

# FEDERAL REGISTER

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Agencies in this issue—

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Civil Aeronautics Board  
Commodity Credit Corporation  
Consumer and Marketing Service  
Customs Bureau  
Federal Aviation Administration  
Federal Communications Commission  
Federal Highway Administration  
Federal Home Loan Bank Board  
Federal Power Commission  
Food and Drug Administration  
Food and Nutrition Service  
International Commerce Bureau  
Interstate Commerce Commission  
Maritime Administration  
National Park Service  
Patent Office  
State Department

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# Rules and Regulations

## Title 22—FOREIGN RELATIONS

### Chapter I—Department of State

#### SUBCHAPTER C—FEES AND FUNDS

[Departmental Reg. 108.613]

### PART 22—FEES AND CHARGES, FOREIGN SERVICE

#### Tariff of Fees

Section 22.1, Code of Federal Regulations, is revised by changing Items 5, 76, and 77 as follows:

#### § 22.1 Tariff of fees, Foreign Service of the United States of America.

##### PASSPORT AND CITIZENSHIP SERVICES

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##### COPYING AND RECORDING

Item No.
76. [Vacant]
77. [Vacant]

**Effective date.** This revision shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 3, 4, 63 Stat. 111, as amended; 22 U.S.C. 2658, E.O. 10718; 3 CFR 1954-1958 Comp.)

Dated: November 12, 1969.

For the Secretary of State.

FRANK G. MEYER,  
Acting Deputy Under Secretary  
for Administration.

[F.R. Doc. 69-14009; Filed, Nov. 25, 1969;  
8:45 a.m.]

## Title 7—AGRICULTURE

### Chapter II—Food and Nutrition Service, Department of Agriculture

[Amdt. 7]

#### SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—COMMODITY DISTRIBUTION

### PART 250—DONATION OF FOOD COMMODITIES FOR USE IN UNITED STATES FOR SCHOOL LUNCH PROGRAMS, TRAINING STUDENTS IN HOME ECONOMICS, SUMMER CAMPS FOR CHILDREN, AND RELIEF PURPOSES, AND IN STATE CORRECTIONAL INSTITUTIONS FOR MINORS

#### Obligations of Distributing Agencies

The regulations for the operation of the Commodity Distribution Program (33 F.R. 6973) are hereby amended as follows:

In § 250.6, paragraph (e), subparagraph (11) is revised to read as follows:

#### § 250.6 Obligations of Distributing Agencies.

(e) \* \* \*

(11) Assurances that (i) citizenship or durational residence requirements shall not be imposed as a condition of eligibility and (ii) recipients shall not be required to make any payments in money, materials or services, for or in connection with the receipt of commodities, and that they shall not be solicited in connection with the receipt of commodities for voluntary cash contributions for any purpose.

**Effective date.** Any State Distributing Agency requiring the conditions of eligibility described in subdivision (i), shall cease imposing such conditions immediately and shall remove such restrictions from interagency agreements, State and county Plans of Operation and furnish the required assurances before June 30, 1970, or before financial assistance agreements are approved.

Dated: November 21, 1969.

J. PHIL CAMPBELL,  
Under Secretary.

[F.R. Doc. 69-14046; Filed, Nov. 25, 1969;  
8:47 a.m.]

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

#### PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

#### Modification of Salable and Reserve Percentages for 1969-70 Crop Year

Notice was published in the November 7, 1969, issue of the FEDERAL REGISTER (34 F.R. 18043) regarding a proposal to revise the salable and reserve percentages, previously established for the 1969-70 crop year (§ 993.205; 34 F.R. 13697), from 80 percent and 20 percent to 87 percent and 13 percent, respectively. Modification of the percentages was unanimously recommended by the Prune Administrative Committee.

The proposal was pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

Computation of the percentages currently effective was based on an early-season estimate that California's 1969 production of dried prunes would be 130,000 tons, natural condition weight. However, the computation included an adjustment factor of 7 percent for possible errors in estimation of the supply, as indicated in the notice (34 F.R. 12834) regarding a proposal to establish salable and reserve percentages for the current crop year. The Committee's recommendation for modification of the current percentages was based on estimates furnished by prune handlers in October that production would not exceed 130,000 tons, and some indicated a lesser production. USDA Crop Reporting Board's November 12, 1969, estimate of such production was 125,000 tons, 5,000 tons less than its October 10 estimate.

Deliveries of the dried prunes to handlers by producers and dehydrators have been occurring since late August; however, not all of the production has been so delivered. Although the precise size of the production is, thus, not now known, it seems reasonably certain that production will not exceed 130,000 tons. Under these circumstances, it appears to be no longer necessary to continue using the 7 percent adjustment factor. The current percentages should therefore be modified as hereinafter set forth.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Prune Administrative Committee, and other available information, it is found that to modify the salable and reserve percentages for dried prunes for the 1969-70 crop year, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, the previously established salable and reserve percentages for the 1969-70 crop year of 80 percent and 20 percent, as set forth in the first sentence of § 993.205 *Salable and reserve percentages for prunes and handler reserve obligation for the 1969-70 crop year* (34 F.R. 13697) are hereby modified to read "87 percent" and "13 percent", respectively.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that salable and reserve percentages established for a particular crop year shall be applicable to all dried prunes received during the crop year by handlers from producers and dehydrators, excluding the weight obligation of § 993.49(c); (2) the current crop year began on August 1, 1969, and the modified percentages will apply automatically to all such dried prunes received on or after



that date; and (3) this action relieves restrictions on the handling of dried prunes.

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

Dated: November 20, 1969.

ARTHUR E. BROWNE,  
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[P.R. Doc. 69-14008; Filed, Nov. 25, 1969; 8:45 a.m.]

## Chapter XIV—Commodity Credit Corporation, Department of Agriculture

### SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

#### PART 1464—TOBACCO

##### Subpart—Tobacco Loan Program

Set forth below is a schedule of advance rates, by grades, for the 1969 crop of types 21, 22, 23, 35, 36, and 37 tobacco, under the tobacco loan program published July 19, 1969 (34 F.R. 12129).

Sec. 1464.17 1969 Crop—Virginia Fire-cured Tobacco, Type 21, Advance Schedule.

1464.18 1969 Crop — Kentucky-Tennessee Fire-cured Tobacco, Types 22 and 23, Advance Schedule.

1464.19 1969 Crop—Dark Air-cured Tobacco Types 35 and 36, Advance Schedule.

1464.20 1969 Crop—Virginia Sun-cured Tobacco, Type 37, Advance Schedule.

§ 1464.17 1969 Crop—Virginia Fire-cured Tobacco Type 21, Advance Schedule.<sup>1</sup>

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44	Length 43
A1F	65.25	65.25		
A2F	58.25	58.25		
A1D	63.25	63.25		
A2D	58.25	58.25		
B1F	61.25	61.25		
B2F	56.25	56.25	50.25	
B3F	48.25	48.25	48.25	38.25
B4F	42.25	46.45	44.25	37.25
B5F	38.25	39.25	38.25	34.25
B1D	61.25	61.25		
B2D	57.25	57.25	50.25	
B3D	47.25	49.25	47.25	38.25
B4D	40.25	42.25	40.25	38.25
B5D	37.25	38.25	37.25	34.25
B3M	41.25	43.25	41.25	37.25
B4M	39.25	41.25	39.25	36.25
B5M	35.25	37.25	35.25	30.25
B3G	40.25	41.25	40.25	36.25
B4G	38.25	39.25	38.25	35.25
B5G	35.25	36.25	35.25	30.25
C1L	68.25	68.25		
C2L	65.25	65.25	56.25	
C3L	64.25	64.25	50.25	
C4L	47.25	48.25	47.25	
C5L	41.25	42.25	41.25	
C1F	68.25	68.25		
C2F	65.25	65.25	56.25	
C3F	55.25	56.25	50.25	
C4F	47.25	49.25	48.25	
C5F	42.25	45.25	43.25	
C2D	40.25	42.25	41.25	
C3D	38.25	39.25	38.25	
C4D	36.25	37.25	36.25	
C5D	31.25	32.25	31.25	
C3M	42.25	43.25	44.25	
C4M	40.25	42.25	41.25	
C5M	37.25	39.25	38.25	
C3G	37.25	39.25	37.25	
C4G	34.25	36.25	34.25	
C5G	32.25	34.25	32.25	

<sup>1</sup> See footnote at end of document.

Grade	Grade
X1L	50.25
X2L	48.25
X3L	47.25
X4L	44.25
X5L	41.25
X1F	51.25
X2F	49.25
X3F	48.25
X4F	45.25
X5F	42.25
X1D	45.25
X2D	42.25
X3D	40.25
X4D	37.25
X5D	32.25
X3M	42.25

§ 1464.18 1969 Crop—Kentucky-Tennessee Fire-cured Tobacco, Types 22 and 23, Advance Schedule.<sup>1</sup>

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44	Length 43
A1F	66	66		
A2F	61	61		
A3F	53	53		
A1D	66	66		
A2D	61	61		
A3D	53	53		
B1F	56	56	52	
B2F	53	53	50	
B3F	48	49	47	41
B4F	45	46	44	37
B5F	42	42	40	34
B3VF	46	46	43	35
B4VF	44	44	42	34
B5VF	40	40	38	30
B1D	56	56	52	
B2D	53	53	50	
B3D	51	52	50	43
B4D	45	46	44	37
B5D	41	41	38	32
B3M	46	47	44	38
B4M	42	43	40	32
B5M	37	37	33	27
B3G	47	48	46	36
B4G	42	42	39	30
B5G	38	38	34	28
C1L	56	56	53	
C2L	53	53	51	
C3L	52	52	49	43
C4L	49	49	47	41
C5L	46	46	45	38
C1F	56	56	53	
C2F	53	53	51	
C3F	52	52	50	43
C4F	49	49	47	40
C5F	47	47	44	37
C3VF	47	48	45	39
C4VF	44	45	43	37
C5VF	42	43	41	32
C1D	56	56	52	
C2D	47	47	44	
C3D	44	45	42	36
C4D	40	40	38	32
C5D	39	39	37	30
C3M	47	47	44	38
C4M	43	43	41	36
C5M	41	41	39	31
C3G	43	43	40	35
C4G	39	40	36	31
C5G	36	36	33	30

Grade	Grade
X1L	48
X2L	46
X3L	45
X4L	42
X5L	40
X1F	47
X2F	45
X3F	44
X4F	42
X5F	40
X3VF	44
X4VF	42
X5VF	39
X1D	46

§ 1464.19 1969 Crop—Dark Air-cured Tobacco, Types 35 and 36, Advance Schedule.<sup>1</sup>

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
A1F	56	56	
A2F	52	52	
A3F	47	47	
A1R	56	56	
A2R	52	52	
A3R	47	47	
B1F	52	52	49
B2F	49	49	46
B3F	47	47	45
B4F	44	44	43
B5F	40	40	39
B1R	51	51	49
B2R	48	48	47
B3R	45	45	44
B4R	43	43	42
B5R	40	40	39
B1D	51	51	49
B2D	48	48	47
B3D	45	45	44
B4D	44	44	43
B5D	39	39	38
B3M	44	44	43
B4M	40	40	39
B5M	36	36	35
B3G	43	43	42
B4G	40	40	39
B5G	36	36	35
C1L	52	52	51
C2L	51	51	50
C3L	49	49	48
C4L	45	45	44
C5L	38	38	36
C1F	52	52	51
C2F	50	50	49
C3F	48	48	46
C4F	45	45	44
C5F	39	39	38
C1R	50	50	49
C2R	48	48	47
C3R	45	45	44
C4R	40	40	39
C5R	35	35	34
C3M	43	43	42
C4M	38	38	37
C5M	34	34	33
C3G	44	44	43
C4G	39	39	38
C5G	34	34	33

Grade	Grade
T3F	39
T4F	35
T5F	27
T3R	39
T4R	35
T5R	27
T3D	39
T4D	35
T5D	27
T3M	38
T4M	33
T5M	26
T3G	38
T4G	33
T5G	26
X1L	48
X2L	46
X3L	45
X4L	43
X5L	40
X1F	48
X2F	46
X3F	44

§ 1464.20 1969 Crop—Virginia Sun-cured Tobacco, Type 37, Advance Schedule.<sup>1</sup>

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
A1F	63.25	63.25	61.25
A2F	60.25	60.25	58.25
A3F	56.25	56.25	54.25
A1R	63.25	63.25	61.25
A2R	60.25	60.25	57.25



[Dollars per hundred pounds, farm sales weight]

PART 1464—TOBACCO

Subpart—Tobacco Loan Program

Set forth below is a schedule of advance rates, by grades, for the 1969 crop of type 31, Burley tobacco, under the tobacco price support loan program, published July 19, 1969 (34 F.R. 12129).

Sec. 1464.21 1969 Crop—Burley Tobacco, Type 31, Advance Schedule.

