasonably expected to result in residues of the pesticide in meat and milk from animals fed byproducts of the subject crops, tolerances are unnecessary regarding these items. The usage is classified in the category specified in § 120.6(a)(3).

2. The exemption from the requirement of a tolerance established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.1002 is revised to read as follows to add the subject items:

§ 120.1002 Allethrin (allyl homolog of cinerin I); exemption from the requirement of a tolerance.

The insecticide allethrin is exempted from the requirement of a tolerance for

residues when used before harvest in the production of apples, beans, broccoli, brussels sprouts, cabbage, cauliflower, citrus, collards, horseradish, kale, kohlrabi, lettuce, mushrooms, mustard greens, peaches, pears, peppers, radishes, rutabagas, tomatoes, and turnips.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: May 13, 1969.

J. K. KIRK,  
Associate Commissioner  
for Compliance.

[F.R. Doc. 69-6077; Filed, May 21, 1969;  
8:46 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

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

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4647]

[I-2291]

#### IDAHO

#### Withdrawal for National Forest Streamside Zone-Administrative Site

##### Correction

In F.R. Doc. 69-4886, appearing at page 6848 in the issue of Thursday, April 24, 1969, the first two lines under "T. 43 N., R. 9 E." in the land description for Upper St. Joe River Streamside Zone should read "Sec. 28, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ ."

[Public Land Order 4663]

[ES 4623 (Ark.)]

#### ARKANSAS

#### Partial Revocation of Public Land Order No. 628 of January 13, 1950

By virtue of the authority vested in the President and pursuant to Executive

Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 628 of January 13, 1950, withdrawing lands for the Blakely Mountain Reservoir Project, Department of the Army, is hereby revoked so far as it affects the following described lands:

FIFTH PRINCIPAL MERIDIAN

T. 1 N., R. 22 W.,  
Sec. 33, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

The area described contains approximately 20 acres in Garland County.

2. At 10 a.m. on June 21, 1969, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,  
Assistant Secretary of the Interior.

MAY 16, 1969.

[F.R. Doc. 69-6080; Filed, May 21, 1969;  
8:46 a.m.]

## Title 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 18384; FCC 69-511]

#### PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

##### Transmitter Frequency Tolerance Requirements

*Report and order.* In the matter of amendment of § 21.101 of Part 21 of the Commission's rules and regulations concerning transmitter frequency tolerance requirements, Docket No. 18384.

1. This proceeding was instituted on November 26, 1968, by a notice of proposed rule making (FCC 68-1131; 33 F.R. 18048), to amend § 21.101 of the Commission's rules and regulations, which prescribes frequency tolerance requirements for radio transmitters authorized in the Domestic Public Radio Services, to conform to the requirements of paragraph 671 of the International Telecommunication Union Radio Regulations, Geneva (1959) to which the United States of America is a party.

2. Section 21.101 of Part 21 of the Commission's rules now requires that transmitting equipment used for service within the frequency range 2,200-10,000 MHz maintain operating frequency within 0.05 percent of the assigned frequency, and within the frequency range 10,000-40,000 MHz within 0.75 percent of the assigned frequency. Under the rules proposed in the above referenced notice, which will require conformance with the more stringent Geneva regulations, the transmitter frequency in the 2,200-10,500 MHz and 10,500-40,000 MHz frequency ranges must be maintained, respectively, within tolerances of 0.03 percent and 0.05 percent of the assigned frequency. The notice proposed to require the new standards to be met on and after the effective date of the rules by all facilities in the frequency range 10,500-

40,000 MHz. With respect to equipment authorized before the effective date of the proposed rules in the frequency range 2,450-10,500 MHz, it was proposed to defer for a short period of time, i.e., until February 1, 1971, the next common carrier microwave renewal date, the applicability of the new frequency tolerance standard. The delay in the imposition of the new standard in this area of the radio spectrum was proposed in consideration of the large number of transmitters authorized therein which may require replacement or modification.

3. Comments on the rule making have been received from American Telephone and Telegraph Co. (AT&T); GT&E Service Corp. (GT&E); Microwave Service Co.; Microwave Transmission Corp.; Telecommunications, Inc., and Telecommunications of Oregon, Inc.; and Western Microwave, Inc. (Western). Although all of the carriers are in general agreement with the objectives sought to be accomplished by the proposed amendment, only GT&E is in full agreement with the proposed rules. The carriers state that they are currently, and for some years have been, adding only equipment which meets the proposed frequency tolerance requirements. All of the commenting carriers (except perhaps GT&E) still operate a large number of radio transmitters which would not conform to the proposed standard, only a part of which could be modified to meet the new requirements. The comments state that manufacturers have found it uneconomical and impractical to develop modification kits for some of the older transmitters. AT&T indicates that many of its more than 900 nonconforming transmitters are used on remote routes where the circuit growth is not expected to exceed system capabilities for some years in the future. Therefore, the useful life of these transmitters is expected to extend for many years beyond 1971. Western, which operates 100 such transmitters, argues at length for an amortization period of at least 6 years. Western and the other carriers are in general accord that no compelling reason can be advanced for a required early write off of "perfectly sound transmitters" and that, conversely, there are strong practical reasons why an extended period for further operations should be allowed. AT&T estimates an initial investment of about \$15 million for its 900 nonconforming transmitters and Western cites a cost in excess of \$1.5 million for replacements of its 100 units. With respect to the transmitters which cannot be modified to conform, it is argued that deferring the applicability date past 1971 would allow the carriers to replace the transmitters on an orderly basis more consistent with their planned useful life. It is argued that this orderly conversion schedule is especially important to the small carriers who might have to institute rate increases to recoup the costs of equipment conversion. With respect to the transmitters which can be modified to comply, it is urged that an extension

beyond the proposed 1971 date would allow the carriers or equipment manufacturers more time within which to have converted models type accepted, disseminate information on conversion, make and fill orders for conversions, draw up schedules for conversion of a percentage of the nonconforming transmitters per year or make required tests to obtain type acceptance under the new standard for presently licensed or modified equipment. A crash program in any of these areas could reasonably be expected to significantly increase service costs to the public. The carriers also argue that continued operation in the 2,450-10,000 MHz frequency range with the present tolerances will not cause interference to transmitters in the United States or other countries since all have been coordinated on an interference free basis and those near the United States-Canadian border have been frequency coordinated by the respective governments, and that, through the more than 60,000 common carrier frequency assignments now outstanding in this frequency range, we are too firmly committed to the existing situation to promptly achieve radio spectrum economies through the more stringent tolerance.

4. No carrier has urged that we extend the date after which no new nonconforming transmitters may be authorized, and, further, the responding carriers indicate that they have been adding only conforming equipment for several years. The central purpose of paragraph 671 of the ITU Radio Regulations is to provide for more efficient use of the radio spectrum. While we regret an additional period of noncompliance with our treaty obligations, we recognize our inability to gain immediate benefits in spectrum occupancy through the change and we further recognize the absence of interference to other countries as indicated by the absence of problems during the long history of use of this equipment. In view of the substantial expenditures which would be incurred by carriers through requiring conversion within the limited time period proposed initially, an expense which would ultimately be borne by the rate payer or subscriber; the absence of international or domestic impact; and in recognition of the time that will be needed to permit an orderly conversion of the many units in service to equipment which will comply with the new regulations, we will defer until February 1, 1967,<sup>1</sup> the applicability of the new frequency tolerance requirements for authorized equipment in the 2,450-10,500 MHz frequency range.

5. Authority for the rules adopted is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended.

6. Attached below is a list of transmitters operating in band 2,450-40,000 MHz now type accepted under Part 21, which

<sup>1</sup> This date has been chosen because it is the next following date for license renewal in this service.

are not rated as capable of compliance with frequency tolerances stated in new § 21.101 of the Commission's rules and for which type acceptance under Part 21 will be withdrawn as set out in Appendix I.

7. Accordingly, it is ordered, That effective June 23, 1969, § 21.101 of Part 21 of the Commission's rules and regulations is amended as set forth below.<sup>2</sup>

8. It is further ordered, That this proceeding is terminated.

9. It is further ordered, That the various requests in the pleadings, to the extent they may not have been granted herein, are otherwise denied.

(Secs. 4, 303, 48 Stat., as amended 1086, 1082; 47 U.S.C. 154, 303)

Adopted: May 14, 1969.

Released: May 19, 1969.

FEDERAL COMMUNICATIONS COMMISSION,<sup>2</sup>

[SEAL] BEN F. WAPLE, Secretary.

Part 21 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows: In § 21.101 the headnote, and the table in paragraph (a) and the footnotes to the table are revised to read as follows:

§ 21.101 Frequency tolerance.

(a) \* \* \*

Frequency range (MHz)	Frequency tolerance (percent)		
	All fixed and base stations	Mobile stations over 3 watts <sup>1</sup>	Mobile stations 3 watts or less <sup>1</sup>
25 to 50.....	0.002	0.002	0.005
50 to 450.....	.0005	.0005	.005
450 to 470.....	.00025	.0005	.0005
470 to 1,000 <sup>2</sup> .....	.0005	.0005	.005
2,110 to 2,220.....	.001	.....	.....
2,450 to 10,500.....	<sup>3</sup> 0.03	<sup>2</sup> 0.03	<sup>2</sup> 0.03
10,500 to 40,000.....	0.05	0.05	0.05

<sup>1</sup> Below 470 MHz, transmitter plate power input to the final frequency stage, as specified in the Commission's Radio Equipment List. Above 470 MHz transmitter power output, as specified in the Commission's Radio Equipment List.

<sup>2</sup> Beginning June 23, 1969, this tolerance requirement will govern the issuance of all authorizations for radio equipment. However, a frequency tolerance requirement of 0.05 percent will apply until Feb. 1, 1970, to radio equipment which was authorized before June 23, 1969. Licensees of radio equipment not immediately subject to the frequency tolerance requirement of 0.03 percent, and their successors or assignees in business, may continue to use such nonconforming equipment until Feb. 1, 1970. *Provided*, That operation of the nonconforming equipment does not cause interference to the operations of any other licensees; *And, provided further*, That licensees shall take prompt and effective remedial and preventive measures where any problems are or may be caused by the operation of such nonconforming equipment.

<sup>3</sup> Equipment authorized to be operated on frequencies between 890 and 940 MHz as of Oct. 15, 1956, shall be required to maintain a frequency tolerance within 0.03 percent subject to the condition that no harmful interference is caused to any other radio station.

<sup>2</sup> In addition, Footnote 3 to § 21.101, which was previously Footnote 1 to this section (28 F.R. 13011) and which was inadvertently omitted in Commission order, amending Part 21 pursuant to Dockets Nos. 14712 and 14729 (4 FCC 2d 539), has been added to correct this previous inadvertence.

<sup>3</sup> Commissioner Johnson concurring in the result.

## RULES AND REGULATIONS

TRANSMITTERS OPERATING IN BAND 2,450-40,000 MHz TYPE ACCEPTED UNDER PART 21, WHICH ARE NOT RATED AS CAPABLE OF COMPLIANCE WITH FREQUENCY TOLERANCES STATED IN APPENDIX I AND, FOR WHICH TYPE ACCEPTANCE UNDER PART 21 WILL BE WITHDRAWN AS SET OUT IN APPENDIX I

MANUFACTURER AND TYPE NUMBER:

52A5-MW 52A5A-MW  
52A2-1 52A2A-6

COLLINS RADIO CO.

CONTINENTAL ELECTRONICS MANUFACTURING CO.

CE-901

GENERAL ELECTRIC CO.

UM-5-A

LAMBDA PACIFIC ENGINEERING INC.

5200-KU 5900  
5900-XC 6700  
6900

LYNCH COMMUNICATIONS SYSTEMS INC.

LMA-232 LMA-270  
TFC-1

MECHANICAL PRODUCTS INC.

5200-KU 5900  
5900-XC 6700  
6900

MELABS

TFC-1

MICRO-LINK CORP.

5200-KU 5900  
5900-XC 6700  
6900

MICROWAVE ASSOCIATES, INC.

MA-7A

MICROWAVE SERVICE CO.

TM6-10-C

MOTOROLA, INC.

FSTM-30 MA110	FSTM-30 PA6115
FSTM-30 MA117	FSTM-30 PA6116
FSTM-30 MA117AA	FSTM-30 PA6117
FSTM-30 MA127	FSTM-30 PA6118
FSTM-30 MA128	FSTM-30 PA6119
FSTM-30 MA129	FSTM-30 PA6132
FSTM-30 MA135	FSTM-30 PA6133
FSTM-30 MA136	FSTM-30 PA6134
FSTM-30 MA137	FSTM-30 PA6135
FSTM-30 MA156	FSTM-30 PA6136
FSTM-30 MA157	FSTM-30 PA6137
FSTM-30 MA159	FSTM-30 PA6144
FSTM-30 MA205	FSTM-30 PA6145
FSTM-30 MA233AA	FSTM-30 PA6146
FSTM-30 MA255	FSTM-30 PA6147
FSTM-30 MA255AB	MA232
FSTM-30 MA259AA	MA270
FSTM-30 PA6114	

PHILCO CORP.

CLR-7-DC1	TLR-3AP
CLR-7-PC1	TLR-4-MC1
CLR-7RP	TLR-5-TC1
CLR-7T	TLR-5-TC8
CLR-9-DC1	TLR-6-TC1
TLR-3	TLR-6-TC8
TLR-3A	

RADIO CORPORATION OF AMERICA

MM-26BW	TTR-1C
TTR-1A	TTR-1C-E
TTR-1A-E	TTR-1C-W
TTR-1A-W	TVT-1A
TTR-1B	TVT-1B
TTR-1B-E	TVT-1BX
TTR-1B-W	TVT-1C
TVM-6A	TVT-1CX

TELEVISION TRANSMISSION INC.

TL-220

WESTERN ELECTRIC

TE-T1

TE-T2

WESTERN UNION TELEGRAPH CO.

CW-1M MLD-4B  
CW-2M SR-1B  
MI-31517M SR-1.1B

[F.R. Doc. 69-6100; Filed, May 21, 1969;  
8:48 a.m.]

[Docket No. 18451; FCC 69-531]

### PART 73—RADIO BROADCAST SERVICES

#### Table of Assignments; Albuquerque, N. Mex.

*Report and order.* In the matter of amendment of § 73.202 *Table of assignments, FM Broadcast Stations.* (Albuquerque, N. Mex.), Docket No. 18451, RM-1342.

1. The Commission has before it for consideration its notice of proposed rule making (FCC 69-132) issued in this proceeding on February 14, 1969, and published in the FEDERAL REGISTER on February 19, 1969 (34 F.R. 2358), proposing to add a Class C FM channel to Albuquerque, N. Mex., in response to a petition filed by Zia Telecommunications, Inc., licensee of Station KZIA (AM daytime-only), Albuquerque.

2. Albuquerque is the largest city of New Mexico with a population of 201,189 persons; its metropolitan area (Bernalillo County) has a population of 262,199 and its urbanized area contains a population of 241,216.<sup>1</sup> There are 10 AM stations authorized for Albuquerque; Seven unlimited-time and two daytime-only are in operation and one daytime-only is under construction. Five of the six Class C FM channels presently assigned to Albuquerque are licensed for operation; two applications are involved in a consolidated hearing proceeding for the unoccupied channel (Dockets 18213 and 18214).

3. In the original petition, the proposal was made to assign two additional Class C channels, 278 and 300, to Albuquerque. However, we stated in the notice that assignment of both channels did not appear warranted at this time, nor did petitioner make a showing to support assignment of two additional channels. Accordingly, we stated that we were limiting consideration in this proceeding to the assignment of either Channel 278 or 300, but not both. In support of its request, petitioner asserts that Albuquerque is rapidly becoming a significant manufacturing, distribution and research center of the country, and it includes projections of the anticipated growth pattern for Al-

<sup>1</sup> Populations listed herein, unless otherwise stated, are based on the 1960 U.S. Census. According to petitioner, the 1968 populations for Albuquerque and its metropolitan area are estimated to be 271,725 and 332,825, respectively, by the Albuquerque Industrial Development Service, Inc.

buquerque and its area prepared by the University of New Mexico.

4. Opposition to the petition was filed by Hubbard Broadcasting, Inc., licensee of KOB-AM-FM-TV, Albuquerque, on the principal ground that the Albuquerque market is presently oversaturated with aural facilities to the extent that the viability of existing stations would be endangered by providing for two additional FM outlets in the market. Reference to the losses experienced by Albuquerque AM-FM stations for the years 1965-66 is made by Hubbard to support its contention. As indicated above (par. 3), we are only considering assignment of one additional channel here.

5. We stated in the notice to this proceeding that our decision on adopting an additional assignment to Albuquerque would be dependent on a showing that there would be no undue preclusive effect on future assignments in the area. Such showings are now required in petitions requesting additional channels in larger markets, as is the case here, pursuant to the "Policy To Govern Additional FM Assignments" released in a public notice of May 12, 1967 (FCC 67-577). In response, the petitioner submitted a detailed engineering statement pointing out that with respect to Channels 278 and 300, Channel 300 would offer the minimum preclusion impact, since it is the top channel in the band and would, therefore, involve consideration of only three adjacent channels. It is further shown that any city warranting consideration within the impact area resulting from the assignment of Channel 300 either has one or more FM assignments or else other assignments are available; thus it is concluded that the preclusion impact by assignment of Channel 300 to Albuquerque would be minimal. There were no other comments filed in response to the rule making notice.

6. After careful review of the comments and data submitted in this proceeding, we conclude that assignment of an additional FM channel to Albuquerque would serve the public interest and should be adopted. The assignment would be consistent with the population criterion used in establishing the FM Table of Assignments for a city the size of Albuquerque, for which the estimated 1968 population of 271,725 appears reasonable. Because of the reserve of unassigned channels and the relatively small number and size of other cities in the area, the preclusion impact from assignment of Channel 300 does not appear to be significant as to future needs of other communities. Since Channel 300 has a lesser number of adjacent channels to consider, we concur with petitioner that it is to be preferred over Channel 278. In consideration of the above, we are adopting the proposal to assign Channel 300 to Albuquerque, N. Mex.

7. Authority for the adoption of the amendment contained herein is contained in sections 4(l), 303, and 307(b) of the Communications Act of 1934, as amended.

8. In view of the foregoing: *It is ordered*, That effective June 23, 1969, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, insofar as the community named is concerned, as follows:

City	Channel No.
Albuquerque, N. Mex.	222, 227, 231, 242, 258, 262, 300.

9. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: May 14, 1969.

Released: May 19, 1969.

FEDERAL COMMUNICATIONS COMMISSION,<sup>1</sup>

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

[P.R. Doc. 69-6102; Filed, May 21, 1969; 8:48 a.m.]

## Title 7—AGRICULTURE

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

#### PART 301—DOMESTIC QUARANTINE NOTICES

##### Subpart—White Fringed Beetle

###### REGULATED AREAS

###### Correction

In F.R. Doc. 69-5720 appearing at page 7643 in the issue for Wednesday, May 14, 1969, make the following changes:

1. Under the generally infested area in Mississippi, the description for Scott County should read:

*Scott County.* The entire county.

2. Under the suppressive area in Mississippi, in the first line of the description for Prentiss County, the second reference to "35" should read "36".

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

[Valencia Orange Reg. 277]

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

##### Limitation of Handling

§ 908.577 Valencia Orange Regulation 277.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recom-

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 20, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 23, 1969, through May 29, 1969, are hereby fixed as follows:

- (i) District 1: 440,000 cartons;
- (ii) District 2: 440,000 cartons;
- (iii) District 3: 220,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: May 21, 1969.

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

[P.R. Doc. 69-6207; Filed, May 21, 1969; 11:26 a.m.]

#### PART 918—FRESH PEACHES GROWN IN GEORGIA

##### Determination Relative to Expenses and Fixing of Rate of Assessment for 1969-70 Fiscal Period

Pursuant to the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the proposals submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

##### § 918.208 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and necessary to be incurred by the Industry Committee during the period March 1, 1969, through February 28, 1970, will amount to \$19,455.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 918.41, is fixed at \$0.01 per bushel basket of peaches (net weight of 48 pounds), or an equivalent of peaches in other containers or in bulk.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of fresh peaches have already begun; (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable peaches from the beginning of such period; and (3) the current fiscal period began March 1, 1969, and the rate of assessment herein fixed will automatically apply to all assessable peaches beginning with such date.

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

Dated: May 16, 1969.

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

[P.R. Doc. 69-6095; Filed, May 21, 1969; 8:47 a.m.]

[980.1 Potatoes, Amdt. 6]

#### PART 980—VEGETABLES: IMPORT REGULATIONS

##### Irish Potatoes

Notice of rule making regarding a proposed amendment, with a proposed effective date of June 8, 1969, of § 980.1 Import regulations; Irish potatoes (7 CFR 980.1, 33 F.R. 4106), applicable to the importation of Irish potatoes into the United States was published in the

<sup>1</sup> Commissioner Cox dissenting and Commissioner Wadsworth concurring in the result.

April 11, 1969, daily issue of the FEDERAL REGISTER (34 F.R. 6396). The import regulations are effective under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e-1). The notice afforded interested persons an opportunity to file written data, views, or arguments in regard thereto not later than 30 days after publication. None was filed.

Under said section 8e whenever two or more marketing orders regulating the same agricultural commodity produced in different areas of the United States are concurrently in effect, the importation into the United States of such commodity shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition.

*Findings.* (a) It is hereby found and determined that during the period June 5 through July 31 of each marketing year, imports into the United States of round type potatoes, other than of the red skinned round type, are in most direct competition with the same varieties as regulated under Marketing Order No. 953 (7 CFR Part 953), and that during the period August 1 through June 4 of the following year they are in most direct competition with all other round type potatoes produced in Area No. 3, Colorado (Northern Colorado) covered by Marketing Order No. 948, as amended (7 CFR Part 948).

(b) After consideration of all relevant matter presented, including the proposal (with its proposed effective date) set forth in the notice and other available information, it is hereby found that subparagraph (2) of § 980.1(a) (herein redesignated as § 980.1(b)) of the import regulations should be amended as hereinafter set forth and made effective June 5, 1968, so that the time periods specified in the regulations pertaining to potatoes of the round type, other than of the red skinned round type, will coincide with the effective period of regulation under Marketing Order No. 953 (7 CFR Part 953) which is to begin June 5 of each marketing year instead of June 15 of each marketing year.

(c) It is hereby further found that good cause exists for making this amendment effective as herein specified and for not postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), in that (1) the requirements established by this amendment are mandatory under section 8(e) of the Act and are the same as those being made applicable to domestic shipments of Irish potatoes under Marketing Order No. 953 (7 CFR Part 953), beginning June 5, 1969 (34 F.R. 5059), (2) compliance with the amendment will not require any special preparation by importers which cannot be completed by the effective date thereof, (3) notice of the proposed amendment was published in the April 11, 1969, daily issue of the FEDERAL REGISTER (34 F.R. 6396) and all

known importers of Irish potatoes were notified of the proposed amendment, and (4) the effective date hereof complies with the minimum 3 days notice requirement specified in section 8e of the Act and such notice is determined to be reasonable.

The provisions of § 980.1 *Import regulations; Irish potatoes* (7 CFR Part 980, 32 F.R. 9509, 33 F.R. 4106) are hereby amended by revising the provisions of subparagraph (2) of current § 980.1(a), redesignated as § 980.1(b) to read as hereinafter set forth; and as so amended the entire § 980.1 reads as follows:

§ 980.1 *Import regulations; Irish potatoes.*

(a) *Findings and determinations with respect to imports of Irish potatoes.* (1) Pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby found that:

(i) Grade, size, quality, and maturity regulations have been issued from time to time pursuant to the following marketing orders: No. 949 (Part 949 of this chapter), No. 945 (Part 945 of this chapter), No. 948 (Part 948 of this chapter), No. 947 (Part 947 of this chapter), No. 950 (Part 950 of this chapter), No. 946 (Part 946 of this chapter), and No. 953 (Part 953 of this chapter);

(ii) During the past several years, grade, size, quality, and maturity regulations have been in effect pursuant to two or more of such orders during each month of the year;

(iii) The marketing of Irish potatoes can be reasonably distinguished by the several seasonal categories, i.e., winter, early spring, late spring, early summer, late summer, and fall. The bulk of the fall crop is harvested and placed in storage in the fall and marketed over a period of several months extending into the following summer. But potatoes harvested from the other seasonal crops are generally marketed as the potatoes are harvested. The marketing seasons for these crops overlap.

(iv) Concurrent grade, size, quality, and maturity regulations under two or more of the aforesaid marketing orders are expected in the ensuing and future seasons, as in the past.

(2) Therefore it is hereby determined that:

(i) Imports of red skinned, round type potatoes during the months of September through the following June are in most direct competition with the marketing of the same type potatoes produced in Area No. 2, Colorado (San Luis Valley) covered by Order No. 948, as amended (Part 948 of this chapter); and during the months of July and August the marketing of the same type potatoes is in most direct competition with the same type as produced in the area covered by Order No. 946 (Part 946 of this chapter.)

(ii) Imports of all other round type potatoes during the period June 5 through July 31 are in most direct competition with the marketing of the same type potatoes produced in the Southeast-

ern States covered by Order No. 953 (Part 953 of this chapter); and during the period August 1 through June 4 of the following year they are in most direct competition with all other round type potatoes produced in Area No. 3, Colorado (Northern Colorado) covered by Marketing Order No. 948, as amended (Part 948 of this chapter): *Provided*, That for the period March 6 through June 14, 1968, imports of all other round type potatoes are in most direct competition with the marketing of the same type potatoes produced in the State of Maine covered by Order No. 950 (Part 950 of this chapter).

(iii) Imports of long type potatoes during each month of the marketing year are in most direct competition with potatoes of the same type produced in the area covered by Order No. 945 (Part 945 of this chapter).

(b) *Grade, size, quality, and maturity requirements.* On and after the effective date hereof importation of Irish potatoes, except certified seed potatoes, shall be prohibited unless they comply with the following requirements.

(1) For the period September 1 through the following June of each marketing year, the grade, size, quality, and maturity requirements of Area No. 2, Colorado (San Luis Valley) covered by Marketing Order No. 948, as amended (Part 948 of this chapter) applicable to potatoes of the red skinned round type; and for the months of July and August each marketing year the grade, size, quality, and maturity requirements of Marketing Order No. 946 (Part 946 of this chapter) shall be the respective grade, size, quality, and maturity requirements for imported red skinned round type potatoes.

(2) During the period June 5 through July 31 of each marketing year, the grade, size, quality, and maturity requirements of Marketing Order No. 953 (Part 953 of this chapter) applicable to potatoes of the round type shall be the respective grade, size, quality, and maturity requirements for imports of other round type potatoes; and during the period August 1 through the following June 4 of each year the grade, size, quality, and maturity requirements of Area No. 3, Colorado (Northern Colorado) covered by Marketing Order No. 948, as amended (Part 948 of this chapter) shall be the respective grade, size, quality, and maturity requirements for imports of all other round type potatoes: *Provided*, That for the period March 6 through June 14, 1968, the grade, size, quality, and maturity requirements of Marketing Order No. 950, as amended (Part 950 of this chapter) applicable to potatoes of the round type shall be the respective grade, size, quality, and maturity for imports of other round type potatoes.

(3) Through the entire year the grade, size, quality, and maturity requirements of Marketing Order 945, as amended (Part 945 of this chapter) applicable to potatoes of all long types shall be the respective grade, size, quality, and maturity requirements for imported potatoes of all long types.

(4) The grade, size, quality, and maturity requirements as provided for in

this paragraph shall apply to imports of similar types of potatoes, unless otherwise ordered, on and after the effective date of the applicable domestic regulation or amendment thereto, as provided in this paragraph or 3 days following publication of such regulation or amendment in the FEDERAL REGISTER, whichever is later.

(c) *Minimum quantities.* Any importation which, in the aggregate, does not exceed 500 pounds may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions of potatoes under the Plant Quarantine Act of 1912.

(e) *Certified seed.* Certified seed potatoes shall include only those potatoes which are officially certified and tagged as seed potatoes by the Plant Protection Division, Research Branch, Canada Department of Agriculture.

(f) *Designation of governmental inspection services.* The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are hereby designated as governmental inspection services for the purpose of certifying the grade, size, quality, and maturity of Irish potatoes that are imported, or to be imported, into the United States under the provisions of section 8e of the Act.

(g) *Inspection and official inspection certificates.* An official inspection certificate certifying the potatoes meet the United States import requirements for Irish potatoes under section 8e (7 U.S.C. 608e) issued by a designated governmental inspection service applicable to a particular shipment of potatoes is required on all imports of potatoes other than certified seed.

(1) (i) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables, and other products (Part 51 of this title), and each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(ii) Since inspectors may not be stationed in the immediate vicinity of a port, or point of entry, an importer of uninspected and uncertified Irish potatoes should make advance arrangements for inspection. Each importer should give at least the specified advance notice to one of the following applicable inspection offices prior to the time the Irish potatoes would be imported.

Ports and points	Inspection office	Advance notice (days)
All Maine ports and points.	Officer-In-Charge, Post Office Box 688, Caribou, Maine 04736 (Telephone—498-8511).	1
Port of Boston, Mass.	Officer-In-Charge, Room 725, 408 Atlantic Ave., Boston, Mass. 02210 (Telephone—223-7783).	1
Port of New York, N.Y.	Officer-In-Charge, Room 28A, Hunts Point Market, Bronx, N.Y. 10474 (Telephone—991-7669 and 7668).	1
Port of Philadelphia, Pa.	Officer-In-Charge, Room 239, Produce Bldg., 3901 South Galloway St., Philadelphia, Pa. 19148 (Telephone—Dewey 6-6845).	1
Port of New Orleans, La.	Officer-In-Charge, Room 5027, Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Telephone—527-6741 and 6742).	1
All other ports and points.	Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, C&MS, USDA, Washington, D.C. 20250 (Telephone—Dudley 8-5870).	3

(2) In the event the required inspection is performed prior to the arrival of the potatoes at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such potatoes for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(3) Inspection certificates shall cover only the quantity of potatoes that is being imported at a particular port of entry by particular importers.

(4) Each inspection certificate issued with respect to any Irish potatoes to be imported into the United States shall set forth, among other things:

- (i) The date and place of inspection;
- (ii) The name of the shipper, or applicant;
- (iii) The commodity inspected;
- (iv) The quantity of the commodity covered by the Certificate;
- (v) The principal identifying marks of the containers;
- (vi) The railroad car initials and number, the truck and trailer number, the name of the vessel, or other identification of the shipment; and
- (vii) The following statement if the facts warrant: Meets U.S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(h) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of Irish potatoes for the purpose of making it eligible for importation under the Act.

(i) *Definitions.* (1) For the purpose of this part potatoes meeting the requirements of Canada No. 1 grade and Canada No. 2 grade shall be deemed to comply with the requirements of the U.S. No. 1 grade and U.S. No. 2 grade, respectively, and the tolerances for size, as set forth in the U.S. Standards for Potatoes

(§§ 51.1540 to 51.1556, inclusive of this title) may be used.

(2) "Importation" means release from custody of the U.S. Bureau of Customs.

[26 F.R. 12280, Dec. 23, 1961, as amended by Amdt. 1, 28 F.R. 12199, Nov. 16, 1963, and Amdt. 2, 30 F.R. 13935, Nov. 4, 1965. Redesignated at 26 F.R. 12751, Dec. 30, 1961, 32 F.R. 8418, June 13, 1967, and 32 F.R. 9509, July 1, 1967]

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

Dated: May 16, 1969, to become effective June 5, 1969.

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

[F.R. Doc. 69-6115; Filed, May 21, 1969; 8:49 a.m.]

[CCC Grain Price Support Regs., 1969 Crop Dry Edible Bean Supp.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Dry Edible Bean Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) (31 F.R. 5941) and the 1966 and Subsequent Crops Dry Edible Bean Loan and Purchase Program regulations (31 F.R. 6904), which contain regulations of a general nature with respect to price support operations, are further supplemented for 1969 crop dry edible beans as follows:

- Sec.
- 1421.2480 Purpose.
  - 1421.2481 Availability.
  - 1421.2482 Maturity of loans.
  - 1421.2483 Support rates.

*AUTHORITY:* The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2480 Purpose.

This supplement contains additional program provisions which, together with the provisions of the General Regulations Governing Price Support for the 1964 and Subsequent Crops (Revision 1) and any amendments thereto or revisions thereof, and the 1966 and Subsequent Crop Dry Edible Bean Loan and Purchase Program regulations, and any amendments thereto, apply to loans and purchases for 1969 crop dry edible beans.

§ 1421.2481 Availability.

(a) *Loans.* A producer desiring a price support loan must request a loan on his eligible beans on or before March 31, 1970.

(b) *Purchases.* To obtain price support through sales, a producer must execute and deliver to the appropriate ASCS county office on or before April 30, 1970,

## RULES AND REGULATIONS

a Purchase Agreement (Form CCC-614), indicating the approximate quantity of 1969 crop dry edible beans he will sell to CCC.

§ 1421.2482 Maturity of loans.

Unless demand is made earlier, loans on dry edible beans will mature on April 30, 1970.

§ 1421.2483 Support rates.