§ 1464.21 1969 Crop—Burley Tobacco, Type 31, Advance Schedule.<sup>1</sup>

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
A5R	57.25	57.25	54.25
B1F	62.25	63.25	55.25
B2F	60.25	61.25	56.25
B3F	51.25	53.25	51.25
B4F	45.25	49.25	47.25
B5F	40.25	41.25	40.25
B1R	62.25	63.25	55.25
B2R	59.25	60.25	56.25
B3R	62.25	64.25	51.25
B4R	45.25	47.25	45.25
B5R	41.25	42.25	41.25
B1D	60.25	60.25	55.25
B2D	59.25	60.25	55.25
B3D	50.25	52.25	49.25
B4D	44.25	45.25	44.25
B5D	40.25	41.25	40.25
B3M	43.25	46.25	43.25
B4M	42.25	44.25	43.25
B5M	37.25	38.25	37.25
B6M	43.25	45.25	43.25
B4Q	41.25	42.25	41.25
B5Q	37.25	38.25	37.25
C1L	61.25	62.25	54.25
C2L	55.25	56.25	51.25
C3L	62.25	62.25	49.25
C4L	44.25	46.25	44.25
C5L	39.25	40.25	39.25
C1F	61.25	62.25	54.25
C2F	55.25	56.25	51.25
C3F	51.25	53.25	48.25
C4F	44.25	46.25	45.25
C5F	38.25	41.25	40.25
C1R	58.25	58.25	52.25
C2R	52.25	52.25	48.25
C3R	46.25	46.25	44.25
C4R	39.25	40.25	39.25
C5R	35.25	36.25	35.25
C3M	40.25	43.25	42.25
C4M	38.25	41.25	40.25
C5M	35.25	36.25	37.25
C1G	35.25	38.25	35.25
C4G	34.25	37.25	35.25
C5G	29.25	30.25	29.25

Grade		Grade	
T3F	42.25	X4F	41.25
T4F	40.25	X5F	36.25
T5F	34.25	X1R	47.25
T3R	42.25	X2R	44.25
T4R	40.25	X3R	40.25
T5R	34.25	X4R	39.25
T3D	40.25	X5R	31.25
T4D	38.25	X3D	36.25
T5D	32.25	X4D	34.25
T3M	40.25	X5D	28.25
T4M	37.25	X3M	40.25
T5M	31.25	X4M	38.25
T3G	39.25	X5M	36.25
T4G	37.25	X3G	38.25
T5G	31.25	X4G	35.25
X1L	47.25	X5G	31.25
X2L	45.25	N1L	23.25
X3L	42.25	N2L	16.25
X4L	40.25	N1R	24.25
X5L	35.25	N2R	17.25
X1F	47.25	N1G	24.25
X2F	46.25	N2G	17.25
X3F	43.25		

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054; sec. 125, 70 Stat. 198; 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423; 7 U.S.C. 1813; 15 U.S.C. 714b, 714c)

Effective date: Date of filing with the Office of the Federal Register.

Signed at Washington, D.C., on November 19, 1969.

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

[F.R. Doc. 69-13957; Filed, Nov. 25, 1969; 8:45 a.m.]

<sup>1</sup> Only the original producer is eligible to receive advances. Tobacco graded "U" (unsound), "No-G" (no grade), or scrap will not be accepted. Cooperatives for types 21 and 37 are authorized to deduct 25 cents per hundred pounds to apply against overhead costs.

Grade	Advance Rate	Grade	Advance Rate
B1F	75.25	T5F	60.25
B2F	73.25	T3FR	64.25
B3F	71.25	T4FR	61.25
B4F	69.25	T5FR	56.25
B5F	67.25	T3R	54.25
B1FR	70.25	T4R	51.25
B2FR	68.25	T5R	46.25
B3FR	66.25	T4D	44.25
B4FR	64.25	T5D	41.25
B5FR	62.25	T4K	43.25
B1R	64.25	T5K	40.25
B2R	62.25	T4VF	56.25
B3R	60.25	T5VF	52.25
B4R	59.25	T4VR	47.25
B5R	56.25	T5VR	42.25
B4D	46.25	T4GF	49.25
B5D	41.25	T5GF	44.25
B3K	65.25	T4GR	41.25
B4K	61.25	T5GR	38.25
B5K	51.25	C1L	78.25
B3M	66.25	C2L	77.25
B4M	62.25	C3L	76.25
B5M	52.25	C4L	75.25
B3VF	68.25	C5L	72.25
B4VF	65.25	C1F	78.25
B5VF	61.25	C2F	77.25
B3VR	55.25	C3F	76.25
B4VR	53.25	C4F	75.25
B5VR	49.25	C5F	72.25
B3GF	58.25	C3R	69.25
B4GF	56.25	C4R	67.25
B5GF	51.25	C5R	63.25
B3GR	47.25	C3K	68.25
B4GR	44.25	C4K	66.25
B5GR	41.25	C5K	60.25
T3F	68.25	C3M	70.25
T4F	64.25	C4M	67.25

dred pounds to apply against overhead costs. Tobacco of types 22, 23, 35, and 36 graded "W" (doubtful keeping order) will be accepted at advance rates 20 percent below the advance rates otherwise applicable. Tobacco of types 21 and 37 graded "W" (doubtful keeping order) will not be accepted. Type 35 grades marked with the special factor "BL" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Types 35 and 36 grades marked with the special factor "BH" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Types 21, 22, and 23 grades of 47 length and types 35 and 36 grades of 47 length, except grades A1F, A1R, A2F, and A2R, shall have an advance rate 5 percent below the advance rate otherwise applicable for 46 length of each grade. The advance rates for grades A1F, A1R, A2F, and A2R of types 35 and 36 in 47 length shall be the same as those for such grades in 46 length.

Only the original producer is eligible to receive advances. Tobacco graded "U" (unsound), "W" (wet), "No-G" (no grade), or scrap will not be accepted. Cooperatives are authorized to deduct 25 cents per hundred pounds to apply against overhead costs.

Grade	Advance Rate	Grade	Advance Rate
C5M	62.25	X5R	58.25
C3V	72.25	X4M	66.25
C4V	69.25	X5M	55.25
C5V	63.25	X4G	57.25
C4G	55.25	X5G	50.25
C5G	49.25	M3F	71.25
X1L	78.25	M4F	65.25
X2L	77.25	M5F	62.25
X3L	76.25	M3R	57.25
X4L	73.25	M4R	52.25
X5L	70.25	M5R	47.25
X1F	78.25	N1L	65.25
X2F	77.25	N2L	54.25
X3F	76.25	N1F	57.25
X4F	73.25	N1R	41.25
X5F	70.25	N2R	35.25
X3R	68.25	N1G	38.25
X4R	64.25	N2G	34.25

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054; sec. 125, 70 Stat. 198; 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423; 7 U.S.C. 1813; 15 U.S.C. 714b, 714c)

Effective date: Date of filing with the Office of the Federal Register.

Signed at Washington, D.C. on November 19, 1969.

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

[F.R. Doc. 69-13958; Filed, Nov. 25, 1969; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 23,510]

PART 526—LIMITATIONS ON RATE OF RETURN

Maximum Rate of Return Payable on Certificate Accounts

NOVEMBER 13, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration of the desirability of amending § 526.4 of the regulations of the Federal Home Loan Bank System (12 CFR 526.4) for the purpose of authorizing any member institution whose home office is located in the State of Massachusetts to pay a higher rate of return on certificate accounts for a limited period of time, hereby amends said § 526.4 by redesignating subparagraph (3) of paragraph (c) thereof as subparagraph (4) and adding immediately prior thereto a new subparagraph (3) to read as follows, effective November 26, 1969:

§ 526.4 Maximum rate of return payable on certificate accounts.

(c) Geographic exception. . . .

(3) A member institution whose home office is located in Massachusetts may pay a return on certificate accounts at a rate not in excess of 5.25 percent per annum, except that, with respect to certificate accounts outstanding on November 14,



1969, such member institution may pay an additional return at the rate of 0.25 percent per annum for each distribution period ending after July 1, 1969, but no later than July 31, 1970.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 1437. 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 it from becoming effective for a period of time and since it is in the public interest that the authority contained in the amendment become effective upon publication in the *FEDERAL REGISTER*, the Board hereby finds that notice and public procedure on said amendment is 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 publication of said amendment for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board (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, and the Board hereby so finds, and 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. 69-14044; Filed, Nov. 25, 1969;  
8:47 a.m.]

**SUBCHAPTER D—FEDERAL SAVINGS AND LOAN  
INSURANCE CORPORATION**  
[No. 23,511]

**PART 569—LIMITATIONS ON RATE  
OF RETURN**

**Maximum Rate of Return Payable  
on Certificate Accounts**

NOVEMBER 13, 1969.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration of the desirability of amending § 569.4 of the rules and regulations for Insurance of Accounts (12 CFR 569.4) for the purpose of authorizing any insured institution whose home office is located in the State of Massachusetts to pay a higher rate of return on certificate accounts for a limited period of time, hereby amends said § 569.4 by redesignating subparagraph (3) of paragraph (c) thereof as subparagraph (4) and adding immediately prior thereto a new subparagraph (3) to read as follows, effective November 26, 1969:

§ 569.4 Maximum rate of return payable on certificate accounts.

(c) *Geographic exception.* \* \* \*

(3) An insured institution whose home office is located in Massachusetts may

pay a return on certificate accounts at a rate not in excess of 5.25 percent per annum, except that, with respect to certificate accounts outstanding on November 14, 1969, such insured institution may pay an additional return at the rate of 0.25 percent per annum for each distribution period ending between July 1, 1969, and July 31, 1970.

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended; sec. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1425b, 1725, 1726. 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 it from becoming effective for a period of time and since it is in the public interest that the authority contained in the amendment become effective upon publication in the *FEDERAL REGISTER*, the Board hereby finds that notice and public procedure on said amendment is 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 publication of said amendment for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board (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, and the Board hereby so finds, and 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. 69-14045; Filed, Nov. 25, 1969;  
8:47 a.m.]

**Title 14—AERONAUTICS AND  
SPACE**

**Chapter I—Federal Aviation Adminis-  
tration, Department of Transportation**

**SUBCHAPTER E—AIRSPACE**

[Airspace Docket No. 69-WE-66]

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

**Alteration of Control Zone**

On October 2, 1969, a notice of proposed rule making was published in the *FEDERAL REGISTER* (34 F.R. 15363) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Olympia, Wash., control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

*Effective date.* This amendment shall be effective 0901 G.m.t., January 3, 1970.

Issued in Los Angeles, Calif., on November 12, 1969.

LYNN L. HINK,  
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the description of the Olympia, Wash., control zone, as amended by (34 F.R. 9548) is further modified to read as follows:

**OLYMPIA, WASH.**

Within a 5-mile radius of Olympia Municipal Airport (latitude 46°58'15" N., longitude 122°54'00" W.); within 4 miles each side of the Olympia VORTAC 195° radial, extending from the 5-mile radius zone to 10.5 miles south of the VORTAC, and within 2 miles each side of the Olympia VORTAC 010° radial, extending from the 5-mile radius zone to 5.5 miles north of the VORTAC. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the *Airman's Information Manual*.

[F.R. Doc. 69-14016; Filed, Nov. 25, 1969;  
8:45 a.m.]

[Airspace Docket No. 69-CE-84]

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

**Alteration of Control Zone and  
Transition Area**

On pages 14285 and 14286 of the *FEDERAL REGISTER* dated September 11, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Fort Dodge, Iowa.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change: The Fort Dodge Municipal Airport longitude coordinate recited in the Fort Dodge, Iowa, control zone and transition area alteration as "longitude 94°11'21" W." is changed to read "longitude 94°11'10" W."

This amendment shall be effective 0901 G.m.t., January 8, 1970.

(Sec. 307(a), the Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 8(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 4, 1969.

ROBERT I. GALE,  
Acting Director, Central Region.

(1) In § 71.171 (34 F.R. 4557), the following control zone is amended to read:

**FORT DODGE, IOWA**

Within a 5-mile radius of Fort Dodge Municipal Airport (latitude 42°33'05" N., longitude 94°11'10" W.). This control zone is effective during the specific dates and times established in advance by a Notice to



Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (34 F.R. 4637), the following transition area is amended to read:

**PORT DODGE, IOWA**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Port Dodge Municipal Airport (latitude 42°33'05" N., longitude 94°11'10" W.); that airspace extending upward from 1,200 feet above the surface within a 14-mile radius of Port Dodge VOR, extending from the Port Dodge VOR 261° radial clockwise to the Port Dodge VOR 055° radial; within a 25-mile radius of Port Dodge VOR, extending from the Port Dodge VOR 055° radial clockwise to the Port Dodge VOR 261° radial; within 4½ miles southwest and 9½ miles northeast of the Port Dodge VOR 127° radial, extending from the 25-mile radius area to 32 miles southeast of the VOR; and within 4½ miles northeast and 9½ miles southwest of the Port Dodge VOR 307° radial, extending from the 14-mile radius area to 18½ miles northwest of the VOR; and that airspace extending upward from 3,500 feet MSL south and east of Port Dodge bounded on the north by V-100, on the east by V-13, on the south by V-172 and on the northwest by V-138.

[F.R. Doc. 69-14017; Filed, Nov. 25, 1969; 8:45 a.m.]

[Airspace Docket No. 69-SO-143]

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

**Alteration of Control Zone and Transition Area**

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Spartanburg, S.C., control zone and transition area.

The Spartanburg control zone is described in § 71.171 (34 F.R. 4557) and the transition area is described in § 71.181 (34 F.R. 4637). In each description, reference is made to the Spartanburg RBN. Since the name of this RBN will be changed to "Fairmont RBN," effective December 11, 1969, it is necessary to alter the descriptions to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and action is taken herein to amend the descriptions accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 11, 1969, as hereinafter set forth.

In § 71.171 (34 F.R. 4557) and 71.181 (34 F.R. 4637), the Spartanburg, S.C., control zone and transition area are amended as follows: "Spartanburg RBN" is deleted and "Fairmont RBN" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on November 17, 1969.

**CHESTER W. WELLS,**  
Acting Director, Southern Region.

[F.R. Doc. 69-14018; Filed, Nov. 25, 1969; 8:45 a.m.]

[Airspace Docket No. 69-CE-81]

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

**Alteration of Transition Area**

On page 14286 of the FEDERAL REGISTER dated September 11, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Rochester, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 8, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 4, 1969.

**ROBERT I. GALE,**  
Acting Director, Central Region.

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

**ROCHESTER, MINN.**

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Rochester Municipal Airport (latitude 43°54'25" N., longitude 92°29'45" W.); within 2½ miles each side of the Rochester VOR 029° radial, extending from the VOR to 23 miles northeast of the VOR; within 3 miles each side of the Rochester ILS localizer northwest course, extending from the 7-mile radius area to 19 miles northwest of the OM; and within 4½ miles southwest and 9½ miles northeast of the Rochester ILS localizer southeast course, extending from 3 miles northwest to 18½ miles southeast of the OM; and that airspace extending upward from 1,200 feet above the surface within a 22½-mile radius of Rochester VOR, extending clockwise from V-24 southeast of Rochester to V-82 northwest of Rochester; the airspace north and east of Rochester bounded on the west by the west edge of V-82, on the northwest by the arc of a 36-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.), on the northeast by V-2 and on the south by V-82; within 5 miles west and 7 miles east of the Rochester VOR 173° radial, extending from the 22½-mile radius area to 38 miles south of the VOR; and within 5 miles south and 7 miles north of the Rochester VOR 104° radial, extending from 22½ miles to 45 miles east of the VOR, excluding the portions that overlie the Winona and Fairbault-Owatonna, Minn., transition areas.

[F.R. Doc. 69-14019; Filed, Nov. 25, 1969; 8:45 a.m.]

[Airspace Docket No. 69-CE-87]

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

**Alteration of Transition Area**

On page 14437 of the FEDERAL REGISTER dated September 16, 1969, the Federal

Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Bellaire, Mich.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The Antrim County Airport latitude coordinate recited in the Bellaire, Michigan transition area alteration as "latitude 49°59'15" N." is changed to read "latitude 44°59'15" N."

This amendment shall be effective 0901 G.m.t., January 8, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 4, 1969.

**ROBERT I. GALE,**  
Acting Director, Central Region.

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

**BELLAIRE, MICH.**

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Antrim County Airport (latitude 44°59'15" N., longitude 85°12'00" W.); and within 3½ miles each side of the 198° bearing from Antrim County Airport, extending from the 11-mile radius area to 17 miles south of the airport, excluding the portion which overlies the Traverse City, Mich., transition area; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 198° bearing from Antrim County Airport, extending from the airport to 25 miles south of the airport.

[F.R. Doc. 69-14020; Filed, Nov. 25, 1969; 8:45 a.m.]

[Airspace Docket No. 69-SO-103]

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

**Designation of Transition Area**

On October 8, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15600), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Milledgeville, Ga., transition area.

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

Subsequent to publication of the notice, the geographic coordinate (lat. 33°09'15" N., long. 83°14'10" W.) for Baldwin County Airport was obtained from Coast and Geodetic Survey. It is necessary to alter the description by inserting the geographic coordinate for the airport. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and



action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

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

**MILLEDGEVILLE, Ga.**

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Baldwin County Airport (lat. 33° 09' 15" N., long. 83° 14' 10" W.); within 3 miles each side of the 084° bearing from Milledgeville RBN (lat. 33° 09' 13" N., long. 83° 14' 35" W.), extending from the 8.5-mile radius area to 8.5 miles east of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on November 17, 1969.

**CHESTER W. WELLS,**  
*Acting Director, Southern Region.*

[F.R. Doc. 69-14021; Filed, Nov. 25, 1969; 8:46 a.m.]

[Airspace Docket No. 69-WE-67]

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

**Alteration of Transition Area**

On October 2, 1969, a notice of proposed rule making was published in the *FEDERAL REGISTER* (34 F.R. 15363) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Seattle, Wash., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

**Effective date.** This amendment shall be effective 0901 G.m.t., January 3, 1970.

Issued in Los Angeles, Calif., on November 12, 1969.

**LYNN L. HINK,**  
*Acting Director, Western Region.*

In § 71.181 (34 F.R. 4637) the description of the Seattle, Wash., transition area as amended by (34 F.R. 1370) is further amended as follows:

1. In the 700-foot portion of the transition area delete all between " \* \* \* within a 23-mile radius of the Seattle VORTAC \* \* \* ", and " \* \* \* within a 23-mile radius of latitude 47° 39' 30" N., longitude 122° 25' 00" W.; \* \* \* " and substitute therefor " \* \* \* within a 10-mile radius of Olympia VORTAC, within 5 miles each side of the Olympia VORTAC 195° radial, extending from the 10-mile radius area to 15.5 miles south of the VORTAC; \* \* \* "

2. Delete all of the 1,200-foot portion of the transition area and substitute therefor " \* \* \* that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 48° 05' 00" N., on the east by longitude

121° 35' 00" W. to latitude 46° 55' 00" N., thence via latitude 46° 55' 00" N. to longitude 121° 53' 00" W., thence via longitude 121° 53' 00" W. to latitude 46° 45' 00" N., thence via latitude 46° 45' 00" N. and an arc of a 22-mile radius circle centered on the Olympia VORTAC to longitude 123° 15' 00" W., thence via longitude 123° 15' 00" W., to latitude 48° 05' 00" N., that airspace southwest of Seattle bounded on the north by the north edge of V-27, on the east by longitude 123° 15' 00" W., on the south by the south edge of V-204, and on the west by longitude 123° 40' 00" W. \* \* \* "

3. In the 4,500-foot MSL portion of the transition area delete " \* \* \* bounded on the north by latitude 46° 45' 00" N., \* \* \* ", and substitute therefor " \* \* \* bounded on the north by an arc of a 22-mile radius circle centered on Olympia VORTAC and latitude 46° 45' 00" N. \* \* \* "

4. Delete " \* \* \* V-27W. \* \* \* " each place it appears in the text and substitute " \* \* \* V-27 \* \* \* " therefor.

[F.R. Doc. 69-14022; Filed, Nov. 25, 1969; 8:46 a.m.]

[Airspace Docket No. 69-CE-95]

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

**Designation of Control Zone**

On page 15364 of the *FEDERAL REGISTER* dated October 2, 1969, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a control zone at Mosinee, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 8, 1970.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on November 4, 1969.

**ROBERT I. GALE,**  
*Acting Director, Central Region.*

In § 71.171 (34 F.R. 4557), the following control zone is added:

**MOSINEE, WIS.**

Within a 5-mile radius of Central Wisconsin Airport (latitude 44° 46' 35" N., longitude 89° 40' 00" W.); within 1½ miles each side of the Wausau, Wis., VOR 219° radial, extending from the 5-mile radius zone to the VOR; within 3½ miles each side of the 242° bearing from Central Wisconsin Airport extending from the 5-mile radius zone to 10½ miles west of the airport; and within 3½ miles each side of the 087° bearing from Central Wisconsin Airport, extending from the 5-mile radius zone to 10½ miles east of the airport, excluding the portion which

overlies the Wausau, Wis., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

[F.R. Doc. 69-14023; Filed, Nov. 25, 1969; 8:46 a.m.]

**SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES**

[Reg. Docket No. 9899; Amdt. 672]

**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**

**Miscellaneous Amendments**

**Correction**

In F.R. Doc. 69-12370 appearing at page 17233 in the issue of Friday, October 24, 1969, on page 17252 in the second line of the third table, the reference to "SJU NDB" should read "SJ NDB".

**Title 15—COMMERCE AND FOREIGN TRADE**

**Chapter III—Bureau of International Commerce, Department of Commerce**

**SUBCHAPTER B—EXPORT REGULATIONS**

[12th Gen. Rev. of Export Regs. (Amdt. 7)]

**MISCELLANEOUS AMENDMENTS TO CHAPTER**

Parts 370, 371, 373, and 376 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; 3 CFR 1959-1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-1963 Comp.)

Effective dates: Part 370—Sept. 25, 1969; Part 371—Nov. 24, 1969; §§ 373.2 (b), 373.3 (b), and 373.5 (b)—Nov. 24, 1969; § 373.4—Dec. 1, 1969; and Part 376—Nov. 24, 1969.

**RAUER H. MEYER,**  
*Director, Office of Export Control.*

**PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION**

Supplement No. 2 to Part 370 is amended to read as follows:

**SUPPLEMENT No. 2**

**THE U.S. MUNITIONS LIST**

The following articles<sup>1</sup> are designated by the Office of Munitions Control, U.S. Department of State, as arms, ammunition, and implements of war:<sup>2</sup>

<sup>1</sup> The term "article" shall mean any of the arms, ammunition, and implements of war and technical data relating thereto enumerated in the United States Munitions List.

<sup>2</sup> Arms, ammunition, and implements of war must be mangled, crushed, or cut beyond the possibility of restoration to their original identity, before they can be licensed by the Office of Export Control for export as scrap metal. (See § 399.2, Interpretation 12.)



CATEGORY I—FIREARMS

- (a) Nonautomatic and semiautomatic firearms, to caliber .50 inclusive, shotguns with barrels less than 18 inches in length, and all components and parts therefor (see §§ 121.03 and 123.30 through 123.4).<sup>2</sup>
- (b) Automatic firearms, and all components and parts therefor, to caliber .50 inclusive (see § 121.03).<sup>2</sup>
- (c) Insurgency-counterinsurgency type firearms or other weapons having a special military application regardless of caliber; and all components and parts therefor.
- (d) Firearms silencers.
- (e) Bayonets and specifically designed components therefor.
- (f) Riflescopes (except sporting type sights including optical) and specifically designed components therefor.

CATEGORY II—ARTILLERY AND PROJECTORS

- (a) Guns over caliber .50, howitzers, mortars, and recoilless rifles.
- (b) Military flame throwers and projectors.
- (c) Components and parts including, but not limited to, mounts and carriages for the articles in paragraphs (a) and (b) of this category.

CATEGORY III—AMMUNITION

- (a) Ammunition for the arms in Categories I and II of this section (see §§ 123.03 and 121.04).<sup>2</sup>
- (b) The following components, parts, accessories, and attachments: Cartridge cases, powder bags, bullets, jackets, cores, shells (excluding shotgun), projectiles, boosters, fuzes, and components therefor, primers, and other detonating devices for such ammunition (see § 121.04).<sup>2</sup>
- (c) Ammunition belting and linking machines.
- (d) Ammunition manufacturing machines, and ammunition loading machines (except hand loading).

CATEGORY IV—LAUNCH VEHICLES, GUIDED MISSILES, BALLISTIC MISSILES, ROCKETS, TORPEDOES, BOMBS, AND MINES

- (a) Launch vehicles, guided missiles, ballistic missiles, bombs, grenades, rockets, torpedoes, rocket torpedoes, depth charges, land and naval mines, and military demolition blocks and blasting caps (see § 121.05).<sup>2</sup>
- (b) Apparatus, devices, and materials for the handling, control, activation, detection, protection, discharge, or detonation of the articles in paragraph (a) of this category (see § 121.06).<sup>2</sup>
- (c) Missile and space vehicle powerplants.
- (d) Military explosive excavating devices.
- (e) Filament winding machines designed for or modified for the manufacture of structural forms, for articles in this category.
- (f) Ablative materials fabricated or semi-fabricated from advanced composites (e.g., silica, graphite, carbon, and boron filaments) for the articles in this category, including the tape wrapping and other techniques for their production.
- (g) All specifically designed components, parts, accessories, attachments, associated equipment, and specialized production equipment for the articles in this category.

CATEGORY V—PROPELLANTS, EXPLOSIVES, AND INCENDIARY AGENTS

- (a) Propellants for the articles in Categories III and IV of this section (see § 121.09).<sup>2</sup>
- (b) Military explosives (see § 121.10).<sup>2</sup>
- (c) Military fuel thickeners (see § 121.11).<sup>2</sup>
- (d) Military pyrotechnics.

<sup>2</sup> This cross-reference section refers to the regulations of the Office of Munitions Control, U.S. Department of State, Washington, D.C. 20520.