The support rate for beans placed under a loan other than a loan on beans stored commingled in an approved warehouse shall be the applicable basic support rate specified in paragraph (a) of this section for the county in which the beans were produced, adjusted as provided in paragraph (d) of this section. The support rate for loans on beans stored commingled in approved warehouse storage and for settlement of all loans and purchases shall be the applicable basic support rate specified in paragraph (a) of this section for the county in which the beans were produced, adjusted in accordance with paragraphs (b), (c), and (d) of this section, and adjusted also, in the case of settlements, by such discounts as CCC may establish for class, grade, and quality factors not specified in this section which affect the value of the beans, such as (but not limited to) splits, damage contrasting classes, and foreign material. The discounts established for the purposes of settlement will be based upon the market discounts for such factors at the time the beans are delivered to CCC, as determined by CCC. Producers may obtain schedules of such factors and discounts at ASCS county offices approximately 1 month prior to the loan maturity date. Except in the case of large lima beans, if the beans have been moved by truck to approved warehouse storage in a higher support rate county, or if the warehouse guarantees delivery by truck to approved storage or on track in a higher support rate county, the support rate shall be determined on the basis of the basic support rate specified in para-

graph (a) of this section for the county in which the beans are stored or to which delivery is guaranteed, rather than the county in which the beans were produced. Settlement shall be made in accordance with the provisions of § 1421.72.

(a) *Basic county support rates.* The basic county support rates per 100 pounds net weight for beans of all classes grading U.S. No. 1 are as follows:

Class and area	Rate per 100 pounds U.S. No. 1 in fute bags
<b>Pinto:</b>	
Area I—In New Mexico, all counties except McKinley, Rio Arriba, San Juan, Taos, and Valencia	\$6.57
Area II—Idaho, Kansas, Nebraska, Oklahoma, and Texas. In Colorado, the counties of Larimer, Boulder, Gilpin, Clear Creek, Jefferson, Teller, Fremont, Pueblo, Huerfano and Las Animas and all counties east thereof in Colorado. In Wyoming the counties of Goehen, Laramie, and Platte	6.47
Area III—In New Mexico, the counties of McKinley and Valencia	6.37
Area IV—Arizona, California, Montana, South Dakota, and Utah. In Wyoming all counties not in Area II. In Colorado, all counties not in Area II. In New Mexico the counties of Rio Arriba, San Juan, and Taos	6.27
Area V—Washington	5.97
Area VI—Other States	6.07
<b>Great Northern:</b>	
Area I—Nebraska, Minnesota, and North Dakota. In Colorado all counties east of 106° longitude. In Wyoming the counties of Goehen, Laramie, and Platte	7.21
Area II—South Dakota, Montana, and Idaho. In Wyoming all counties not in Area I and in Oregon, Malheur County	7.01
Area III—Other States and counties	6.71
<b>Pea (Navy) and Medium White:</b>	
Area I—Michigan, New York, Maine, Minnesota, and Wisconsin	6.65
Area II—Other States	6.15

Class and area	Rate per 100 pounds U.S. No. 1 in fute bags
Small White and Flat Small White	7.52
Dark Red Kidney	8.51
Light and Western Red Kidney	8.70
Pink	7.32
<b>Small Red:</b>	
Area I—Idaho and Colorado	7.47
Area II—Washington	7.37
Area III—Other States	7.42
Large Lima	10.39
Baby Lima	5.99

(b) *Premium.*

	Cents per 100 pounds
Grade U.S. CHP (Pea beans)	25
Grade U.S. CHP (all other beans)	10
Grade U.S. Extra No. 1	10

(c) *Discount.*

	Cents per 100 pounds
Grade U.S. No. 2	25
Paper package	09

(d) *Deduction for processing charges.*

In the case of beans which have not been processed (i.e., commercially cleaned), the rate shall be reduced by the following amounts (except for beans stored commingled in an approved warehouse):

	Dollars per 100 pounds from U.S. No. 1 rate
All States except Michigan and New York	\$1.00
Michigan, Pea beans only	1.00
Michigan, other classes	1.50
New York	2.00

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 15, 1969.

KENNETH E. FRICK,  
Executive Vice President,  
Commodity Credit Corporation.

[P.R. Doc. 69-6097; Filed, May 21, 1969;  
8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

[ 8 CFR Parts 1, 292 ]

#### DEFINITIONS, REPRESENTATION AND APPEARANCES

##### Notice of Proposed Rule Making

Pursuant to section 553 of title 5 of the United States Code, notice is hereby given of the proposed issuance of the following rules pertaining to practice before the Service and the Board of Immigration Appeals. In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, D.C. 20536, written data, views, or arguments (in duplicate) relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

#### PART 1—DEFINITIONS

Paragraphs (f), (g), and (i) of § 1.1 are amended and paragraph (k) is added to read as follows:

##### § 1.1. Definitions.

As used in this chapter:

(f) The term "attorney" means any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting him in the practice of law.

(g) Unless the context otherwise requires, the term "case" means any proceeding arising under any immigration or naturalization law, Executive order, or

Presidential proclamation, or preparation for or incident to such proceeding, including preliminary steps by any private person or corporation preliminary to the filing of the application or petition by which any proceeding under the jurisdiction of the Service or the Board is initiated.

(i) The term "practice" means the act or acts of any person appearing in any case, either in person or through the preparation or filing of any brief or other document, paper, application, or petition on behalf of another person or client before or with the Service, or any officer of the Service, or the Board.

(k) The term "preparation," constituting practice, means the study of the facts of a case and the applicable laws, coupled with the giving of advice, and auxiliary activities, including the incidental drawing up and completion of papers, but does not include the lawful functions of a notary public or service consisting solely of assistance in the completion of blank spaces on printed service forms by one whose remuneration, if any, is nominal and who does not hold himself out as specially qualified in law and in immigration and naturalization procedure.

#### PART 292—REPRESENTATION AND APPEARANCES

1. Paragraph (b) of § 292.1 is amended and paragraph (i) is added to read as follows:

##### § 292.1 Representation of others.

(b) *Reputable individuals.* When a person is entitled to representation, he may be represented by any reputable individual of good moral character who is appearing without remuneration, directly or indirectly, and files a written declaration to that effect, if such representation is permitted by a regional com-

missioner, district director, officer in charge, special inquiry officer, the Commissioner, or the Board.

(i) *Limitations.* No other person or persons shall practice in any case.

##### § 292.3 [Amended]

2. The first sentence of paragraph (a) *Grounds* of § 292.3 *Suspension or disbarment* is amended to read as follows: "The Board, with the approval of the Attorney General, may suspend or bar from further practice an attorney or representative if it shall find that it is in the public interest to do so."

3. The last sentence of paragraph (b) *Procedure* of § 292.3 *Suspension or disbarment* is amended to read as follows: "When the final order is for suspension or disbarment, the attorney or representative shall not thereafter be permitted to practice until authorized by the Board."

4. Paragraph (b) of § 292.5 is amended to read as follows:

##### § 292.5 Service upon and action by attorney or representative of record.

(b) *Right to representation.* Whenever an examination is provided for in this chapter, the person involved shall have the right to be represented by an attorney or representative who, except as otherwise specifically provided in Part 332 of this chapter, shall be permitted to examine or cross-examine such person and witnesses, to introduce evidence, to make objections which shall be stated succinctly and entered on the record, and to submit briefs.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: May 16, 1969.

RAYMOND F. FARRELL,  
Commissioner of  
Immigration and Naturalization.

[F.R. Doc. 69-6084; Filed, May 21, 1969; 8:46 am.]

# Notices

## ATOMIC ENERGY COMMISSION STATE OF NORTH DAKOTA

### Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of North Dakota for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of North Dakota and summarizing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. The appendix referenced in the resume is included in the complete text of the program. A copy of the program, including proposed North Dakota regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6517. In reviewing this proposed agreement, interested persons should also consider the afore-mentioned exemptions.

Dated at Washington, D.C., this 9th day of May 1969.

For the Atomic Energy Commission.

W. B. McCool,  
Secretary.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF NORTH DAKOTA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8, and section 161 of the act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of North Dakota is authorized under section 23-20.1-05 of chapter 23-20.1 of the North Dakota Century Code to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of North Dakota certified on April 15, 1969, that the State of North Dakota (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on ----- that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the act with respect to the following materials:

- A. Byproduct materials;
- B. Source materials; and
- C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the

Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or l. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and the assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the act if the Commission finds that such termination or suspension

sion is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on September 1, 1969, and shall remain in effect unless and until such time as it is terminated pursuant to article VII.

Done at \_\_\_\_\_, in triplicate, this \_\_\_\_\_ day of \_\_\_\_\_

For the United States Atomic Energy Commission.

For the State of North Dakota.

#### FOREWORD

This narrative presents a description of the history, practices, capabilities and proposed activities of the State of North Dakota in controlling ionizing radiation.

Section 274 of the 1954 Atomic Energy Act, as amended, authorizes the U.S. Atomic Energy Commission to enter into an agreement with the governor of a state to transfer to the state licensing and regulatory authority over byproduct, source, and certain quantities of special nuclear materials. To this end, the following narrative has been prepared:

#### 1.0 PROGRESS CHRONOLOGY

1957 The Legislative Assembly of the State of North Dakota enacted a law providing for the registration of all sources of ionizing radiation. This law is contained within sections 23-20-02 through 23-20-06 of chapter 23-20 of the North Dakota Century Code.

1957 through 1959 Radiation protection activities were limited in scope due to a lack of funds specifically set aside for this program. Some of the major accomplishments of this period consisted of the registration of sources of ionizing radiation used within the State of North Dakota; review of plans and specifications for radiation protection in hospitals proposed for construction or remodeling; and removing shoe-fitting fluoroscopes from public accessibility.

1960 A physical survey of all registered dental X-ray units in the State was conducted by the Division of Dental Health of the State Department of Health.

1961 The State Department of Health began operating a radiation surveillance air-sampling station on an around-the-clock basis.

1962 With the support of categorical funds from the U.S. Public Health Service, the North Dakota State Department of Health assigned the responsibility of a program of Radiological Health to the Division of Institutional Sanitation of the Environmental Health and Engineering Services Section of the Department.

1963 A statewide pasteurized milk sampling network was initiated to assess the radionuclide concentration of North Dakota milk.

1964 The Radiological Health Program initiated the routine physical inspection of all non-dental X-ray units across the State. Prior to becoming a routine function, a few X-ray facilities had been surveyed at the request of the X-ray owner. The initial 1957 registration of sources of ionizing radiation was updated in early 1964 so that a systematic X-ray inspection system was readily adopted.

1965 The North Dakota State Department of Health was awarded a research contract by the U.S. Public Health Service (contract No. PH 86-66-6) to determine the effectiveness of farming modifications in the reduction of radionuclides in milk. The Legislative Assembly of the State of North Dakota enacted a law (sections 23-20.1-01 through 23-20.1-11 of chapter 23-20.1 of the North Dakota Century Code) which provides for a licensing and regulatory radiation

program. This law designated the North Dakota State Department of Health as the State radiation control agency responsible for the administration of the licensing and regulatory radiation program and it also authorized the Governor of the State of North Dakota to enter into an agreement with the U.S. Atomic Energy Commission.

1966 The name of the Division of Institutional Sanitation was changed to the Division of Environmental Engineering.

1968 On March 1, 1968, the Radiological Health Regulations of the North Dakota State Department of Health (regulation 83) became effective.

#### 2.0 CURRENT ACTIVITIES

##### 2.1 Registration of sources of radiation.

The registration of sources of ionizing radiation has been conducted since 1957 in accordance with sections 23-20-02 through 23-20-06 of chapter 23-20 of the North Dakota Century Code. From 1957 to the adoption of regulation 83 of the State Department of Health, the registration process provided a location-inventory of X-ray units, radium users, and Atomic Energy Commission licensed radioactive materials.

With the adoption of regulation 83 of the North Dakota State Department of Health, the registration process was administratively changed to the extent that radioactive materials and certain minor radiation emitting devices were exempt from registration. The registration now consists of the location-inventory of sources of electrically produced radiation such as X-ray machines. Radioactive materials are under the licensing provisions of regulation 83.

The following table enumerates the X-ray units registered with the State Department of Health:

REGISTRATION SUMMARY<sup>1</sup>

X-ray	X-ray machines	X-ray tubes
Human uses:		
Physicians (M.D.).....	126	166
Dentists.....	205	205
Other practitioners.....	30	51
Hospitals.....	192	254
Veterinary.....	5	5
Others.....	7	7
Total.....	565	688

<sup>1</sup> Exclusive of Federal agencies.

2.2 Radiation protection in X-ray facilities. Each week approximately eight thousand people in the State of North Dakota are exposed to diagnostic X-ray. Comprehensive evaluations of X-ray facilities have been performed by the program staff. The comprehensive evaluation includes radiation measurements to determine the radiation exposure of the operator, patient, and people outside of the X-ray area; the acceptability of X-ray equipment, based upon current standards; evaluation of other portions of the X-ray facility necessary to its operation; and a discussion with the operating and administrative staff on problems which need attention and those which could measurably reduce unnecessary radiation exposure. In addition to the discussions with the operating and administrative staff in each facility, a formal report, outlining the results of the evaluation and recommendations of the Department of Health is sent to the administration of the facility.

All of the facilities employing diagnostic X-ray in the State of North Dakota have received an initial evaluation. Forty-eight percent of the diagnostic X-ray machines in the State of North Dakota were found to be deficient upon initial evaluation. The majority of the deficiencies were with respect to inadequate collimation and/or inadequate

filtration of the useful X-ray beam. Both of these deficiencies result in unnecessary radiation exposure of the general population of the State. Where the filtration was found to be inadequate, aluminum filters were furnished and installed as a result of the evaluation.

Currently, followup evaluations are being conducted to determine the degree of compliance with the comments and recommendations of the initial evaluation. The followup evaluations, performed thus far, indicate that appropriate steps have been taken by the facilities to correct their deficiencies and, hence, reduce unnecessary radiation exposure. It is estimated that 80 to 90 percent of the diagnostic X-ray facilities in North Dakota are now in compliance with regulation 83 and the recommendations of the National Committee on Radiation Protection and Measurements as published in the "National Bureau of Standards Handbook No. 76."

An important aspect of the evaluation of X-ray facilities is that of radiation protection education. This aspect deals with the people operating the X-ray machines. A vast majority of the facilities in North Dakota do not have registered technologists to perform their X-ray services. The people operating the X-ray units, while they may be knowledgeable as to the proper radiographic technique necessary to obtaining a good radiograph, do not have a full appreciation of radiation protection. In the survey work across the State, there have been numerous instances where the operator, because of the lack of knowledge, has not made full use of the radiation protection devices and equipment available within the facility. Informing the operator of the practical methods that can be applied to reduce the radiation exposure to their patients as well as to themselves and the consequences of not applying these methods adds to the evaluation time; however, it is felt that it is time well spent. Lectures to professional groups on X-ray and radiation protection in X-ray facilities have been performed. More program emphasis will be placed on the educational aspects of radiation protection in X-ray facilities in the future, with the offering of short courses to X-ray operators across the State.

##### 2.3 Environmental radiation surveillance.

Since September of 1961, the Department has actively and continuously participated in the U.S. Public Health Service Radiation Surveillance Network with the operation of an air and precipitation sampling station at Bismarck, N. Dak. In addition to the direct operation of this Bismarck station, the Department has also acted in a liaison capacity between the U.S. Public Health Service Pasteurized Milk Radiation Surveillance Network and a milk sampling station operated by the First District Health Unit in Minot, N. Dak.

In January of 1964, a six-station milk sampling network was established in the State of North Dakota due to rising radionuclide levels in milk and, in particular, the levels of Strontium-90. The six stations, chosen on the basis of geographical and population significance, submitted weekly samples to the State Department of Health for radiochemical analysis. In May and June of 1964, Strontium-90 concentrations of 77 and 76 picocuries per liter, respectively, were observed. Since 1964 there has been a steady decline in Strontium-90 with average monthly concentrations in 1964, 1965, and 1966 of 56.7, 25.4 and 12.9 picocuries per liter of milk, respectively. In January of 1968, the six stations were placed on a biweekly sampling schedule with a minimum of three stations sampling every week.

In addition to the radiochemical analysis of milk, the program has the capability for radiochemical analysis of air, precipitation, water and, in general, all portions of the environmental food chain.

As a result of the levels of Strontium-90 encountered in North Dakota milk in 1964, the U.S. Public Health Service awarded a research contract to the North Dakota State Department of Health (contract No. PH 86-66-6) for a study to determine the effectiveness of farming modifications in the reduction of the radionuclides in milk.

In the summer of 1967, the Department of Health conducted a study to determine the radon concentrations within the uranium mines of southwestern North Dakota. The uranium operations in North Dakota consist of the open-pit mining of uraniumiferous lignite coal and reducing the moisture content and bulk volume of the ore by either ashing the material at the mine site or in rotary kilns. The ash is then transported outside of this State for further processing. The mine's radon concentration was determined by the collection of radon daughter products on a membrane filter and alpha counting. Since the mines are fully open to the atmosphere, there is little opportunity for accumulation of radon and its daughter products. The results of the Department's radon study indicated that the radon concentrations were well within nonoccupational maximum permissible concentrations.

Evaluations of the radioactive materials found in the various aspects of the environment are performed according to the appropriate accepted standards, limitations, and guidelines as set forth in the North Dakota Radiological Health Regulations; the U.S. Public Health Service Drinking Water Standards; the Radiation Protection Guides and the Protective Action Guides of the Federal Radiation Council; and the appropriate recommendations of the National Council on Radiation Protection and Measurements.

**2.4 Radioactive materials.** Since 1961, present Radiological Health Program staff have accompanied Atomic Energy Commission compliance personnel on approximately 100 percent of the inspections performed in the State of North Dakota. The compliance inspections included evaluation of diagnostic and therapeutic medical applications, industrial radiography applications, educational and research applications, of byproduct materials; the uranium operations of southwestern North Dakota; and the small quantities of special nuclear materials employed at the universities in the State. Exclusive of Federal agencies, on January 1, 1969, 34 Atomic Energy Commission licenses were in effect in North Dakota. In addition to the Atomic Energy Commission licenses, there are 12 facilities possessing radium. Regulation 83, as adopted by the North Dakota State Department of Health, provides for the licensing of all radioactive materials including naturally occurring or accelerator produced as well as byproduct, source, and certain quantities of special nuclear material. The provisions of regulation 83 which refer to radioactive materials licensed by the U.S. Atomic Energy Commission become effective upon an agreement with the AEC for transfer of this authority to the State of North Dakota.

Radium-226, the most commonly used nuclide of radium in North Dakota, has not been under any regulatory control. The lack of control is apparent. Preliminary surveys of radium users in North Dakota have indicated that there are problems. Many of the facilities evaluated do not maintain accurate facility inventories; do not provide adequate shielded storage; the storage containers are not properly marked indicating the presence of a radioactive material; leak tests of sealed sources are not performed at regular intervals, if at all; and there is a lack of adequate facility instrumentation for making radiation measurements in and around the areas

where radium is used. Furthermore, there has been a lack of communication on the part of radium users with the Department in the event of source loss or incident. The control of radium and other radionuclides which have not been regulated in the past will provide an effective means of permitting

the beneficial applications of these radioactive materials without the disadvantages of unnecessary radiation exposure to the users or to the general public.

The following table numerically describes the utilization of radioactive materials in the State of North Dakota:

Category of usage	Atomic Energy Commission licenses			Facilities possessing radium	All radioactive materials
	Byproduct	Source	Special nuclear material		
Medical.....	16	0	0	7	23
Educational.....	5	1	2	2	10
Civil defense.....	3	0	0	0	3
Industrial.....	3	0	0	1	4
State agencies.....	2	0	0	2	4
Uraniferous lignite ashing.....	0	2	0	0	2
Total.....	29	3	2	12	46

### 3.0 PROCEDURES AND POLICIES FOR THE CONTROL OF RADIATION

**3.1 Licensing and registration.** The State program provides for the control of radioactive materials, those occurring naturally or artificially produced, and electrically produced radiation. Electrically produced radiation, such as that from X-ray units, is under the category of registration. Licensing procedures are provided for radioactive materials.

Licenses for radioactive materials shall be of two types, general and specific. A general license is effective by regulation 83 of the Department and without the filing of an application or the issuance of licensing documents to particular persons. A specific license, incorporating appropriate conditions, shall be issued to named persons, upon application and in accordance with the appropriate provisions of regulation 83. Requirements for the possession of byproduct, source and special nuclear materials will be compatible with those of the U.S. Atomic Energy Commission.

The licensing program will be essentially the same as that presently employed by the U.S. Atomic Energy Commission. Prelicensing inspections will be performed when determined to be necessary. With respect to license applications for the non-routine medical use of radioactive materials, the review of the Medical Advisory Committee of the U.S. Atomic Energy Commission will be sought.

The Director of the Division of Environmental Engineering will evaluate all license applications. Other division staff members will assist in this function as they acquire competence through training and experience.

**3.2 Inspection.** Staff personnel will conduct inspections of licensees and registrants to determine compliance with Regulation 83 of the Department and to evaluate the adequacy of the radiation protection program of the licensee or registrant. The inspection includes review of the radiation safety practices, equipment, radiation surveys and personnel exposures pertinent to the facilities. Inspections of facilities utilizing radioactive materials will be compatible with those currently performed by the Division of Compliance of the U.S. Atomic Energy Commission.

The inspections will be performed by staff qualified in radiological health. The inspection staff will be kept current on developments in the field of radiological health by continued training and appropriate courses conducted by the U.S. Atomic Energy Commission and the U.S. Public Health Service (Bureau of Radiological Health).

The following frequency for the inspection of licensees in the State of North Dakota is planned, but may be either increased or decreased depending upon individual circumstances and the experience of the Department:

1. Industrial radiographers—once each 6 months.
2. Operations involving waste disposal—once each 6 months.
3. Broad licenses—industrial, medical, academic—once each 12 months.
4. Other specific licenses—industrial, medical, academic—once each 24 months.
5. Others—based on hazards associated with the program.

Most inspections will be scheduled visits, but a significant number may be on an unannounced basis.

At the completion of each inspection, the inspector will confer with the licensee and management to discuss the results of his inspection, presenting oral recommendations or suggestions, if indicated. This also provides an opportunity for answering any questions which a licensee or management may have regarding the regulatory program.

The inspector will submit, in writing, a comprehensive report to the Director of the Division of Environmental Engineering relating the findings of his inspection. The report will enumerate items of noncompliance, if any, and present recommendations. Recommendations made by inspectors in the field are subject to critical review of the Director of the Division of Environmental Engineering.

Licenses and management will be informed of the results of all inspections, orally at the time of the inspection and by letter or notice from the Department.

**3.3 Compliance.** If it is determined by the inspection that only minor items of non-compliance are involved such as failure to label, improper signs, etc. and the licensee agrees, in writing, to correct these items at the time of inspection, no further action will be taken by the Department, except that these items will be reviewed during the next inspection.

If items of noncompliance of a more serious nature are found, the licensee will be required to correct such items within a specified period of time. The licensee will be required to inform the Department in writing within 30 days or less, depending upon the degree of hazard involved, of the corrective action taken and the date the corrective action was completed. The Department will conduct a follow-up inspection or the matter will be reviewed during the next regular inspection to assure that the corrective action has been accomplished.

Whenever, in the judgment of the Department, any person has engaged in or is about to engage in any acts or practices in violation of sections 23-20.1-01 through 23-20.1-11 of chapter 23-20.1 of the North Dakota Century Code or regulations issued under this law, the Department, in accordance with the laws of the State governing injunctions and other process may maintain an action in the name of this State enjoining such acts or practices or to direct compliance.

Should the Department determine that an emergency exists requiring immediate action to protect the public health and safety, the Department may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such immediate action be taken as is necessary to meet this emergency.

Opportunity for a hearing is afforded any person to whom an emergency order has been directed, upon the filing of an application with the Department. The person will be afforded a hearing before the State Health Council within 10 days. On the basis of such hearing, the emergency order shall be continued, modified, or revoked within 30 days after such hearing.

The modification, revocation, or termination of a radioactive materials license is provided for in section 3.614 of regulation 83. An opportunity for a hearing is afforded any licensee with respect to amendment or suspension of his license. Petition filing and hearing procedures are provided for in chapter 28-32 of the North Dakota Century Code.

Only in instances of willful negligence on the part of the licensee, continued noncompliance after notice or when a serious potential hazard exists, will full legal measures be employed. Section 23-20.1-10 of chapter 23-20.1 of the North Dakota Century Code provides for penalties for persons who violate any portions of the law or rules, regulations or orders in effect pursuant thereto of the Department.

**3.4 Administrative procedures and judicial review.** The issuance or modification of rules and regulations including emergency orders relating to the control of sources of ionizing radiation; granting, suspending, revoking or amending any license; or determining compliance with rules and regulations of the Department will be conducted in accordance with provisions of chapter 28-32 of the title "Administrative Agencies Practice Act" of the North Dakota Century Code. Among other things, this law states:

1. That there must be a legality review by the Attorney General's office of any rule or regulation before it is adopted by a State agency.

2. That rules and regulations, to have force and effect of law until amended or repealed by the agency or declared invalid by courts, must be filed in the Attorney General's office. Also a copy of each rule and regulation accompanied by the Attorney General's Opinion must be filed with the Clerk of District Court of each county and the Secretary of the State Bar Association.

3. That upon receipt of a petition from any person substantially interested in the effect of a rule or regulation, the agency may grant the petitioner a public hearing upon such terms and conditions as the agency may prescribe.

4. The rules of procedure for hearings.

5. That determinations of the agency may be appealed to the district courts.

6. The scope of and procedure on appeal from determination of the administrative agency.

7. That a review of and final judgment of district courts may be appealed to and reviewed by the State Supreme Court.

**3.5 Radiological emergencies.** The Department currently has the appropriate equipment, instrumentation and knowledgeable staff to evaluate radiological incidents involving a release or loss of radioactive materials. A formal radiological emergency guide has been developed to cope with radiological incidents which occur within the State of North Dakota. This guide sets forth the basic elements of immediate action, the responsibilities of State and local agencies, and establishes the lines of communication in order that the control of radioactive materials, lost through some accident or incident,

can be restored as quickly as possible and with minimum danger to human health or damage to property.

The radiological emergency guide provides general guidance to individuals who may not be specifically trained in the handling of peacetime radiological emergencies. It also provides a more detailed approach to the handling of radiological incidents occurring within licensed facilities, even though the licensed facility should have emergency procedures specific to its own operations. Direct assistance and/or consultation, as may be needed to provide immediate relief of a radiological incident, is available to the licensee from the North Dakota State Department of Health.

Notification of the State Department of Health of a radiological incident by a licensee and/or registrant is provided for in section 4.530 of regulation 83. Notification of the State Department of Health of radiological incidents occurring beyond a licensee's premises is provided for in the Radiological Emergency Guide.

**3.6 Instrumentation.** The Department has a variety of portable radiation survey instruments which can detect and measure radiation exposures over a wide range of exposure levels. The portable instrumentation is available for support of inspections and for evaluation of radiological emergencies.

Laboratory instrumentation includes equipment which provides identification and precise measurement of the quantity of radioactive materials. Raw data output from the multichannel analyzer and low background alpha-beta counting systems is processed by means of electronic data processing systems. Laboratory equipment provides the function of radioanalysis of environmental samples for data with which to evaluate radionuclides released to the environment.

**3.7 Effective date of license transfer and reciprocity.** Subsection 2 of section 23-20.1-05 of chapter 23-20.1 of the North Dakota Century Code provides for the effective date of license transfer. Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess the same pursuant to a license issued under this chapter, which shall expire either 90 days after receipt from the Department of a notice of expiration of such license or on the date of expiration specified in the Federal license, whichever is earlier.

Provisions for license reciprocity are covered under section 3.700 of regulation 83 of the Department. This section provides for the recognition of licenses issued by the U.S. Atomic Energy Commission or agreement States other than the State of North Dakota.

#### 4.0 ORGANIZATION AND PROGRAM STRUCTURE

The portion of the State Department of Health responsible for radiation protection is the Radiological Health Program of the Division of Environmental Engineering. Item 5.1 of the Appendix outlines the line of organizational structuring as it pertains to Radiological Health. Item 5.2 of the Appendix is the internal structuring of the Division of Environmental Engineering. Each of the five division units has a person with a specific responsibility and each contributes to the information exchange and manpower pool coordinated by the Director of the Division of Environmental Engineering. The three units directly pertaining to radiation protection, namely, the radioactive materials unit, the radiation surveillance unit, and the X-ray and electronic products unit are all staffed by people qualified by virtue of training and experience in radiation protection.

To assure that all units of the Division of Environmental Engineering are covered by people knowledgeable in all aspects of division responsibility and to provide manpower

backup in the event of staff vacancies, the concept of information exchange and manpower pool was developed. Information exchange is accomplished through the inter-unit communication of technical information related to specific units through seminars and by training in the field. This concept provides manpower depth to an otherwise small division with many responsibilities.

The Director of the Division of Environmental Engineering will review all applications for licenses, amendments and renewals. It will also be his responsibility to issue, modify, or deny the application.

The radioactive materials unit will maintain the necessary records by which the Atomic Energy Commission can periodically evaluate and determine the degree of compatibility of the North Dakota program to that of the Atomic Energy Commission and other agreement States.

Inspections will be performed by the Director of the Division and/or the other two members of the present division staff who are qualified by training and experience in radiation protection. A synopsis of the training and experience of the division staff with primary responsibility in the field of radiation protection is attached in the Appendix as item 5.3.

[F.R. Doc. 69-5782; Filed, May 14, 1969; 8:47 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### ALASKA

#### Notice of Filing of Plats of Survey

1. Plat of survey of omitted islands described below will be officially filed in the Land Office, Anchorage, Alaska effective at 10 a.m., June 1, 1969.

#### SEWARD MERIDIAN

T. 24 N., R. 4 W.,  
Sec. 9, lots 5, 6, and 7,  
Containing 0.75 acres.

2. These islands are located in Benka Lake. Lot 5 is covered with dense spruce and undergrowth consisting of willow and berry brush. Lots 6 and 7 contain a few scattered spruce and low undergrowth. The soil on the islands consists of vegetable mold humus over sand and gravel.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 4582, dated January 17, 1969, and the requirements of applicable law, rules and regulations.

4. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska 99501.

T. G. BINGHAM,  
Manager,  
Anchorage Land Office.

[F.R. Doc. 69-6078; Filed, May 21, 1969; 8:46 a.m.]

#### ALASKA

#### Notice of Filing of Plats of Survey

1. Plats of survey of the lands described below will be officially filed in

the Land Office, Anchorage, Alaska, effective at 10 a.m., June 1, 1969.

SEWARD MERIDIAN

T. 11 N., R. 2 W.,  
Sec. 27, SW ¼;  
Sec. 28, all.  
Containing 760 acres.

2. The greatest portion of the lands consists of steep to precipitous mountain slopes, rough and stoney. The soil is thin sandy loam with a large percentage of gravel. There is a large stand of first and second growth spruces, hemlock, and birch on the northwest slope that comprises a portion of the southeast quarter of section 28 and the south half of the southwest quarter of section 27. The remainder of the lands has dense to scattered clumps of alder brush, some stands of birch and large cottonwoods.

3. The public lands affected by this order are hereby restored to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 4582, dated January 17, 1969, and the requirements of applicable law, rules and regulations.

4. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska 99501.

T. G. BINGHAM,  
Manager,  
Anchorage Land Office.

[F.R. Doc. 69-6079; Filed, May 21, 1969;  
8:46 a.m.]

**National Park Service  
GLACIER NATIONAL PARK, MONT.**

**Notice of Intention To Negotiate  
Concession Contract**

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with the Whitefish Clinic authorizing it to provide concession facilities and service for the public at Glacier National Park, Mont., for a period of five (5) years from January 1, 1969, through December 31, 1973.

The foregoing concessioner has performed its obligations under the expired contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract.

However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Assistant to the Director for Concessions

Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: May 14, 1969.

EDWARD A. HUMMEL,  
Associate Director,  
National Park Service.

[F.R. Doc. 69-6082; Filed, May 21, 1969;  
8:46 a.m.]

**DELAWARE RIVER BASIN  
COMMISSION**

**COMPREHENSIVE PLAN**

**Notice of Public Hearing**

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, May 28, 1969, beginning at 2 p.m. The hearing will be held in Room 603, City Hall Annex, Juniper and Filbert Streets in Philadelphia. The subject of the hearing will be a proposal to amend the Comprehensive Plan so as to include therein the following projects.

1. *Diamond Hill Estates Water Co.* A well water supply project to augment existing supplies to the Diamond Hill Estates service area in the township of Mansfield, Warren County, N.J. A total withdrawal of 430,000 gallons per day will be taken from three new wells and one existing well.

2. *Artesian Water Co.* A well water supply project to augment public supplies in the company's service area in New Castle County, Del. Designated as Well No. 7 of the Llangollen Estates well field, the project is expected to yield 650 gallons per minute.

3. *The Lakes Water Co.* A well water supply project to augment public supplies in the Lake Pine Development area of Medford Township, Burlington County, N.J. Two existing wells and one new well will be restricted to a maximum withdrawal of 10.5 million gallons per month.

4. *Landis Sewerage Authority.* A well water supply project to be developed for general purpose uses at the Landis Sewerage treatment plant, Vineland, Cumberland County, N.J. The new facility will yield an average of 140,000 gallons per day.

5. *Myerstown Water Authority.* A water supply project involving the reactivation of an existing well and construction of a one-million-gallon-a-day filter plant for use by the Myerstown Water Authority, Jackson Township, Lebanon County, Pa. The well, designated as No. 4, is expected to yield 200 gallons per minute.