CATEGORY VI—VESSELS OF WAR AND SPECIAL NAVAL EQUIPMENT

- (a) Warships, amphibious warfare vessels, landing craft, mine warfare vessels, patrol vessels, auxiliary vessels, service craft, floating dry docks, and experimental types of naval ships (see § 121.12).<sup>2</sup>
- (b) Turrets and gun mounts, missile systems, arresting gear, special weapons system, protective systems, submarine storage batteries, catapults and other components, parts, attachments, and accessories specifically designed for combatant vessels, including but not limited to, battleships, command ships, guided missile ships, cruisers, aircraft carriers, destroyers, frigates, escorts, mine-sweepers, and submarines.
- (c) Submarine and torpedo nets, and mine sweeping equipment. Components, parts, attachments, and accessories specifically designed therefor.
- (d) Harbor entrance magnetic, pressure, and acoustic detection devices, controls, and components thereof.
- (e) Naval nuclear propulsion plants, their land prototypes and special facilities for their construction, support, and maintenance, including any machinery, device, component, or equipment specifically developed or designed for use in such plants or facilities (see § 123.38).<sup>2</sup>

CATEGORY VII—TANKS AND MILITARY VEHICLES

- (a) Military type armed or armored vehicles, military railway trains, and vehicles fitted with, designed, or modified to accommodate mountings for arms or other specialized military equipment.
- (b) Military tanks, tank recovery vehicles, half-tracks, and gun carriers.
- (c) Self-propelled guns and howitzers.
- (d) Military trucks, trailers, hoists, and skids specifically designed for carrying and handling the articles in paragraph (a) of Categories III and IV; military mobile repair shops specifically designed to service military equipment.
- (e) Military recovery vehicles.
- (f) Amphibious vehicles (see § 121.07).<sup>2</sup>
- (g) All specifically designed components, parts, accessories, attachments, and associated equipment, including military bridging and deep water fording kits, for the articles in this category.

CATEGORY VIII—AIRCRAFT, SPACECRAFT, AND ASSOCIATED EQUIPMENT

- (a) Aircraft, including helicopters, designed, modified, or equipped for military purposes, including but not limited to the following: Gunnery, bombing, rocket or missile launching, electronic surveillance, reconnaissance, refueling, aerial mapping, military liaison, cargo carrying or dropping, personnel dropping, military trainers, drones, and lighter-than-air aircraft (see § 121.13).<sup>2</sup>
- (b) Spacecraft including manned and unmanned, active and passive satellites.
- (c) Military aircraft engines, except reciprocating engines, and spacecraft engines specifically designed or modified for the aircraft and spacecraft specified in paragraphs (a) and (b) of this category.
- (d) Airborne equipment, including but not limited to, JATO units and airborne refueling equipment, specifically designed for use with the aircraft, spacecraft, and engines of the types in paragraphs (a), (b), and (c) of this category.
- (e) Launching, arresting, and recovery equipment for the articles in paragraphs (a) and (b) of this category.
- (f) Nonexpansive balloons in excess of 3,000 cubic feet capacity, except such types as are in normal sporting use.
- (g) Power supplies and energy sources specifically designed for spacecraft.

- (h) Components, parts, accessories, attachments, and associated equipment, including propellers and airfield matting, specifically designed or modified for the articles specified in paragraphs (a) through (g) of this category.

- (i) Developmental aircraft components known to have a significant military application.

- (j) Parachutes, except such types as are in normal sporting use and complete canopies, harnesses, and platforms, and electronic release mechanisms therefor.

- (k) Ground effect machines (GEMS), including surface effect machines and other air cushion vehicles, except such machines as are in normal commercial use, and all components, parts, accessories, attachments, and associated equipment specifically designed or modified for use with such machines.

- (l) Inertial systems, and specifically designed components therefor, inherently capable of yielding accuracies of better than 1 to 2 nautical miles per hour c.e.p.

CATEGORY IX—MILITARY TRAINING EQUIPMENT

- (a) Military training equipment includes but is not limited to attack trainers, radar target trainers, radar target generators, gunnery training devices, antisubmarine warfare trainers, target equipment, armament trainers, pilotless aircraft trainers, mobile training units, military flight simulation devices, operational flight trainers, flight simulators, radar trainers, instrument flight trainers, and navigation trainers.
- (b) Components, parts, accessories, attachments, and associated equipment specifically designed or modified for the articles in paragraph (a) of this category.

CATEGORY X—PROTECTIVE PERSONNEL EQUIPMENT

- (a) Military body armor (including armored vests, flak suits, and components and parts specifically designed therefor; military helmets, including liners).
- (b) Partial pressure suits, pressurized breathing equipment, military oxygen masks, anti-"G" suits, protective clothing for handling guided missile fuel, military crash helmets, liquid oxygen converters used for aircraft (enumerated in Category VIII(a)), missiles, catapults, and cartridge-actuated devices utilized in emergency escape of personnel from aircraft (enumerated in Category VIII(a)).
- (c) Protective apparel and equipment specifically designed for use with the articles in paragraphs (a) through (d) in Category XIV.
- (d) Components, parts, accessories, attachments, and associated equipment specifically designed for use with the articles in paragraphs (a), (b), and (c) of this category.

CATEGORY XI—MILITARY AND SPACE ELECTRONICS

- (a) Electronic equipment assigned a military designation, including but not limited to the following items: Radar, active and passive countermeasures, counter countermeasures, underwater sound, computers, navigation, guidance, electronic fuzes, object-locating methods and means, displays that represent signals of military use, identification systems, missile and antimissile systems, telemetering and communications electronic equipment; and regardless of designation, any experimental or developmental electronic equipment specifically designed or modified for military application or for use with a military system.
- (b) Electronic equipment specifically designed or modified for spacecraft and spaceflight.



(c) Components, parts, accessories, attachments, and associated equipment specifically designed for use or currently used with the equipment in paragraphs (a) and (b) of this category, except such items as are in normal commercial use.

#### CATEGORY XII—FIRE CONTROL, RANGE FINDER, OPTICAL, AND GUIDANCE AND CONTROL EQUIPMENT

(a) Fire control systems; gun and missile tracking and guidance systems; military infrared, image intensifier and other night sighting and night viewing equipment; military masers and military lasers; gun laying equipment; range, position, and height finders and spotting instruments; aiming devices (electronic, gyroscopic, optic, and acoustic); bomb sights, bombing computers, military television sighting and viewing units, inertial platforms, and periscopes for the articles of this section.

(b) Inertial and other weapons or space vehicle guidance and control systems; spacecraft guidance, control, and stabilization systems; astro compasses, and star trackers.

(c) Components, parts, accessories, attachments, and associated equipment specifically designed or modified for the articles in paragraphs (a) and (b) of this category, except such items as are in normal commercial use.

#### CATEGORY XIII—AUXILIARY MILITARY EQUIPMENT

(a) Aerial cameras, space cameras, special purpose military cameras, and specialized processing equipment therefor; military photointerpretation, stereoscopic plotting, and photogrammetry equipment, and specifically designed components therefor.

(b) Speech scramblers, cryptographic devices (encoding and decoding), and specifically designed components therefor, ancillary equipment, and especially devised protective apparatus for such devices, components, and equipment.

(c) Self-contained diving and underwater breathing apparatus designed for a military purpose, and specifically designed components therefor.

(d) Armor plate.

(e) Concealment and deception equipment, including but not limited to, special paints, decoys, and simulators, components, parts, and accessories specifically designed therefor.

(f) Energy conversion devices for producing electrical energy from nuclear, thermal, or solar energy, or from chemical reaction, specifically designed or modified for military application.

(g) Chemiluminescent compounds and solid state devices specifically designed or modified for military application.

#### CATEGORY XIV—TOXICOLOGICAL AGENTS AND EQUIPMENT; RADIOLOGICAL EQUIPMENT

(a) Chemical agents, including lung irritants, vesicants, lacrimators, and tear gases, sternutators and irritant smokes, and nerve gases and incapacitating agents (see § 121.08).<sup>1</sup>

(b) Biological agents adapted for use in war to produce death or disablement in human beings or animals or to damage crops and plants.

(c) Equipment for dissemination, detection, and identification of, and defense against the articles in paragraphs (a) and (b) of this category (see § 123.31).<sup>1</sup>

(d) Nuclear radiation detection and measuring devices, except such devices as are in normal commercial use.

(e) Components, parts, accessories, attachments, and associated equipment specifically designed or modified for the articles in paragraphs (c) and (d) of this category.

#### CATEGORY XV—HELIUM GAS

Contained helium and admixtures thereof (see §§ 121.14 and 123.36).<sup>1</sup>

#### CATEGORY XVI—NUCLEAR WEAPONS DESIGN AND TEST EQUIPMENT (SEE § 123.33)<sup>1</sup>

(a) Any article, material, equipment, or device which is specifically designed or specifically modified for use in the design, development, or fabrication of nuclear weapons or nuclear explosive devices.

(b) Any article, material, equipment, or device which is specifically designed or specifically modified for use in the devising, carrying out, or evaluating of nuclear weapons tests or any other nuclear explosions, except such items as are in normal commercial use for other purposes.

(c) Cold cathode tubes such as krytrons and sprytrons.

#### CATEGORY XVII—CLASSIFIED ARTICLES

All articles, including technical data relating thereto, not enumerated herein, containing information which is classified as requiring protection in the interests of national defense.

#### CATEGORY XVIII—TECHNICAL DATA

Technical data relating to the articles designated in this subchapter as arms, ammunition, and implements of war (see §§ 125.01, 125.11 and 123.38).<sup>1</sup>

#### CATEGORY XIX—[RESERVED]

#### CATEGORY XX—OCEANOGRAPHIC AND ASSOCIATED EQUIPMENT

(a) Submersible vessels, manned and unmanned, designed for military purposes or having independent capability to maneuver vertically or horizontally at depths below 1,000 feet.

(b) Submersible vessels, manned or unmanned, designed in whole or in part from technology developed by or for the U.S. Armed Forces.

(c) Any of the articles in Categories VI, IX, XI, XIII, and elsewhere in § 121.01<sup>1</sup> of this subchapter that may be used with submersible vessels.

(d) Equipment, components, parts, accessories, and attachments designed specially for any of the articles in paragraphs (a) and (b) of this category.

#### CATEGORY XXI—[RESERVED]

#### CATEGORY XXII—MISCELLANEOUS ARTICLES

Any article and technical data relating thereto, not enumerated herein, having significant military applicability, determined by the Director, Office of Munitions Control, Department of State, in consultation with appropriate agencies of the Government and having the concurrence of the Department of Defense.

### PART 371—GENERAL LICENSES

In § 371.16(b), subparagraph (3) is redesignated (4) and a new § 371.16(b) (3) is established to read as follows:

§ 371.16 General license GTF-F; goods temporarily exported for display at foreign exhibitions or trade fairs.

(b) . . . .

(3) Electronic, mechanical, or other devices, as described in § 376.13(a) of

<sup>1</sup> This cross-referenced section refers to the regulations of the Office of Munitions Control, U.S. Department of State, Washington, D.C. 20520.

this subchapter, primarily useful for surreptitious interception of wire or oral communications; and

In § 371.17 a new subdivision (iv) in (a) (2) and a new subdivision (ix) in (f) (1) are established to read as follows:

§ 371.17 General license GLR; return of certain commodities imported into the United States.

(a) . . . .

(2) . . . .

(iv) Electronic, mechanical, or other devices, as described in § 376.13(a) of this subchapter, primarily useful for surreptitious interception of wire or oral communications.

(f) . . . .

(1) . . . .

(ix) No replacement of any defective parts or equipment may be exported under this general license if the replacement is to be incorporated into or used in any electronic, mechanical, or other device, as described in § 376.13(a) of this subchapter that is primarily useful for surreptitious interception of wire or oral communications.

### PART 373—SPECIAL LICENSING PROCEDURES

In § 373.2(b), a new subparagraph (5) is established to read as follows:

§ 373.2 Project license.

(b) . . . .

(5) Electronic, mechanical, or other devices as described in § 376.13(a) of this subchapter, primarily useful for surreptitious interception of wire or oral communications.

In § 373.3(b), a new subparagraph (3) is established to read as follows:

§ 373.3 Distribution license.

(b) . . . .

(3) Electronic, mechanical, or other devices, as described in § 376.13(a) of this subchapter, primarily useful for surreptitious interception of wire or oral communications.

In § 373.4, paragraph (b) is amended to read as follows:

§ 373.4 Foreign-based warehouse procedure.

(b) Exports to the foreign-based warehouse. A U.S. exporter who qualifies under this procedure may apply for and obtain licenses for exports to an approved destination for the purpose of maintaining a foreign-based stock of any commodity (ies) not identified by the symbol "B" in the last column of the Commodity Control List, except the following commodities:



Export control commodity number and commodity description

- 51500 Deuterium and compounds, mixtures, and solutions containing deuterium, including heavy water and heavy paraffin.
- 71420 Electronic computers.
- 71980 Electron beam equipment for the deposition of thin film, the coating of thin film, or the working thereof.
- 72620 X-ray machines, and specially designed parts therefor, and flash discharge type X-ray tubes.
- 72952 Vibration testing equipment.
- 72952 and 86198 Mass spectrometers.
- 72970 Neutron generators and specially designed parts therefor, and neutron generator tubes.

Section 373.5(b) is amended to read as follows:

§ 373.5 Periodic requirements (PRL) license.

(b) *Commodities subject to PRL licensing procedure.* (1) The commodities for which the issuance of a PRL License will be considered are identified in the last column of the Commodity Control List (§ 399.1 of this subchapter) by PRL Commodity Group numbers, consisting of an "E" followed by a number. However, a PRL License is not applicable to export of any:

(i) Commodity related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 378.1 of this subchapter; and

(ii) Electronic, mechanical, or other device as described in § 376.13 (a) of this subchapter, primarily useful for surreptitious interception of wire or oral communications.