6. *Delaware River Port Authority.* A project to realign Pochack Creek in the section between the town of Delair and the Delaware River in Camden County, N.J. The mouth of the creek will be relocated approximately 460 feet upstream in order to facilitate construction of the

Delair Bridge and to improve the hydraulic characteristics of the creek.

7. *New Jersey Department of Institutions and Agencies.* A sewage treatment project to serve the expansion of Leesburg State Prison, Maurice River Township, Cumberland County, N.J. The new facility will have a capacity of 235,000 gallons per day.

8. *Chalfont-New Britain Township Joint Sewerage Authority.* A project to expand the Authority's existing sewage treatment plant in Bucks County, Pa. Capacity will be increased from 0.70 to 1.40 million gallons daily. Secondary treatment will be provided prior to discharge to Neshaminy Creek.

9. *Gloucester County Sewerage Authority.* A project to construct a 3.5-mile section of the Woodbury Creek interceptor. The facility is part of the Gloucester County Master Sewerage Plan. The line will be located adjacent to Woodbury Creek in the city of Woodbury, N.J.

10. *New Jersey Department of Conservation and Economic Development.* A project to modify the design of the proposed Hackettstown Reservoir on the Musconetcong River, Warren, Sussex, and Morris Counties, N.J. Spillway crest elevation will be raised 10 feet and the spillway will be widened. The proposed modification will reduce flood storage and increase storage available for streamflow releases for water supply to the Musconetcong Valley.

Documents relating to the above proposed additions to the Comprehensive Plan may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission, (609) 883-9500.

W. BRINTON WHITALL,  
Secretary.

MAY 16, 1969.

[F.R. Doc. 69-6070; Filed, May 21, 1969;  
8:45 a.m.]

**DEPARTMENT OF AGRICULTURE**

**Commodity Credit Corporation  
GRAINS AND SIMILARLY HANDLED  
COMMODITIES**

**Notice of Final Date for Redemption  
of Warehouse-Storage Loans Made  
Under 1968 Price Support Programs;  
Correction**

F.R. Doc. 69-5101, published at page 7091 in the issue dated April 30, 1969, is corrected by changing the final date for repayment oat loans in Alaska, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, and wheat loans in Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming from "May 31" to "June 2".

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 15, 1969.

KENNETH E. FRICK,  
Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 69-6098; Filed, May 21, 1969;  
8:47 a.m.]

### Packers and Stockyards Administration

#### McNUTT LIVESTOCK AUCTION ET AL.

##### Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

*Name, location of stockyard, and date of posting*

McNutt Livestock Auction, Modesto, Calif.,  
Aug. 28, 1963.  
Queen City Livestock & Auction Co., Inc.,  
Gainesville, Ga., May 25, 1959.  
S. & M. Livestock Sales, Cambridge, Minn.,  
Oct. 7, 1959.  
Ava Sales Company, Ava, Mo., May 8, 1959.  
Sikeston Auction Company, Sikeston, Mo.,  
Feb. 6, 1940.

#### SHELDON SALES COMPANY ET AL.

##### Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

<i>Original name of stockyard, location, and date of posting</i>	<i>Current name of stockyard and date of change in name</i>
<b>IOWA</b>	
Sheldon Sales Company, Sheldon, Jan. 7, 1957.	Sheldon Livestock Company, Apr. 10, 1969.
<b>KANSAS</b>	
Overbrook Livestock Auction, Inc., Overbrook, May 27, 1959.	Overbrook Livestock Sale Co., Mar. 26, 1969.
<b>NEBRASKA</b>	
Ravenna Livestock Commission Company, Ravenna, Feb. 8, 1950.	Ravenna Livestock Commission Co., Apr. 1, 1969.
<b>OKLAHOMA</b>	
Apache Livestock Sale Company, Apache, Feb. 7, 1958.	Apache Livestock Sales Co., Mar. 14, 1969.
<b>OREGON</b>	
Hermiston Livestock Commission Co., Hermiston, Oct. 13, 1959.	Hermiston Livestock Auction, Inc., March 1, 1969.
<b>TEXAS</b>	
Wood County Livestock Auction Company, Mineola, Dec. 18, 1959.	Wood County Livestock Auction Co., Inc., Apr. 7, 1969.

Done at Washington, D.C., this 16th day of May 1969.

G. H. HOPPER,  
Chief, Registrations, Bonds, and Reports  
Branch, Livestock Marketing Division.

[F.R. Doc. 69-6117; Filed, May 21, 1969; 8:49 a.m.]

Smith Stock Yard of Columbia, Columbia, S.C., Feb. 17, 1960.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented;  
7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 16th day of May 1969.

G. H. HOPPER,  
Chief, Registrations, Bonds, and  
Reports Branch, Livestock  
Marketing Division.

[F.R. Doc. 69-6116; Filed, May 21, 1969;  
8:49 a.m.]

## DEPARTMENT OF COMMERCE

Business and Defense Services  
Administration

### ADELPHI UNIVERSITY ET AL.

#### Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00566-33-46500 Applicant: Adelphi University, Biology Department, South Street, Garden City, N.Y. 11530. Article: Ultramicrotome, Model LKB 8800 with Table and Knife Maker. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin sections for electron-microscopical examination, thick (2 micron) sections for survey work, and thin sections of unfixed, frozen tissue. Projected studies include combined light and electron-microscopical study of a wide range of tissues including germinal tissues of the blood fluke *Schistosoma mansoni*, invertebrate chromosomes, mammalian lysosomes, somatic tissues of the newt and slime molds. Application received by Commissioner of Customs: May 1, 1969.

Docket No. 69-00572-33-46040 Applicant: University of Alabama in Birmingham, Biological Ultrastructure Laboratory, Department of Clinical Dentistry, 1919 Seventh Avenue, South, Birmingham, Ala. 35233. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for investigating bone growth and development in experimental animals at the ultrastructural level with two major problems in mind: (1) the morphogenesis and interrelationship of bone cells and (2) metabolic and biosynthetic activity associated with the development and function of bone cells. In addition to studies on bone growth and development, the article will be used in studies on the ultrastructural morphology and histochemistry of salivary glands in order to further correlate the structure and function of these tissues. Application received by Commissioner of Customs: May 5, 1969.

Docket No. 69-00574-00-46040. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Accessories to an electron microscope, Model Elmiskop 1A. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used as an attachment to an existing electron microscope to improve the quality of the electron micrographs obtained in studies concerning plant viruses, bacterial spores, Drosophila eggs, and lipid absorption of the jejunum. Application received by Commissioner of Customs: May 5, 1969.

Docket No. 69-00575-20-07795. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Two (2) Terrestrial wide angle cameras with accessories, Model BSG1. Manufacturer: Officine Galileo, Italy. Intended use of article: The article will be used for both instruction and research in photogrammetry on the undergraduate and graduate levels. In instruction, the article will be used for photogrammetric data acquisition by undergraduate students associated with courses in terrestrial and industrial photogrammetry and special problems in civil engineering. In research, the article will be used to investigate the topic "Universal Stereometric Systems of High Precision", which is expected to lead to the development of a new generation of stereometric cameras of more flexibility and higher accuracy than the contemporary stereometric cameras. Application received by Commissioner of Customs: May 5, 1969.

Docket No. 69-00577-50-02000. Applicant: University of Washington, Department of Atmospheric Sciences, Seattle, Wash. 98105. Article: Long period strip chart recorder, Sumner Mark II with auxiliary, anemometer attachment. Manufacturer: Raufuss Instruments and Staff, Australia. Intended use of article: The article will be used as part of a research project to determine the relationship between climate and the behavior of an alpine glacier. It will be installed on the slopes of Mount Olympus, Wash., to record climatic conditions dur-

ing the winter when no observers are in the field. Application received by Commissioner of Customs: May 6, 1969.

CHARLEY M. DENTON,  
Assistant Administrator for In-  
dustry Operations, Business  
and Defense Services Admin-  
istration.

[P.R. Doc. 69-6054; Filed, May 21, 1969;  
8:45 a.m.]

#### CASE WESTERN RESERVE UNIVERSITY

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00351-33-46500. Applicant: Case Western Reserve University, School of Medicine, 2109 Adelbert Road, Cleveland, Ohio 44106. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studies concerning mitochondrial structure. The mitochondria are derived from the livers of rats made deficient in riboflavin. Under these circumstances a relatively large preparation of the mitochondria become very greatly enlarged and seem to be unable to divide. When the animals are fed riboflavin these large mitochondria appear to undergo division via the formation of septa across the mitochondrial body. We are hoping to do a time study to determine the structural changes involved during the division process and how these changes are related to the formation of cristae from the inner membrane. This involves the use of serial sections of equal thickness in the range of 50Å to 2 microns and these can only be obtained with the LKB 8800A Ultratome III. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared.

Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of ultrathin sections in order to locate the particular ultrastructure of interest to the program. We are advised by the Department of Health, Education, and Welfare (memorandum dated Apr. 16, 1969), that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article incorporates a thermal advance, whereas the Sorvall Model MT-2 employs a mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,  
Assistant Administrator for In-  
dustry Operations, Business  
and Defense Services Admin-  
istration.

[P.R. Doc. 69-6067; Filed, May 21, 1969;  
8:45 a.m.]

#### UNIVERSITY OF MINNESOTA

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00342-33-46500. Applicant: University of Minnesota, 402 Morrill Hall, Minneapolis, Minn. 55455. Article: Ultramicrotome, Model LKB 8800A, Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for studying epidermal development in the mammalian skin. This tissue must be sectioned very thin with an ultramicrotome for observation under the electron microscope. It is hoped to learn the exact sequence and time relationships of the development of epidermal ultrastructures and to correlate these findings with the completion of the keratinization process. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article,

for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic ultramicrotome is the Model MT-2 manufactured by Ivan Sorvall, Inc. (Sorvall), which has a guaranteed minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of ultrathin sections in order to locate the particular ultrastructure of interest to the program. We are advised by the Department of Health, Education, and Welfare (memorandum dated Apr. 3, 1969), that "It has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article incorporates a thermal advance, whereas the Sorvall Model MT-2 employs a mechanical advance. For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,  
Assistant Administrator for  
Industry Operations, Business  
and Defense Services Administration.

[FR. Doc. 69-6068; Filed, May 21, 1969;  
8:45 a.m.]

## CABINET TASK FORCE ON OIL IMPORT CONTROL

### MANDATORY OIL IMPORT PROGRAM

#### Procedure and Inquiry

The Task Force on Oil Import Control was established to make a comprehensive review of the U.S. oil import control program. This study is being undertaken to consider the Mandatory Oil Import Program, its present effects and the impact to be expected from possible changes in the program. Several areas of inquiry were announced on April 8, 1969. Interested persons were invited to submit their views and urged on April 21 to begin immediately to prepare for their submissions. Formal notice was published in the FEDERAL REGISTER on May 2, 1969.

The present notice lists procedures in Part One, general areas of inquiry in

Part Two, and more detailed questions in Part Three. The general and more detailed questions reflect the Task Force's preliminary formulation of the issues and do not preclude either interested parties or the Task Force from broader, narrower, or differing formulations in response to submissions or to developments in its own thinking.

#### PART ONE: PROCEDURES

1. All persons interested in this subject are invited to submit economic data, both historical and projected, bearing on the questions listed in this notice. Submissions may be made by state or local governments, individuals, firms, or associations (which should state the character of their membership). Foreign governments should make submissions through the Department of State.

2. Interested persons may address themselves to any or all of the questions listed below, but no one should feel compelled to respond to every question. Many questions can be answered effectively only by Government agencies or by others with special knowledge. Nevertheless, the full list is being published in order to inform the public of the issues being canvassed by the Task Force.

3. For ease of comprehension and comparison, all submissions should, insofar as practicable, follow the outline of the general questions listed in Part Two. Comments, statements of views, and arguments addressed to or involving legal issues should be accompanied by a full citation to the source of authority—statute, Executive order, Proclamation, regulation, judicial or administrative decision—in question. Economic data and projections should also be fully identified in each instance as to source, date, and methodology of development. It is vital that all data be accompanied by an explicit statement of the methodology by which the underlying statistics were obtained and processed.

4. Persons with common interests are encouraged to make joint submissions to the maximum possible extent and to confine separate submissions to any views or facts peculiar to each. Whenever individual company data would disclose confidential cost or other data, such companies are encouraged to make joint submissions through organizations that can aggregate such data in a meaningful way without disclosure of confidential figures for or to individual companies.

5. All submissions to the Task Force from outside the Federal Government other than proprietary data will be made available to the public in the library of the Task Force, 726 Jackson Place NW., Washington, D.C. 20506. Twenty copies of each submission should be delivered to that address, of which two copies will be deposited in the library. Proprietary data, to avoid deposit in the library, must be submitted separately and identified as such. Any departure from this separate submission procedure—e.g., by including nonconfidential with confidential material—will be cause for deposit of the entire submission in the library.

6. Submissions should be preceded by a concise summary of not more than five (5) pages in length, followed by a text of not more than 50 pages. Within reason, there is no limit on the number of accompanying appendices, charts, or graphs. All pages should be 8½" x 11", with text in black type and double-spaced and must be suitable for reproduction on normal office copying machines. One copy should be in unbound and unstapled form to facilitate copying.

7. Any interested person may read all the submissions in the Task Force library and may, in addition, reproduce one (1) copy of any or all pages on the copying machine the Task Force expects to have available in the library by payment in cash of an appropriate user charge.

8. The Task Force will not accept any submissions in response to the questions listed below before June 16, 1969, or after July 15, 1969. These dates are firm.

9. The Task Force may, after reviewing the initial submissions, propound additional or repeated questions by publication of a similar notice in the FEDERAL REGISTER or by notice to individuals. Whether or not such additional or repeated questions are propounded, all interested parties are invited to submit additional or more refined data, comments, statements of views, and arguments by way of rebuttal, after their own review of initial submissions by other interested parties. For either of these purposes, the Task Force library will be open to receive second-round or rebuttal submissions no later than August 15, 1969. Interested persons may thereafter read and reproduce these second-round or rebuttal submissions as before, but no third-round is contemplated.

10. Any interested person considering himself or itself placed under hardship or at a competitive disadvantage by these procedures should so notify the Task Force in writing on or before June 3, 1969, specifying with particularity the nature of the hardship or disadvantage and the exact procedural change proposed. Any changes considered meritorious by the Task Force will be published promptly in the FEDERAL REGISTER.

11. Insofar as possible, submissions from Federal agencies will conform to the format and schedule stated above.

12. The Cabinet Task Force on Oil Import Control will make publicly available all information furnished to it which can be disclosed without jeopardy to the national security or undue hindrance to the carrying out of the Task Force's basic assignment. This disclosure policy embraces the factual and analytical submissions of Government agencies but not the personal interchange among Cabinet-level officials or Task Force staff. More precisely: All Task Force documents and information relating to the questions it has been asked to study shall be made available to the public unless their disclosure is prohibited by statute or would reveal:

- (a) Classified information;
- (b) Minutes and other records of the deliberations of the Task Force;

(c) Internal communications, memoranda, and drafts prepared by the individual members, observers, their personal representatives, and the Task Force staff; or

(d) Confidential commercial or financial data or trade secrets which are identifiable to a particular company, firm, or individual.

#### PART TWO: GENERAL QUESTIONS

I. What is the distinctive security interest of this Nation in maintaining secure petroleum supplies for the United States?

II. What would be the impact on domestic energy supplies of intensifying, reducing, or removing restrictions on oil imports?

III. What are the costs, including costs to ultimate consumers, and other detriments of achieving identified national security objectives by the present system of oil import controls?

IV. What practicable alternative means might be employed, other than import restrictions, to achieve identified national security objectives, and what would be the costs and other detriments of any such alternative means?

V. If import restrictions are necessary to achieve identified national security objectives, what alternative methods might be employed, other than the present quota system, and what would be the costs and other detriments of any such alternative methods?

VI. If an oil import quota system is to be maintained, how should it be implemented in the interests of efficiency and equity?

VII. If the present system of import controls were to be changed fundamentally or substantially, what transition steps would be necessary and appropriate to minimize disruption to affected persons?

VIII. What other significant and material issues should be considered by the Cabinet Task Force on Oil Import Control, and as to each such issue, what are the relative benefits and costs/detriments of the present system as compared with any suggested change?

#### PART THREE: DETAILED QUESTIONS

##### I. Security of supply.

1. How likely is it that a significant portion of foreign oil normally supplied to the United States and its allies will be disrupted for a significant period because of nuclear war, protracted limited war, brief or protracted conventional hostilities, or other serious interruption of supply?

2. In the event of such disruption, is it likely that this Nation's dependence on foreign oil would limit its capacity for military action and/or negotiations? Is any such risk reduced or could it be reduced by storing military oil and products in forward theatre positions?

3. For each contingency, which foreign sources that should be considered insecure to what extent? Are there domestic sources that should be considered insecure? That is, what domestic or foreign sources requiring sea transporta-

tion should we rely on? Should we rely on Canadian and Mexican overland imports?

4. Under which of the contingencies discussed above should the United States prepare for the petroleum needs of our allies? What arrangements now exist or should be made to meet those needs in a manner equitable to them and to the United States?

5. In the event of a serious interruption, to what extent would civilian demand be reduced as a result of price increases or rationing?

6. To what extent and with what speed could domestic production of crude oil be increased by drilling new wells on known reservoirs if required by a national emergency?

7. The following question should be answered under three alternative assumptions:

(1) That the present import control system is maintained indefinitely; or

(2) That overseas imports (other than residual fuel oil) have been doubled, and that the oil industry has adapted itself to the higher import level; or

(3) That overseas imports (other than residual fuel oil) have been quadrupled, and that the oil industry has had time to adapt itself to that import level.

How would your particular organization deal with the difficulties resulting from a sudden curtailment of overseas imports, and what means of adjustment could it find:

(a) If such imports were reduced (i) 50 percent or (ii) 100 percent; and

(b) If the curtailment were expected to last (i) for 6 months or (ii) for several years and perhaps indefinitely?

How would you suggest that the Nation deal with such emergencies?

8. If present import levels of residual fuel oil were suddenly discontinued completely for an indefinite period, how would your organization deal with the resulting difficulties, if any?

9. How and to what extent does the national security interest require the maintenance of an emergency reserve domestic production capacity? Over how long a period would full deliverability from this capacity be required? What transportation and refining capacity must be available to handle such supplies and where should it be located?

10. If a reserve production capacity is needed to meet emergency situations, should its size be determined by the Federal Government? Should its use be under the control, direct or indirect, of the Federal Government?

11. Is the location and design of U.S. domestic pipeline and refinery capacity such that it is presently capable of a sudden shift to exclusively domestic or North American overland supplies? If our dependence on foreign supplies were greater, could the resultant pipeline and refinery capacity adjust readily to an emergency shift back to greater domestic supplies (if available)?

12. In what ways, if any, would the Nation's dependence on overseas imports of residual fuel oil or other heating oil be more critical or less critical than any de-

pendence on overseas imports of crude oil and oil products?

13. Are the dangers of interruption of overseas imports greater for oil than for other strategic materials for which we are more dependent on foreign supplies?

14. Do import restrictions conserve domestic reserves for possible emergency use? Do they encourage domestic exploration and thus discovery of significant new reserves sufficient to offset the additional depletion of domestic reserves caused by the substitution of domestic production for imports? Do they have effects on conservation and exploration in District V different from those in Districts I-IV?

II. Effect on domestic energy supplies of altered import control.

##### A. Supplies, prices, and imports.

15. What is your estimate of the supplies of crude oil likely to become available in the world outside Communist China, the Soviet Union, and other members of the Warsaw Pact:

(a) Production of crude oil, by major supply areas, 1970, 1975, and 1980;

(b) Spare productive capacity, by major supply areas, 1970, 1975, and 1980;

(c) Proved reserves of crude oil, by major supply areas, 1970, 1975, and 1980?

(Production, and productive capacity and proved reserves in the United States should be included as a major supply area; assume that present import restrictions continue through 1980. Exports from the Soviet Union to the non-Communist world, if any, should be estimated and included as a separate item.)

16. What is your estimate of the final consumption demand for crude oil and equivalent products in the world outside the Communist bloc in 1970, 1975, and 1980? Estimate by major market areas:

(a) Western Europe;

(b) Japan;

(c) Other Asia and Africa;

(d) United States;

(e) Other North America;

(f) Australia—New Zealand;

(g) South America;

(NOTE: Use crude-oil equivalent barrels for product demands. As in question 15, assume that present import restrictions in the United States continue through 1980.)

17. With respect to the above and similar questions, how reliable are the statistical estimates of proved reserves, ultimate reserves, productive capacity, maximum efficient rate of production, and deliverability?

18. If all import controls were removed, what would be the probable flow of petroleum and oil products into the United States by volume and as a percentage of domestic production—within 1 year; 5 years (1975); 10 years (1980)?

(a) What would be the effect on world oil prices? On "royalty" payments charged by foreign governments and others?

(b) To what extent, and for how long, would imports be inhibited by the cost of diverting or adding tankers? By the cost of constructing new deepwater terminals and refinery capacity? By

pipeline capacity and/or the cost of converting product lines to reverse flow when appropriate?

(c) To what extent would imports be inhibited by the interest, if any, of the integrated major international oil companies in maintaining a domestic market for the output of their domestic wells even if the delivered cost of foreign oil is lower than that of such domestic output?

(d) What would be the effect on domestic oil prices?

19. What are the delivered costs of foreign crude oil and oil products, by types and grades, imported into the United States, by principal supply area and by principal points of delivery, and what are the main elements in those costs? What were those costs in 1955, 1960, 1965, and 1968? What would the cost be in 1975? 1980?

20. What is the average delivered cost of domestic oil and bulk oil products in the United States, by types and grades, by principal production area and market area, and what are the main elements in these costs (include data for most recent period available):

Well head costs, per barrel:

Exploration costs, including lease costs.  
Drilling and equipment costs.

Production costs, including royalties.  
Transportation costs (crude), including gathering cost.

Refining costs.  
Transportation costs (products) to bulk terminals.

Specify taxes per barrel as a separate element.

Use as the sample production areas:

Louisiana-Texas Gulf Coast, including offshore.  
Mid-Continent.  
Permian Basin—West Texas.  
California.  
Southern Alaska.

Use as sample marketing areas:

New England.  
Middle Atlantic.  
Great Lakes: Chicago-Cleveland.  
Seattle.  
Los Angeles.  
Hawaii.  
Texas Gulf Coast, including points of transshipment.

**B. Domestic petroleum production and exploration.**

21. Taking account of what is known about the array of costs of production from most efficient (lowest cost) pools to the least efficient, what would be the annual volume of oil produced in the United States in the immediate future at the following average wellhead prices (assume that each pool is restricted only to its maximum efficient rate of production (MER) and that producers expect both the market price and money costs of labor and equipment to remain the same for an extended period of 10 years or so).

PER BARREL

\$10.00	\$3.00
5.00	2.50
4.00	2.00
3.50	1.50

What would be the effect of these prices on available supply over time?

Would the expected annual production at that price remain constant for the next 5 or 10 years, or would it increase or decrease and if so by how much, i.e., along what path?

(If estimates of production from North Alaska are made, they should be given separately and not mingled with the rest.)

22. Under existing production controls and prorationing systems, what is the array of wellhead costs of oil in the United States, from marginal wells to the most efficient pools? Can you estimate how much oil is produced under high-cost, median-cost, and low-cost conditions this year, indicating your own measures of these cost brackets? If your organization produces oil, how is that production distributed among these cost categories?

23. Would unrestricted imports tend to bring U.S. oil prices into closer parity with prevailing prices in other markets? Would such changed U.S. prices make unprofitable and thus discourage domestic exploration? If so:

(a) To what extent do significant discoveries result from existing exploration efforts motivated by the prospects of finding marginal reserves or supported from the profits of marginal operations?

(b) Would there be significantly less exploration for substantial discoveries such as those indicated in offshore areas or in Alaska? Or would such activity be undertaken even at world market prices?

(c) Might such exploration be encouraged by a relaxation of domestic production controls, if any, that inhibit efficient production at substantial pools? Would such relaxation tend to occur if import restrictions were reduced or removed?

Provide the same information with respect to effects on development of known domestic fields.

24. If production controls were relaxed, would domestic production increase or decrease?

(a) If imports continued at present levels; and

(b) If imports were unrestricted?  
What would be the effect on ultimate recovery?

25. To what extent and in what manner do the answers to the two preceding questions vary in accordance with the following alternative sets of assumptions:

(a) State proration and conservation controls remain as at present or are changed so as to bring about reservoir production at maximum efficient rates;

(b) The present U.S. Federal and State tax incentives for exploration and production (expensing "intangible" drilling costs, depletion allowance, foreign tax credit) remain in effect or are substantially altered;

(c) Costs of labor and materials remain as at present or are materially increased;

(d) The technology of production, refining, and delivery remain as it is or becomes substantially more efficient;

(e) The need for conservation of domestic reserves remains as it is, becomes more acute, or is significantly relaxed?

(f) Prices of foreign crude increase substantially because of higher tax or royalty payments abroad or decrease because of increased competition?

26. What are the effects of Federal exploration, mineral leasing, royalty, and production control policies on the efficiency of the domestic petroleum industry? What are the corresponding consequences of State regulation? To what extent could domestic competitiveness be improved by specific changes in these policies?

27. What are the effects of U.S. maritime regulations (the Jones Act) on the competitiveness of domestic oil in U.S. markets? To what extent could any adverse consequences be reduced by specific changes in such regulation?

**C. Impact on energy consumers and on related industries.**

28. Assuming unrestricted imports have the effect of bringing U.S. oil prices into relative parity with prevailing prices in other markets, what would be the potential annual direct cost saving to domestic oil consumers, and how much of any such saving would in fact be reflected in domestic market prices? Please group the data according to principal market areas and in the following categories: Utilities; petrochemical production; other manufacturing; commercial operations; State or local government; households; automobile-driving public; and other transport?

29. What would be the annual budgetary saving to the Department of Defense and to other Federal agencies?

30. What would be the effect of unrestricted oil imports on existing and future international transportation facilities and marine transportation costs?

31. How would economic structures and economic interests associated with special quota allocations and foreign trade zones be affected by tightening, reducing, or eliminating oil import controls?

32. What would be the effect of unrestricted imports on the development of U.S. internal oil transportation capacity—e.g., pipelines, coastwise shipping, tank trucks and tank cars, barges, Great Lakes shipping, etc.?

**D. Foreign relations and balance of trade and payments.**

33. What would be the impact on our relations with each of the major oil producing nations outside Communist China, the Soviet Union, and other members of the Warsaw Pact, of tightening, reducing, or eliminating oil import controls?

34. Does the present import quota system result in lower or higher world oil prices for industrial competitors in other countries than they would otherwise have to pay?

(a) How would the international price of oil be affected by enlargement of U.S. import quotas?

(b) Can the modification or elimination of oil import quotas be so arranged as to result in equalization of the United States with the world price of oil?

35. What is the best estimate of the annual dollar outflow, if any, currently

and after 5 years, for imports of goods whose cost of production is affected by oil prices and whose delivered price advantage over the same or similar U.S.-manufactured goods (e.g., petrochemicals) may be significantly affected by the differential between current U.S. oil prices and prevailing world market prices?

36. What is the best estimate of the annual dollar loss, if any, currently and after 5 years, occasioned by inability to export such goods from the United States for similar reasons?

37. To what extent has or could the creation of special quota allocations or foreign trade zones eliminate any problems exposed by the preceding two questions? By what criteria are or should such exceptions or zones be created?

38. How and to what extent would increased oil imports and related U.S. investment abroad affect the U.S. balance of trade and payments in the short and long terms? What proportion of all U.S. expenditures for foreign oil, including related U.S. investment abroad, is returned to the United States in the form of company remittances or net purchases of U.S. goods for Canada, Venezuela, other Western Hemisphere producers, Eastern Hemisphere producers?

39. What would be the answer to the preceding question if present import controls were continued with the exception that imports of petrochemical feedstocks would be unrestricted.

40. By what annual dollar amounts are domestic percentage depletion deductions increased as a result of the maintenance of domestic petroleum prices at levels which are higher than would be reached in the absence of oil import quotas? What is the estimated annual dollar amount of the resulting tax losses?

41. What is the rationale for granting special U.S. tax benefits to foreign petroleum production, including royalty payments, percentage depletion, and the expensing of intangible drilling and development costs when imports of foreign oil are restricted by quota? What is the estimated annual dollar amount of the U.S. tax loss (a) attributable to the allowance of percentage depletion with respect to foreign production; (b) attributable to the expensing of foreign intangible drilling and development costs?

*E. Implications of Alaskan and other North American discoveries.*

42. As regards recent and apparently large oil discoveries in Alaska and possible additional discoveries elsewhere on the North American continent, what reasonable estimates are now possible about the following questions:

(a) The size of the several oil pools discovered;

(b) The per barrel cost of exploration, development, and extraction from those pools; and

(c) The costs of delivery of oil extracted from those wells;

(d) To the principal potential market areas in the United States;

(ii) To noncontiguous States and territories; and

(iii) To foreign nations.

43. What are the estimates of oil on the continental shelf of the United States up to 200 meters depth? What are the estimates for the shelf in waters deeper than 200 meters but less than 2,500 meters?

44. How accurate are the above estimates either in detail or in order of magnitude? When are such estimates likely to become substantially more accurate?

45. What is the probable course of development of the fields discussed in question 42? How does the answer vary if import quotas are maintained, tightened, relaxed, or removed? To what extent and how rapidly could the delivered output from such fields be increased in the event of urgent national need for production?

46. What will be the impact of these large discoveries on the remainder of the domestic industry? Will prorationing in the Southwest be curtailed or eliminated? Will U.S. prices be reduced? Will domestic reserves to production ratio be increased for the next decade?

*F. Petroleum demand: Alternative energy sources.*

47. What is the price elasticity of domestic demand for crude oil and its principal products?

48. Are actual or prospective Federal or State air pollution controls likely to induce significant shifts toward low-sulphur crude for heating or energy purposes? If so, to what degree and from foreign or domestic sources? If such crude is not available in adequate quantities, would sulphur extraction technology or other domestic energy sources be available?

49. Are changes in automobile consumption of gasoline likely to reduce the future demand for gasoline and if so, to what extent?

50. What practicable substitutes for petroleum are now or are likely to become important? What new technological developments or production plans do you know of in the field of petroleum substitutes? What share of the domestic energy market, and specifically, how much of petroleum's present market, would go to such substitutes by 1975 (1980)?

(a) If the price of oil remains the same in the United States?

(b) If the price of oil rises by 30 percent? By 15 percent?

(c) If the price of oil falls by 30 percent? By 15 percent?

(Treat natural gas as a petroleum substitute, and indicate what projections you make of the price of natural gas and of other substitutes.)

51. What is the probable course of development of domestic oil shale? Would such development be accelerated or impeded if import quotas are maintained, tightened, relaxed, or removed? To what extent could such development be accelerated in the event of urgent national need for production? What are the best estimates of the unit cost of oil refined from domestic oil shales under efficient

and possible conditions of production by 1975? By 1980?

52. What is the probable course of development of coal? Would such development be accelerated or impeded if import quotas are maintained, tightened, realized, or removed? To what extent could such development be accelerated in the event of urgent national need for production? What are the best estimates of the unit cost of oil from coal under efficient and possible conditions of production by 1975? By 1980?

53. To what extent does the cost of converting industrial, municipal, and household facilities from the use of petroleum to the use of alternative sources of energy operate as a barrier to such conversion?

54. Assuming that unrestricted oil imports have the effect of bringing U.S. prices into relative parity with prevailing prices in other markets, to what extent would this reduce the domestic demand for natural gas for heating and power generation purposes?

55. If domestic oil production declined, would natural gas production decline significantly? If domestic oil exploration is reduced, would natural gas discoveries in the United States diminish proportionately? How is the answer to this question affected by the answers to question 67?

### *III. Costs and Other Detriments of the Present Quota System*

56. What portion of the annual cost to consumers and to defense expenditures (see questions 28, 29) represents payments to producers attributable to the quota system as such? To State or local governments?

57. To what extent does the present system of State production controls lead to excess capacity, excessive drilling, or failure to achieve lowest-cost production from efficient pools? Do import controls have any bearing on the effects of State production controls?

58. If the effect of any changes that might be made in oil import controls were to remove or reduce the economic rationale for State production controls, are there any Federal or interstate laws or programs that should be reviewed, and if so, what are they and what should be the outcome of such a review?

59. How does the present system of import control affect the efficiency and structure of the producing, refining, transportation, and marketing segments of the domestic petroleum industry? How, and to what extent, if at all, do world prices presently affect domestic exploration, production, and development? What would be the impact of tightening, relaxing, or eliminating such control?

60. What are the public and private costs and inefficiencies of administering the present quota system?

61. What is the impact on the import, export, and other operations of domestic petrochemical producers—and of other industries for which oil is a significant direct or indirect input—both now and in the future?

62. What is the effect of the present quota system on Venezuela, Mexico, and other Western Hemisphere countries; developing countries elsewhere; other countries generally?

63. How do present formal or informal controls on Canadian oil exports to the United States affect the economic and political relations between Canada and the United States?

64. Does the present system of oil import control affect the opportunities for U.S. exports of other products? How and to what extent? Consider petrochemical products in particular.

65. What is the likely effect of U.S. oil import controls—in present or altered form—on the developing energy policy of the European Common Market?

#### IV. Alternatives to import controls.

66. As regards each of the non-import-restricting alternatives (listed below in question 67), what would be its relative benefits and costs/detriments as compared to the present quota system in terms of:

(a) Contribution to national and allied security?