(2) An application may cover as much as 6-months' estimated requirements of the named consignee(s) for the commodities included in the application. The PRL Commodity Groups are:

- Group E-1—Rubber products.
- Group E-2—Aircraft.
- Group E-3—Plastics.
- Group E-4—Petroleum products.
- Group E-5—Refractories.
- Group E-6—Electrical machinery and apparatus.
- Group E-7—Metals and minerals, crude and semifinished.
- Group E-8—Metals and minerals, mill products and manufactured products.
- Group E-9—General industrial equipment.
- Group E-10—Power generating machinery.
- Group E-11—Construction equipment.
- Group E-12—Petroleum equipment.
- Group E-13—Industrial inorganic chemicals.
- Group E-14—Organic chemicals.
- Group E-15—Agricultural machinery.

A new subdivision (iii) is added to § 373.6(a) (1) to read as follows:

§ 373.6 Time limit (TL) license.

(a) *Eligibility for time limit license—*  
(1) *Commodities.*

(iii) Electronic, mechanical, or other devices, as described in § 376.13 (a) of this subchapter, primarily useful for surreptitious interception of wire or oral communications.

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

A new § 376.13 is established to read as follows:

§ 376.13 Communications intercepting devices.

(a) *Export license requirements.* A validated export license is required for the export to any destination (including Canada) of any electronic, mechanical, or other device primarily useful for surreptitious interception of wire or oral communications. Any exporter who knows, or has reason to believe, that such commodities will be used for such purpose shall include that information on his application for validated export license. The application shall be on Form FC-419, Application for Export License. The words "Communications Intercepting Device" shall be entered at top of the form immediately above the printed words "United States of America."

(b) *Qualifications of exporter.* Licenses to export the commodities described in paragraph (a) of this section, will be issued only to:

(1) A communications common carrier or an officer, agent, or employee of, or person under contract with, a communications common carrier, when engaged in the normal course of such communications common carrier's business; or

(2) Officers, agents, or employees of, or person under contract with the United States, one of the 50 States, or a political subdivision, thereof, when engaged in the normal course of government activities.

[F.R. Doc. 69-13961; Filed, Nov. 25, 1969; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-249]

PART 1—GENERAL PROVISIONS

Customs Officers; Title Change

NOVEMBER 12, 1969.

The organizational titles of three positions in the Customs Agency Service have been changed so that they will reflect the investigative function of such positions. The former titles, customs agent, customs agent in charge, and supervising customs agent, have been changed to special agent, special agent in charge, and supervising special agent, respectively. All functions, rights, privileges, powers, and duties of such positions as formerly titled have been transferred to the positions as retitled.

Pending the completion of the revision of the Customs Regulations, except as expressly provided by amendment of individual sections thereof, action required to be taken by customs agents, customs agents in charge or supervising customs agents will be taken by special agents, special agents in charge, or supervising special agents, respectively.

In order to adapt the provisions of this chapter to the retitling of the positions previously referred to, the Customs Regulations are amended as follows:

A new paragraph (e) is added to § 1.1 to read:

§ 1.1 Authority of Customs officers.

(e) Unless otherwise indicated, "customs agent", "customs agent in charge", "supervising customs agent", including any of the foregoing with the prefix "assistant", as used in this chapter, shall mean special agent, special agent in charge, and supervising special agent, or any of the foregoing with the prefix "assistant", respectively.

(80 Stat. 379, R.S. 251; 5 U.S.C. 301, 19 U.S.C. 66)

Since this amendment merely involves a technical change to reflect the new titles of certain named positions in the Customs Agency Service, it is found unnecessary to issue these amendments with notice under 5 U.S.C. 553 or subject to the effective date limitations of that section.

*Effective date.* These amendments shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] MYLES J. AMBROSE,  
Commissioner of Customs.

Approved: November 18, 1969.

EUGENE T. ROSSIDES,  
Assistant Secretary of the Treasury.  
[F.R. Doc. 69-14029; Filed, Nov. 25, 1969; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SLIMICIDES

The Commissioner of Food and Drugs, having evaluated the data submitted in two petitions (FAP 9H2370, 9H2386) filed by the American Cyanamid Co., Wayne, N.J. 07470, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of vinylene bithiocyanate and chloroethylene bithiocyanate as slimicides in the manufacture of paper and paperboard for food-contact use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2505(c) is amended by alphabetically inserting in the list of substances two new items, as follows:



## § 121.2505 Slimicides.

(c) * * *	
List of substances	Limitations
* * *	* * *
Chloroethylene bithiocyanate	.....
* * *	* * *
Vinylene bithiocyanate	.....
* * *	* * *

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

Dated: November 18, 1969.

R. E. DUGGAN,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 69-14012; Filed, Nov. 25, 1969;  
8:45 a.m.]

## PART 121—FOOD ADDITIVES

## Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

## SANITIZING SOLUTIONS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 9H2359) filed by Onyx Chemical Co., Div. of Millmaster Onyx Corp., 190 Warren Street, Jersey City, N.J. 07302, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of an additional sanitizing solution, as set forth below, on food-processing equipment and utensils and on food-contact surfaces in bars and restaurants. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2547 is amended by adding a new subparagraph each to paragraphs (b) and (c), as follows:

## § 121.2547 Sanitizing solutions.

(b) \* \* \*

(11) An aqueous solution containing equal amounts of *n*-alkyl ( $C_{12}$ - $C_{18}$ ) benzyl dimethyl ammonium chloride and *n*-alkyl ( $C_{12}$ - $C_{18}$ ) dimethyl ethylbenzyl ammonium chloride (having an average molecular weight of 384), together with components generally recognized as safe. In addition to use on food-processing equipment and utensils, this solution may be used on food-contact surfaces in public eating places.

(c) \* \* \*

(8) Solutions identified in paragraph (b)(11) of this section shall provide, when ready to use, no more than 200 parts per million of active quaternary compound.

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

Dated: November 18, 1969.

R. E. DUGGAN,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 69-14011; Filed, Nov. 25, 1969;  
8:45 a.m.]

## PART 121—FOOD ADDITIVES

## Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

## ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

## Correction

In F.R. Doc. 69-13648 appearing at page 18384 in the issue of Tuesday, November 18, 1969, in the first column of the table in § 121.2566(b), the phrase "47-49 percent" in the 12th line should read "37-49 percent".

## SUBCHAPTER C—DRUGS

## PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

## PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

## Zearalanol

## Correction

In F.R. Doc. 69-13529 appearing at page 18243 in the issue of Friday, November 14, 1969, the following changes should be made:

1. The heading for Part 135b should read as set forth above.

2. In § 135g.64, the word "millimeters" appearing in the third line of subparagraph 2 of paragraph D of section V on page 18244 should read "milliliters".

## Title 36—PARKS, FORESTS, AND MEMORIALS

## Chapter I—National Park Service, Department of the Interior

## PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

## Lake Mead National Recreation Area, Arizona-Nevada; Boat Sanitary Equipment

A final notice of rule making was published on page 15414 of the FEDERAL REGISTER of October 3, 1969, to amend § 7.48 of Title 36 of the Code of Federal Regulations. That notice, which was to become effective 60 days from the date of publication, is hereby withdrawn and the following regulation is adopted. This regulation is identical to that in effect at the Glen Canyon and Amistad Recreation Areas, thus providing uniform boat sanitation requirements for these three areas.

This change will enable boat users at any one of these areas to utilize their craft at the other two areas without structural modification of their boats or utilizing different sanitation techniques.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. However, comment on this amended regulation is deemed to be unnecessary and not in the public interest, since the changed provisions result in a relaxation of the proposed restrictions on the public contained in the notice of proposed rulemaking of July 8, 1969, on this subject. Therefore, this regulation shall take effect on December 2, 1969, which would have been the effective date of the regulation published in the FEDERAL REGISTER on October 3, 1969.

## § 7.48 Lake Mead National Recreation Area.



(d) *Water sanitation.* All vessels with marine toilets so constructed as to permit wastes to be discharged directly into the water shall have such facilities sealed to prevent discharge. Chemical or other type marine toilets with approved holding tanks or storage containers shall be permitted but will be discharged or emptied only at designated sanitary pumping stations.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3; 78 Stat. 1039; 16 U.S.C. 460n)

GEORGE B. HARTZOG, JR.,  
Director,  
National Park Service.

[F.R. Doc. 69-14061; Filed, Nov. 25, 1969;  
8:48 a.m.]

## Title 37—PATENTS, TRADE-MARKS, AND COPYRIGHTS

### Chapter I—Patent Office, Department of Commerce

#### PART 1—RULES OF PRACTICE IN PATENT CASES

#### PART 3—FORMS FOR PATENT CASES

##### Updating of Rules and Forms

Pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), Parts 1 and 3 of Title 37, Code of Federal Regulations, are hereby amended as set forth below.

The changes being effected reflect recent judicial decisions and clarify present Patent Office administration and practice. Since these changes impose no burden on any person, notice and public procedure thereon are deemed unnecessary.

*Effective date.* These amendments shall become effective upon publication in the FEDERAL REGISTER.

1. Paragraph (a) of § 1.5 is amended by deleting the word "division" and inserting in lieu thereof "group" art unit and name of the examiner".

2. Paragraph (c) of § 1.6 is amended by deleting the words "Fourteenth and E Street entrance of the Patent Office" and inserting in lieu thereof "lobby of building 3 of the Patent Office at Crystal Plaza, Arlington, Virginia and at the main entrance of the Department of Commerce Building, Washington, D.C.".

3. Paragraph (a) of § 1.15 is amended by deleting from the first sentence the words "Department of Commerce Building."

4. Section 1.24 is amended by deleting the phrase "pays of 10 for \$2.00 and" in the second sentence.

5. Paragraph (b) of § 1.25 is revised to read as follows:

§ 1.25 Deposit accounts.

(b) Filing, issue, appeal and petition fees may be charged against these accounts.

6. Paragraph (b) of § 1.47 is amended by deleting from the third sentence the

words "at the time of filing the application".

7. Paragraph (b) of § 1.52 is amended by adding after the third sentence the words: "The pages of the specification, including the claims, should be numbered consecutively, starting with 1, the numbers being placed in the center of the bottom margins."

8. Paragraph (b) of § 1.55 is amended by adding the words "or declaration" after "oath" in the second sentence and by deleting from the third sentence the word "final" and inserting in lieu thereof the word "issue".

9. Paragraph (a) of § 1.85 is amended by adding after "used" in the first sentence, the words "in the United States".

10. Paragraph (a) of § 1.101 is amended by deleting from the first sentence the word "divisions" and inserting in lieu thereof the word "groups".

11. Paragraph (b) of § 1.106 is amended by deleting from the first sentence the words "want of invention" and inserting in lieu thereof the word "obviousness"; and by deleting from the third sentence the word "obvious" and inserting in lieu thereof the word "apparent".

12. Section 1.107 is amended by deleting from the third sentence the words "the number of pages of specification and sheets of drawing must be specified, and".

13. Paragraph (b) of § 1.111 is amended by adding to the second sentence after the word "define" the words "a patentable".

14. The heading of § 1.131 is amended by adding after "Affidavit" the words "or declaration". Paragraph (a) of § 1.131 is amended by adding after "oath" the words "or declaration as"; and paragraph (b) of § 1.131 is amended by adding to the second sentence after "affidavit" the words "or declaration".

15. The heading of § 1.132 is amended by adding after "Affidavits" the words "or declarations". Section 1.132 is amended by adding after "affidavits" the words "or declarations".

16. Section 1.138 is revised to read as follows:

##### § 1.138 Express abandonment.

An application may be expressly abandoned by filing in the Patent Office a written declaration of abandonment signed by the applicant himself and the assignee of record, if any, and identifying the application. Except as provided in § 1.262 an application may also be expressly abandoned by filing a written declaration of abandonment signed by the attorney or agent of record. Express abandonment of the application may not be recognized by the Office unless it is actually received by appropriate officials in time to act thereon before the date of issue.

17. Section 1.147 is amended by adding to the second sentence, after "matter", a comma.

18. Paragraph (b) of § 1.167 is amended by adding the words "or declarations" after "affidavits", both occurrences.

19. Paragraph (b) of § 1.175 is amended by adding the words "or declarations" after "affidavits", both occurrences.

20. Section 1.178 is amended by adding in the second and third sentences the words "or declaration" after "affidavit".

21. Paragraphs (b), (d), (f), and (g) of § 1.181 are revised to read as follows:

##### § 1.181 Petition to the Commissioner.

(b) Any such petition must contain a statement of the facts involved and the point or points to be reviewed and the action requested. Briefs or memoranda, if any, in support thereof should accompany or be embodied in the petition; and where facts are to be proven, the proof in the form of affidavits or declarations (and exhibits, if any) must accompany the petition.

(d) No fee is required for a petition to the Commissioner except in the case of a petition to revive an abandoned application (§ 1.137) or for the delayed payment of an issue fee (§ 1.317).

(f) Except as otherwise provided in these rules, any such petition not filed within 2 months from the action complained of, may be dismissed as untimely. The mere filing of a petition will not stay the period for reply to an Examiner's action which may be running against an application, nor act as a stay of other proceedings.

(g) Determination of petitions of various kinds may be delegated by the Commissioner to the Group Directors or to the Solicitor and Law Examiners.