(b) Delivered prices of oil and oil products to U.S. consumers, by major market areas and by categories of consumers?

(c) The short-, medium-, and long-term effects on oil exploration and production in the United States, by major area of production, both inland and offshore, and by category of producer?

(d) Development of alternative sources of energy?

(e) Administrative inefficiencies and direct budgetary costs?

(f) Realization of effective competition within domestic oil markets?

(g) Effect on related industries and occupations?

(h) Effect on the U.S. balance of trade and payments, including in particular the import and export operations of domestic petrochemical producers?

(i) International political and economic repercussions including effect on GATT and other international trade commitments?

67. Among non-import-restricting alternatives that might be considered are the following. As to each of these alternatives, consider also what transition steps would be necessary and appropriate to minimize disruption to affected persons.

(a) Direct Government subsidies or bounty for domestic drilling or discovery.

(b) Direct Government drilling or special incentives for the creation and capping of inland and offshore wells to serve as a strategic oil reserve.

(c) Aboveground or underground storage by the Government or through special incentives.

(d) Development of adequate reserves of shale oil or synthetic fuel, technology or standby capacity, either by (i) direct Government operation; (ii) incentives or subsidies to private industry; or (iii) some form of mixed operation.

(e) Changes in U.S. tax laws that provide an incentive to produce abroad.

(f) Changes in Federal lands leasing policies.

(g) Other, non-import-restricting alternatives that may be suggested.

68. What are the most economical means of assuring the location of transportation and refinery capacity in the right places and with the right processes for a sudden shift of, say, 6- or 12-month duration to exclusively domestic or North American overland shipments of crude oil if made necessary by a national emergency? What would be the cost of such measures?

#### V. Nonquota import controls.

69. What nonquota trade controls or other Government programs have been employed by the United States and other countries to preserve the security of supply of strategic commodities such as oil?

70. As an alternative to import restrictions by means of quota, consideration might be given to the adoption of protective tariffs with or without special provision for North American or Western Hemisphere sources. What specific levels of tariffs would be protective? Assess the relative benefits and costs/detriments of this or any other nonquota alternative that may be proposed, in terms of the factors listed under question 66.

71. What would be the advantages and disadvantages to the United States of a North American common market for energy or a Western Hemisphere common market for energy?

#### VI. Administering a quota system.

72. By what criteria should quota levels be set and how often and by what means should these be adjusted to conform to changing circumstances?

73. Should quotas be allocated as to sources, either globally or by country of origin?

74. Should overland imports be within or outside the quota?

75. How should import licenses be allocated among possible recipients—by existing methods, by auction, or by some other means? Should sale of import allocations be permitted in addition to or in place of exchanges?

76. Is there need for separate treatment for District V in the future?

77. Should any special treatment be afforded to consuming interests in the noncontiguous States and territories or in economically depressed regions? To consuming industries suffering competitive disadvantage? To consumers of residual or heating oil? To others manifesting a clear need for such special treatment?

78. Should broader preference be granted to low-sulphur imports in the interest of air pollution control?

79. What other problems of definition and application of the present quota system exist and how should these be resolved?

80. What are the relevant points of contrast and comparison between the oil import quota system as presently administered and other raw material quota systems presently or previously adopted by the United States, e.g., for lead and zinc, sugar, cotton textiles, and others?

81. As to each suggested change in implementation of the present quota system, please assess the factors listed under question 66 above.

82. As to each such change, please also describe with particularity the proposed means of alteration of the present system and the legal authority for such alteration.

GEORGE P. SCHULTZ,  
Secretary of Labor.

MAY 19, 1969.

[F.R. Doc. 69-6113; Filed, May 21, 1969; 8:49 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 19401]

### AUSTIN-WEST SERVICE INVESTIGATION

#### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 17, 1969, e.d.t., at 10 a.m., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner William F. Cusick.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 16, 1969.

[SEAL] WILLIAM F. CUSICK,  
Hearing Examiner.

[F.R. Doc. 69-6111; Filed, May 21, 1969; 8:49 a.m.]

[Docket No. 21024; Order 69-5-78]

### SHULMAN AIR FREIGHT

#### Order of Investigation and Suspension Regarding Excess Valuation Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of May 1969.

By tariff revisions filed April 21, 1969, and marked to become effective May 22, 1969, Shulman, Inc., doing business as Shulman Air Freight (Shulman), an air freight forwarder, proposes to increase its excess valuation rates and charges for shipments between the 48 contiguous States as follows:

(a) From 25 to 30 cents per \$100 (or fraction thereof) on furs having a value of \$1,000 or less.

(b) From 15 to 20 cents per \$100 (or fraction thereof) on all other shipments by which the declared value exceeds 50 cents per pound or \$50 per shipment, whichever is higher.

Shulman's proposals involve increasing its rates by from 20 to 33 percent. The forwarder, however, has made no showing

that its current rates are unduly low and that its proposed rates would not be unreasonably high. Shulman has furnished no data whatsoever on the relationship between revenues from current excess value charges and losses from claims paid on shipments for which such charges have been paid. Nor has the forwarder presented any data on the foregoing relationship for its proposed rates.<sup>1</sup>

Shulman's only justification for its proposed rate increases is that they reflect higher evaluations now shown by shippers. Higher valuations, however, will themselves result in increased charges paid by shippers at the current rate per \$100 of valuation.

In these circumstances the Board finds that the proposed rates may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

*It is ordered, That:*

1. An investigation be instituted to determine whether the provisions and charges in Rule No. 55, 1(b) and the exception thereto on 8th Revised Page 5 of Shulman, Inc., doing business as Shulman Air Freight's CAB No. 38 (Shulman, Inc. series), and rules, regulations, and practices affecting such provisions and charges, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions and charges, and rules, regulations, or practices affecting such provisions and charges;

2. Pending hearing and decision by the Board, the provisions and charges in Rule No. 55, 1(b) and the exception thereto on 8th Revised Page 5 of Shulman, Inc., doing business as Shulman Air Freight's CAB No. 38 (Shulman, Inc. series) are suspended and their use deferred to and including August 19, 1969, unless otherwise ordered by the Board, and that no changes be made therein

<sup>1</sup> Cf., "Increased valuation and c.o.d. charges proposed by Railway Express Agency, Inc." 27 CAB, 542 (1958). The Board, after investigation, found REA's proposed increases in excess valuation and c.o.d. charges unjust and unreasonable chiefly on the ground that REA had failed to sustain the burden of coming forward with evidence to show what the increased costs of such services were. In similar actions, the Board suspended, pending investigation; (1) increased excess valuation charges proposed by REA (Order E-13820, May 1, 1959); (2) revision to its liability rule for parcel post shipments proposed in 1965 by WTC (Order E-22846, Nov. 4, 1965); (3) increased excess valuation charges proposed by Bekins Airvan Co. (Order E-23746, May 27, 1966); (4) increased excess valuation rates for parcel post shipments proposed by WTC Air Freight (Order 69-2-10, Feb. 3, 1969); (5) increased excess valuation rates proposed by Astro Air Express, Inc., and Comet Air Freight (Order 69-4-26, Apr. 4, 1969); and increased excess valuation rates proposed by Aero Special Air Freight (Order 69-5-18, May 5, 1969).

during the period of suspension except by order of special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order shall be filed with the tariff and served upon Shulman, Inc., doing business as Shulman Air Freight, which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL]

MABEL McCART,  
Acting Secretary.

[P.R. Doc. 69-6112; Filed, May 21, 1969;  
8:49 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[FCC 69-533]

### "TRADEOUT" CREDITS

#### Logging and Computation as Commercial Matter

MAY 15, 1969.

It has come to the attention of the Commission that some broadcast licensees have not been logging as commercial, or computing as commercial time in filing applications, certain kinds of announcements broadcast in return for receipt of "money, service or other valuable consideration," as required by section 317 of the Communications Act of 1934, as amended.

The particular circumstances to which this notice is addressed are those in which a network, program producer or station receives free transportation, prize merchandise or other goods or services in return "for an identification in a broadcast of any person, product, service, trademark, or brand name beyond an identification which is reasonably related to the use of such service or property on the broadcast." (section 317(a)). The provisions of sections 317 and 508 of the Act, taken together, require the broadcast disclosure of receipt of consideration under such circumstances, whether received by the licensee, his employees, the network furnishing the program or others involved in the production or preparation of the program.

The Commission's rules require the logging of commercial matter. They define commercial continuity as "the advertising message of a program sponsor," and state that "A commercial announcement is any other advertising message for which a charge is made, or other consideration is received." Such messages are required to be logged as commercials and computed as commercial time in applications for an original grant or a renewal of license. The fact that a network, program producer or other party receives the consideration, rather than the licensee, does not exempt such

messages from the commercial category.

Accordingly, all networks will be expected to report such matter to their affiliates as commercial for purposes of computing commercial time, and all licensees will be required to compute such messages as commercial time in their applications.

Action by the Commission May 14, 1969. Commissioners Hyde (Chairman), Bartley, Robert E. Lee, Cox, Johnson and H. Rex Lee with Commissioner Wadsworth abstaining from voting.

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

[P.R. Doc. 69-6103; Filed, May 21, 1969;  
8:48 a.m.]

[Dockets Nos. 18542-18545; FCC 69-492]

## WILLIAM GARRETT DRISKELL ET AL.

### Memorandum Opinion and Order Designating Applications for Con- solidated Hearing on Stated Issues

In re applications of William Garrett Driskell for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Marietta, Ga., Docket No. 18542, File No. 4262-C2-P-67; Joseph D. Nix, doing business as Radio Telephone Service for a construction permit to modify the facilities of Station KIJ356 in the Domestic Public Land Mobile Radio Service at Atlanta, Ga., Docket No. 18543, File No. 1585-C2-P-69; for a renewal of licenses for Stations KIJ356, KIY509, and KIY583 in the Domestic Public Land Mobile Radio Service at Atlanta, Ga., Docket No. 18544, File No. 2003-C2-R-69; File No. 3830-C2-R-69, File No. 1397-C2-R-69; General Communications Service, Inc. for a renewal of licenses for Stations KIG296, KIY402, and KIY527 in the Domestic Public Land Mobile Radio Service at Atlanta, Ga., Docket No. 18545, File No. 1589-C2-R-69, File No. 3624-C2-R-69, File No. 5941-C2-R-69.

1. The Commission has before it for consideration (a) an application filed April 14, 1967, by William Garrett Driskell (Driskell), for a construction permit to establish new communications facilities in the Domestic Public Land Mobile Radio Service at Marietta, Ga., using the frequencies 454.30 Mc/s (base) and 459.30 Mc/s (mobile); (b) a "Joint Petition to Deny Application", filed on May 23, 1967, by Atlanta Radio Contact, Inc. (Contact), licensee of Station KIG296 in the Domestic Public Land Mobile Radio Service at Atlanta, Ga., and Joseph D. Nix, doing business as Radio Telephone Service (Nix or Petitioner), licensee of Station KIJ356 in the Domestic Public Land Mobile Radio Service at Atlanta, Ga.; (c) an "Adoption of Joint Petition to Deny Application" filed July 16, 1968 by General Communications Service, Inc. (General or Petitioner), now the licensee of Station KIG296, at Atlanta, Ga.; (d) an application filed September 18, 1968 by Nix for

a construction permit to modify the facilities of Station KIJ356 in the Domestic Public Land Mobile Radio Service at Atlanta, Ga.; (e) applications by Nix for renewal of licenses for Stations KIJ356, KIY509, and KIY583 in the Domestic Public Land Mobile Radio Service at Atlanta, Ga., filed on February 11, 1969; and, (f) applications by General for renewal of licenses for Stations KIG296, KIY402, and KIY527 in the Domestic Public Land Mobile Radio Service at Atlanta, Ga., filed on February 20, 1969.

2. Contact, pursuant to consent to assignment of license granted by the Commission on June 13, 1968, consummated its assignment of Station KIG296 to General on July 1, 1968. Alpheus H. Stakely, director and vice president of the assignee, was the sole stockholder of Contact, the assignor. On July 16, 1968, General filed an adoption of Contact's joint petition to deny application as successor in interest to Contact's common carrier business. General, as licensee of Station KIG296, provides two-way common carrier services to mobile units, and is also authorized to provide dispatch station service in Clayton, Ga. (Station KIY402), and Decatur, Ga. (Station KIY527), for two of his subscribers to Station KIG296.<sup>1</sup>

3. Nix, as licensee of Station KIJ356, provides two-way common carrier services in the Domestic Public Land Mobile Radio Service at Atlanta, Ga., and is also authorized to provide dispatch station service in Atlanta, Ga. (Stations KIY509 and KIY583) for two of his subscribers to Station KIJ356.<sup>2</sup> In his application for a construction permit<sup>3</sup> to modify the facilities of Station KIJ356, Nix proposes to change the location of transmitter site No. 1, change the transmitter at that site by replacing it with one of a higher power, change the antenna system and location, and add a new emission.

4. In their joint petition to deny application, Petitioners allege that a substantial percentage of their subscribers are within Driskell's proposed service area and that a grant of Driskell's application will cause them economic injury; that the city of Marietta, Ga., is a part of the general Atlanta metropolitan area, and that the principal market for the proposed station includes Atlanta; that Driskell has made no showing of need for the proposed facilities which could not be satisfied by the existing licenses in the Atlanta region; and, that for the above reasons Driskell's application should be designated for hearing.

5. Both Nix and General are established radio common carriers providing services similar to those proposed by Driskell and operating in the same general area. Petitioners' allegations that the proposed facilities of Driskell will be in direct competition with their existing operations and will cause them economic

injury give petitioners standing to protest Driskell's application. Petitioners' allegations of insufficient public demand to support an additional carrier in the proposed area coupled both with Driskell's failure to show conclusively that existing operations in the area cannot satisfy current demands for new services and with Nix's application, which would increase the service area of Station KIJ356, are sufficient to raise an issue as to whether or not a grant of any or all of the applications would result in wasteful duplication of common carrier facilities. Thus, to the extent that the needs of the Atlanta-Marietta area may be determined to be insufficient to support three common carrier operations, the applications of Driskell, Nix, and General appear to be economically mutually exclusive. We find, therefore, that a hearing is required to determine whether a grant of any or all of the applications would serve the public interest, convenience, and necessity.

6. Section 21.504(a) of the rules and regulations of this Commission describes field strength contours of 37 and 39 decibels above 1 microvolt per meter as the limits of reliable service area for base stations engaged in two-way communications service in the 150-162 Mc/s and 450-460 Mc/s bands; and propagation data set forth in section 21.504(b) are a proper basis for establishing the location of the service contours (F50, 50) for the facilities involved in this proceeding.

7. Additionally, we find that except for the issues herein designated, the applicants are financially, technically, legally, and otherwise qualified to render the services they have proposed.

8. Accordingly, in view of our conclusions above: *It is ordered*, That, to the extent hereinafter provided, the "Joint Petition to Deny Application" is granted, and in all other respects, said Petition is denied.

9. *It is further ordered*, That pursuant to sections 309 (d) and (e) of the Communications Act of 1934, as amended, the captioned applications are designated for hearing, at the Commission's offices in Washington, D.C., on a date to be hereinafter specified upon the following issues:

(a) To determine, on a comparative basis, the nature and extent of the services proposed by Driskell and Nix, including the rates, charges, practices, personnel, classifications, regulations, and facilities pertaining thereto.

(b) To determine the nature and extent of the services currently offered by Nix and General, including the rates, charges, practices, personnel, classifications, regulations, and facilities pertaining thereto.

(c) To determine, in accordance with the standards set forth in paragraph 6 above, the areas and populations which the Driskell and Nix applications propose to serve within their 39 and 37 dbu contours, and to determine the need for the proposed services in said areas.

(d) To determine, in accordance with the standards set forth in paragraph 6

above, the areas and populations which receive services from Station KIG296 within its 37 and 39 dbu contours, and from Station KIJ356 within its 37 dbu contour.

(e) To determine the present uses and demands for the services of Stations KIG296 and KIJ356 in said areas as determined in accordance with issue (d); and to determine the capacities of the said stations.

(f) To determine, in light of the evidence adduced on all the foregoing issues, whether or not, and under what conditions, the public interest, convenience, or necessity would be served by a grant of any or all of the captioned applications.

11. *It is further ordered*, That the burden of proof on issues (a) and (c) is placed on Driskell and Nix; that the burden of proof on issues (b), (d), and (e) is placed on Nix and General insofar as said issues relate to their respective facilities; and the burden of proof on issue (f) is placed on all of the applicants.

12. *It is further ordered*, That the parties desiring to participate herein shall file their appearances in accordance with the provision of § 1.221 of the Commission's rules.

Adopted: May 7, 1969.

Released: May 15, 1969.

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

[F.R. Doc. 69-6104; Filed, May 21, 1969;  
8:48 a.m.]

[Docket No. 18405, File No. BPCT-3880;  
FCC 69R-218]

WLVA, INC.

#### Memorandum Opinion and Order Modifying Designation Order

1. This proceeding involves an application for change of facilities and a request for waiver of § 73.610(b)(1) of the Commission's rules, filed by WLVA, INC. (WLVA), licensee of television broadcast Station WLVA-TV, Channel 13, Lynchburg, Va. By memorandum opinion and order, 15 FCC 2d 757, 15 RR 2d 105, released December 27, 1968, the Commission designated the WLVA application for hearing under various issues which include inter alia:

(1) To determine whether a grant of the application would impair the ability of authorized and prospective UHF television broadcast stations in the area to compete effectively, or would jeopardize, in whole or in part, the continuation of existing UHF television service.

(2) To determine whether there is an area within which the applicant could locate its transmitter in conformity with all the requirements of the Commission's rules and provide service to the public equivalent to that proposed in the application.

(3) To determine whether the applicant can obtain an increase in tower height at its present transmitter location and, if so, the extent of such increase

<sup>1</sup> These stations are authorized under § 21.519(b) of the Commission's rules.

<sup>2</sup> File No. 1585-C2-P-69.

and whether service could be provided to the public from that height equivalent to that proposed in the application.

The burden of proceeding with the introduction of evidence and the burden of proof with respect to these issues were placed upon the parties respondent by the Commission.<sup>1</sup> Presently before the Review Board are a petition for reconsideration of the designation order in this proceeding, addressed to the Commission, and a contingent motion for modification of the designation order, addressed to the Board, both of which were filed by the Association of Maximum Service Telecasters, Inc. (AMST) on January 13, 1969, and February 6, 1969, respectively, and which seek a revision of the designation order in order to reallocate the burden of proof with respect to Issues 1 and 4 to the applicant, WLVA.<sup>2</sup>

2. In support of its request, AMST contends that the Commission, in situations legally indistinguishable from this proceeding, has made clear that the general principle which requires an applicant requesting waiver of the provisions of § 73.610(b) (1) to bear the burden of proving all elements of its case applies

<sup>1</sup>Charlottesville Broadcasting Corp., licensee of broadcast Stations WINA(AM) and WINA(FM) and permittee of television broadcast Station WINA-TV, Channel 29, Charlottesville, Va.; WCTV, Inc., permittee of television broadcast Station WVIR, Channel 64, Charlottesville, Va.; Roanoke Broadcasting Corp., licensee of television broadcast Station WRFV-TV, Channel 27, Roanoke, Va.; and the Association of Maximum Service Telecasters, Inc., were made parties respondent to the proceeding.

<sup>2</sup>On Jan. 13, 1969, AMST filed "Request for the Commission to Reconsider Designation Order on its own Motion on or before Jan. 26, 1969, or, in the alternative, Request for Waiver of § 1.106(a) and § 1.111(a) to Accept this Pleading as Petition for Reconsideration." On Jan. 23, 1969, the Broadcast Bureau filed its comments on the AMST request, suggested therein that the petition is realistically a request for modification of the burden of proof and, as such, should be referred to the Review Board, and asked that its comments be associated with the pleading in the event it should be referred to the Board. On Jan. 31, 1969, WLVA filed a motion to dismiss the AMST request, based upon the same procedural ground noted by the Bureau, and requested an additional period of time within which to respond to AMST's request should the Commission consider the pleading on its merits. In its motion to dismiss, WLVA discussed the substantive merits of AMST's position. On Feb. 6, 1969, AMST filed a contingent motion with the Board which seeks the same relief requested in the earlier pleading to the Commission in the event the Commission fails to act on the earlier pleading. On Feb. 17, 1969, WLVA filed an opposition to the contingent motion wherein it incorporated by reference its earlier motion to dismiss. The AMST request for Commission action and related pleadings, noted above, have been referred to the Board for its consideration in conjunction with AMST's contingent motion.

specifically to the issue of the availability of an alternative site that meets separation requirements and to the issue of adverse impact on UHF development. Petitioner cites recent precedent involving the modification of designation orders in which the burden of proof with respect to such issues was shifted to the applicant by the Commission or the Review Board.<sup>3</sup> According to AMST, there is no reason and no factual basis for not following precedent here especially since the designation order in this proceeding offers no expressed rationale for the allocation of the burden of proof under these issues.

3. In opposition to the AMST position on the burden of proof under the alternative site issue, WLVA contends that the petitioner places an erroneous gloss on the Commission's holding in WTCN Television, Inc., supra, when it states that the burden of production is met when the alternative site issue is merely raised by the respondent and that the applicant's burden of proof constitutes a showing that no site meeting Rule 73.610 requirements could be satisfactorily utilized. It is WLVA's contention that, under the WTCN holding, a respondent must do more than merely raise an issue in its prehearing pleadings and then obtain Commission specification of that issue; rather, according to WLVA, a respondent has the burden of producing substantial evidence sufficient to demonstrate the reasonable possibility of available alternative sites which comply with Commission requirements and which will permit the applicant to provide a broadcast service equivalent to that obtainable from his proposed site. WLVA further argues that, at this point, the applicant then assumes the burden of countering the respondent's evidentiary showing with a preponderance of the evidence to the contrary. With respect to the burden of proof under the UHF impact issue, WLVA characterizes AMST's position as one that holds that the mere existence of UHF allocations restricts any operating VHF station from securing the maximum facilities authorized by the Commission's rules. This approach, WLVA contends, is clearly violative of sections 303 and 307 of the Communications Act which encourage the more effective use of radio frequencies. Ultimately, WLVA argues that the allocation of the burden of proof under the UHF impact issue was appropriate here and followed established Commission precedent. The Bureau, in its comments on the AMST requests, agrees with WLVA that there should be no modifica-

<sup>3</sup>AMST cites WTCN Television, Inc., 1 FCC 2d 337, 5 RR 2d 573 (1965); Black Hawk Broadcasting Co. (KWVL-TV), 5 FCC 2d 383, 8 RR 2d 963 (1966); and WLCY-TV, Inc., 6 FCC 2d 550, 9 RR 2d 142 (1967). The Commission's action in WLCY-TV is cited to support petitioner's request for a shift in the burden of proof under the UHF impact issue.

tion of the burden of proof in regard to the UHF impact issue. The Bureau, while admitting that WLCY-TV, Inc., supra, supports AMST's request in this respect, points out that prior and subsequent precedent supports the Commission's allocation in this proceeding. In regard to the allocation of the burden of proof under the alternative site issue, however, the Bureau supports AMST's request on the basis of past precedent.

4. The procedural objections to AMST's earlier request of the Commission made by the Bureau and WLVA, as noted in footnote 2, supra, are well taken. AMST's request for reconsideration is precluded by the provisions of § 1.111(a) of the rules, and we note that AMST has not alleged reasons to support its request for waiver of the provisions of that rule. See WLCY-TV, Inc., supra. Since the petition is precluded by the rule and since the Board, in effect, is considering an identical request under its delegated authority on the basis of AMST's contingent motion, we will dismiss the pleading addressed to the Commission. Such action will render WLVA's related petition to dismiss moot, and it too will be dismissed by the Board. While we will dismiss these pleadings, we are, nevertheless, considering the substantive arguments contained in WLVA's motion to dismiss and the Bureau's comments since they apply with equal force to the contingent motion filed by AMST with the Board.

5. The precedent cited by AMST clearly supports its position that the applicant, in the context of a short-spacing proceeding, bears the ultimate burden of proof to demonstrate that an alternative site issue should be resolved in its favor. See WTCN Television, Inc., supra; Black Hawk Broadcasting Co. (KWVL-TV), supra; WLCY-TV, Inc., supra. The Board, therefore, will modify the designation order herein as requested by the petitioner to reallocate the burden of proof to the applicant. WLVA's extended discussion concerning the nature and extent of the showing required pursuant to the respondents' burden of proceeding with the introduction of evidence under the alternative site issue is not relevant to the precise question under consideration here which concerns the burden of proof. In this regard, however, the Board notes that its recent decisions in WTCN Television, Inc., 14 FCC 2d 870, 14 RR 2d 485 (1968), review denied, FCC 69-140 (1969), and WLCY-TV, Inc., 16 FCC 2d 506, 15 RR 2d 642 (1969), contain detailed analyses of the nature and extent of the showings required pursuant to the respondent's burden of proceeding with the introduction of evidence and the applicant's ultimate burden of proof under an alternative site issue. Since the same rationale which now prompts us to grant AMST's request with respect to the alternative site issue applies equally to the inquiry under Issue 5 herein, it would appear appropriate for the Board, on its own motion, to shift the burden of

proof under that issue to the applicant as well. It will be so ordered.\*

6. The precedent is not consistent with respect to the proper allocation of the burden of proof under the UHF impact issue. As the Bureau correctly notes, WLCY-TV, Inc., supra, supports AMST's request, but precedent prior and subsequent to that Commission action has seen the burden of proof allocated to the parties respondent. See WATR, Inc. (WATR-TV), 15 FCC 2d 103, 14 RR 2d 714 (1968); WSTE-TV, Inc. (WSTE), 11 FCC 2d 1013 (1968); and Central Coast Television (KCOY-TV), 2 FCC 2d 306, 6 RR 2d 719 (1966). This precedent, however, fails to afford a detailed consideration of the rationale involved in the allocation of the burden of proof, and, in fact, the designation orders in those cases did not specifically consider or discuss the factors inherent in such an allocation. The WLCY-TV precedent, on the other hand, presents a somewhat different situation. In that proceeding, the Commission initially placed the burden of proof under the UHF impact issue on the parties respondent and, thereafter, on its own motion, reconsidered the designation order for the purpose of real-locating the burden of proof under both the alternative site issue and the UHF impact issue to the applicant. In so doing, the Commission stated that, while the respondents should be required to apprise the applicant of the facts militating against grant of the application, the final burden of presenting evidence adequate to show that grant is in the public interest should rest with the applicant. In view of this recent instance of specific consideration by the Commission in a short-spacing context similar to the instant situation, the Board is persuaded to follow the WLCY-TV holding and to reallocate the burden of proof under the UHF impact issue to the applicant. Our action is not meant to suggest that the policy of encouraging competitive facilities in a community is paramount to the policy of encouraging the maximum utilization of broadcast facilities, as WLVA appears to have characterized AMST's position. As the Commission noted in its designation order herein, there is an apparent conflict as to which policy or policies should prevail in this proceeding, and we believe that a more appropriate course to take here where an applicant is requesting waiver of the separation re-

\*Although not argued by the parties in the pleadings under consideration, the Board must note that, even though the WLVA proposal would result in a small decrease in existing short-spacing and would attempt to provide equivalent protection to Station WHTN-TV, Channel 13, Huntington, W. Va., these factors would not justify retention of the existing allocation of the burden of proof. The more reasonable approach and the one that the Commission has followed in other cases and apparently overlooked here is to allocate the burden of proof to the applicant seeking waiver of the separation requirements, especially where the respondent has provided substantial allegations which have formed the basis for inclusion of an issue in the designation order.

quirements of § 73.610(b) of the rules is to place the ultimate burden of proof on the applicant to demonstrate that all facets of its proposal are in the public interest.

7. Accordingly, it is ordered, That the request for the Commission to reconsider designation order on its own motion on or before January 26, 1969, or, in the alternative, request for waiver of § 1.106(a) and § 1.111(a) to accept this pleading as petition for reconsideration, filed by the Association of Maximum Service Telecasters, Inc., on January 13, 1969, is dismissed; and

8. It is further ordered, That the motion to dismiss the AMST request, noted above, filed by WLVA, Inc., on January 31, 1969, is dismissed as moot; and

9. It is further ordered, That the contingent motion to the Review Board for modification of designation order, filed by the Association of Maximum Service Telecasters, Inc., on February 6, 1969, is granted, and that the allocation of the burden of proof under Issues 1, 4, and 5 in this proceeding is modified to show that said burden is placed upon the applicant, WLVA, Inc.

Adopted: May 15, 1969.

Released: May 16, 1969.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[P.R. Doc. 69-6105; Filed, May 21, 1969;  
8:48 a.m.]

[Report 440]

### COMMON CARRIER SERVICES INFORMATION<sup>1</sup>

#### Domestic Public Radio Services Applications Accepted for Filing<sup>2</sup>

MAY 19, 1969.

Pursuant to §§ 1.227(b) (3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services applica-

tion appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

<sup>1</sup>All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

<sup>2</sup>The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

#### APPENDIX

##### APPLICATIONS ACCEPTED FOR FILING

##### DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

##### File No., applicant, call sign, and nature of application

- 6732-C2-P-69—General Communications Service Inc. (KOA265); C.P. to change the antenna system for the 152.18 MHz facilities at location No. 3: 7.5 miles south of Phoenix, Ariz.
- 6733-C2-P-69—Consolidated Telephone Co. (New); C.P. for a new 2-way station. Frequency: 152.69 MHz. Location: 0.5 mile north of Highway No. 18, 9.5 miles east of Brainerd, Minn.
- 6734-C2-P-69—Mobile Telephone Company of New Jersey (New); C.P. for a new 2-way station. Frequency: 454.200 MHz. Location: Cuthbert Colonial Builders, East Cuthbert Boulevard and MacArthur Boulevard, Westmont, N.J.
- 6743-C2-MP-69—General Communications Service Inc (KOH280); Modification of C.P. to install an additional channel to operate on frequency 152.24 MHz at a new site to be identified as location No. 3: 7.5 miles south of Phoenix, Ariz.
- 6819-C2-MP-69—RCC of Virginia, Inc. (KIX394); Modification of C.P. to relocate the 152.09 MHz base facilities to 1601 Crump Street, Richmond, Va., and replace transmitter for same.
- 6820-C2-P-69—Tel-Page Corp. (New); C.P. for a new 2-way station. Base frequency: 152.09 MHz. Location: Moss Hill Road, 3 miles east of Horseheads, N.Y.
- 6821-C2-P-69—Tel-Page Corp. (New); C.P. for a new 1-way-signaling station. Frequency: 152.24 MHz. Location: Moss Hill Road, 3 miles east of Horseheads, N.Y.
- 6822-C2-P-69—Muenster Telephone Corp. of Texas (KLB597); C.P. to change antenna location from corner of Second and Oak Streets, Muenster, Tex., to: 1 mile northeast of Muenster, Tex., and replace transmitter operating on base frequency 152.81 MHz, also change the antenna system.

## DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—Continued

- 6847-C2-P-69—Radio Contact Corp. (New); C.P. for a new 1-way-signaling station. Frequency: 158.70 MHz. Location: 1919 14th Street, Boulder, Colo.
- 6848-C2-P-69—Radio Contact Corp. (New); C.P. for a new 2-way station. Frequency: 454.20 MHz. Location: 1919 14th Street, Boulder, Colo.
- 6849-C2-P-69—The Radio Corp. & Roy M. Teel & Lowry McKee, doing business as Mobilphone (New); C.P. for a new 1-way-signaling station. Frequency: 152.24 MHz. Location: Broadway Tower Building, 114 East Broadway, Enid, Okla.
- 6850-C2-P-69—Andrew J. Dibrel (KLF5386); C.P. to change the antenna location from 612 Allende Street, Laredo, Tex., to west of State Highway No. 35, north edge of Laredo, Tex., operating on base frequency 152.03 MHz.
- 6851-C2-MP-69—Radio Dispatch Co. (KG1774); Modification of C.P. to change the antenna location from Wilson Building, Broadway and Federal Streets, Camden, N.J. to North-east Tower, Benjamin Franklin Bridge, Camden, N.J.
- 6860-C2-P-(2)-69—Mobilphone Communications, Inc. (KEX714); C.P. to install two additional channels to operate on frequencies 454.05 and 454.10 MHz at location No. 1: Top of hill, 1 mile west of city limits of Austin, Tex.
- 6861-C2-P-69—The Bell Telephone Co. of Pennsylvania (KGB888); C.P. to install a third channel to operate on frequency 152.810 MHz at its station located Hilltop, 3 miles southeast of Allentown, Pa. Also change the antenna system.
- 6862-C2-P-69—The Lincoln Telephone & Telegraph Co. (New); C.P. for a new 1-way-signaling station. Frequency: 152.84 MHz. Location: 321 North St. Joseph Avenue, Hastings, Nebr.
- 6867-C2-P-(3)-69—General Telephone Co. of Calif. (New); C.P. for a new 1-way-signaling station. Frequency: 158.100 MHz. Locations: Location No. 1: Pomona Central Office, 280 South Locust Street, Pomona, Los Angeles, Calif. Location No. 2: Ontario Central Office, 207 West D Street, Ontario, San Bernardino County, Calif.