22. Paragraph (b) of § 1.191 is amended by adding the note "(See § 3.41)" at the end.

23. Paragraphs (a) and (b) of § 1.192 are revised to read as follows:

##### § 1.192 Appellant's brief.

(a) The appellant shall, within 2 months from the date of the appeal, or within the time allowed for response to the action appealed from if such time is later, file a brief, accompanied by the requisite fee, of the authorities and arguments on which he will rely to maintain his appeal, including a concise explanation of the invention which should refer to the drawing by reference characters, and a copy of the claims involved, at the same time indicating if he desires an oral hearing. Two extra copies of the brief are required if an oral hearing is requested. The Board of Appeals may, for sufficient cause shown, extend the time for filing the brief to a date not later than 2 months after the original expiration date. Any longer or further extension must be sought from the Commissioner. All requests for extensions must be filed prior to the expiration of the period sought to be extended.

(b) On failure to file the brief accompanied by the requisite fee, within the time allowed, the appeal shall stand dismissed.



24. Paragraph (b) of § 1.193 is amended by deleting the words "sixty days" and inserting in lieu thereof the words "two months."

25. Section 1.195 is revised to read as follows:

**§ 1.195 Affidavits or declarations after appeal.**

Affidavits, declarations, or exhibits submitted after the case has been appealed will not be admitted without a showing of good and sufficient reasons why they were not earlier presented.

26. Section 1.202 is amended by adding to the first sentence after "oath" the words "or declaration".

27. The heading and paragraph (b) of § 1.204 are amended by adding the words "or declaration" after "affidavit." Paragraph (c) of § 1.204 is amended by adding to the first sentence after "affidavits" the words "or declarations"; and by adding to the fourth sentence, after "affidavit" both occurrences, the words "or declaration"; and by adding at the end thereof the reference "(See also § 1.228)".

28. Paragraph (a) of § 1.215 is amended by adding to the second sentence after "sworn to" the words "or made in the form of a declaration".

29. Paragraph (c) of § 1.216 is amended by adding after "sworn to" the words "or declaration made".

30. Section 1.224 is amended by adding to the second sentence, after "affidavits" the words "or declarations".

31. Section 1.226 is amended by adding after "affidavits," both occurrences, the words "or declarations".

32. Section 1.228 is amended by deleting from the second sentence the word "rules" and inserting in lieu thereof the word "regulations"; and by adding to the fourth sentence, after "affidavits" the word "declarations".

33. Paragraph (a)(1) of § 1.231 is amended by adding to the first sentence, after "affidavits" the word "declarations"; and paragraph (a)(3) of § 1.231 is amended by adding to the second sentence, after "affidavits" the words "or declarations".

34. Paragraph (a) of § 1.292 is amended by adding to the first sentence, after "affidavits" the words "or declarations".

35. Paragraph (b) of § 1.313 is amended by deleting the last sentence.

36. Paragraph (b) of § 1.316 is amended by adding after "showing" the words "or statement in the form of a declaration".

37. Section 1.317 is amended by adding to the second sentence the words "or statement in the form of a declaration" after "showing".

38. Section 1.332 is amended by adding to the second sentence, after "recording" the words "specified in 35 U.S.C. 41(a) 10".

39. Paragraphs (f), (g), and (h) of § 1.341 are revised to read as follows:

**§ 1.341 Registration of attorneys and agents.**

(f) *Government employees.* Officers and employees of the United States who are disqualified by statute (18 U.S.C. 203, 205) from practicing as attorneys or agents in proceedings or other matters before Government departments or agencies, may not be registered, and if any registered attorney or agent becomes such an officer or employee, his name on the register shall be endorsed as inactive during the period of such employment, but officers or employees whose official duties require the preparation and prosecution of applications for patent may be registered (on compliance with the regulations in this part) or recognized to practice, to the extent necessary to carry out their official duties.

(g) *Former examiners.* No person who has served in the examining corps of the Patent Office will be registered after termination of his services, nor, if registered before such service, be reinstated, unless he undertakes (1) not to prosecute or aid in any manner in the prosecution of any application pending in any examining group during his period of service therein; and (2) not to prepare or prosecute nor to assist in any manner in the preparation or prosecution of any application of another filed within 2 years after the date he left such group, and assigned to such group, without the specific authorization of the Commissioner. Associated and related classes in other groups may be required to be included in the undertaking or designated classes may be excluded. In case application for registration or reinstatement is made after resignation from the Office, the applicant will not be registered, or reinstated, if he has prepared or prosecuted, or assisted in the preparation or prosecution of any such application as indicated in this paragraph. (See further 18 U.S.C. 207.)

(h) *Oath and registration fee.* Before his name may be entered on the register of attorneys or on the register of agents, every applicant for registration must, after his application is approved, subscribe and swear to an oath or make a declaration prescribed by the Commissioner of Patents and pay the prescribed registration fee. (See § 1.21(h).)

40. Section 1.346 is amended by adding to the first sentence the words "or declaration" after "affidavits" and by adding in the second sentence, a comma after "belief".

41. Paragraph (c) of § 1.348 is amended by canceling the words "thirty days" in the first sentence and by inserting in lieu thereof the words "one month"; and by adding to the second sentence the words "or declaration" after "oath".

42. Section 3.1 is amended by adding the note "(include ZIP Code No.)" in the space provided for the post office address and by adding the words "or declaration" after "oath" in the note at the end.

43. Section 3.2 is amended by adding the note "(include ZIP Code No.)" in the space provided for the post office address, both occurrences; and by adding the

words "or declaration" after "oath" in the note at the end.

4. Section 3.3 is revised to read as follows:

**§ 3.3 Petition for patent; by a sole inventor, with power of attorney.**

*To the Commissioner of Patents:*

Your petitioner, \_\_\_\_\_ a citizen of the United States and a resident of \_\_\_\_\_ State of \_\_\_\_\_ (or subject, etc.), whose post office address is \_\_\_\_\_ (include ZIP Code No.) prays that letters patent may be granted to him for the improvement in \_\_\_\_\_, set forth in the following specification; and he hereby appoints \_\_\_\_\_ of \_\_\_\_\_ (Registration No. \_\_\_\_\_ and telephone No. \_\_\_\_\_), his attorney (or agent), to prosecute this application and to transact all business in the Patent Office connected therewith.

(The specification and oath or declaration follow the petition.)

45. Section 3.4 is amended by adding the note "(include ZIP Code No.)" in the space provided for the post office address, both occurrences; and by adding the words "or declaration" after "oath" in the note at the end.

46. Sections 3.5, 3.6, and 3.7 are amended by adding the note "(include ZIP Code No.)" in the space provided for the post office address; and by adding the words "or declaration" after "oath" in the note at the end.

47. Sections 3.11, 3.11a, 3.12, 3.12a, 3.13, 3.13a, 3.14, and 3.14a are amended by adding the words "in the United States" after "used".

48. Sections 3.16 and 3.16a are amended by deleting the words "I have read the foregoing specification and claims and"; by deleting the word "therein" and inserting in lieu thereof the words "in the attached specification"; by inserting after the word "used" the words "in the United States"; by inserting at the end of the space for the Registration No. the words "and telephone No. \_\_\_\_\_"; by adding the note "(include ZIP Code No.)" in the space provided for the post office address; and by deleting from the note at the end the words "a complete application" in inserting in lieu thereof the words "the specification (including claims)".

49. Sections 3.17 and 3.17a are amended by adding the words "in the United States" after "used".

50. Section 3.18 and 3.18a are amended by adding the words "in the United States" after "used", both occurrences.

51. Section 3.21 is amended by adding the note "(include ZIP Code No.)" in the space provided for the post office address and by deleting the words "for the term of three and one-half years (or seven years, or fourteen years)".

52. Sections 3.23 and 3.23a are amended by adding the words "in the United States" after "used".

53. Section 3.25 is amended by adding the note "(include ZIP Code No.)" in the space provided for the post office address.



54. Sections 3.26 and 3.26a are amended by inserting the words "in the United States" after "used".

55. Sections 3.28 and 3.29 are amended by inserting the note "(include ZIP Code No.)" in the space provided for the post office address.

56. Sections 3.31, 3.31a, 3.32, and 3.32a are amended by adding the words "in the United States" after "used".

57. Section 3.36 is amended by adding the words "and telephone No. \_\_\_\_\_" after the space for the Registration number.

58. Section 3.39 is revised to read as follows:

**§ 3.39 Amendment.**

Applicant: \_\_\_\_\_  
Ser. No. \_\_\_\_\_ (Date) \_\_\_\_\_  
Filed \_\_\_\_\_ Group Art Unit \_\_\_\_\_  
For \_\_\_\_\_ Examiner \_\_\_\_\_

To the Commissioner of Patents:

In response to the office letter of \_\_\_\_\_  
19\_\_\_\_, please amend as follows:  
Page \_\_\_\_\_ line \_\_\_\_\_, change "\_\_\_\_"  
to "\_\_\_\_".  
Page \_\_\_\_\_ line \_\_\_\_\_, after "\_\_\_\_"  
insert "\_\_\_\_".  
Page \_\_\_\_\_ line \_\_\_\_\_, to end, cancel.  
Claim \_\_\_\_\_, cancel lines \_\_\_\_\_ and  
\_\_\_\_\_ and substitute \_\_\_\_\_.  
Cancel claims \_\_\_\_\_ inclusive.  
Add the following claims:

**REMARKS**

(Here state nature and purpose of the amendments and make all explanations necessary for a response to the rejections and objections of record, etc. See §§ 1.111, 1.115-1.126, 1.135.)

Respectfully,

Applicant  
By \_\_\_\_\_  
His Attorney (or Agent)  
(Include telephone number)

59. Section 3.44 is revised to read as follows:

**§ 3.44 Interference; preliminary statement of domestic inventor.**

PRELIMINARY STATEMENT  
v. \_\_\_\_\_ Interference No. \_\_\_\_\_  
ss. \_\_\_\_\_

\_\_\_\_\_, being duly sworn (or affirmed), deposes and says that he is a party to the above identified interference that he made the invention set forth by the counts of the interference in the United States; that

(1) The first drawing of the invention was made on \_\_\_\_\_, 19\_\_\_\_. A copy is attached.<sup>1</sup>

(2) The first written description of the invention was made on \_\_\_\_\_, 19\_\_\_\_. A copy is attached.<sup>1</sup>

(3) The invention was first disclosed to others on \_\_\_\_\_, 19\_\_\_\_.<sup>1</sup>

<sup>1</sup>If there were no act corresponding to this allegation prior to the filing date of the application, it must be so stated. Note, however, date of completion of application drawing and specification, date of disclosure to person preparing the application, and diligence in preparing the application.

(4) The date of the first act or acts susceptible of proof, other than acts of the character specified in (1), (2), and (3) which, if proven, would establish conception of the invention, and a brief description of such act or acts are (e.g. the making of a non-operating model on \_\_\_\_\_, 19\_\_\_\_).

(5) The invention was actually reduced to practice on \_\_\_\_\_, 19\_\_\_\_.

(6) Active exercise of reasonable diligence toward reducing the invention to practice began on \_\_\_\_\_, 19\_\_\_\_.

(Signature of inventor)

Subscribed and sworn to (or affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

[SEAL]

(Signature of notary public or officer)

(Official character)

60. A new § 3.51 is added to read as follows:

**§ 3.51 Application transmittal letter.**

Our Case Docket No. \_\_\_\_\_

IN THE UNITED STATES PATENT OFFICE

THE COMMISSIONER OF PATENTS,  
Washington, D.C. 20231.

Sir: Transmitted herewith for filing is the patent application of inventor: \_\_\_\_\_  
For: \_\_\_\_\_

IN THE UNITED STATES PATENT OFFICE

In re application of:

Serial No. \_\_\_\_\_

Filed \_\_\_\_\_

For:

THE COMMISSIONER OF PATENTS,  
Washington, D.C. 20231.

Sir: Transmitted herewith is an amendment in the above-identified application.

☐ No additional fee is enclosed because this application was filed prior to October 25, 1963 (effective date of Public Law 89-83).

☐ No additional fee is required.

The fee has been calculated as shown below.

**CLAIMS AS AMENDED**

(1)	(2)	(3)	(4)	(5)	(6)	(7)
	Claims remaining after amendment		Highest number previously paid for	Present extra	Rate	Additional fee
Total claims.	*	Minus	**	×	\$2	=
Independent claims.	*	Minus	=	×	10	=
				Total additional fee for this amendment →		

\*If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

\*\*If the "Highest Number Previously Paid For" in this space is less than 10, write "10" in this space.

☐ A check in the amount of \$\_\_\_\_\_ is attached.

☐ Charge \$\_\_\_\_\_ to Deposit Account No. \_\_\_\_\_. A duplicate copy of this sheet is enclosed.

☐ Please charge any additional fees or credit overpayment to Deposit Account No. \_\_\_\_\_. A duplicate copy of this sheet is enclosed.

WILLIAM E. SCHUYLER, Jr.,  
Commissioner of Patents.

Approved: November 20, 1969.

MYRON TRIBUS,  
Assistant Secretary for  
Science and Technology.

[P.R. Doc. 69-14030; Filed, Nov. 25, 1969; 8:46 a.m.]