## Correction

- 6869-C2-P-69—Gulf Mobilphone of Vicksburg (New); Correct entry to read: C.P. for a new 2-way station. Frequency: 454.10 MHz. Location: On Highway No. 84, at the Mississippi River Bridge, Natchez, Miss. All other particulars to remain same as listed on public notice dated May 12, 1969, Report No. 439.
- 4435-C2-P-69—Tel-Car Inc. (New); Correct to read Tel-Car Inc. (KUA294). C.P. to install an additional channel at location No. 3, 9.5 miles north-northeast of Emmett, Idaho, to operate on base frequency 152.09 MHz and repeater frequency 454.150 MHz. All other particulars to remain the same as reported on public notice dated Feb. 10, 1969, Report No. 426.

## Major Amendment

- 5325-C2-P-69—The Township Telephone Co. of Chaumont, N.Y. (New); Amend to read to operate on a frequency of 152.73 MHz. All other particulars to remain the same as reported on public notice dated Mar. 17, 1969, Report No. 431.

## RURAL RADIO SERVICE

- 6823-C1-P-69—Pacific Northwest Bell Telephone Co. (KTQ54); C.P. to replace transmitter operating on frequency 157.89 MHz at its station located 11.5 miles southwest of Madras, Oreg.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

- 6735-C1-P-69—Bell Telephone Co. of Nevada (KYJ40); C.P. to add frequencies 11,565 and 6271.4 MHz toward a new point of communication at Spirit Mountain, Nev., at its station located 11.5 miles west-northwest of Searchlight, Nev.
- 6736-C1-P-69—American Telephone & Telegraph Co. (KIK64); C.P. to add frequency 3380 MHz toward Lanesville, Ind., at station located 521 West Chestnut Street, Lanesville, Ky.
- 6737-C1-P-69—American Telephone & Telegraph Co. (KSJ47); C.P. to add frequency 3790 MHz toward Guston, Ky., and add 4110 MHz toward Louisville, Ky., at station located 3.8 miles southeast of Lanesville, Ind.
- 6744-C1-P-69—Hawaiian Telephone Co. (KUS23); Modification of C.P. to replace transmitter for frequency 2115.8 MHz at its station located at Kamuela, Hawaii.
- 6745-C1-P-69—Hawaiian Telephone Co. (KKU39); Modification of C.P. to replace transmitter for frequency 2163.6 MHz at station located summit of Mauna Kea, 18.6 miles southeast of Kamuela, Hawaii.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—Continued

- 8131-C1-P-69—Southern Bell Telephone & Telegraph Co. (EJA75); Renewal of Developmental station license expiring June 14, 1969. Term June 14, 1969, to June 14, 1970.
- 6746-C1-P-69—The Mountain States Telephone & Telegraph Co. (KXQ99); C.P. to add frequencies 6056.4 and 11,445 MHz toward a new point of communication Powell, Wyo., and change antenna system at its station located at McCullough Peak, 11.7 miles east-northeast of Cody, Wyo.
- 6747-C1-P-69—The Mountain States Telephone & Telegraph Co. (New); C.P. for a new fixed station. Frequencies: 6308.4 and 10,995 MHz. Location: 277 North Absaroka Street, Powell, Wyo.
- 6748-C1-P-69—General Telephone Co. of the Southeast (New); C.P. for a new fixed station. Frequency: 6945.2 MHz. Location: 3007 Roxboro Road, Durham, N.C.
- 6749-C1-P-69—General Telephone Co. of the Southeast (New); C.P. for a new fixed station. Frequency: 6063.8 MHz. Location: 301 West Main Street, Durham, N.C.
- 6825-C1-P/ML-69—New York Telephone Co. (KZI46); C.P. and modification of license to change the antenna location from Vestal, Vestal Plaza, N.Y., to 3 miles southwest of Binghamton, N.Y., operating on frequency 6404.8 MHz.
- 6826-C1-ML-69—New York Telephone Co. (KZI47); Modification of license to change point of communication from Vestal, N.Y., to Binghamton, N.Y., for frequency 6152.8 MHz at station located 6 miles west of Windsor, N.Y.
- 6827-C1-P-69—General Telephone Co. of Kentucky (KVD69); C.P. to add frequency 2112.4 MHz toward Dixon Knob, Ky., via passive reflector station located 131 Memorial Drive, Hazard, Ky.
- 6828-C1-P-69—General Telephone Co. of Kentucky (New); C.P. for a new fixed station. Frequencies: 2162.4 and 2172.0 MHz. Location: 4 miles south-southeast of Vico, Dixon Knob, Ky.
- 6829-C1-P-69—General Telephone Co. of Kentucky (New); C.P. for a new fixed station. Frequency: 2122.9 MHz. Location: 0.5 mile northeast of intersection of State roads Nos. 669 and 231, Leatherwood, Ky.
- 6854-C1-P-69—Fidelity Telephone (New); C.P. for a new fixed station. Frequency: 2112.4 MHz. Location: 48 West Euclid, Sullivan, Mo.
- 6855-C1-P-69—Fidelity Telephone (New); C.P. for a new fixed station. Frequency: 2162.4 MHz. Location: Owensville, Mo.
- 6856-C1-P-69—Southern Bell Telephone & Telegraph Co. (EJA89); C.P. to add frequency 6152.8 MHz toward Anderson Mountain, N.C., at its station located 208 North Caldwell Street, Charlotte, N.C.
- 6857-C1-P-69—Southern Bell Telephone & Telegraph Co. (EJA90); C.P. to add frequency 6375.2 MHz toward Charlotte, N.C., and 6256.5, 6375.2 MHz toward Gastonia, N.C., at its station located 6.5 miles east-southeast of Maiden, N.C.
- 6858-C1-P-69—Southern Bell Telephone & Telegraph Co. (EJL69); C.P. to add frequencies 6084.2 and 6152.8 MHz toward Anderson Mountain, N.C., at its station located 220 South Street, Gastonia, N.C.

## Major Amendment

- 6272-C1-P-69—General Telephone Co. of the Northwest, Inc. (New); Change frequency 10,955 MHz (toward Cooks Mountain Passive and via Passive to Little Blacetail Mountain, Idaho) to read 10,995 MHz, all other particulars to remain the same as reported on public notice dated Apr. 28, 1969, Report No. 437.

## Correction

- 6331-C1-P-69—New York Telephone Co. (New); Correct entry to read: C.P. for a new fixed station. Frequencies: 5989.7, 6019.3, 6123.1, 6152.8, 10,775, and 10,755.0 MHz, all other particulars to remain same as listed on public notice dated May 5, 1969, Report No. 438.

- 6333-C1-P-69—New York Telephone Co. (New); Correct entry to read C.P. for a new fixed station. Frequencies: 11,205, 11,465.0, 11,625.0, 11,665.0, and 6301.0 MHz. Location: 2.5 miles west-northwest of Adams Center, N.Y.

## POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

- 6723-C1-P-69—East Texas Transmission Co. (KLF73); C.P. to add frequencies 10,715, 10,835, 10,955 MHz on azimuth 110°30' at station located 0.6 mile southwest of College Mound, Tex.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

- 6729-C1-P-69—East Texas Transmission Co. (KLH74); C.P. to add frequencies 11,245, 11,365, 11,485, and 11,605 MHz on azimuth 115°00' at station located 1.3 miles northwest of Colfax, Tex.
- 6730-C1-P-69—East Texas Transmission Co. (KLH75); C.P. to add frequencies 10,715, 10,835, 10,955, and 11,075 MHz on azimuth 175°00' at station located at Tyler, Tex.
- 6731-C1-P-69—East Texas Transmission Co. (KLU31); C.P. to add frequencies 11,245, 11,365, 11,485, and 11,605 MHz on azimuth 238°06' at station located 2.5 miles northwest of Jacksonville, Tex. (Informative: Applicant proposes to provide the television signals of stations KMEC-TV, KFWT, KLIP, and KERA-TV of Fort Worth-Dallas area to Jack Kent Cooke, Inc., in Palestine, Tex.)

[P.R. Doc. 69-6099; Filed, May 21, 1969; 9:48 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI69-742, etc.]

SINCLAIR OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates<sup>1</sup>

MAY 14, 1969.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Com-

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

mission jurisdiction, as set forth in Appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regula-

tions pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(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 1, 1969.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI69-742...	Sinclair Oil Corp. et al., Post Office Box 521, Tulsa, Okla. 74102.	* 285	3	United Gas Pipe Line Co. (Normanna Field, Bee County, Tex.) (R.R. District No. 2).	\$11,429	4-21-69	* 6-22-69	11-22-69	15.00	* 19.665	
RI69-743...	Pan American Petroleum Corp. (Operator) et al., Post Office Box 3092, Houston, Tex. 77001.	69	16	Natural Gas Pipeline Co. of America (Old Ocean Field, Brazoria and Matagorda Counties, Tex.) (R.R. District No. 3).	302,129	4-21-69	* 5-22-69	10-22-69	* 14.0	* 16.37588	
.....do.....	.....do.....	363	* 26	El Paso Natural Gas Co. (Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	207	4-21-69	* 5-22-69	10-22-69	13.0	* 14.0	
.....do.....	.....do.....	397	* 6	El Paso Natural Gas Co. (Gallup Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	270	4-21-69	* 5-22-69	10-22-69	13.0	* 14.0	
RI69-744...	Pan American Petroleum Corp.	421	6	Natural Gas Pipeline Co. of America (Old Ocean Field, Matagorda County, Tex.) (R.R. District No. 3).	2,190	4-21-69	* 5-22-69	10-22-69	* 15.5	* 17.5	
RI69-745...	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	124	15	Natural Gas Pipeline Co. of America (Camrick Field, Texas and Beaver Counties, Okla.) (Panhandle Area).	1,924	4-23-69	* 6-5-69	11-5-69	* 18.415	* 18.615	RI68-639.
RI69-746...	Sinclair Oil Corp., Post Office Box 521, Tulsa, Okla. 74102.	* 47	9	Lone Star Gas Co. (Big Mineral Creek Field, Grayson County, Tex.) (R.R. District No. 9).	316	4-21-69	* 7-1-69	12-1-69	* 14.49	* 17.10	
.....do.....	.....do.....	* 140	12	Natural Gas Pipeline Co. of America (Grand Valley Field, Texas and Beaver Counties, Okla.) (Panhandle Area).	843	4-21-69	* 5-22-69	10-23-69	* 17.8	* 18.615	RI69-165.
.....do.....	.....do.....	* 178	6	Panhandle Eastern Pipe Line Co. (Guymon-Hugoton Field, Texas County, Okla.) (Panhandle Area).	851	4-21-69	* 5-22-69	10-23-69	17.4	* 18.415	RI68-620.
.....do.....	.....do.....	* 218	4	.....do.....	1,208	4-21-69	* 5-22-69	10-22-69	17.6	* 18.415	RI66-165.
.....do.....	.....do.....	* 263	4	Northern Natural Gas Co. (Ellis County, Okla. (Panhandle Area) and Lipscomb County, Tex. (R.R. District No. 10).	1,697 1,040	4-21-69	* 5-22-69	10-22-69	* 17.0 * 17.0	* 18.0 * 18.015	
.....do.....	.....do.....	* 46	6	Mountain Fuel Supply Co. (Powder Wash Field, Moffat County, Colo.).	456	4-21-69	* 6-18-69	11-18-69	13.0	* 14.0	
.....do.....	.....do.....	* 170	8	El Paso Natural Gas Co. (Tubbs and Blueberry Fields, Lea County, N. Mex.) (Permian Basin Area).	1,078	4-21-69	* 5-22-69	10-22-69	14.88	* 16.879	
.....do.....	.....do.....	* 215	6	El Paso Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	971	4-21-69	* 5-22-69	10-22-69	16.13	* 16.832	
.....do.....	.....do.....	* 216	2	West Texas Gathering Co. (Emperor Devonian Field, Winkler County, Tex.) (R.R. District No. 8) (Permian Basin Area).	2,144	4-21-69	* 5-22-69	10-22-69	16.39	* 18.0	
.....do.....	.....do.....	* 290	5	El Paso Natural Gas Co. (Rejo Cabellos Field, Pecos County, Tex.) (R.R. District No. 8) (Permian Basin Area).	7,044	4-21-69	* 5-22-69	10-22-69	16.5	* 19.0	
.....do.....	.....do.....	* 308	2	Transwestern Pipeline Co. (Halley Field, Winkler County, Tex.) (R.R. District No. 8) (Permian Basin Area).	23,798 9,907	4-21-69	* 5-22-69	10-22-69	* 16.49 * 14.48	* 18.0 * 18.0	

## APPENDIX A—Continued

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 dockets Nos.
									Rate in effect	Proposed increased rate	
R169-747..	Standard Oil Co. of Texas, a division of Chevron Oil Co. (Operator).	7	13	El Paso Natural Gas Co. (Kelly-Snyder Field—Snyder Plant, Scurry, Tex.) (R.R. District No. 8) (Permian Basin Area).	\$22,203	4-18-69	5-19-69	10-19-69	16.30	17.11	
R169-748..	Standard Oil Co. of Texas, a division of Chevron Oil Co.	21	4	Transwestern Pipeline Co. (Chenot Field, Pecos County, Tex.) (R.R. District No. 8) (Permian Basin Area).	10,782	4-18-69	5-19-69	10-19-69	14.40	18.0	
.....do.....	.....do.....	22	6	Transwestern Pipeline Co. (Atoka Field, Eddy County, N. Mex.) (Permian Basin Area).	69,798	4-18-69	5-19-69	10-19-69	14.72	18.0	
.....do.....	.....do.....	23	5	Transwestern Pipeline Co. (Kermit and South Kermit Fields, Winkler County, Tex.) (R.R. District No. 8) (Permian Basin Area).	21,985	4-18-69	5-19-69	10-19-69	14.86	18.0	
.....do.....	.....do.....	24	5	.....do.....	12,266	4-18-69	5-19-69	10-19-69	14.86	18.0	
.....do.....	.....do.....	25	5	.....do.....	407,572	4-18-69	5-19-69	10-19-69	14.86	18.0	
R169-749..	Shell Oil Co., 50 West 30th St., New York, N.Y. 10020.	344	3	Transwestern Pipeline Co. (Halley Field, Winkler County, Tex.) (R.R. District No. 8) (Permian Basin Area).	36,216	4-21-69	5-22-69	10-22-69	16.49	20.52	
.....do.....	.....do.....			.....do.....	14,218				14.48	20.52	
R169-750..	W. M. Gallaway et al., Post Office Box 630, Farmington, N. Mex. 87401.	2	3	El Paso Natural Gas Co. (Ignacio Dakota, La Plata County, Colo.).	840	4-24-69	5-25-69	10-25-69	13.0	14.0	
R169-751..	St. Clair Oil Co., 219 East Main St., St. Clairsville, Ohio 43050.	12	14	Equitable Gas Co. (Harrison, Lewis, and Upshur Counties, W. Va.).	( <sup>29</sup> )	4-22-69	5-23-69	10-23-69	26.0	27.0	
R169-752..	Sun Oil Co.—DX Division, 987 South Detroit Ave., Tulsa, Okla. 74120.	64	12	El Paso Natural Gas Co. (Monument Field, Lea County, N. Mex.) (Permian Basin Area).	10,903	4-21-69	5-22-69	10-22-69	14.31	16.8793	
.....do.....	.....do.....	81	16	El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.) (R.R. District No. 8) (Permian Basin Area).	1,837	4-21-69	5-22-69	10-22-69	14.50	18.2430	
.....do.....	.....do.....	92	10	El Paso Natural Gas Co. (Fullerton Field, Andrews County, Tex.) (R.R. District No. 8) (Permian Basin Area).	3,876	4-21-69	5-22-69	10-22-69	15.19	18.2430	
.....do.....	.....do.....	93	12	El Paso Natural Gas Co. (Levelland Field, Hockley County, Tex.) (R.R. District No. 8A) (Permian Basin Area).	12,020	4-21-69	5-22-69	10-22-69	14.21	18.2430	
.....do.....	.....do.....	94	11	El Paso Natural Gas Co. (Slaughter Field, Hockley County, Tex.) (R.R. District No. 8A) (Permian Basin Area).	2,727	4-21-69	5-22-69	10-22-69	14.50	18.2430	
.....do.....	.....do.....	101	9	El Paso Natural Gas Co. (Blinbery and Tubbs Fields, Lea County, N. Mex.) (Permian Basin Area).	5,021	4-21-69	5-22-69	10-22-69	14.99	16.8793	
.....do.....	.....do.....	133	7	El Paso Natural Gas Co. and Pecos Co. (Jack Jerbest and Amacker Tippett Fields, Upton County, Tex.) (R.R. District No. 7-C) (Permian Basin Area).	130	4-21-69	5-22-69	10-22-69	14.10	16.2025	
.....do.....	.....do.....	142	11	El Paso Natural Gas Co. (Blinbery et al. Fields, Lea County, N. Mex.) (Permian Basin Area).	13,119	4-21-69	5-22-69	10-22-69	14.22	16.8793	
.....do.....	.....do.....	282	3	Transwestern Pipeline Co. (Halley Field, Winkler County, Tex.) (R.R. District No. 8) (Permian Basin Area).	( <sup>30</sup> ) 133,854	4-21-69	5-22-69	10-22-69	14.48 16.49	20.5 20.5	

<sup>2</sup> The stated effective date is the effective date requested by Respondent.

<sup>3</sup> From permanently certificated initial rate per Opinion No. 476 to contractually provided for periodic. (19-cent base and 0.665-cent tax reimbursement).

<sup>4</sup> Pressure base is 14.65 p.s.i.a.

<sup>5</sup> Atlantic Richfield Co. has filed to succeed to all of Sinclair's rate schedules on Mar. 17, 1969.

<sup>6</sup> Tentatively redesignated Atlantic Richfield Co. Rate Schedule No. 510.

<sup>7</sup> Periodic rate increase.

<sup>8</sup> Subject to a downward B.I.U. adjustment.

<sup>9</sup> Applies to acreage added by Supplement No. 25 only.

<sup>10</sup> Pressure base is 15.025 p.s.i.a.

<sup>11</sup> Applies to acreage added by Supplement No. 5 only.

<sup>12</sup> From settlement rate to contractually provided for periodic.

<sup>13</sup> Settlement rate as approved by Commission order issued Apr. 13, 1966, in Docket Nos. G-9279 et al.

<sup>14</sup> Includes 0.015-cent tax reimbursement.

<sup>15</sup> Atlantic Richfield Co. filed notice of succession to all of Sinclair's rate schedules on Mar. 17, 1969.

<sup>16</sup> Tentatively redesignated Atlantic Richfield Co. Rate Schedule No. 352.

<sup>17</sup> Includes 0.49-cent tax reimbursement before increase and 0.10-cent tax reimbursement after increase. Respondent is contractually due rate of 16.56 cents, inclusive of 0.56-cent tax reimbursement.

<sup>18</sup> Four-step periodic rate increase.

<sup>19</sup> Tentatively redesignated Atlantic Richfield Co. Rate Schedule No. 395.

<sup>20</sup> Five-step periodic rate increase.

<sup>21</sup> Tentatively redesignated Atlantic Richfield Co. Rate Schedule No. 422.

<sup>22</sup> Four-step periodic rate increase.

<sup>23</sup> Tentatively redesignated Atlantic Richfield Co. Rate Schedule No. 464.

<sup>24</sup> Texas production.

<sup>25</sup> Tentatively redesignated Atlantic Richfield Co. Rate Schedule No. 490.

<sup>26</sup> Tentatively designated as Atlantic Richfield Co. Rate Schedule Nos. 351(46), 417(170), 451(215), 452(216), 514(290), and 615(398).

<sup>27</sup> Oklahoma production.

<sup>28</sup> Piling from area ceiling rate to rate authorized by the contract.

<sup>29</sup> Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.

<sup>30</sup> Subject to 0.4467 cent per Mcf reduction for low pressure gas.

<sup>31</sup> "Fractured" rate increase. Contract rate is 20.5 cents.

<sup>32</sup> Residue derived from new gas-well gas.

<sup>33</sup> Residue not derived from new gas-well gas.

<sup>34</sup> Fractured increase from applicable area ceiling rate. Contract rate is 21.8 cents per Mcf.

<sup>35</sup> Base rate of 20.5 cents adjusted for quality.

<sup>36</sup> New gas-well gas and residue derived therefrom.

<sup>37</sup> Casinghead gas and residue not derived from new gas-well gas.

<sup>38</sup> Does not apply to acreage added by supplemental agreement dated Mar. 27, 1969 (Supplements Nos. 1 and 2).

<sup>39</sup> Volume not given.

<sup>40</sup> The stated effective date is the first day after expiration of the statutory notice.

<sup>41</sup> Renegotiated rate increase.

<sup>42</sup> Pressure base is 15.325 p.s.i.a.

<sup>43</sup> Does not include gas from acreage added by Supplement No. 13. Includes wells stimulated by refracturing, cleaned out or drilled deeper.

<sup>44</sup> Subject to 0.4467-cent reduction for compression by buyer, if needed.

<sup>45</sup> No volume shown for casinghead gas.

<sup>46</sup> Casinghead gas.

<sup>47</sup> New gas-well gas.

W. M. Gallaway et al. (Gallaway), request a retroactive effective date of January 1, 1969, for their proposed rate increase. St. Clair Oil Co. (St. Clair) requests that its proposed rate increase be permitted to become effective as of May 3, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Gallaway and St. Clair's rate filings and such requests are denied.

Two of Sinclair Oil Corp. (Sinclair) and three of Sun Oil Co.—DX Division's (Sun) proposed rate increases reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file protests to these rate increases. El Paso questions the right of the producer 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 the buyer concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, we shall provide that the hearings herein with respect to the rate filings containing such tax shall concern themselves with the contractual basis for the rate filings, as well as the statutory lawfulness of the proposed increased rates and charges.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Chapter I, Part 2, § 2.56), with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[P.R. Doc. 69-5998; Filed, May 21, 1969; 8:45 a.m.]

[Docket No. CP68-276]

### DELTA NATURAL GAS CO., INC., AND TENNESSEE GAS PIPELINE CO.

#### Notice of Petition To Amend

MAY 15, 1969.

Take notice that on May 5, 1969, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Petitioner), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP68-276 a petition to amend the order issued in said docket on June 17, 1968, by authorizing the use of existing facilities for the sale and delivery of natural gas to Delta Natural Gas Co., Inc., "Applicant" in the original order, instead of establishing a new connection on Petitioner's main line, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned order of June 17, 1968, Petitioner as the Respondent in Docket No. CP68-276 was ordered to establish physical connection of its transmission facilities with the facilities to be constructed by Delta Natural Gas Co., Inc., and to sell and

deliver to Delta up to 369 Mcf per day of natural gas for distribution and resale in Clearfield, Ky., and environs.

Petitioner states that it is presently rendering up to 304 Mcf per day of natural gas to Delta for Delta's Salt Lick Service Area pursuant to authorization issued in Docket No. CP60-94.

Petitioner further states that Delta has now requested that Petitioner combine the maximum contract quantity of 369 Mcf which Petitioner was directed to deliver in Docket No. CP68-276 with the 304 Mcf now served by Petitioner pursuant to authorization issued in Docket No. CP60-94. According to the instant filing, Delta has encountered difficulty in obtaining right-of-way for its proposed transmission lateral originally planned to extend from a point on Petitioner's system to the town of Clearfield. Delta has also requested that the facilities utilized in delivering the Salt Lick service be used in serving the needs of the Clearfield distribution system.

Accordingly, Petitioner requests that the order heretofore issued in Docket No. CP68-276 be amended so as to provide that the quantity of gas which Petitioner was directed to serve Delta for the requirements of the town of Clearfield be combined with the existing authorized contract quantity of Delta's Salt Lick Service Area and that Petitioner be directed to serve Delta a total maximum contract demand of 673 Mcf per day of natural gas through existing delivery points.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,  
Secretary.

[P.R. Doc. 69-6073; Filed, May 21, 1969; 8:45 a.m.]

[Docket No. CP69-295]

### EASTERN SHORE NATURAL GAS CO.

#### Notice of Application

MAY 15, 1969.

Take notice that on May 8, 1969, Eastern Shore Natural Gas Co. (Applicant), 114 East Main Street, Salisbury, Md. 21801, filed in Docket No. CP69-295 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and certain changes in the authorized deliveries to existing

customers, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 3.3 miles of 10-inch loop pipeline from a point near Blackbird, Del., to a point near Green Spring, Del. Applicant states that the proposed loop will increase from 200 p.s.i. to 240 p.s.i. the daily average design pressure at the southern end of its system. The application indicates that this increase in pressure is necessary to absorb hourly pressure fluctuations and to reduce the need for peak shaving to a more economical level in rendering service to the Salisbury, Md., area.

The application indicates the total estimated cost of the proposed project to be \$120,905, which cost will be financed from funds generated from operations.

Also, Applicant proposes to make the following changes in authorized deliveries to the following existing customers:

	Present	Proposed	Change
<b>CD-1 Rate schedule deliveries:</b>			
Cambridge Gas Co.	825	875	50
Chesapeake Utilities Corp.			
Dover Division	4,350	4,140	(210)
Easton, Md.	360	630	260
Elkton Gas Service (CD-E)	1,250	1,350	100
Total increase			300
<b>GSS-1 Rate schedule deliveries:</b>			
Cambridge Gas Co.	150	300	150
Chesapeake Utilities Corp.			
Citizens Division	400	600	200
Dover Division	750	1,500	750
Sussex Division		100	100
Elkton Gas Service	200	300	100
Total increase			1,300
<b>Direct Industrial Service:</b>			
Stanifer Chemical Co.	6,550	7,050	500
Easton, Md.	740	630	(110)
Total increase			390

<sup>1</sup> Present deliveries being made under Applicant's G-1 Rate schedule.

Any persons desiring to be heard or to make any protest with reference to said application should on or before June 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further

notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 69-6071; Filed, May 21, 1969;  
8:45 a.m.]

[Dockets Nos. G-12221, CP68-350]

### EL PASO NATURAL GAS CO.

#### Notice of Petition To Amend Further MAY 15, 1969.

Take notice that on May 5, 1969, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex. 79999, filed in Dockets Nos. G-12221 and CP68-350 a petition to amend further the Commission's orders issued July 19, 1957, as amended, and September 3, 1968, as amended, respectively, so as to authorize the construction and operation of certain facilities in lieu of previously authorized facilities and to remove the volumetric limitation now imposed on the sale of gas to Washington Natural Gas Co. (Washington Natural) for resale in Grotto, Wash., and environs, all as more fully set forth in the petition to amend further, which is on file with the Commission and open to public inspection.

The order of July 19, 1957, as amended, authorized Petitioner to construct and operate certain facilities, including a 35.1 mile 6-inch lateral line, and to sell and deliver natural gas to Washington Natural for resale in Grotto and environs. The order of September 3, 1968, as amended, authorized Petitioner to construct and operate delivery facilities on the Grotto lateral and to sell and deliver natural gas to Washington Natural for resale in the communities of Sultan, Startup, and Goldbar, Wash., and their respective environs.

Petitioner states that it has been requested by Washington Natural to install a master measuring and regulating station near the upstream terminus of the Grotto lateral and, by means thereof, to measure and regulate singularly the entire stream of gas used for delivery at the individual delivery points serving the communities of Sultan, Startup, Goldbar, and Grotto. Accordingly, Petitioner proposes to construct and operate the master station in replacement of the measuring and regulating equipment authorized in Docket No. G-12221 and the individual meter stations authorized in Docket No. CP68-350, but never actually installed. The existing tap for Grotto and the individual taps for the three other communities will continue to be used as delivery facilities for gas to be

measured at the proposed master station. Petitioner alleges that increased operational efficiencies will result from utilization of a single meter station at a single measurement point in lieu of four meters and measurement points otherwise required. The total estimated cost of the master station is estimated by Petitioner to be \$14,250.

Petitioner states further that the order of July 19, 1957, originally authorized the construction and operation of facilities necessary for a direct sale of gas by Petitioner to a cement plant in Grotto. By subsequent amending orders this direct sale was converted to a sale to Washington Natural for resale to said plant and for resale and distribution in Grotto. A total maximum delivery limitation of 3,350 Mcf per day was fixed upon the sale. The petition indicates that, inasmuch as the cement plant has been shut down, the daily demand for Grotto is now quite small, and, accordingly, Petitioner believes that the volumetric limitation is no longer necessary and should be removed.

Any persons desiring to be heard or to make any protest with reference to said petition should on or before June 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 69-6073; Filed, May 21, 1969;  
8:45 a.m.]

[Docket No. CP69-293]

### TRUNKLINE GAS CO.

#### Notice of Application

MAY 15, 1969.

Take notice that on May 8, 1969, Trunkline Gas Co. (Applicant), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP69-293 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities to connect additional reserves to Applicant's existing marine system, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a gas purchase contract, dated November 27, 1968, with General Crude Oil Co., Hamilton Brothers Oil Co., Placid Oil Co., Highland Resources, Inc., Hunt Oil Co., Kewanee Oil Co., Transocean Oil, Inc., and Union Carbide Petroleum

Corp. covering the purchase and sale of gas produced from leases located in Blocks 179 and 187, South Timbalier Area, offshore southern Louisiana.

Specifically, Applicant proposes to construct and operate approximately 9.8 miles of 12-inch pipeline extending from its existing Platform ST-175 in Block 175 to a platform to be constructed in Block 179 by the above named producers. The application indicates the total estimated cost of the proposed project to be \$2,300,000, which cost will be financed initially from funds on hand and by bank borrowings. Permanent financing will be through the issuance of long term securities.

Applicant states that no additional markets have been contracted in reliance upon this additional supply and that said supply is intended merely to augment Applicant's gas reserves.

Any persons desiring to be heard or to make any protest with reference to said application should on or before June 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 69-6074; Filed, May 21, 1969;  
8:45 a.m.]

[Docket No. CP69-294]

### UNITED GAS PIPE LINE CO.

#### Notice of Application

MAY 15, 1969.

Take notice that on May 8, 1969, United Gas Pipe Line Co. (Applicant),

Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP69-294 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon and remove one 440 horsepower compressor unit and appurtenant equipment located at Applicant's Sharon Compressor Station, Claiborne Parish, La., all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that the Sharon Station was originally constructed to compress gas to be delivered by Applicant to Texas Gas Transmission Corp. from Applicant's low pressure Sarepta-Sterlington pipeline. Applicant further states that the gas supply on this low pressure system is declining and can be absorbed without compression in other markets connected to the system and that only one of the two 440 horsepower units at the Sharon Station is required by present and future projected operating conditions.

Any persons desiring to be heard or to make any protest with reference to said application should on or before June 12, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 69-6075; Filed, May 21, 1969; 8:46 a.m.]

[Docket No. CP63-92 etc.]

**UNITED GAS PIPE LINE CO. AND  
TEXAS EASTERN TRANSMISSION  
CORP.**

**Notice of Joint Petition To Amend**

MAY 15, 1969.

Take notice that on May 8, 1969, United Gas Pipe Line Co. (United), Post Office Box 1701, Shreveport, La. 71102, filed a petition to amend the order issued in Docket No. CP63-92 on July 5, 1963, and Texas Eastern Transmission Corp. (Texas Eastern) filed a petition to amend the orders issued in Dockets Nos. CP61-203 and CP64-5 et al., by authorizing United to transport additional quantities of natural gas for Texas Eastern and to construct an additional point for receipt of natural gas from Texas Eastern for transportation and redelivery to Texas Eastern and by authorizing Texas Eastern to postpone construction of certain facilities, all as more fully set forth in the joint petition to amend which is on file with the Commission and open to public inspection.

By the order issued in Docket No. CP63-92 on July 5, 1963, as amended, United was authorized to transport and deliver natural gas to Texas Eastern. United requests that the order of July 5, 1963, be further amended so as to authorize an additional point for the receipt of gas from Texas Eastern for transportation and subsequent redelivery at an existing point of connection between the facilities of the parties located near Sharon in Claiborne Parish, La., and the transportation of additional quantities of gas for Texas Eastern. The increase in the quantities of gas transported would be from 55,000 Mcf to 75,000 Mcf per day for a period ending November 1, 1979.

If United's petition to amend is granted, then Texas Eastern requests that it be permitted to postpone the construction and operation of its proposed Castor-Monroe, La., 20-inch pipeline certificated by the order issued December 17, 1962, in Docket No. CI61-203, as amended by the order issued December 19, 1963 in Docket No. CP64-5 et al.

Any person desiring to be heard or to make any protest with reference to said joint petition to amend should on or before June 12, 1969 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 69-6076; Filed, May 21, 1969; 8:46 a.m.]

**SECURITIES AND EXCHANGE  
COMMISSION**

**CONTINENTAL INVESTMENT CORP.**

**Order Suspending Trading**

MAY 16, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Investment Corp. (an Arizona corporation) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered*, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 17, 1969, through May 26, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 69-6087; Filed, May 21, 1969; 8:47 a.m.]

**ELECTROGEN INDUSTRIES, INC.**

**Order Suspending Trading**

MAY 16, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Electrogen Industries, Inc. (formerly Jodmar Industries, Inc.) (may be known as American Lima Corp.) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

*It is ordered*, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 17, 1969, through May 26, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 69-6088; Filed, May 21, 1969; 8:47 a.m.]

[70-4749]

**INDIANA & MICHIGAN ELECTRIC CO.**

**Notice of Proposed Issue and Sale of  
Bonds at Competitive Bidding**

MAY 16, 1969.

Notice is hereby given that Indiana & American Electric Power Co., Inc. Run Avenue, Fort Wayne, Ind. 46801, an electric utility subsidiary company of American Electric Power Co., Ind. ("AEP"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"),

designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

I&M proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, \$60 million principal amount of its First Mortgage Bonds, \_\_\_\_\_ percent Series due 1974. The bonds will be dated as of the first day of the month in which they are issued. The interest rate of the bonds (which will be a multiple of one-eighth of 1 percent) and the price to be paid to I&M (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof, excluding accrued interest) will be determined by the competitive bidding. The bonds will be issued under the Mortgage and Deed of Trust, dated as of June 1, 1939, between I&M and Irving Trust Co., New York, N.Y. and E. J. McCabe (successor individual trustee), as Trustees, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated as of the first day of the month in which the bonds are issued.

The net proceeds from the sale of the bonds, together with anticipated capital contributions from AEP in the amount of \$15 million, made pursuant to prior authorization, will be used to finance construction, to prepay an estimated \$36 million of short-term notes issued for such purpose, and to reimburse its treasury for payment at maturity on June 1, 1969, of \$22,500,000 of the company's First Mortgage Bonds. Any remaining balance will be used for general corporate purposes.

The application states that the issue and sale of the bonds are subject to authorization by the Public Service Commission of Indiana, the State commission of the State in which I&M is organized and doing business, and by the Michigan Public Service Commission, the State commission of the State in which I&M is qualified to and is doing business. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses relating to the proposed transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than June 4, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address,

and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[P.R. Doc. 69-6085; Filed, May 21, 1969;  
8:46 a.m.]

[70-4755]

#### NORTHEAST UTILITIES ET AL.

#### Notice of Proposed Issue and Sale of Notes to Bank by Subsidiary Company and Issue and Sale of Subordinated Notes by Subsidiary Company to Holding Company

MAY 16, 1969.

Notice is hereby given that Northeast Utilities ("Northeast"), Post Office Box 270, Hartford, Conn. 06101, a registered holding company, and The Connecticut Light & Power Co. ("CL&P"), The Hartford Electric Light Co. ("HELCO"), and Western Massachusetts Electric Co. ("WMECO"), each an electric-utility subsidiary company of Northeast, and The Millstone Point Co. ("Millstone Point"), a subsidiary company of Northeast, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, 12(d), and 12(f) of the Act and Rules 42, 43, and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

CL&P, HELCO, and WMECC (referred to collectively as the "Owners") own as tenants-in-common the Millstone Nuclear Power Station ("Station") with 53 percent, 28 percent, and 19 percent interests, respectively. Millstone Point is acting as their agent with respect to the construction and operation of the Station. The Owners have entered into a fuel contract with respect to their nuclear fuel requirements, and the estimated fabrication cost of the first nuclear fuel core is \$9,250,000. The estimated cost of the second and third cores is \$26,700,000 and \$25,000,000, respectively.

The Owners propose to transfer and assign to Millstone Point their respective interests in the fuel contract and

Millstone Point will reimburse Owners for all amounts theretofore paid by them under such contract. As of May 9, 1969, the amount so required to be reimbursed by Millstone to Owners was approximately \$6,939,000 and the balance required to be paid for the nuclear fuel for the first core was approximately \$2,313,000. The Owners have also agreed, in accordance with their respective ownership interests in the station, to reimburse Millstone Point each month for all amounts paid or accrued by it during the month with respect to nuclear fuel other than amounts paid to the nuclear fuel contractor under the fuel contract.

Millstone Point, in order to temporarily finance this undertaking, proposes to issue and sell from time to time up to an aggregate principal amount of \$7,500,000 of short-term notes to banks and up to an aggregate principal amount of \$2,750,000 of short-term subordinated notes to Northeast. The aggregate amount of such short-term notes at any one time outstanding, including both the bank notes and the subordinated notes, will at no time exceed \$10,250,000. The proceeds of such notes will be used to finance its capital requirements until such time as permanent financing for nuclear fuel is completed. When permanent financing for nuclear fuel arrangements are completed, Millstone Point will retransfer and reassign to Owners, all of Millstone Point's interests in the fuel contract and in the nuclear fuel acquired thereunder and Owners will pay to Millstone Point an amount equal to its aggregate costs with respect to the fuel less any amount theretofore reimbursed by Owners. Such permanent financing, reassignment and retransfer will be the subject of a future filing with the Commission.

The \$7,500,000 of notes to banks will each be dated as of the date of issue, will have maximum maturity dates of nine months with the right of renewal, will bear interest at the prime rate in effect at the lending bank on the date of issue, and will be subject to repayment at any time at Millstone Point's option without premium. The notes are to be sold to the following banks in the respective amounts shown:

The Connecticut Bank & Trust Co.	\$6,000,000
The Connecticut National Bank.	1,500,000
Total	\$7,500,000

The \$2,750,000 of short-term subordinated notes will be similar in all respects to the notes to be sold to banks except that they will be subordinated to bank borrowings and any other indebtedness issued by Millstone Point to third parties.

Millstone Point presently has outstanding \$150,000 aggregate principal amount of long-term unsecured notes which were acquired by Northeast in accordance with the Commission's order (Holding Company Act Release No. 15691). Millstone Point, prior to any bank borrowing, proposes to issue new long-term notes in substitution for the outstanding long-term notes. The sub-

stitute long-term notes will have the same terms as the outstanding notes, except that they will be subordinated to bank borrowings and any other indebtedness by Millstone Point to third parties.

Fees and expenses incident to the proposed transactions are estimated at \$500, including legal fees of \$300. The application-declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 29, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by Affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 69-6086; Filed, May 21, 1969;  
8:47 a.m.]

## SMALL BUSINESS ADMINISTRATION

[License 03/03-0023]

### FIRST PITTSBURGH SMALL BUSINESS INVESTMENT CO.

#### Surrender of License To Operate

Notice is hereby given that First Pittsburgh Small Business Investment Co., Pittsburgh, Pa., has, pursuant to § 107.105 of the regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326), surrendered its license to operate as a small business investment company.

Notice is further given that the Small Business Administration did, on May 8,

1969, accept the surrender. Accordingly, First Pittsburgh Small Business Investment Co. is no longer licensed to operate as a small business investment company.

Dated: May 14, 1969.

A. H. SINGER,  
Associate Administrator  
for Investment.

[F.R. Doc. 69-6094; Filed, May 21, 1969;  
8:47 a.m.]

[Delegation of Authority 30 (Northeastern Area), Amdt. 1]

### AREA COORDINATORS AND REGIONAL DIRECTORS

#### Delegation of Authority To Conduct Program Activities in the North- eastern Area

Pursuant to the Authority delegated to the Area Administrators by Delegation of Authority No. 30 (Revision 12), 32 F.R. 179, dated January 7, 1967, as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, 33 F.R. 19097, and 34 F.R. 5134), Delegation of Authority No. 30 (Northeastern Area), 33 F.R. 10666, dated July 26, 1968, is hereby amended by:

1. Revising Item I.E.1, to read as follows:

I. Area Coordinators. \* \* \*

E. Financial Assistance Coordinator—

1. Eligibility determinations (for financial assistance only). To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

2. Revising Items II.B. 4 and 5 and adding thereto a new Item II.B. 6, to read as follows:

II. Regional Directors. \* \* \*

B. Development company assistance. \* \* \*

4. To execute sections 501 and 502 loan authorizations for Central Office and area approved loans and for loans approved under delegated authority, said execution to read, as follows:

(Name), Administrator

By: \_\_\_\_\_  
Regional Director.  
(City)

5. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

6. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, deben-

tures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

3. Revising Items I.I.C., I.I.D., I.I.P.2, and I.I.G.12, to read as follows:

II. Regional Directors. \* \* \*

C. Size determinations. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

D. Eligibility determinations. To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC program, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

F. Chiefs, Financial Assistance Divisions (and Assistant Chiefs, if assigned). \* \* \*

2. Eligibility determinations for financial assistance only. To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance with Small Business Administration standards and policies. No authority is hereby delegated to declare the nonapplicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

G. Supervisory Loan Officer and/or Assistance Team Leader. \* \* \*

12. Eligibility determinations for financial assistance only. To determine eligibility of applicants for assistance under any program of the Agency, except the SBIC and Development Company Assistance Programs, in accordance

with Small Business Administration standards and policies. No authority is hereby delegated to declare the non-applicability of eligibility limitations to a community emergency as set forth in section 120.2(e) of SBA Loan Policy Regulations.

4. Revising Items III. 3 and 4 and adding thereto a new Item II.1.5, to read as follows:

II. Regional Directors. \* \* \*

1. Chief, Development Company Assistance Division. \* \* \*

3. To execute sections 501 and 502 loan authorizations for Central Office, area, and regional approved loans, said execution to read, as follows:

(Name), Administrator

By: \_\_\_\_\_

(Name)

Chief, Development Company Assistance Division.

4. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

5. To take all necessary actions in connection with the administration, servicing, and collection; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank application for use of liquidity privilege under the loan guaranty plan.

d. Except: (1) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (2) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

Effective date: December 31, 1968.

THOMAS J. NOONAN,  
Area Administrator.

[F.R. Doc. 68-6096; Filed, May 21, 1969;  
8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 1296]

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

MAY 16, 1969.

The following applications are governed by Special Rule 1.247<sup>1</sup> of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER

<sup>1</sup> Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

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

No. MC 16682 (Sub-No. 79), filed April 21, 1969. Applicant: MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City, N.Y. 11101. Applicant's representative: S. S. Elsen, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture, store fixtures and equipment, and environment controlled units, between Des Moines, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).* NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 19227 (Sub-No. 133), filed April 27, 1969. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Cooling towers and fluid coolers* which because of size or weight require the use of special equipment, and *cooling towers, fluid coolers and parts and accessories* for cooling towers and fluid coolers which do not require the use of special equipment, when moving in the same vehicle with cooling towers and fluid coolers which because of size and weight require the use of special equipment, from the plantsite of the Marley Co., Louisville, Ky., to points in the United States (except Alaska, Hawaii, Virginia, West Virginia, Ohio, and Tennessee), and (2) *lumber, including plywood, from the plantsite of the Marley Co., Stockton, Calif., to points in Illinois, Iowa, Kansas, Oklahoma, South Carolina, District of Columbia and points within 100-mile radius of South Bend, Ind., in the States of Indiana and Michigan.* NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Stockton, or San Francisco, Calif., and Louisville, Ky.

No. MC 20722 (Sub-No. 22), filed April 23, 1969. Applicant: M & G CONVOY, INC., 590 Elk Street, Post Office Box 218, Buffalo, N.Y. 14205. Applicant's representative: Walter N. Bieneman, 1 Woodward Avenue, Suite 1700, Detroit, Mich. 48226. Authority 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 and 766, and *parts thereof moving therewith*, in initial movements, in truckaway and driveway service, from Westmoreland County, Pa., to points in Delaware, Maryland, Michigan, New Jersey, New York, Ohio, Virginia, Pennsylvania, West Virginia, and the District of Columbia. **NOTE:** Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 20872 (Sub-No. 12), filed May 1, 1969. Applicant: LIME CITY TRUCKING COMPANY, INCORPORATED, 1455 Swan Street, Huntington, Ind. 46750. Applicant's representative: Alki E. Scopellitis, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and glassware, and articles used in the manufacture, sale or distribution thereof*, between Huntington, Ind., on the one hand, and, on the other, the plant and warehouse sites of Corning Glass Works at or near Bluffton, Ind. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 29079 (Sub-No. 53) (Correction), filed March 27, 1969, published FEDERAL REGISTER issue of April 24, 1969, corrected and republished this issue. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from Hartford, Ky., to points in Illinois, Indiana, those in Michigan south of Mason, Lake, Osceola, Clare, Gladwin, and Arenac Counties, and Saginaw Bay, Mich., and points in Ohio. **NOTE:** The purpose of this republication is to reflect wooden "pallets" in lieu of wooden pellets, which was erroneously shown in previous publication. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29886 (Sub-No. 248), filed April 30, 1969. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles* in driveway service, from Portland, Ore., to points in the United States (except Hawaii, Oregon, Idaho, Montana, and Washington), restricted however, to shipments moving in combination with new motor vehicles moving

in initial movements, for which service applicant presently has authority. **NOTE:** Applicant states joinder would be at Portland, Ore. Secondary traffic originated in Oregon, Washington, Idaho, and Montana, would be brought to Portland, Ore., for furtherance beyond. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 31600 (Sub-No. 641), filed April 29, 1969. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and compressed gases* (except petroleum gases), in bulk, from the plantsites of Air Reduction Co., Inc., at or near Olean, N.Y., to points in New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Connecticut. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 35045 (Sub-No. 4), filed April 22, 1969. Applicant: HORNE HEAVY HAULING, INC., 1124 De Kalb Avenue NE, Atlanta, Ga. 30307. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or handling by reason of size or weight; and (2) *ordnance materials and supplies and quartermaster supplies* (except household goods and commodities in bulk), (a) between military installations or Defense Department establishments in the United States (except Alaska and Hawaii); and (b) between points in (a) above, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 42487 (Sub-No. 716), filed April 28, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, Western Traffic Service, Post Office Box 3062, Portland, Ore. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alkyl line oxidizer solution*, in bulk, in tank vehicles, from Santa Fe Springs, Calif., to Cedar Rapids, Iowa, Minneapolis, Minn., and Springfield, Mo.; and (2) *spent alkyl line oxidizer solution*, in bulk, in tank vehicles, from Cedar Rapids, Iowa, Minneapolis, Minn., and Springfield, Mo., to Santa Fe Springs, Calif. **NOTE:** Applicant states it does not intend to tack and apparently is willing

to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or San Francisco, Calif.

No. MC 43716 (Sub-No. 27), filed May 6, 1969. Applicant: BIGGE DRAYAGE CO., a corporation, 10700 Bigge Avenue, San Leandro, Calif. 94577. Applicant's representative: R. A. Doty (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; and (2) *ordnance equipment, materials and supplies, and quartermaster supplies* (except household goods and commodities in bulk), (a) between military installations or Defense Department establishments in the United States, and (b) between points in (a) above on the one hand, and, on the other, points in the United States. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or San Francisco, Calif.

No. MC 46219 (Sub-No. 7), filed April 17, 1969. Applicant: STERNBERGER MOTOR CORPORATION, 44-55 Pearson Street, Long Island City, N.Y. 11101. Applicant's representatives: Kenneth T. Johnson and 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: *Furniture and household furnishings*, from points in Florida to points in Georgia, Alabama, Mississippi, Louisiana, South Carolina, North Carolina, Tennessee, Virginia, Kentucky, Delaware, Maryland, West Virginia, Ohio, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia. **NOTE:** Applicant states that theoretical tacking is possible, however, no destination can be reached by tacking that is not directly applied for by this application. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 50069 (Sub-No. 421), filed April 28, 1969. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. 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 points in McKean County, Pa., to points in Ohio and Michigan. **NOTE:** Common control and dual operations may be involved. Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 131), filed April 18, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill., and D. F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Disposable diapers and related premiums and advertising materials* when shipped with disposable diapers and paper and paper products, from Cheboygan, Mich., to points in Bartholomew, Brown, Clark, Clay, Crawford, Daviess, Dearborn, Decatur, Dubois, Floyd, Fountain, Gibson, Greene, Harrison, Hendricks, Jackson, Jefferson, Jennings, Johnson, Knox, Lawrence, Monroe, Montgomery, Morgan, Ohio, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Scott, Shelby, Spencer, Sullivan, Switzerland, Vanderburgh, Vermillion, Vigo, Warren, Warrick, and Washington Counties, Ind.; Louisville, Ky.; and St. Louis, Mo.; and (2) *damaged, defective, rejected, or returned shipments of disposable diapers and materials, equipment, and supplies* used in the manufacture and distribution of the above-described commodities on return. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51148 (Sub-No. 132), filed April 21, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representatives: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill., and D. F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends and accessories and materials, equipment and supplies* used in the manufacture, sale, and distribution of metal containers and metal container ends, from Minneapolis-St. Paul commercial zone to points in Wisconsin, Illinois, Iowa, Missouri, North Dakota, South Dakota, Indiana, Ohio, Kansas, Nebraska, and Colorado. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52709 (Sub-No. 307), filed April 14, 1969. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen bakery goods*, from Detroit and Livonia, Mich., to points in California, Colorado, Nevada, Oregon, Utah, and Washington. (2) *Frozen dessert topping* from Detroit and Dearborn, Mich., to points in California, Colorado, Idaho, Nevada, Oregon, Utah, and Washington. NOTE: Applicant states it does not intend to tack and apparently is

willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 59640 (Sub-No. 16), filed April 21, 1969. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, N.J. 07016. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies* used in the conduct of such business, except commodities in bulk, from Woodbridge Township, N.J., to Waterbury, Conn. (2) *Ice cream* from Suffield, Conn., to the storage facilities of Supermarkets General Corp. at Jersey City, N.J. (3) *Frozen foods* from the storage facilities of Supermarkets General Corp. at Jersey City, N.J., to Waterbury, Conn. Restriction: The authority sought above is limited to a transportation service to be performed, under a continuing contract, or contracts with Supermarkets General Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 60987 (Sub-No. 14), filed April 11, 1969. Applicant: ARKIN TRUCK LINE, INCORPORATED, 1600 South Indiana, Chicago, Ill. 60616. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and materials, supplies, and equipment* used or useful in the maintenance and operation of printing houses, between Warsaw, Ind., and Willard, Ohio, on the one hand, and, on the other, points in that part of Illinois bounded on the south by U.S. Highway 6 beginning at the Illinois-Indiana State line and extending west to junction Illinois Highway 53; on the west by Illinois Highway 53 from said junction and extending north to junction unnumbered highway near Illinois Highway 22, thence north along unnumbered highway to junction Illinois Highway 22; and on the north by Illinois Highway 22 extending east from said junction of unnumbered highway to Lake Michigan; including points on the indicated portions of the highways specified; but excluding points in the Chicago, Ill., commercial zone as defined by the Commission, under contract with R. R. Donnelley & Sons Co., of Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61396 (Sub-No. 219), filed April 28, 1969. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Box 189, Omaha, Nebr. 68101. Applicant's representatives: Dale G. Herman (same address as above), and Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry*

*fertilizer and fertilizer ingredients*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas and Mississippi. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 61396 (Sub-No. 221), filed May 6, 1969. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Post Office Box 189, Omaha, Nebr. 68101. Applicant's representatives: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102, and Dale G. Herman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* in bulk, in tank vehicles, from the storage facilities of Central Farmers Fertilizer Co. at or near Palmyra, Mo., to points in Illinois, Iowa, and Missouri. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Omaha, Nebr.

No. MC 61592 (Sub-No. 139), filed May 2, 1969. Applicant: JENKINS TRUCK LINE, INC., 2708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: R. Connor Wiggin, 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm machinery and tractor attachments and parts* for the commodities named above, from Temple, Tex., to points in the United States (except Hawaii), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, on return. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 64932 (Sub-No. 475), filed April 23, 1969. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. 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 Huntington, Ind., to points in Ohio. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 69036 (Sub-No. 9), filed April 30, 1969. Applicant: HEARTLAND EXPRESS, INC., 911 West Sheridan, Shenandoah, Iowa 51601. Applicant's representative: Earl H. Scudder, Jr., 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Immobile, nonmotorized farm equipment and supplies, and parts and accessories used in connection therewith*, from the plantsites or facilities of Farmaster Products, Inc., located at or near Shenandoah, Iowa, to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Missouri, Colorado, Illinois, and Wisconsin. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Shenandoah, Iowa.

No. MC 78228 (Sub-No. 25), filed May 1, 1969. Applicant: J. MILLER EXPRESS, INC., 147 Nichol Avenue, McKees Rocks, Pa. 15136. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, conduit, metallic tubing, and fittings* therefor, unloaded by mechanical devices furnished by the carrier, from Ambridge and New Kensington, Pa.; Niles, Ohio; and Glen Dale, W. Va., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Missouri, Minnesota, Georgia, Florida, and the District of Columbia. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 82492 (Sub-No. 27), filed May 5, 1969. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 693 Plymouth Avenue NE., Grand Rapids, Mich. 49505. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsites and warehouse facilities of Swift & Co. at or near Glenwood, Iowa, to points in Indiana, Michigan, Ohio, and those points in Pennsylvania located on and west of U.S. Highway 15, restricted to the transportation of commodities originating at the above-specified origin point. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 85955 (Sub-No. 4), filed April 30, 1969. Applicant: WARREN FREIGHT LINES, INC., 1401 Fifth Ave-

nue SE., Aberdeen, S. Dak. 57401. Applicant's representative: James L. Nelson, 325 Cedar Street, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between Wimbledon and Edgeley, N. Dak., from Wimbledon over North Dakota Highway 9 to junction North Dakota Highway 20, thence over North Dakota Highway 20 to Jamestown, thence over U.S. Highway 281 to Edgeley, and return over the same route, serving the intermediate point of Jamestown and the off-route points of Nortonville, Millarton, and Sidney, N. Dak. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fargo or Bismarck, N. Dak.

No. MC 94201 (Sub-No. 70), filed April 25, 1969. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala. 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Yarn, including tire cord, fiber, and synthetic fiber yarn, synthetic staple fiber, synthetic fiber, and synthetic plastic and containers* used for the transportation of such commodities, *polyester, textiles, textile products, chemicals, chemical products and containers, materials and supplies* used or consumed in production by a textile factor and *empty beams*, between the plantsites, warehouses, and storage facilities of the Monsanto Co. at or near Pensacola and Gonzalez, Fla.; Decatur and Huntsville, Ala.; on the one hand, and, on the other, points in Kentucky; and (2) *tire fabric* from Bowling Green, Ky., and points within a radius of 10 miles thereof to Memphis, Tenn., and Albany, Ga., and points within 10 miles of each. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 96185 (Sub-No. 11), filed April 27, 1969. Applicant: T. DEL FARNO TRUCKING CO., a corporation, 10 Ward Avenue, North Providence, R.I. 02904. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel piling*, between Pawtucket, R.I., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, and Connecticut. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., Boston, Mass., or New York, N.Y.

No. MC 103993 (Sub-No. 399), filed April 14, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements from Hempstead County, Ark., to points in the United States, except Alaska and Hawaii; and (2) *buildings* in sections, mounted on their own or removable wheeled undercarriages, in initial movements, from Hempstead County, Ark., to points in the United States, except Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Wisconsin, West Virginia, and Hawaii. NOTE: Applicant indicates the existence of tacking possibilities, however, it further indicates that it does not intend to tack and is apparently willing to accept a restriction against tacking if deemed necessary. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 105586 (Sub-No. 7), filed April 29, 1969. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 68, East Prairie, Mo. 63845. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, periodicals, magazines and periodicals parts and sections, newspaper supplements, books, paper patterns, catalogs, and catalogs parts and sections*, from Dayton, Ohio, to points in Arizona, California, Colorado, Nevada, New Mexico, Utah, Idaho, Montana, Oregon, Washington, and Wyoming. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 106644 (Sub-No. 97), filed May 2, 1969. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30321. Applicant's representative: Archie B. Culbreth, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos products, conduits, or pipe and fittings and accessories* necessary to the installation thereof; *plastic pipe, fittings, and accessories* necessary to the installation thereof, in straight or mixed shipments, from Van Buren, Ark., to points in Alabama, Arizona, Colorado, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas,

Utah, Virginia, West Virginia, Wisconsin, and Wyoming. **NOTE:** Applicant states it intends to tack the authority sought where possible with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 107012 (Sub-No. 94), filed April 23, 1969. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Lincoln Highway East, and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, store fixtures and equipment, and environment control units*, between Des Moines, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). **NOTE:** Common control and dual operations may be involved. Applicant indicates that the authority sought herein may be tacked to one or more of its existing authorities, but does not explain the extent thereof. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107515 (Sub-No. 657), filed May 1, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 38, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food*, from Jackson, Ohio, to points in Missouri, Kansas, Nebraska, Iowa, Minnesota, Wisconsin, and Lexington and Louisville Ky., and Evansville, Ind. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 108053 (Sub-No. 85), filed April 17, 1969. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 129, Fremont, Nebraska 68025. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hillsdale, Mich., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; restricted to traffic originating at the plant-site or storage facilities utilized by Great Markwestern Packing Co., at or near Hillsdale, Mich. **NOTE:** Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 108460 (Sub-No. 39), filed May 2, 1969. Applicant: PETROLEUM

CARRIERS COMPANY, a corporation, 5104 West 14th Street, Sioux Falls, S. Dak. 57101. Applicant's representative: Richard Hopewell, 511 Northwestern Bank Building, Sioux Falls, S. Dak. 57102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the storage facilities of Central Farmers Fertilizer Co. at or near Spencer, Iowa, to points in Iowa, Minnesota, North Dakota, Nebraska, South Dakota, and Wisconsin. **NOTE:** Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109095 (Sub-No. 18), filed April 30, 1969. Applicant: ANDERSON MOTOR SERVICE, INC., 1516 East 14th Street, St. Louis, Mo. 63106. Applicant's representative: Gregory M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsites of Browning Arms Co. and the Tenbrook Co. at or near Arnold, Jefferson County, Mo., as off-route points in connection with carrier's presently held authority to and from St. Louis, Mo. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 109397 (Sub-No. 167), filed April 23, 1969. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Business I-44, Post Office Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear, and byproducts materials, radioactive materials, related reactor equipment, component parts, associated materials, and radioactive material containers*, between Fort St. Vrain Nuclear Generating Station near Platteville, Colo., the National Reactor Testing Station near Arco, Idaho, facilities of the Atomic Energy Commission in Anderson and Roane Counties, Tenn., Erwin, Tenn., the facilities of Kerr McGee near Cimarron, Okla., and the Peachbottom Nuclear Power Plant near Castle Pin, Pa., and the plant-site of Gulf General Atomic, Inc., Torrey Pines Mes, San Diego, Calif. **NOTE:** Applicant states it will tack with its Sub 67 to enable service to New Jersey, Ohio, California, Tennessee, and Idaho, with its Sub 82 to enable service to Idaho and Ohio, with its Sub 92 to enable service to Michigan and Idaho, with its Sub 150 to enable service to Idaho, California, Connecticut, Illinois, Maryland, Massachusetts, Michigan, New Hampshire, New Mexico, Pennsylvania, Tennessee, Utah, Virginia, New York, and the District of Columbia, with its Sub 104 to enable services to Michigan, New York,

Idaho, Massachusetts, Illinois, Texas, Ohio, Virginia, Missouri, Maryland, Georgia, Iowa, Washington, New Jersey, Pennsylvania, South Carolina, and the District of Columbia, with its Sub 75 to enable services to Michigan and Idaho, with its Sub 127 to enable services to Idaho, Tennessee, and Kansas and with its Sub 32 to enable services to Idaho and California. Applicant has pending under MC 128814 and Subs thereunder, applications for contract carrier authority, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., Denver, Colo., or Kansas City, Mo.

No. MC 109551 (Sub-No. 3), filed April 16, 1969. Applicant: MILLER TRUCKING, INC., 1001 South Fourth Street, Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, from Gas City, Ind., to points in Kentucky (except Covington, Bardstown, Owensboro, Frankfort, Louisville, Clermont, and Taylor). **NOTE:** Applicant also holds contract carrier authority under MC 74598, therefore dual operations may be involved. Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 109637 (Sub-No. 361), filed April 21, 1969. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Post Office Box 1047, Louisville, Ky. 40201. Applicant's representative: Harris G. Andrews (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Carroll County, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Texas, and Wisconsin. **NOTE:** Applicant states it would tack with any appropriate authorities held, especially in its Sub 165 wherein it holds authority to transport chemicals in bulk, in tank vehicles, from Calvert City, Ky., and points in Marshall County, Ky., within 5 miles thereof, to points in Arkansas, Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Carolina, Tennessee (except Elizabethton and Kingsport), Texas, West Virginia (except points in Brooke, Hampshire, Hancock, Kanawha, Monongalia, and Ohio Counties), and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110380 (Sub-No. 6), filed April 30, 1969. Applicant: BERSCHENS OF MADISON, INC., 241 South Segoe Road., Madison, Wis. 53705. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal culvert pipe, guard rail, metal culvert pipe coated, and supplies and accessories incidental to the installation thereof*, from Stoughton, Wis., to points in Illinois and Indiana. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 110420 (Sub-No. 583), filed May 5, 1969. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, liquid chocolate, compound, confectioners coatings, cocoa bean and chocolate products, and liquid cocoa butter*, in bulk, from Milwaukee, Wis., to points in Alabama, Colorado, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Utah, and Virginia. **NOTE:** Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 110525 (Sub-No. 909), filed April 29, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as above), and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicles, from the plantsite of the Sun Oil Co. at Marcus Hook, Pa., to points in Kentucky. **NOTE:** Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant does not specify location.

No. MC 111401 (Sub-No. 278), filed May 2, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheat products*, in bulk (except animal and poultry feeds), from Arkansas City, Kans., to points in Arkansas, Illinois, Iowa, Louisiana, Missouri, Nebraska, Oklahoma, and Texas. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Kansas City, Mo.

No. MC 111812 (Sub-No. 379), filed April 28, 1969. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical products, deodorants, germicides, and cleaning and household products and those articles necessary to the utilization, display, advertising, and merchandising of the same (except in bulk)*, from Madison, S. Dak., to points in Oregon, Washington, California, Utah, Colorado, Indiana, Ohio, West Virginia, Pennsylvania, New York, New Jersey, Maryland, Virginia, Massachusetts, Connecticut, District of Columbia, Michigan, Iowa, Nebraska, Kansas, and Missouri. **NOTE:** Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Minneapolis, Minn.

No. MC 112520 (Sub-No. 200), filed April 23, 1969. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Escambia County, Fla., to points in Alabama, Georgia, and Mississippi, on the south of U.S. Highway 80, and points in Florida west of the eastern boundary of Jefferson County, Fla. **NOTE:** Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112617 (Sub-No. 257), filed April 28, 1969. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. 40205. Applicant's representative: L. A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Carroll County, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, North Carolina, South Carolina, Tennessee, Texas, and Wisconsin. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112822 (Sub-No. 113), filed May 1, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and treated wood products*, from

points in Wyoming to points in Colorado, Kansas, Oklahoma, and Texas. **NOTE:** Applicant states it can tack with MC 112822 (Sub-No. 70) through Colorado and serve points in Arizona and New Mexico. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 113678 (Sub-No. 348), filed May 1, 1969. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maryland, Delaware, and the District of Columbia, to points in Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin, West Virginia, Kentucky, Minnesota, Iowa, Missouri, Arkansas, Kansas, Oklahoma, Nebraska, South Dakota, North Dakota, Colorado, Idaho, Utah, Washington, Oregon, California, Arizona, and Nevada. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113828 (Sub-No. 156), filed April 30, 1969. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representatives: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006, and John F. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in Wise County, Va., to points in North Carolina, Kentucky, Tennessee, and West Virginia. **NOTE:** Applicant states it would tack at Berkeley Springs, W. Va., to provide to Michigan, Ohio, and Delaware. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113828 (Sub-No. 157), filed May 1, 1969. Applicant: O'BOYLE TANK LINES, INC., 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006, and John F. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemical coating*, in bulk, from the plantsites and facilities of Conchemco, Inc., at or near Baltimore, Md., to Richmond and Lynchburg, Va., Weirton, W. Va., and Pittsburgh, Pa.; (2) *sodium bichromate and chromium sulphate solution*, in bulk, from Baltimore, Md., to Mercersburg, Pa.; (3) *helium and Government-owned trailers*, between Washington, D.C., Heliertown, Pa., and Riverton, N.J.; and (4) *sugars and syrups, and blends thereof*, in bulk, from Baltimore, Md., to Harlan, Hazard, and Pikeville, Ky. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114004 (Sub-No. 72), filed April 30, 1969. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72204. Applicant's representative: W. G. Chandler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, and *portable buildings*, in sections, mounted on wheeled undercarriages with hitch-ball arrangement, in truckaway service, from points in Holmes County, Miss., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 114965 (Sub-No. 40) (Clarification), filed December 23, 1968, published in the FEDERAL REGISTER issue of January 16, 1969, and republished as clarified this issue. Applicant: CYRUS TRUCK LINE, INC., Post Office Box 327, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, 104 South Washington, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients, feed and feed ingredients, and industrial aqua ammonia*; (1) from the plantsite and/or storage facilities of Duesterhaus Fertilizer Co., Inc., at or near Palmyra, Mo.; and (2) from the facilities of Agriculture Chemicals, Inc., at or near Old Monroe, Mo., to points in Iowa, Illinois, Kansas, Nebraska, Minnesota, and Wisconsin.

No. MC 115116 (Sub-No. 19), filed May 8, 1969. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. 08901. Applicant's representative: Michael J. Marzano, 17 Academy Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Middlesex, Somerset, and Mercer Counties, N.J., and extending to points in the United States, including Alaska (but excluding Hawaii). NOTE: Applicant holds contract carrier authority under Docket No. MC 127542. If a hearing is deemed necessary, applicant requests it be held at Newark or East Brunswick, N.J.