# Title 47—TELECOMMUNICATIONS

## Chapter I—Federal Communications Commission

[Docket No. 18574; FCC 69-1287]

### PART 73—RADIO BROADCAST SERVICES

#### Table of Assignments, FM Broadcast Stations; Bloomington, Ind., etc.

**First report and order.** In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Lineville and Roanoke, Ala.; Bloomington, Ind.; St. George, S.C.; Muskegon, Mich.; Paintsville and Jackson, Ky.; Exmore, Va.; Montour Falls, N.Y.; Catlettsburg, Ky.; Winona, Miss.; Braddock Heights or elsewhere in Maryland, Virginia, or West Virginia); Docket No. 18574; RM-1394, RM-1397, RM-1400, RM-1405, RM-1407, RM-1416, RM-1420, RM-1426, RM-1431, RM-1404.

1. The Commission has under consideration its notice of proposed rule making issued on June 20, 1969 (FCC 69-669, 34 F.R. 9811), inviting comments on a number of changes in the FM Table of Assignments as advanced by various interested parties. All comments and data filed in response to the notice were considered in making the following determinations. Except as noted, the population figures were taken from the 1960 U.S. Census. The following decision disposes of all subject petitions, except RM-1394 (Lineville and Roanoke, Ala.), RM-1404 (Braddock Heights, Md.) and RM-1416 (Exmore, Va.) which will be included in a subsequent order.

2. RM-1397, Bloomington, Ind. Southern Indiana Media Corp. (SIMCO), a potential FM applicant, filed a petition on January 24, 1969, requesting assignment of Channel 244A to Bloomington, Ind., without requiring any other changes in the table, as follows:

City	Channel No.	
	Present	Proposed
Bloomington, Ind.	222, 279	222, 244A, 279.

Bloomington has a population of 31,357 persons, and is the county seat and largest city in its county, Monroe (population 69,225). Petitioner includes an engineering statement wherein it is demonstrated that the proposed assignment can be made and meet all minimum spacing requirements, providing a site is selected about 2 miles northeast of the Bloomington standard reference point. Regarding preclusion impact, it is shown that only a small area for the proposed channel would be involved, which contains no community of 1,000 or more population.<sup>1</sup> One AM, two TV, and two

<sup>1</sup> However, we also note that if sites are selected with proper consideration to the minimum spacing requirements of the rules, applications specifying Ellettsville (1,222) and Broadway (1,895) would be acceptable under the "10-mile" provision of § 73.203(b) if the assignment were made to Bloomington as proposed.

FM stations operate in Bloomington. The AM station (unlimited time), one TV station, and one FM station are operated by a common licensee. The remaining FM (on a commercial channel) and TV facilities, according to Commission records, are operated as noncommercial educational stations by Indiana University. There are no other AM or FM broadcast outlets in Monroe County.

3. In further support of its proposal, SIMCO submits that Bloomington and its county increased in population 11.3 and 18.3 percent, respectively, between 1950 and 1960, and that Bloomington is attractive as a cultural center of central Indiana by virtue of its being the location of Indiana University. Statistics on the high industrial employment in the area are also cited. Finally, it is urged that making an additional commercial broadcast facility available to the area will permit a second commercial broadcast voice to the community, and it is pointed out that since two of the three existing aural outlets are FM, the community is well oriented toward FM listening and would be well served by an additional FM facility.

4. Comments supporting petitioner's proposal were submitted by Bloomington Broadcast Co., who notes inter alia that a special 1965 census revealed that Bloomington's population had then reached 42,058 and that there was an estimated (1966) population of 9,500 in Bloomington's immediate suburbs. It is further claimed that the University of Indiana is one of the 10 largest in the country, with a 1967 full-time enrollment in excess of 27,000 students on the Bloomington local campus.

5. As noted in paragraph 2 above, one of the two commercial FM channels presently assigned to Bloomington is occupied by a noncommercial educational station. We stated in the notice concerning this case that we were of the opinion that under these circumstances, sufficient justification existed to warrant departure from the usual policy of assigning only two channels to a community of this size (less than 50,000 population), since the proposal, in effect, constitutes a request for a second commercial FM outlet for Bloomington. Accordingly, we proposed in the notice that Channel 279, presently occupied by a noncommercial educational station, be designated in the table as a noncommercial educational assignment at Bloomington.

6. In response to the notice, petitioner urged that Channel 279 not be reserved for educational use, claiming that to do so would unnecessarily restrict the future options for commercial broadcasting in Bloomington.

7. We conclude that assignment of Channel 244A to Bloomington is warranted and that designating Channel 279 as an educational reservation would serve the public interest. We are therefore adopting the proposals. The preclusion impact resulting from the assignment of Channel 244A has been determined to be minimal. Intermixture of a Class A channel with Class B channels in the same community appears justified in this case, since it appears to be the

only class of channel available without disturbing other operating stations. In the event the noncommercial educational operation on Channel 279 ceases for any reason, we will consider a further petition for rule making to remove the educational reservation designation in light of the facts existing at that time.

8. RM-1400, St. George, S.C. The notice to this proceeding included a petition filed December 10, 1968, and amended January 31, 1969, filed by WQIZ, Inc., St. George, S.C., seeking assignment of a first Class A channel to that community. St. George has a population of 1,833 persons and serves as the county seat of Dorchester County, population 24,383. An unoccupied Class A channel at Summerville is the only FM assignment in the county. There are two AM stations in the county, both daytime-only—one located at Summerville, the other licensed to petitioner at St. George. St. George and Summerville are located about 45 and 20 miles northwest, respectively, from Charleston, S.C. Petitioner urges that the assignment requested would permit a first local nighttime service to the city of St. George and its surrounding area.

9. The notice proposed assigning Channel 240A to St. George by moving that channel from Summerville and substituting Channel 300 for 229 at Charleston to permit replacing the assignment at Summerville with Channel 228A. The notice also provided that other available assignments would be considered as a substitute at Charleston if such other assignment would offer less preclusion impact than would Channel 300.

10. Comments were filed by WQIZ supporting the proposed assignment plan. However, an opposition to the plan, as it would affect the existing assignment of Channel 229 at Charleston, was submitted by Fine Arts Broadcasting, Inc., which has an application on file (BPH-6659) for a new station at Charleston specifying Channel 229. The opposition contends that the present distribution of the Charleston channels (229, 236, and 245) are spaced so as to enhance competitive listening and that a new station entering the market should not be required to initiate service on Channel 300 with a less advantageous dial position in relation to the two existing stations (Channels 236 and 245). Accordingly, Fine Arts submitted a counterproposal which would still assign Channel 240A to St. George but replace that channel at Summerville with Channel 269A, without disturbing the existing distribution of assignments at Charleston. However, it is shown that a site for Channel 269A at Summerville would be undesirably restricted to an area south of Summerville (for example, about 3 miles from the site of the existing AM station there) in order to maintain the prescribed minimum separation with a station on Channel 267 at Sumter. A preclusion study provided by the opposition does show that substantial preclusion would result on Channels 297, 298, and 299, if Channel 300 were assigned to Charleston.

11. In light of the unfavorable aspects of the Fine Arts' preclusion analyses for



Channel 300, the Commission examined the preclusion effects of assigning another channel, 278, to Charleston instead, and compared it with the existing preclusion impact resulting from the presently assigned Channel 229 there. Results of this study reveal that both Channels 229 and 278 involve minor preclusion areas on three channels, but substantially less than would be caused by Channel 300, with the total area involved being nearly equal between Channels 229 and 278. It further appears that any community included in the limited preclusion areas for Channel 278 warranting consideration either has one or more FM assignments, or else other assignments are available.

12. We are of the opinion that petitioner's objective, which was not opposed, to assign a first FM channel to St. George has merit and that a channel should be provided. The plan proposed in the notice would accomplish this objective, but would require changing an unoccupied assignment at Charleston. We are not persuaded that Fine Arts' contentions as to the relative locations where stations appear on the receiver dial should influence the customary decisional considerations relating to assignment efficiencies. Neither are we in favor of Fine Arts' counterproposal, which would restrict site selection by a future applicant at Summerville, especially when other and more practical alternatives are available. As noted above, assignment of Channel 278 to Charleston would involve significantly less preclusion impact than would Channel 300, and would, in fact, be comparable to that presently imposed by the existing assignment of Channel 229.

13. In view of the above considerations, we conclude that amending the FM Table in accordance with the following, which includes substitution of Channel 278 for 229 at Charleston, will best serve the public interest and is therefore being adopted:

City	Channel No.	
	Delete	Add
Charleston, S.C.	229	278
St. George, S.C.		240A
Summerville, S.C.	240A	228A

The pending application, BPH-6659, for a new station at Charleston, S.C., specifying Channel 229, filed by Fine Arts Broadcasting, Inc., may be amended to specify Channel 278.

14. RM-1405, Muskegon, Mich. The notice included a petition by Multi-Com, Inc., who seeks assignment of a second FM channel to Muskegon, Mich. Muskegon has a population of 46,485 persons and its SMSA (Muskegon-Muskegon Heights), consisting of Muskegon County, has 149,943 inhabitants. The table provides for two FM assignments in the SMSA, consisting of an occupied Class B at Muskegon and an unused Class A at Whitehall. Five AM stations are licensed for operation within the SMSA, two unlimited-time and one daytime-only at Muskegon, an unlimited-time at

Whitehall, and a daytime-only at Muskegon Heights.

15. We stated in the notice that we were of the opinion that Muskegon, being the principal city of a metropolitan area, as well as having a population of its own approaching 50,000, warranted consideration for a second FM channel. The petitioner initially proposed a Class A channel (269A), but because we desire to avoid, where possible, mixing classes of stations in the same city, or assigning Class A channels to the principal city of a metropolitan area, we offered the alternate proposal to assign Class B Channel 283 to Muskegon, by the following means:

City	Channel No.	
	Present	Proposed
All in Michigan:		
Muskegon	295	283, 295
Fremont	267A	261A
Ludington	261A	262A
Zeland	265A	257A

16. The petitioner filed comments supporting the alternate proposal, which included an engineering study indicating that Channels 280A, 283, 284, and 285A would be precluded by the assignment of Channel 283 at Muskegon, but involving areas of very limited size. Examination of the delineated areas involved indicated that no community of 2,500 or more population not already having one or more FM assignments would be included. Thus, we find the preclusion aspects favorable in this case. There were no oppositions filed in response to the notice.

17. In consideration of the favorable preclusion aspects, the relative size and importance of Muskegon in its area, and the fact that the assignment of two channels to the city of its size would conform with the population criterion used in designing the original table, it is our judgment that adoption of the assignment of Channel 283 to Muskegon would be in the public interest. Accordingly, we are adopting the alternate proposal outlined in detail above.

18. The associated changes required to accommodate the Muskegon assignment do not affect any occupied channels. However, an application (BPH-6727) filed subsequent to the notice for Channel 261A at Ludington will require an amendment to specify Channel 292A. Similarly, a pending application (BPH-6807), also filed after the notice, for Channel 257A at Fremont may be amended to specify Channel 261A.

19. RM-1407, Paintsville and Jackson, Ky. By a petition filed December 30, 1968, and supplemented on February 18, 1969, Big Sandy Broadcasting Co., Inc., proposes that Class C Channel 255 be moved from Jackson to Paintsville, Ky., and Channel 249A be assigned to Jackson as a replacement, as follows:

City	Channel No.	
	Present	Proposed
Jackson, Ky.	255	249A
Paintsville, Ky.	261A	255

Paintsville is the largest city and the county seat of Johnson County, with populations of 4,025 and 18,300, respectively. Jackson has a population of 1,852 persons and is the seat of its county, Breathitt, which has a population of 14,600. Petitioner is licensee of Stations WSIP(AM), Class IV, and WSIP-FM, Channel 261A, at Paintsville, the only stations authorized in the county. A newly authorized daytime-only station (WEKG) operates at Jackson; Channel 255 assigned there is unoccupied.

20. In an earlier rule making proceeding, petitioner's proposal to assign Channel 255 to Paintsville in place of Channel 261A was denied based on a proposal of the present Jackson AM permittee to use the channel at Jackson. FCC 65-980, 6 R.R. 2d 1585 (1965). Petitioner now states that it has determined from its 4 years experience in the operation of the Class A facility at Paintsville that extensive FM shadowing exists within the area it desires to serve due to the shadowing resulting from intervening mountainous terrain. It is claimed that this condition, together with the nighttime limitation imposed on the Class IV AM operation, prevents adequate service to the surrounding trading area dependent upon Paintsville for commercial, educational and cultural opportunities. In an associated engineering statement it is illustrated that use of Channel 255, because of other interrelated assignments in the area, is restricted to a relatively small area. In fact, the area includes neither Paintsville nor Jackson, but does just barely include petitioner's existing FM site, from which location all separation requirements with other pertinent channels can be met.

21. Petitioner notes that no preclusion area would develop on the six pertinent adjacent channels, nor would a change in preclusion area occur for Channel 255, if the proposed changes were adopted. Additionally, it is shown that assignment of Channel 249A at Jackson would not involve preclusion to any community without an FM assignment of sufficient size to warrant consideration. It appears that the relatively small areas that would lose a first or second FM service by the assignment changes at Jackson would be, essentially, compensated for by comparable gains at other locations by the Class C operation at Paintsville.