No. MC 115793 (Sub-No. 7), filed April 29, 1969. Applicant: CALDWELL FREIGHT LINES, INC., U.S. Highway 321 South, Post Office Box 672, Lenoir, N.C. 28645. Applicant's representative: H. Charles Ephraim, 1411 K Street NW., Washington, D.C. 20024. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture and furniture parts*, from points in Caldwell County, N.C., and the plantsites and warehouses of Broyhill Furniture Industries, its affiliates and subsidiaries, at

or near Taylorsville, Conover, Newton, Marion, and Rutherfordton, N.C., to points in Missouri; (2) *furniture and furniture parts*, from points in Caldwell County, N.C., other than Lenoir, to points in Tennessee; and (3) *furniture parts and equipment, materials, and supplies* used in the manufacture of furniture and furniture parts, from points in Caldwell County, N.C., and the plants and warehouses of Broyhill Furniture Industries, its subsidiaries and affiliates, at or near Taylorsville, Conover, Newton, Marion, and Rutherfordton, N.C. NOTE: Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 115841 (Sub-No. 351), filed April 21, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley (same address as applicant), and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, products produced or distributed by manufacturers and converters of paper and paper products; and (2) materials and supplies used in the manufacture and distribution of the commodities described in (1) above (except commodities in bulk, and commodities which because of size and weight require the use of special equipment); (a) between points in Little River County, Ark., on the one hand, and, on the other, points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; and (b) between points in Portage and Wood Counties, Wis., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.* NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 117686 (Sub-No. 95), filed May 5, 1969. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods, not frozen, from the plantsite and storage facilities of Johnson Biscuit Co. at Sioux City, Iowa, to points in Florida.* NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 118831 (Sub-No. 64), filed April 28, 1969. Applicant: CENTRAL

TRANSPORT, INCORPORATED, Post Office Box 5044, High Point, N.C. 27262. Applicant's representative: E. Stephen Heisley, Suite 705, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barytes, barites, and limestone*, in bulk, from Cartersville, Ga., to points in Florida, Illinois, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Texas. NOTE: Applicant states a possible joinder in North Carolina to service Virginia. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 119531 (Sub-No. 117), filed April 24, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise as is dealt in by manufacturers, processors, or distributors of foodstuffs, washing and cleaning compounds, toilet preparations, and paper and paper products; and (2) advertising materials and premiums used in connection therewith, from the plant and warehouse sites of the Procter & Gamble Co. and its subsidiaries at Cincinnati, Ohio, and its commercial zone, and points in Hamilton County, Ohio, to points in that part of Michigan on and east of U.S. Highway 27 and on and south of a line beginning at the junction of U.S. Highway 27 and Michigan Highway 20, thence along Michigan Highway 20 to Bay City, Mich., thence along the shore of Saginaw Bay to the shore of Lake Huron, and thence along the shore of Lake Huron to Port Huron, Mich.; and points in De Kalb and Steuben Counties, Ind., and damaged or rejected shipments, on return, restricted to traffic originating at the named plant and warehouse sites, and further restricted against commodities shipped in bulk, in tank vehicles.* NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Cincinnati, Ohio.

No. MC 119765 (Sub-No. 16) (Amendment), filed March 24, 1969, published FEDERAL REGISTER issue of April 17, 1969, amended and republished this issue. Applicant: HENRY G. NELSEN, INC., 1548 Locust Street, Avoca, Iowa. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses, from the plant or warehouse facilities of Swift & Co. located in Glenwood, Iowa, to points in Kansas, Nebraska, Illinois, Indiana, Missouri, and*

Wisconsin. NOTE: The purpose of this republication is to add the State of Missouri to the destination territory. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Sioux City, Iowa, or Washington, D.C.

No. MC 119880 (Sub-No. 30), filed May 2, 1969. Applicant: DRUM TRANSPORT, INC., Post Office Box 2056, East Peoria, Ill. 61611. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles; (1) from Detroit and Port Huron, Mich., and Buffalo and Niagara Falls, N.Y., to Menlo Park, Calif.; and (2) from Pekin, Ill., to points in New Jersey and New York, and to Williamson, Pa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119895 (Sub-No. 20), filed April 28, 1969. Applicant: INTERCITY EXPRESS, INC., Post Office Box 1055, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), between Algona, Iowa, on the one hand, and, on the other, Austin, Minn.; Fremont, Nebr., and Des Moines, Iowa. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted.

No. MC 121338 (Sub-No. 2) (Amendment), filed March 3, 1969, published FEDERAL REGISTER issue of April 4, 1969, amended April 29, 1969, and republished in part, as amended, this issue. Applicant: PADRE FREIGHT LINES, a corporation, 1400 East Anahelm Street, Post Office Box 546, Wilmington, Calif. 90744. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except used household goods, commodities in bulk, livestock, and logs), \* \* \*. NOTE: Applicant states it presently holds a certificate of registration under Docket No. MC 121338 (Sub-No. 1), and that the purpose of this application is to convert the certificate of registration to a certificate of public convenience and necessity. The purpose of this partial republication is to change the commodity description and to add the statement setting forth the purpose of the application. The rest of the application remains as published.

No. MC 123415 (Sub-No. 18), filed May 2, 1969. Applicant: JAMES STUFFO, INC., Box 1061 (Route 130 and Prince Avenue, Pennsauken, N.J.), Merchantville, N.J. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Illuminated signs, fascia, and component parts thereof*, from the plantsite of Spangler Sign Corp., located at Philadelphia, Pa., to points in Connecticut, Delaware, Iowa, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Missouri, New Jersey, North Carolina, Rhode Island, South Carolina, Texas, Vermont, West Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 124078 (Sub-No. 379), filed May 2, 1969. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevet (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement*, from Dixon, Ill., to points in Kansas, Kentucky, Michigan, Missouri, Nebraska, North Dakota, Ohio, and South Dakota. NOTE: Applicant indicates tacking possibilities with the authority sought herein with its presently held authority under Sub 225, at Dixon to serve points in North Dakota and South Dakota and with the authority under Sub 31, at Milwaukee to serve points in Missouri. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 124211 (Sub-No. 126), filed April 29, 1969. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Drawer H, Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles; buildings, knocked down, components and/or parts, materials, supplies, and fixtures, thereof, and, accessories, equipment, materials and supplies*, used in the erection, construction, and assembly of buildings, from Milwaukee, Wis., to points in the United States on and West of U.S. Highway 71, except Hawaii. NOTE: Applicant states it does not seek duplicating authority. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124221 (Sub-No. 24), filed April 10, 1969. Applicant: HOWARD BAER, 821 East Dunne Street, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a

*contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Mobile, Ala., Galveston, Tex., and Gulfport, Miss., to Peoria, Ill.; under a continuing contract or contracts with Super Valu Stores, Inc., Peoria, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., St. Louis, Mo., or Indianapolis, Ind.

No. MC 124236 (Sub-No. 30), filed May 2, 1969. Applicant: CEMENT EXPRESS INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Universal Atlas Cement Co. at Atco, McLennan County, Tex., to points in Arkansas, Colorado, Kansas, Missouri, and New Mexico. NOTE: Applicant proposes to tack the authority sought herein with its presently authorized operations. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 125925 (Sub-No. 9), filed May 6, 1969. Applicant: SAM TOWLER, 3359 Bannerwood Drive, Annandale, Va. Applicant's representative: Frank B. Hand, Jr., 12000 Leesburg Pike, Herndon, Va. 22070. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump vehicles, from the sand pit facilities of the Campbell Sand Co., Inc., located in Anne Arundel County, Md., to points in Fairfax, Prince William, and Arlington Counties, Va. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126375 (Sub-No. 10), filed April 25, 1969. Applicant: CEL TRANSPORTATION COMPANY, a corporation, Post Office Box 447, Latrobe, Pa. 15650. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Inedible animal fats, inedible animal grease and inedible animal oils, and products of such fats, grease and oils*, in bulk, in tank vehicles, between Penn Hills Township, Pa., on the one hand, and, on the other, points in Maryland, under a continuing contract with Far-Best Corp., (2) *inedible tallow and inedible grease*, in bulk, in tank vehicles, from Findlay Township, Allegheny County, Pa., to points in Maryland, Massachusetts, New Jersey, New York, Ohio, and West Virginia, under a continuing contract with Darling & Co., (3) *inedible tallow and inedible grease*, in bulk, in tank vehicles, from Cleveland, Ohio, to Pittsburgh, Pa., under a continuing contract with A. W. Stadler, Inc., and (4) *inedible tallow and inedible grease*, in bulk, in tank vehicles, from Pittsburgh, Pa., to Jersey City and Weehawken, N.J., under a continuing contract with Jacob Stern

& Sons, Inc. NOTE: Applicant holds common carrier authority under MC 65134, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 126514 (Sub-No. 12), filed April 28, 1969. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, Post Office Box 392, Phoenix, Ariz. 85001. 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: *Sheets, pillow cases, blankets, bathrobes, spreads, and textiles*, from Biddeford and Lewiston, Maine; New York, N.Y., and Avenel, N.J., to Sparks and Reno, Nev., Phoenix, Ariz.; Los Angeles, San Diego, and San Francisco, Calif.; Seattle, Wash.; and Portland, Oreg. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 126736 (Sub-No. 58), filed May 1, 1969. Applicant: PETROLEUM CARRIER CORPORATION OF FLORIDA, Post Office Box 5809, Jacksonville, Fla. 32207. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, 1301 Gulf Life Drive, Jacksonville, Fla. 32207. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from points in Hillsborough County, Fla., to points in South Carolina and points in Georgia north of U.S. Highway Number 80. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Tampa, Jacksonville, Fla., or Atlanta, Ga.

No. MC 127042 (Sub-No. 34) (Correction), filed April 2, 1969, published in the FEDERAL REGISTER of April 24, 1969, and republished as corrected this issue. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sloux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Iowa Beef Packers, Inc., at or near Emporia, Kans., to points in Missouri, Nebraska, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, North Dakota, and South Dakota, restricted to traffic originating at said plantsite and storage facilities. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. The purpose of this republication is to reflect Emporia, Kans., as the origin, also to reflect Missouri and Nebraska as destination States which

were inadvertently omitted in the FEDERAL REGISTER publication. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Minneapolis, Minn., or Kansas City, Mo.

No. MC 127042 (Sub-No. 35), filed May 5, 1969. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sloux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and except hides), from points in the Omaha, Nebr., Council Bluffs, Iowa, commercial zone, to points in Arizona, California, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nevada, Oregon, Utah, Washington, and Wisconsin, restricted to traffic originating at the named origin and destined to the respective destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Chicago, Ill., or Kansas City, Mo.

No. MC 127689 (Sub-No. 28), filed May 5, 1969. Applicant: PASCAGOULA DRAYAGE COMPANY, INC., 705 East Pine Street, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plant or warehouse facilities of the Procter and Gamble Co. and its subsidiaries in Alexandria, La., or its commercial zone, on the one hand, and, on the other, points in Mississippi, those in Florida west of the Apalachicola River in Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Jackson, Washington, Bay, Gulf, and Calhoun Counties, and those in Baldwin, Barbour, Bullock, Butler, Chocataw, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dale, Escambia, Geneva, Henry, Houston, Marengo, Mobile, Monroe, Pike, Washington, and Wilcox Counties, Ala. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128375 (Sub-No. 29), filed April 28, 1969. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, Crete, Nebr. 68333. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Sprayers, spray equipment and conveyor systems; and equipment, materials, and supplies* used in the manufacture thereof, between Red Oak and

Humboldt, Iowa; Columbus, Nebr.; Marianna, Ark.; Columbus, Tucker, Newnan, Carrollton, Adel, and Atlanta, Ga.; Cleveland, Miss.; Memphis, Tenn.; and Detroit, Mich., on the one hand, and, on the other, points in Illinois, Michigan, Indiana, Ohio, Pennsylvania, Florida, Arkansas, Wisconsin, Georgia, Alabama, Tennessee, Kentucky, Louisiana, Mississippi, New York, New Jersey, Iowa, Nebraska, Missouri, Texas, North Carolina, Minnesota, Maryland, West Virginia, Virginia, Massachusetts, Connecticut, and California, (2) *Sewing machines, farm machinery, metal tanks, bomb parts (nonexplosive) and automobile parts, materials and supplies; and equipment, materials, and supplies* utilized in the manufacture thereof, between Red Oak, Iowa, on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi, New York, New Jersey, Colorado, Nebraska, Missouri, Kansas, Texas, North Carolina, Minnesota, Maryland, West Virginia, Virginia, Massachusetts, Connecticut, and California.

(3) *Bomb parts (nonexplosive), and equipment, materials, and supplies* utilized in the manufacture thereof, between Columbus, Ga., on the one hand, and, on the other points in Arkansas, Louisiana, Mississippi, New York, New Jersey, Nebraska, Missouri, Kansas, Texas, North Carolina, Minnesota, Maryland, West Virginia, Virginia, Massachusetts, Connecticut, and California; (4) *Automobile parts, materials, and supplies, and equipment, materials and supplies* utilized in the manufacture thereof, (a) between Columbus, Nebr.; Marianna, Ark.; Columbus, Tucker, Newnan, and Carrollton, Ga.; Cleveland, Miss.; and Detroit, Mich., on the one hand, and, on the other, points in Florida, Arkansas, Colorado, Louisiana, Mississippi, New York, New Jersey, Nebraska, Missouri, Kansas, Texas, North Carolina, Minnesota, Virginia, Massachusetts, Connecticut, and California, (b) between Memphis, Tenn., on the one hand, and, on the other, points in Illinois, Michigan, Indiana, Ohio, Pennsylvania, Florida, Arkansas, Wisconsin, Georgia, Alabama, Kentucky, Louisiana, Mississippi, New York, New Jersey, Iowa, Nebraska, Missouri, Kansas, Texas, North Carolina, Minnesota, Maryland, West Virginia, Virginia, Massachusetts, Connecticut, and California, (c) between Atlanta and Adel, Ga., on the one hand, and, on the other, points in Arkansas, Louisiana, Mississippi, New York, New Jersey, Nebraska, Missouri, Kansas, Texas, North Carolina, Minnesota, Maryland, West Virginia, Virginia, Massachusetts, Connecticut, and California, (d) between Atlanta, Ga., on the one hand, and, on the other, points in Illinois, Michigan, Indiana, Ohio, Pennsylvania, Florida, Wisconsin, Georgia, Alabama, Tennessee, Kentucky, and Iowa; (5) *Sewing machines, farm machinery, metal tanks, bomb parts (nonexplosive) and automobile parts, materials, and supplies; and equipment, materials, and supplies* utilized in the manufacture thereof, between Humboldt, Iowa, on the one hand,

and, on the other, points in Illinois, Michigan, Indiana, Ohio, Pennsylvania, Florida, Arkansas, Wisconsin, Georgia, Alabama, Tennessee, Kentucky, Louisiana, Mississippi, New York, New Jersey, Iowa, Nebraska, Colorado, Missouri, Texas, North Carolina, Minnesota, Maryland, West Virginia, Virginia, Massachusetts, Connecticut, and California, under contract with Douglas & Lomason Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 128497 (Sub-No. 3), filed May 2, 1969. Applicant: JACK LINK TRUCK LINE, INC., Post Office Box 127, Dyersville, Iowa 52040. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Hides, skins, and tails*, from Manchester, Iowa, to points in Illinois and Wisconsin (except Milwaukee) and Detroit, Mich., and Newark, N.J. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant holds contract authority under MC 124807, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128750 (Sub-No. 4), filed April 28, 1969. Applicant: PITT TRUCK, INC., Post Office Box 172, Augusta, Ill. 62311. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas* from the plantsite of Pro-Gas, Inc., Fort Madison, Iowa, to points in Illinois and Missouri. NOTE: Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129932 (Sub-No. 2), filed May 5, 1969. Applicant: PROCTOR J. BAKER, doing business as P. J. BAKER MOBILE HOME SERVICE, 1830 Cushman Street, Fairbanks, Alaska 99701. Applicant's representative: Julian C. Rice, Post Office Box 516, Fairbanks, Alaska 99701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *House trailers, mobile homes, offices, dormitories, and residential and commercial buildings* capable of being transported on wheels, between points in Alaska, and by way of available gateways thru Canada. NOTE: Applicant states the purpose of this application is to extend present authority to include points in Alaska by way of available gateways through Canada. Applicant further states that it intends to tack with its presently held authority. If a hearing is deemed necessary, applicant requests it be held at Fairbanks, Alaska.

No. MC 133041 (Sub-No. 1), filed April 7, 1969. Applicant: GRANICO TRANSPORT LTD., Post Office Box 252, Alma, Quebec, Canada. Applicant's representative: Paul E. Robitaille, Ville Bois, Alma,

Quebec, Canada. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Granite*, from ports of entry on the international boundary line between the United States and Canada located in Maine, New Hampshire, Vermont, New York, and Michigan, to points in New Hampshire, New York, Maryland, Michigan, Illinois, Maine, Vermont, Rhode Island, Connecticut, Massachusetts, Pennsylvania, and New Jersey, under contract with National Granite, Ltd., and Columbia Granite, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held anywhere in New England.

No. MC 133423 (Sub-No. 3), filed April 21, 1969. Applicant: S & Y, INC., Post Office Box 2, Stanton, Tenn. 38069. Applicant's representative: John Paul Jones, 189 Jefferson Avenue, Memphis, Tenn. 38103. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* in bags and bulk (other than tank vehicles) for the account of Mobil Chemical Co., Memphis, Tenn., from Memphis, Tenn., to Boonesville, Como, Tupelo, Batesville, Water Valley, Amory, Sarah, Sardis, and Coldwater, Miss., Truman, Paragould, Winchester, Forest City, Searcy, Pine Bluff, Marianna, Marvel, and Osceola, Ark., and Bowling Green, Owensboro, Russellville, Sedalia, and Clay, Ky., under contract with Mobil Chemical Co., Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 133452 (Sub-No. 1), filed May 5, 1969. Applicant: ROTH TRUCK LINES, INC., Jefferson, Colo. 80456. Applicant's representative: Bruce Ownbey, 111 South Madison Street, Suite 4, Denver, Colo. 80209. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ore and ore concentrates*, from mining sites in Park Summit, and Saguache Counties, Colo., to Railroad Heads in Leadville, Kremmling, Buena Vista, and Salida, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fairplay or Denver, Colo.

No. MC 133492 (Sub-No. 1), filed April 28, 1969. Applicant: CECIL CLAXTON, East Elm Street, Wrightsville, Ga. 31096. Applicant's representative: William Adams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, (a) from Miami, Fla., to Macon, Dublin, and Waycross, Ga.; and Phenix City, Ala.; (b) from Newark, N.J.; Peoria, Ill.; Milwaukee, Wis.; Baltimore, Md.; and Norfolk, Va., to Savannah, Dublin, and Waycross, Ga.; Phenix City, Ala., and Macon, Ga., and (c) from Evansville, Ind., to Macon, Ga.; (2) *Wines*, from Atlanta, Ga., to Phenix City, Ala., under contract with Southern Sales Co. Inc.; Dublin, Ga.; M & N Distributing Co., Macon, Ga., and Coastal Beverage Co., Savannah, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 133501 (Sub-No. 2), filed May 1, 1969. Applicant: DON E. LESTER, JR., doing business as DEL ENTERPRISES, River Road, Natchitoches, La. 71457. Applicant's representative: Lamar Polk, 715 Johnson Street, Alexandria, La. 71301. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Southern yellow pine plywood*, including both construction and standard grade, from the plantsite of South Ply, Inc., located 5 miles north of the city of Natchitoches in the parish of Natchitoches, La., to points in Texas, Arkansas, Mississippi, Alabama, Tennessee, Missouri, Georgia, Florida, Kentucky, Indiana, Illinois, and Oklahoma, under contract with South Ply, Inc., of Natchitoches, La. NOTE: If a hearing is deemed necessary, applicant requests it be held at Alexandria, La., Baton Rouge, La., or Shreveport, La.

No. MC 133508 (Sub-No. 1), filed April 28, 1969. Applicant: STANLEY JOHNSON, doing business as PORT SERVICE CO., 71 Murray Street, New York, N.Y. 10007. Applicant's representative: Stanley Johnson (same address as above). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Glassware, hollowware, flatware, and giftwares*, between points in New York, N.Y., commercial zone on the one hand, and, on the other, the warehouse of WMF of America, Inc., at Farmingdale, N.Y., under contract with WMF of America, Inc., 30 Price Parkway, Farmingdale, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133515 (Sub-No. 1) (Correction), filed April 7, 1969, published FEDERAL REGISTER issue of May 1, 1969, corrected and republished as corrected this issue. Applicant: ART WILSON ENTERPRISES, INC., 3936 55th Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Yogurt, snack dips, ice cream, ice milk, fruit flavored drinks, dairy products and vegetable fat products*, (a) from Kansas City, Mo., to points in Iowa; Omaha, Nebr.; and Rock Island, Ill., (b) between Des Moines, Iowa, and Rock Island, Ill., and (2) *ice cream and ice milk products*, from Chicago, Ill., and Milwaukee, Wis., to points in Iowa, under contract with Borden, Inc. NOTE: The purpose of this republication is to show contract carrier in lieu of common carrier, as previously published. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 133664, filed April 16, 1969. Applicant: NEW BORN TRUCKING CORP., 47 Chernucha Avenue, Merrick, Long Island, N.Y. 11566. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission,

commodities in bulk, commodities requiring special equipment, commodities of unusual value or those injurious or contaminating to other lading), between points in Nassau County, N.Y., on the one hand, and, on the other, New York, N.Y. (restricted to shipments moving to or from terminals of freight forwarders located in New York, N.Y.). **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133666, filed April 16, 1969. Applicant: JACOBSON TRANSPORT, INC., Wheaton, Minn. 56296. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, (1) from the terminals located on the ammonia pipeline of Mid-America Pipeline Co. located at or near Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, and (2) from the plantsite of Hill Chemicals, Inc., at or near Borger, Tex., to points in Colorado, Kansas, Oklahoma, and Texas, also New Mexico. **NOTE:** Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133673, filed April 21, 1969. Applicant: GEORGE T. MASON, doing business as MASON WRECKER SERVICE, 544 North Beverly, Casper, Wyo. 82601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wrecker, disabled, repossessed, or stolen motor vehicles, and tractors*, in secondary movements in truckaway service, between points in Colorado, Utah, Montana, Idaho, South Dakota, Nebraska, and Wyoming. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Casper or Cheyenne, Wyo.

No. MC 133674, filed April 23, 1969. Applicant: HAROLD STROMMEN, doing business as STROMMEN'S TRUCKING LINES, Rural Route 3, Glenwood, Minn. 56334. Applicant's representatives: Harold Strommen (same address as applicant) and C. David Nelson, 30 East Minnesota Avenue, Glenwood, Minn. 56334. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, from Glenwood, Minn., to Beaver Dam, La Crosse, Milwaukee, Eau Claire, and Green Bay, Wis.; Cedar Falls, Newton, Sioux City and Fort Dodge, Iowa; Chicago, Ill.; Rapid City and Sioux Falls, S. Dak.; and Bismarck, Jamestown, and Fargo, N. Dak. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Glenwood or Alexandria, Minn.

No. MC 133677 (Sub-No. 1), filed May 1, 1969. Applicant: KNOXVILLE TRUCKING COMPANY, a corporation, Cinder Lane, Post Office Box 2146, Knoxville, Tenn. 37901. Applicant's representative: Anna F. Hinds, Post Office Box

2526, Knoxville, Tenn. 37901. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Crepe paper*, in trailer load lots, between Knoxville, Tenn., and the port of entry on the international boundary line between the United States and Canada located at or near Detroit, Mich., over Interstate Highway 75 (also U.S. Highways 25 and 25W), serving no intermediate points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn., or Atlanta, Ga.

No. MC 133682, filed April 23, 1969. Applicant: WACHOVIA COURIER CORPORATION, Wachovia Building, Winston-Salem, N.C. 27102. Applicant's representative: John Guandolo, 1000 16th Street NW., Suite 502, Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and records, bank stationery, sales, payroll, and other accounting, audit and data processing media, and business, institutional and governmental records* (except currency, coin, and bullion), between Asheville, Charlotte, Greenville, Raleigh, and Winston-Salem, N.C., on the one hand, and, on the other, points in North Carolina, South Carolina, Virginia, those in Johnson, Sullivan, Hawkins, Hancock, Claiborne, Carter, Washington, Greene, Unicol, Cocke, Sevier, Blount, Jefferson, Knox, Loudon, Anderson, Union, and Grainger Counties, Tenn., and Richmond and Columbia Counties, Ga. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Winston-Salem, N.C., or Washington, D.C.

No. MC 133689, filed April 30, 1969. Applicant: OVERLAND EXPRESS, INC., 498 First Street NW., New Brighton, Minn. 55112. Applicant's representative: James P. Sexton (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *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 points in Illinois bounded by a line beginning at Peoria, Ill., and extending along U.S. Highway 24 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 267 (formerly portion Alternate U.S. Highway 67), thence along Illinois Highway 267 through Roodhouse, Carrollton, and Jerseyville, Ill., to junction U.S. Highway 67, thence along U.S. Highway 67 to Alton, Ill., thence along Alternate U.S. Highway 67 to East St. Louis, Ill., thence along Illinois Highway 3 to Cairo, Ill., thence along U.S. Highway 51 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction Illinois Highway 146, thence along Illinois Highway 146 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 1, thence along Illinois Highway 1 to Danville, Ill., thence along U.S. High-

way 150 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 24, and thence along U.S. Highway 24 to Peoria, including points on the indicated portions of the highways specified;

(2) *Bakery products and bakery supplies*, from Decatur, Ill., to Normal, Bloomington, Champaign, and Pana, Ill., with no transportation for compensation on return except as otherwise authorized; (3) *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*, (A) between points within the territory bounded by a line beginning at South Beloit, Ill., and extending west through Warren, Ill., to Galena, Ill., thence in a southeasterly direction to Savanna, Ill., thence south to Galesburg, Ill., thence in a southeasterly direction to Peoria, Ill., thence east to Onarga, Ill., thence in a northeasterly direction to Warsaw, Ind., thence north to Goshen, Ind., thence in a northwesterly direction through Niles, Mich., to Bridgman, Mich., thence in a southwesterly and northwesterly direction along the shore of Lake Michigan to Winthrop Harbor, Ill., and thence west through Twin Lakes, Wis., to Beloit, including the points named; (B) between points within the territory bounded by a line beginning at Sidney, Iowa, and extending in a southwesterly direction to Nebraska City, Nebr., thence in a northwesterly direction through Fremont, Nebr., to Yankton, S. Dak., thence north through Watertown, S. Dak., and Fargo, N. Dak., to Grand Forks, N. Dak., thence in a southeasterly direction through Bemidji, Minn., to Duluth, Minn., thence south along the Minnesota-Wisconsin and Iowa-Wisconsin State lines to Dubuque, Iowa, thence in a southeasterly direction to Fulton, Ill., thence south through Galesburg to Macomb, Ill., thence west to Keokuk, Iowa, thence along the Iowa-Missouri State line to junction U.S. Highway 275, and thence north along U.S. Highway 275 to point of beginning; and (C) between points in the immediately above-described territory on the one hand, and, on the other, Kansas City and St. Louis, Mo., and Chicago, Ill.

**Restriction:** The operations sought next above are restricted against any service between Chicago, Ill., on the one hand, and, on the other, points in Iowa west of U.S. Highway 69, and points in the above-specified portion of Nebraska.

(4) *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 Davenport and Bettendorf, Iowa, and Rock Island, Moline, East Moline, Milan, Silvis, and Carbon Cliff, Ill., on the one hand, and, on the other points in that part of Illinois on and north of U.S. Highway 24, except Chicago, and (5) *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, from Minneapolis, Minn., to Champaign, Ill., with no transportation for compensation on return except as otherwise authorized. **NOTE:** Applicant states the purpose of the instant application is to convert all of its authority under MC 76025 and subs from contract to common carriage. Applicant further states that, by tacking with authority being sought in Sub-Nos. 8 and 9 it could provide service to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 133695, filed May 1, 1969. Applicant: WILLIAM F. NORDSTROM, 1518 Garst Street, Boone, Iowa 50036. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Perry, Iowa, to Boone, Iowa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 133703, filed May 5, 1969. Applicant: WISCONSIN CHEESE SERVICE, INC., 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Applicant's representative: Frank M. Coyne, 1 West Main Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Natural and processed cheese; cheese products; smoked sausage and smoked meat products; pickles and sauerkraut*, from points in Wisconsin and Frederickburg, Iowa, to points in the United States (except Hawaii and Alaska); and (2) (a) *fruits, vegetables, fish, sea foods, meats, juices, soups, bakery goods, prepared foods, dinners, pies, poultry, and toppings*, frozen and preserved, and (b) *cooking oils, shortenings, condiments, margarines and cheese products*, packaged and canned, from points in the United States (except Alaska and Hawaii), to points in Wisconsin; under contract or continuing contracts with Milwaukee Cheese Company of Waukesha, Wis. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 133704, filed May 5, 1969. Applicant: DEPENDABLE CONTAINER SERVICE, INC., c/o Moore McCormack Steamship Lines, Foot of 23d Street, Brooklyn, N.Y. 11232. 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: *General commodities*, moving in containers or trailers, having prior or subsequent movement by water, (1) between points within the New York, N.Y., commercial zone, (2) between Millville, N.J., and Moore McCormack Lines, Inc., located in New York Harbor, N.Y., as defined by the Commission, (3) from piers of Moore McCormack Lines, Inc., located in New York Harbor, N.Y., as defined by the Commission to Moore McCormack Lines, Inc., at Philadelphia, Pa.; and (4) from piers of Moore McCormack Lines, Inc., at Philadelphia, Pa., to points in the New York, N.Y., commercial zone as defined by the Commission. **NOTE:** Applicant has contract carrier application pending under MC 129730, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 83928 (Sub-No. 7), filed April 17, 1969. Applicant: COLONIAL COACH LINES, LIMITED, 265 Albert Street, Ottawa, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicles with passengers, in round trip, special, and charter operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada located in Maine, New Hampshire, Vermont, New York, Michigan, Minnesota, North Dakota, Montana, Idaho, and Washington, and extending to points in the United States (except Hawaii). **NOTE:** Applicant states it holds authority under Docket No. MC 83928 Sub. 4 for charter operations from points in Canada to points in the United States via points of entry in Maine, New Hampshire, Vermont, New York, Michigan, and Minnesota. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 108811 (Sub-No. 3), filed April 29, 1969. Applicant: THOMAS MOTOR TOURS, INC., Lothian, Md. 20820. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, (a) beginning and ending at points in Calvert County, Md., that part of Anne Arundel County, Md., on and south of U.S. Highway 50, and that part of Prince Georges, Md., on and east of U.S. Highway 301, and extending to points in Connecticut, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, Rhode Island, and South Carolina; (b) beginning and ending at Annapolis, Md., and points in Calvert County, Md., and extending to points in Connecticut, Florida, Georgia, Illinois, Indiana, Massachusetts, Michigan, Rhode Island, and South Carolina, Maryland, New Jersey, Delaware, New York, North Carolina, Ohio, Pennsyl-

vania, Virginia, West Virginia, and the District of Columbia; (c) beginning and ending in that part of the State of Maryland south and east of a line commencing at the Chesapeake Bay, and running west over Maryland Highway 176 and Maryland Highway 177 to their intersection with the Baltimore-Washington Parkway, thence south on the Baltimore-Washington Parkway to its intersection with Maryland Highway 175, thence east over Maryland Highway 175 to its intersection with the eastern boundary line of Fort George G. Meade, thence south over that line to its intersection with Maryland Highway 197, thence south on Maryland Highway 564 to its intersection with Maryland Highway 202, thence east over Maryland Highway 202 to its intersection with Maryland Highway 4, thence west over Maryland Highway 4 to its intersection with Maryland Highway 223, thence south over Maryland Highway 223 to its intersection with Maryland Highway 5, thence over Maryland Highway 5 to the Charles-Prince Georges Counties boundary line, thence east over that line to the Patuxent River including points on such boundary lines and extending to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia. **NOTE:** Applicant states no duplicating authority is sought. Applicant states it does not intend to tack and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129914 (Sub-No. 1), filed March 19, 1969. Applicant: YELLOW COACH LINES, INCORPORATED, 520 East Mary Street, Post Office Box 287, Bristol, Va. 24201. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Kingsport, Tenn.; Covington, Bluefield, Marion, Wytheville, Pulaski, and Salem, Va.; and Bluefield, W. Va., under contract with Appalachian League, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Nashville, Tenn.

#### APPLICATION FOR BROKERAGE LICENSE

No. MC 12739 (Sub-No. 3), filed April 28, 1969. Applicant: PEAK TOURS, INC., 142A North Franklin Street, Hempstead, N.Y. 11550. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. For a license (BMC 5) to engage in operations as a *broker* at Hempstead, N.Y., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in round-trip, all-expense tours, in passenger motor vehicles operated by certificated carriers, and in related arrangements made with air, railroad, or water carriers of passengers, beginning and ending at points in Nassau, Suffolk, and Westchester Counties,

N.Y., and New York, N.Y., and points in Bergen, Essex, Hudson, Union, Passaic, and Middlesex Counties, N.J., and extending to points in the United States. Restriction: No round-trip tour between the New York-New Jersey base area and points in the United States shall be exclusively by motor carrier of passengers, except for ski tours originating in the said base area and extending to the New England States, New York, New Jersey, and Pennsylvania.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[P.R. Doc. 69-6058; Filed, May 21, 1969;  
8:45 a.m.]

[Investigation and Suspension Docket No.  
M-23043]

### NATIONWIDE BUS FARE INCREASE— 1969

#### Assignment for Hearing and Directing Special Procedure

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 16th day of May 1969.

It appearing, that by order dated April 10, 1969, the Commission, Board of Suspension, instituted an investigation into and concerning the lawfulness of the increased fares, charges, and regulations contained in the schedules described in said order, and suspended the operation of said schedules to and including November 14, 1969;

It further appearing, that by order dated April 14, 1969, the Commission, Division 2, acting as an Appellate Division, vacated and set aside the order of April 10, 1969, insofar as it suspended the operation of the schedules designated therein but continued the investigation;

And it further appearing, that in order that consideration be given to all factors which may bear upon a proper determination of the issues, including the question of whether the resulting fares and charges would be just and reasonable, it is deemed appropriate in the public interest that the information specified below be included in the record to be developed in this proceeding; and for good cause therefor:

*It is ordered*, That respondent Class I and Class II Intercity Motor Carriers of Passengers be, and they are hereby, notified and required to submit information and supporting data which shall include, among other things, actual expenses and revenue for the year 1968. Also, submit data to show the effect of proposed increases on expenses and revenues for a constructive year giving effect to the proposed increases in 1969 for a 12-month period. They shall also produce operating ratios on a system basis for each of the previously mentioned two annual periods.

*It is further ordered*, That the Commission will take official notice of all respondent carriers' financial statements on file with the Commission.

*It is further ordered*, That the respondents shall produce evidence by carrier, of the sum of money needed to:

1. Pay total operating expenses.
2. Pay rent for lease of carrier property (Account 5400) less rent from carrier property (Account 5500).
3. Pay interest on debt incurred for the benefit of carrier operations.
4. Attract equity capital as needed for the conduct of carrier operations.
5. Pay the Federal and State income taxes associated with the earnings needed to attract equity capital referred to in item 4 above.

This evidence should include, without limitation, particularized reference to the respondents' reasonable interest, dividend and surplus requirements; a projection for calendar year 1969 and for a constructive year of any foreseeable financing and the anticipated rate of interest; and experienced, projected and needed rate of return on owners' equity.

*It is further ordered*, That all Class I and II Intercity Motor Carriers of Passengers, respondents herein, shall submit detailed data regarding carrier-affiliate financial and operating relationships and transactions including, with respect to any and all individuals, partnerships, and corporations affiliated with respondents, when such transactions individually or in the aggregate, amount to \$2,500 or more during the year 1968, the following information:

1. Name of each affiliate from which respondent, during the year 1968, acquired, leased or purchased lands, buildings, equipment, materials, supplies, parts, tires, tubes, gasoline, oil, or other property or services used by respondent in its operations as a motor common carrier.
2. Kinds of property or service which each affiliate supplies to respondent.
3. Basis of charges for property or services supplied by affiliate to respondent including the base and rate for rental charges.
4. Total charges by each affiliate to respondent during the year 1968 for:
  - a. Lease of vehicles.
  - b. Lease of terminals.
  - c. Lease of other property.
  - d. Pickup and delivery of shipments.
  - e. Repair and servicing of vehicles.
  - f. Management, accounting, financial, legal, purchasing, or traffic solicitation services.
  - g. Property sold by affiliate to respondent.
5. If the affiliate derives revenue from the sale or lease of property or from services through transactions with persons other than respondent, indicate the percentage of the revenue of such business to the total revenue of the affiliate in the year 1968.
6. A copy of the income statement for each affiliate for the year 1968 and the latest period of 1969 for which an income statement is available.
7. A statement listing the amount of wages, salaries, bonuses, and other compensation paid by the affiliate in 1968 to any individual who is also a respondent or an officer, director or substantial stockholder of a respondent; or the wife

or close relative of a respondent or officer, director, or substantial stockholder of a respondent.

8. The term "affiliate" as used in this order means:

a. Any individual who is also a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent, or of an officer, director, or substantial stockholder of a respondent.

b. Any partnership in which one of the partners is a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent, or of an officer, director, or substantial stockholder of a respondent.

c. Any corporation whose stock is wholly or partly owned by a respondent; by an officer, director, or substantial stockholder of a respondent; or by the wife or close relative either of a respondent, or of an officer, director, or substantial stockholder of a respondent.

d. Any corporation which exercises control over the operations or finances of respondent.

*It is further ordered*, That the detailed information called for by this order shall be in writing and shall be verified by a person or persons having knowledge thereof; that such verified material shall be served on all parties of record on or before August 29, 1969, and at the same time, respondents shall file an executed original and 16 copies with this Commission, together with certificates of service in accordance with rule 1.22(a) of the General Rules of Practice. The information with respect to carrier-affiliates may be served on the parties in summary form, if so desired.

*It is further ordered*, That parties desiring to cross-examine witnesses who have submitted prepared testimony shall give notice to that effect, in writing, to the affiant and his counsel, if any, with a copy to this Commission on or before September 29, 1969.

*It is further ordered*, That all underlying data used in preparation of the material outlined above shall be made available in the office of the party serving such verified matter, or at some other location mutually agreeable to the parties, during normal office hours for inspection by any party of record desiring to do so; that the underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination; that all supporting working papers to permit a complete check of the procedures followed shall be filed with this Commission.

*It is further ordered*, That anyone desiring to become a party of record to receive copies of the verified material of respondents to be filed in accordance with the procedure set forth above, must notify the Commission, in writing, on or before August 15, 1969. As soon as practicable after such date, a service list of all parties of record will be prepared and served by the Commission. Otherwise, any interested person desiring to participate in this proceeding may make his appearance at the hearing.

*It is further ordered,* That this proceeding be, and it is hereby, referred to a hearing examiner to be later designated for hearing commencing on October 20, 1969, at 9:30 o'clock a.m. District of Columbia daylight saving time at the Offices of the Interstate Commerce Commission, Washington, D.C.

*It is further ordered,* That a copy of this order be delivered to the Director, Office of Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

*And it is further ordered,* That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

- (1) Specifically make written request to the Secretary of the Commission to be included on the service list, or
- (2) Have appeared at a hearing.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 69-6106; Filed, May 21, 1969;  
8:48 a.m.]

[Notice 835]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 19, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

#### MOTOR CARRIERS OF PROPERTY

No. MC 852 (Sub-No. 5 TA), filed May 13, 1969. Applicant: NORTH SHORE FREIGHT LINES, INC., 202 South 26th Avenue West, Duluth, Minn. 55806. Applicant's representative: A. A. Uzzolo (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1)

between Duluth, Minn., and Grand Portage, Minn., over U.S. Highway 61, serving all intermediate points, and (2) between Grand Marais, Minn., over the Gunflint Trail to its end, near Sea Gull Lake, Minn., serving all intermediate points and off-route points within 10 miles of the Gunflint Trail, for 180 days. NOTE: Applicant states it intends to tack with No. MC 852. Supporting shippers: End of the Trail Lodge, Grand Marais, Minn., Chik-Wauk Lodge, Sen Island Lodge, Borderland Lodge, Gunflint Lodge, Inc., and Swanson's Lodge. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 34087 (Sub-No. 2 TA), filed May 14, 1969. Applicant: NORMAN HILLS, Angell Road, Silver Creek, N.Y. 14136. Applicant's representative: Robert G. Gawley, Post Office Box 184, Buffalo, N.Y. 14221. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour, feed, and grain products*, from Buffalo, N.Y., to points in Butler, Allegheny, and Westmoreland Counties, Pa., for 150 days. Supporting shipper: Peavey Co., Flour Mills, 87 Childs Street, Buffalo, N.Y. 14240. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 50069 (Sub-No. 422 TA), filed May 13, 1969. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid coal tar emulsion*, in bulk, from Cleveland, Ohio, to Buffalo and Rochester, N.Y.; Detroit and Flint, Mich.; St. Louis, Mo., and Indianapolis, Ind., for 180 days. Supporting shipper: Koppers, Koppers Co., Inc., Pittsburgh, Pa. 15219. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 111729 (Sub-No. 281 TA) (Correction), filed April 22, 1969, published in the FEDERAL REGISTER issue of May 14, 1969, under MC 111729 (Sub-No. 28 TA) and republished as part, as corrected, this issue. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Gerard L. Peace (same address as above). The sole purpose of this partial republication is to reflect the correct Docket Number assigned as MC 111729 (Sub-No. 281 TA) which Sub No. was inadvertently shown as No. 28 TA in the previous publication. The rest of the application remains as previously published.

No. MC 114885 (Sub-No. 14 TA), filed May 14, 1969. Applicant: TANK TRUCK TRANSPORT LIMITED, 610 Dixon Road, Rexdale, Ontario, Canada. Appli-

cant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the international boundary between the United States and Canada at the St. Clair River, to points in Ohio, Michigan, and Indiana, for 150 days. Supporting shipper: Canadian Industries Ltd., 130 Bloor Street West, Toronto 5, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 116632 (Sub-No. 12 TA), filed May 12, 1969. Applicant: RALPH E. CURTIS & SON, INC., 123 Mount Hope Avenue, Bangor, Maine 04401. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, Maine 04038. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Lumber*, from the ports of entry on the international boundary line between the United States and Canada located at or near Fort Fairfield and Van Buren, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, for 180 days. Supporting shippers: Fraser Cos., Ltd., Edmundston, New Brunswick, Canada; Anderson and Herrmann Inc., 6 Eastman Place, Melrose, Mass. 02176. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 118137 (Sub-No. 1 TA), filed May 14, 1969. Applicant: O. B. BARSH AND J. E. BARSH, a partnership, doing business as BARSH PRODUCE COMPANY, 25 North Trenton, Tulsa, Okla. 74120. Applicant's representative: O. B. Barsh (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to Tulsa and Oklahoma City, Okla., for 180 days. Supporting shipper: Standard Fruit and Steamship Co., Clinton F. Kern, Assistant Regional Sales Manager, Post Office Box 50830, New Orleans, La. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 124987 (Sub-No. 12 TA), filed May 12, 1969. Applicant: EARL L. BONSACK AND ELAINE M. BONSACK, a partnership, doing business as EARL L. BONSACK, 512 West Plainview Road, La Crosse, Wis. 54601. Applicant's representative: F. W. Liegois, 925 South Third Street, La Crosse, Wis. 54601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from La Crosse and Sheboygan, Wis., to points in Iowa except Cedar Rapids; those in Yankton, Turner, Minnehaha, Lincoln,

and Clay Counties, S. Dak.; Douglas, Lancaster, and Dodge Counties, Nebr., and Dakota, Scott, Carver, Washington, Hennepin, Anoka, and Ramsey Counties, Minn., for 180 days. Supporting shipper: G. Helleman Brewing Co., Inc., 925 South Third Street, La Crosse, Wis. 54601. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 126603 (Sub-No. 5 TA), filed May 12, 1969. Applicant: R. MENARD TRANSPORT LTD., St. Philippe, County of Laprairie, Quebec, Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dressed lumber and rough lumber*, from the ports of entry located on the United States-Canada boundary line at or near Champlain, N.Y., to points in Virginia, for 150 days. Supporting shippers: Cooper-Widman Quebec Ltd., 2745 Duchesne Street, St. Laurent, Montreal 9, Quebec, Canada; Furman Lumber, Inc., Top Floor, Transit Building, 108 Massachusetts Avenue, Boston, Mass. 02115. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 128916 (Sub-No. 3 TA), filed May 12, 1969. Applicant: WILMA F. GEHRON, doing business as FROSTY'S DELIVERY SERVICE, 114 West Leona Street, Celina, Ohio 45822. Applicant's representative: Earl J. Thomas, Thomas Building, Post Office Drawer 70, Worthington, Ohio 43085. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machine parts and materials*, between Lima, Ohio, on the one hand, and, on the other, points in Indiana, Ohio,

Illinois, Kentucky, Michigan, Pennsylvania, West Virginia, and Wisconsin. Subject to restrictions (a) to the transportation of a single shipment, not weighing more than 2,400 pounds, from one consignee at one location to one consignee at one location in any one day. (b) restricted to the use of station wagons, pickup trucks, van-type pickup trucks, 1-ton flat bed stake trucks. (c) movements in express service, for 180 days. Supporting shipper: Lima Division, Baldwin-Lima-Hamilton Corp., a subsidiary of Armour and Co., Lima, Ohio 45802. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 133423 (Sub-No. 2 TA) (Correction), filed April 23, 1969, published FEDERAL REGISTER issue of May 9, 1969, and republished as corrected, this issue. Applicant: S & Y, INC., Post Office Box 2, Stanton, Tenn. Applicant's representative: John Paul Jones, 189 Jefferson Avenue, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bags or bulk (other than tank vehicles), from Memphis, Tenn., to Booneville, Como, Tupelo, Batesville, Water Valley, Amory, Sarah, Sardis and Coldwater, Miss.; Truman, Paragould, Winchester, Forest City, Searey, Pine Bluff, Marianna, Marvel, and Osceola, Ark.; and Bowling Green, Owensboro, Russellville, Sedalia, and Clay, Ky., for 180 days. NOTE: The purpose of this republication is to include the destination point of Sarah, Miss. which was inadvertently omitted in previous publication. Supporting shipper: Mobil Chemical Co., 401 East Main Street, Richmond, Va. 23208 (Beverly C. Davis, Assistant Traffic Manager). Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission,

Bureau of Operations, 390 Federal Office Building, Memphis, Tenn. 38103.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 69-6107; Filed, May 21, 1969;  
8:48 a.m.]

[Notice 348]

### MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 19, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), 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-71035. By order of May 15, 1969, the Motor Carrier Board approved the transfer to Joseph Salvatore and Angelina Salvatore, Jersey City, N.J., of permits Nos. MC-116958 and MC-116958 (Sub-No. 1) issued April 16, 1965, and January 13, 1966, respectively, to Salvatore Trucking & Truck Leasing Corp., Union, N.J., authorizing the transportation of such commodities as are dealt in by wholesale grocery houses, and certain specified commodities, between points in New York, New Jersey, Pennsylvania, and Connecticut. Annamaria V. Paterno, 665 Newark Avenue, Jersey City, N.J. 07306, attorney for applicants.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 69-6108; Filed, May 21, 1969;  
8:48 a.m.]

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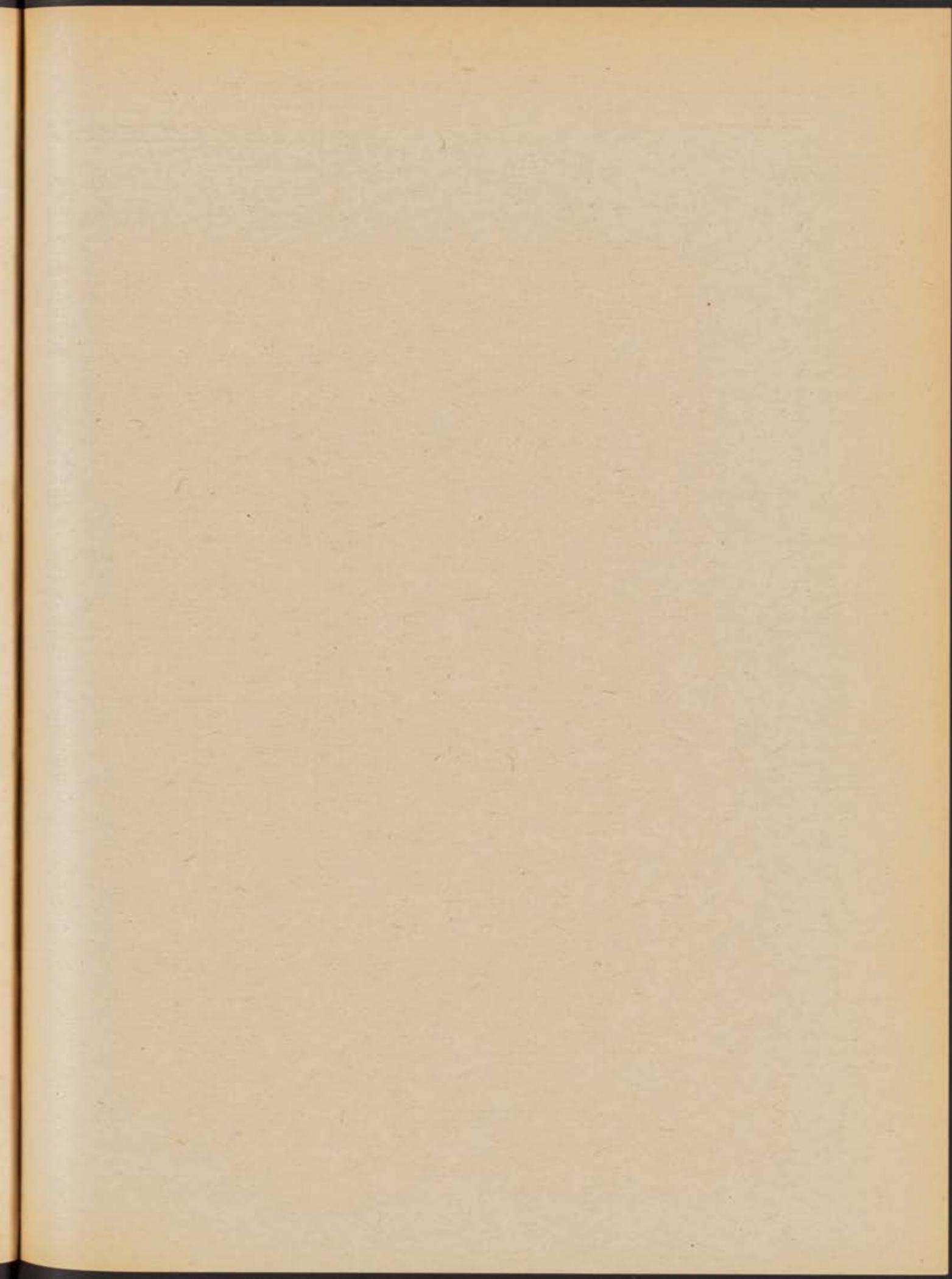
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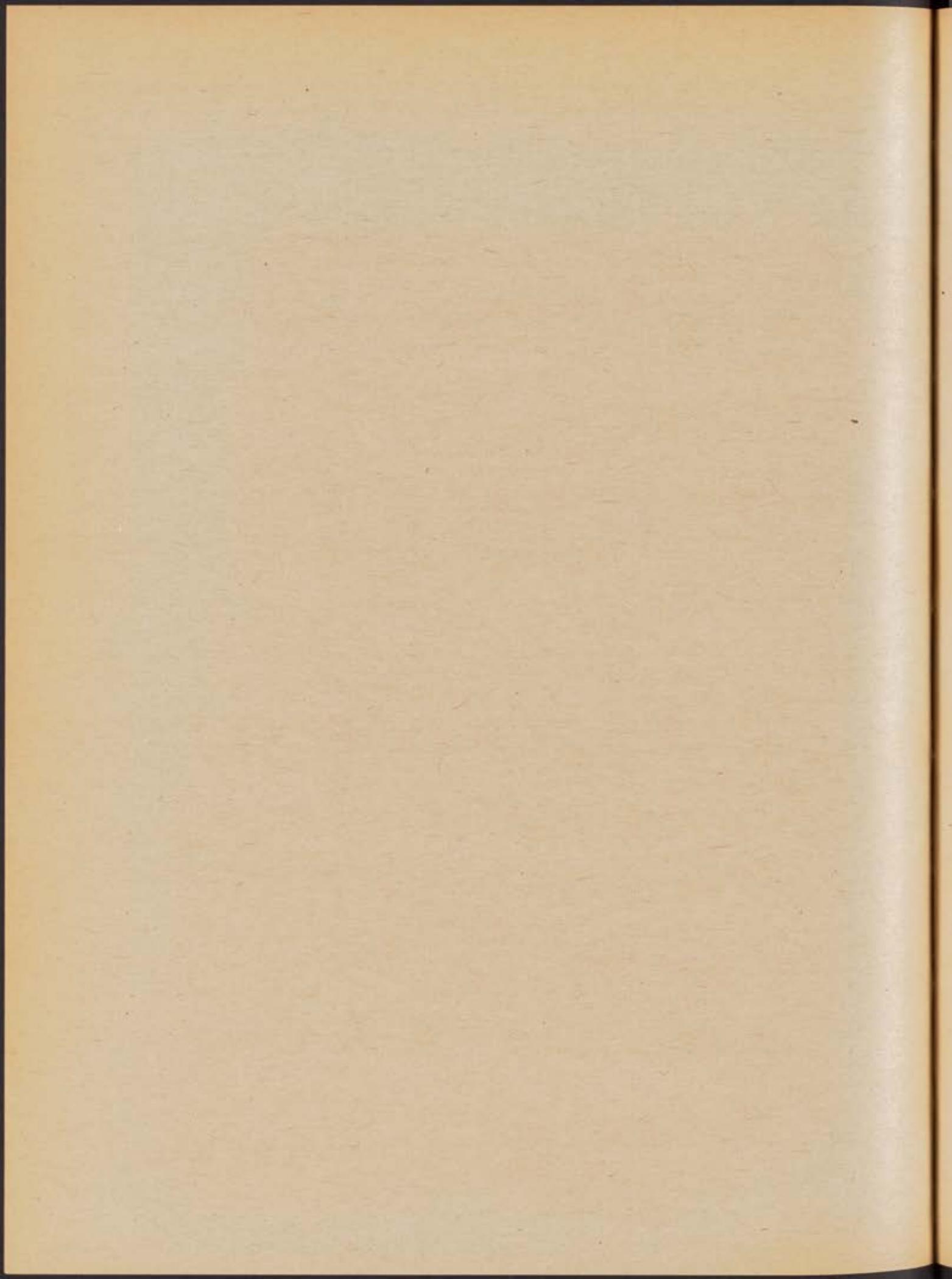
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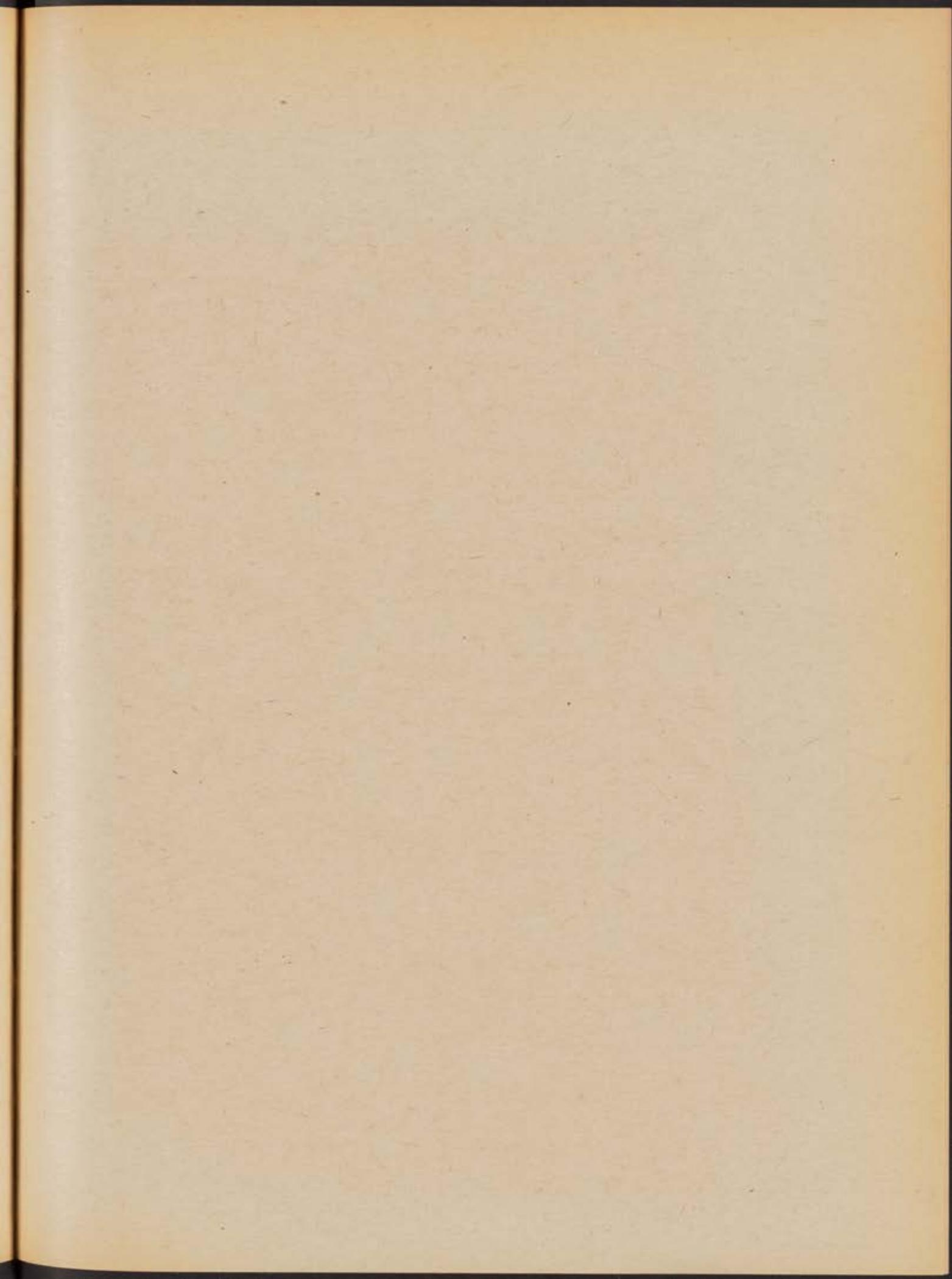
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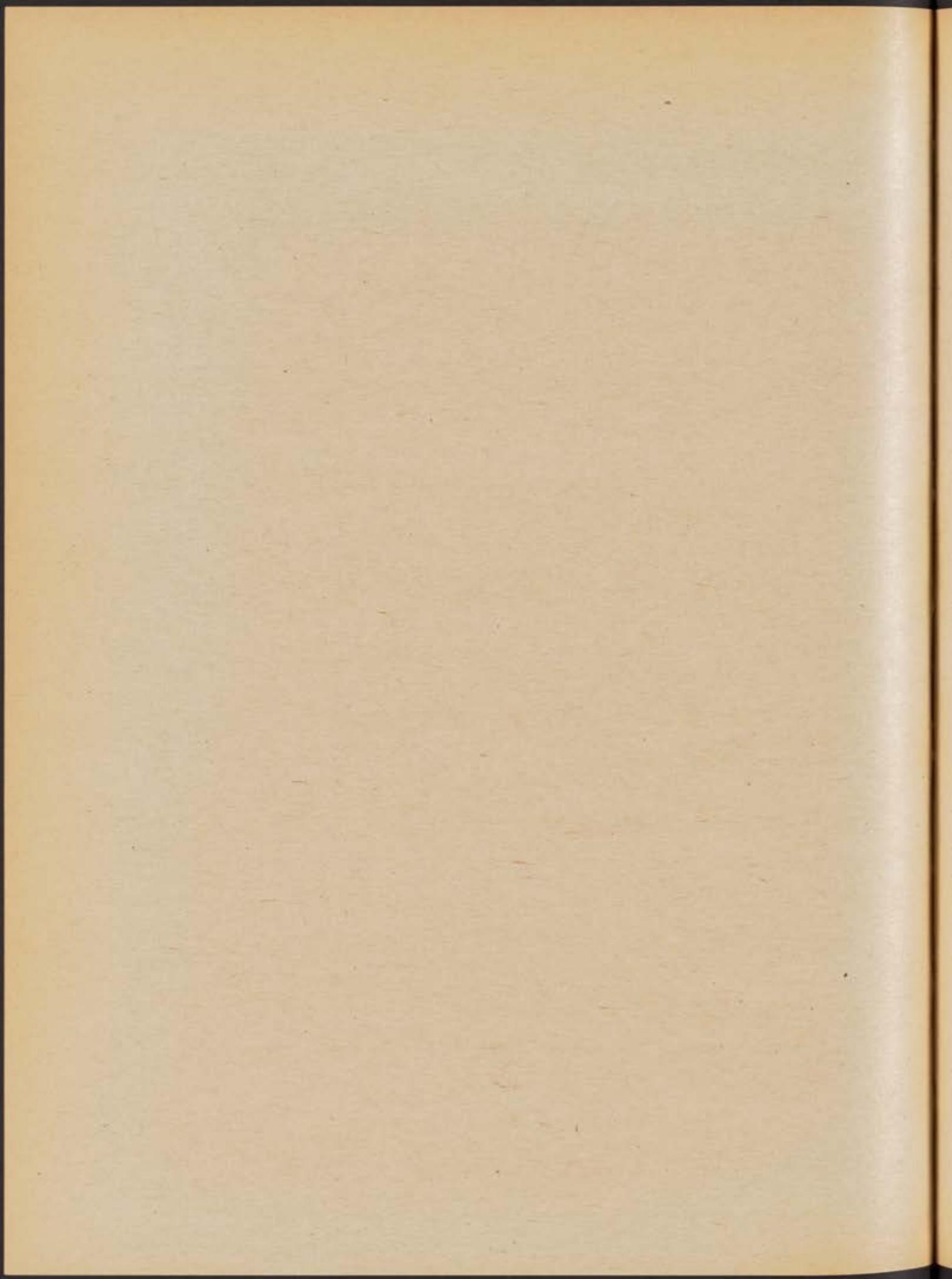
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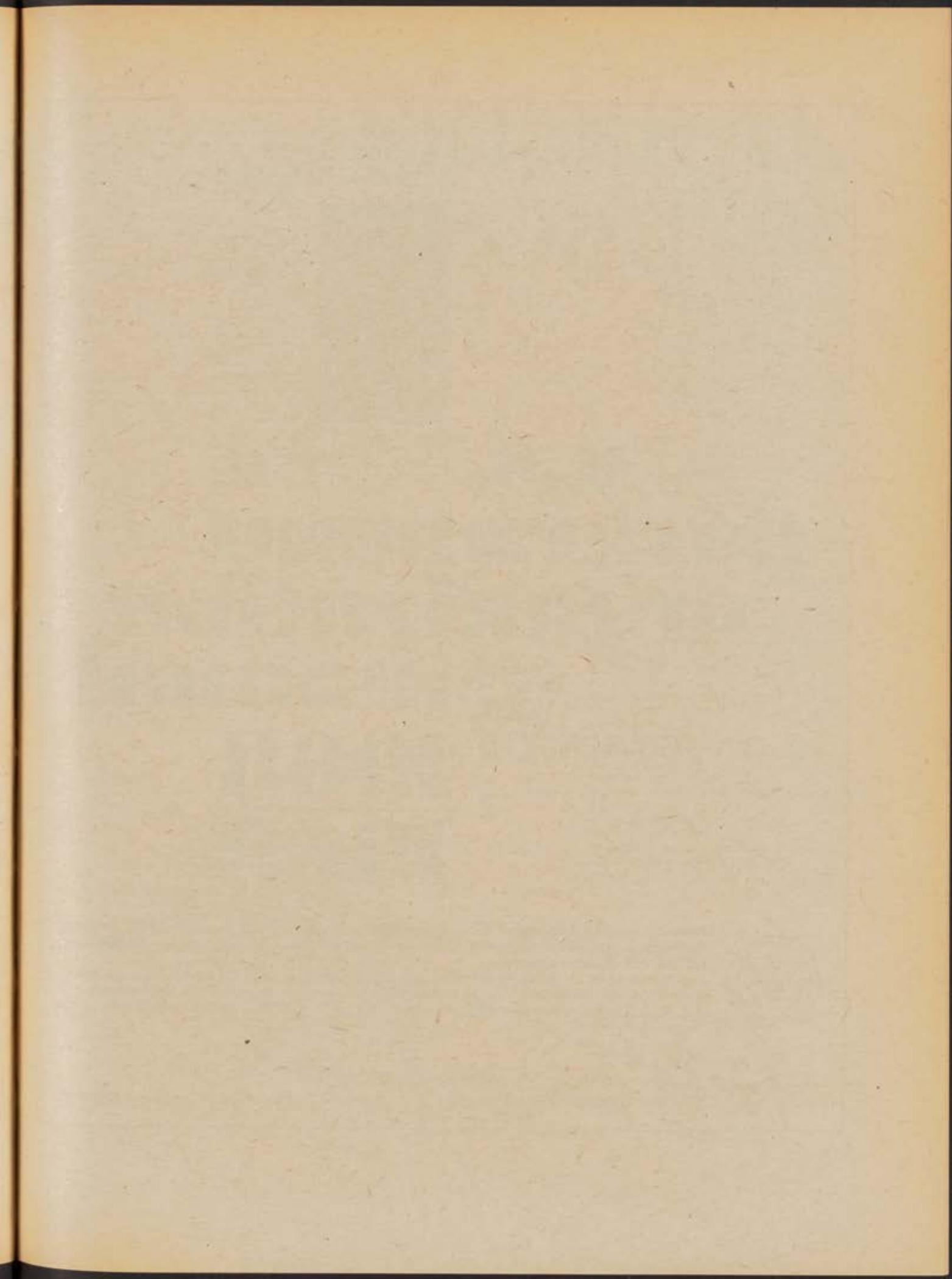
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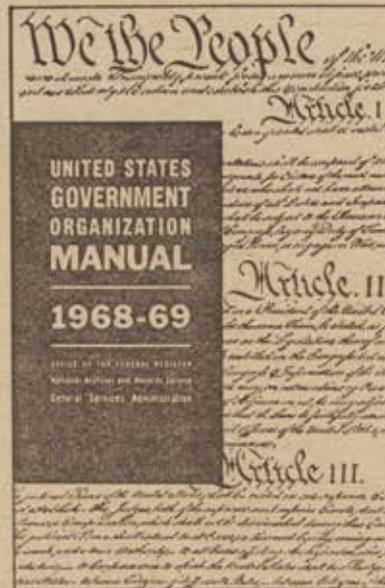












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