22. Intermountain Broadcasting Co., Inc., permittee of Station WEKG(AM), Jackson, filed comments supporting the petitioner's proposal outlined above. Intermountain states that its president, Jerry F. Howell, filed comments in the earlier rule making which resulted in the assignment of Channel 255 to Jackson, wherein it was indicated that he would promptly file an application for its use to serve Jackson and surrounding areas. It was ultimately determined, however, that any site meeting spacing requirements for the channel would need to be at locations where line-of-sight and proper service could not be obtained over



Jackson because of intervening terrain.<sup>2</sup> Thus, WEKG claims that the plan for activating the channel were reluctantly abandoned. Based on the assumption that the channel now proposed for Jackson presents no spacing problems, Inter-mountain claims it will promptly file for Channel 249A upon its assignment to Jackson.

23. After carefully evaluating all the showings and supporting comments filed in this case, we conclude that the proposed changes in assignments described above will serve the public interest. The proposed plan is therefore being adopted. It appears that changing the place of assignment for Channel 255 would neither cause additional preclusion nor result in a loss of service. The change will permit a more efficient utilization of the channel at Paintsville than is permitted by its associated site restrictions at Jackson. Moreover, the substitution of Channel 249A at Jackson, without site restrictions, will afford an opportunity for a first local FM service to be promptly established at Jackson. We do not consider that retention of the Class A assignment at Paintsville is warranted, nor was it proposed or supported. Accordingly, the WSIP-FM license at Paintsville is being modified to specify operation on Channel 255 in lieu of 261A.

24. *RM-1420, Montour Falls, N.Y.* In response to a petition filed by Watkins Glen-Montour Falls Broadcasting Corp., the notice included a proposal to assign Channel 285A as a first assignment to Montour Falls, N.Y. The petitioner had requested the assignment to Watkins Glen-Montour Falls. The two communities, with respective populations of 2,813 and 1,533, are 4 miles apart and are the largest of Schuyler County, population 15,044. The only aural outlet in the county at present is an AM daytime-only station, licensed to petitioner at Montour Falls.

25. The proposed assignment would require a site some 6.5 miles southwest of Montour Falls to satisfy the minimum mileage requirements of the rules. It is obvious that the minimum required 70 dbu signal could not be provided over Watkins Glen at such location, the reason our consideration of petitioner's request was restricted to Montour Falls. A request for a waiver of the rules to permit use of the proposed assignment at the site of petitioner's AM station, located about midway between Watkins Glen and Montour Falls, but allegedly 4.1 miles short to another station at DeRyter, was denied in the notice, since it appeared that other sites should be available in the area from where the spacing requirements could be met.

26. In view of the site restrictions that are imposed on use of the proposed channel at Montour Falls, the notice requested that a showing be provided of

the availability of a site (meeting spacing requirements) from which the minimum required signal could be provided to Montour Falls. In response, petitioner supplied an engineering study based on an assumed site more than 9 miles south of the Montour Falls farthest city boundary. It is acknowledged by petitioner that the minimum required signal intensity (70 dbu) could not include all of Montour Falls at that distance with a maximum Class A facility. We are therefore unable to find the site assumed by petitioner in its showing to be acceptable. However, our further examination of petitioner's engineering exhibits indicates that still other sites should be available that would permit selection of a site in an area about 6 to 7 miles southwest of the center of Montour Falls, from which the predicted 70 dbu contour from a maximum Class A facility should be expected to encompass Montour Falls.

27. We are of the opinion that Montour Falls warrants a first FM assignment, providing such an assignment can be made with the reasonable prospect that all technical requirements of the rules can be fulfilled. The petitioner indicates that, although Channel 285A is less than ideal due to the attending site restrictions, it is the only assignment that can be dropped in the area without involving changes in existing stations, a conclusion in which we concur. It also appears there are limited areas where the various requirements of the rules can be met utilizing the proposed channel, although marginal. In view of the unavailability of a better channel and the needs of the community, we are assigning Channel 285A to Montour Falls, N.Y. We emphasize, however, that this assignment is being made on the basis that any application filed for its use will conform with the technical requirements of the rules concerning minimum mileage requirements and for facilities that will enable the city to be included within the predicted 70 dbu contour.

28. *RM-1426, Catlettsburg, Ky.* By a petition filed March 18, 1969, K & M Broadcasting Co. seeks assignment of Channel 224A as a first FM assignment to Catlettsburg, Ky., without requiring any other changes in the table. Catlettsburg, with a population of 3,874 persons, is the county seat of Boyd County, population 52,163, both of which are a part of the Huntington, W. Va.-Ashland, Ky., SMSA. Catlettsburg is in the Huntington-Ashland Urbanized Area. The populations of the Huntington-Ashland SMSA and Urbanized Area are, respectively, 254,780 and 165,732. There are presently two FM channels listed in the Table for Ashland, which is also in Boyd County and is its largest city. Both are occupied by a Class C station at Ashland and a Class A station authorized at Grayson, Ky. (under § 73.203(b) of the rules), the latter of which is outside of the Huntington-Ashland SMSA. Three Class B channels have been assigned to Huntington, two of which are occupied, and the third, Channel 300, is the subject of a consolidated hearing involving two ap-

plications (Dockets Nos. 18439-40). One application proposes use of the channel at Huntington; the other application, filed by petitioner herein, proposes use of the channel at Catlettsburg. The petitioner is also an applicant (BP-18042) for a first AM station at Catlettsburg.

29. Petitioner submits that the mutual exclusivity of its pending application with the Huntington application for the last remaining unoccupied assignment in the area "threatens a long, protracted, and expensive hearing proceeding", and urges, therefore, institution of rule making to "drop-in" the Class A assignment proposed herein in order that it may amend its application to specify such channel and avoid the need for the hearing. It has been determined that areas would develop where Channels 223 and 224A would be precluded from future assignment if the proposal were adopted. However, any community contained within the areas with 2,500 or more population either has one or more FM assignments or another channel would be available.

30. Comments were filed by two other interested parties in response to the notice for this case. Christian Broadcasting Association, Inc., a competing applicant with petitioner for Huntington Channel 300, supports the proposal as a means of resolving the conflict between the applicants and permitting an earlier institution of new service in both Huntington and Catlettsburg. Comments raising questions concerning the proposal were submitted by Charbert Industries, Inc., licensee of Stations WCMI-AM-FM, Ashland. Charbert contends that the Huntington-Ashland Urbanized Area, which includes Catlettsburg, is currently served by Class B and C FM stations and that the proposed Class A assignment would result in a derogation of the Commission's policy against intermixture of Class A with Class B and C channels. Charbert further submits that Channel 224A is technically unsuited for assignment to Catlettsburg because of major terrain obstructions between the city and "an assumed optimum site" in an elevated area where the 10-mile minimum mileage requirement (IF taboo) with Station WVQM, Channel 277, Huntington, would be met. The opinion is expressed that the combination of site restriction and terrain obstructions would prevent compliance with § 73.315(b) of the rules anywhere in the area.

31. In its reply to Charbert's comments, K & M argues that Catlettsburg is an independent community with its own government and facilities and that its proposal would provide the only FM outlet in that community, and therefore there would be no intermixture of channels in Catlettsburg. It is urged that a Class A channel is the type contemplated by the Commission's rules for communities the size of Catlettsburg. With respect to Charbert's comments concerning the unavailability of suitable sites for Channels 224A, K & M submits an engineering study which indicates that there are sites available in the areas around

<sup>2</sup> Exhibits by petitioner herein indicates that use of Channel 255 at Jackson would need to be located about 10 miles northeast of Jackson in order to meet the minimum spacing requirements with other authorized stations.



2.7 miles north of the center of Catlettsburg and in nearby Ohio where the separation requirements can be met and the requisite service to the city provided without shadow problems. The petitioner also suggests Channel 292A as an alternate proposal in the event Channel 224A is determined not to be acceptable. A study is furnished indicating that only Channel 292A would involve a preclusion area if that channel were assigned.

32. After careful consideration of the various comments and supporting data relating to the assignment of Channel 224A to Catlettsburg, we arrive at the decision that the proposal would serve the public interest and therefore should be adopted. Assignment of a first Class A channel to a relatively small urbanized and independent community of a metropolitan area would conform with our usual assignment policy, as is evidenced by numerous precedents throughout the country. Our policy of avoiding, where possible, the intermixture of different classes of stations pertains to the same community, not between principal cities and smaller communities of the same metropolitan or urbanized areas. Petitioner has demonstrated to our satisfaction that transmitter sites should be available in the area meeting the spacing requirements for the proposed channel where unobstructed line of sight transmission can be obtained over the city. Although petitioner offers alternate Channel 292A without apparent site restrictions as a possibility, we find that the total preclusion area involved on Channel 292A to be significantly greater than would be the case if Channel 224A were assigned; the latter channel is therefore to be preferred. As we previously indicated in the notice, we consider that Catlettsburg is of sufficient size and importance as seat of its county to warrant its first Class A assignment. As we have stated before, additional assignments are not made simply to resolve hearing conflicts; but here the additional assignment appears warranted for other reasons.

33. In light of the foregoing, we are assigning Channel 224A to Catlettsburg, Ky.

34. RM-1431, Winona, Miss. In a petition filed March 24, 1969, Panola Broadcasting Co., licensee of AM Station WBLC, daytime-only, Batesville, Miss., proposes that Channel 244A be substituted for Channel 240A at Winona, Miss., so as to permit acceptance of an application to use Channel 240A, presently assigned and unoccupied at Sardis, Miss., at Batesville, under the "10-mile" provision of § 73.203(b). An application for Batesville specifying Channel 240A would not now be acceptable, since it would not meet the cochannel spacing requirements with Channel 240A at Winona. The Winona assignment is unoccupied and unapplied for.

35. The action requested here would increase the communities where applications specifying the channel listed for Sardis may be filed, as well as extend the

present limited area where the transmitter site may be used to serve Sardis proper. We consider that the change will benefit the general allocations efficiency in the area. We are therefore substituting Channel 244A for 240A at Winona, Miss.

36. Authority for the adoption of the amendments contained herein is contained in sections 4(i), 303, 307(b), and 316 of the Communications Act of 1934, as amended.

37. In view of the foregoing: *It is ordered*, That effective December 31, 1969, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, with respect to the communities listed below, as follows:

City	Channel No.
Indiana:	
Bloomington	222,
	244A, *279
Kentucky:	
Catlettsburg	224A
Jackson	249A
Paintsville	255
Michigan:	
Premont	261A
Ludington	292A
Muskegon	283, 295
Zeeland	257A
Mississippi:	
Winona	244A
New York:	
Montour Falls	285A
South Carolina:	
Charleston	236, 245, 278
St. George	240A
Summerville	228A

38. *It is further ordered*, That effective December 31, 1969, the outstanding authorization of Big Sandy Broadcasting Co., Inc., for the operation of Station WSIP-FM on Channel 261A at Paintsville, Ky., is modified, to specify operation on Channel 255 in lieu of 261A subject to the following conditions:

(a) The licensee shall submit to the Commission by December 31, 1969, the technical information normally required for the issuance of a construction permit on Channel 255.

(b) The licensee may continue to operate on Channel 261A until, upon its request, the Commission authorizes interim operation on Channel 255, following which the licensee shall submit, within 30 days, the measurement data normally required of an applicant for an FM broadcast station license.

(Secs. 4, 303, 307, 48 Stat. 1066, 1082, 1083, as amended, sec. 316, 66 Stat. 717; 47 U.S.C. 154, 303, 307, 316)

Adopted: November 19, 1969.

Released: November 21, 1969.

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

[SEAL] BEN F. WAPLE,  
Secretary.

[P.R. Doc. 69-14026; Filed, Nov. 25, 1969;  
8:46 a.m.]

<sup>2</sup> Chairman Burch not participating; Commissioner Cox abstaining from voting.

[Docket No. 18625; FCC 69-1277]

## PART 95—CITIZENS RADIO SERVICE

### Transmission of Communications Regarding Street and Highway Traffic Conditions

*Report and order.* In the matter of amendment of § 95.83(a) (14) of the Citizens Radio Services rules to permit transmission of communications relating to street and highway traffic conditions; Docket No. 18625, RM-1388.

1. On August 6, 1969, the Commission adopted a notice of proposed rule making in the above-entitled matter (FCC 69-850) which was published in the FEDERAL REGISTER on August 13, 1969 (34 F.R. 13114). By order released September 22, 1969, the Commission extended the time for filing original comments and reply comments until October 15 and 27, 1969 (34 F.R. 14898). The dates for filing comments and replies have passed.

2. The proposed rule change was requested by National Capital REACT, Inc. (Radio Emergency Associated Citizens Teams), and would provide an exception to the rule which prohibits the relaying of messages or transmissions of communications for a person other than the licensee or members of his family. It was proposed to permit Citizens radio station licensees to relay traffic condition information to broadcast station licensees or to emergency organizations<sup>1</sup> who furnish broadcast stations with such information for the motoring public.

3. Comments were filed by the E. F. Johnson Co., Electronic Industries Association, Columbia Broadcasting System, Inc., City of Bay City Police Department, Alfred H. Daggett of the California Citizens Band Association Inc., George Nims Raybin, Thomas Engineering Co., Philip J. Bernheim, Winchester-Fredrick County Citizens Band Radio Club, National REACT, Pioneer Citizens Radio Association, Inc., and National Capital REACT, Inc. All comments received favored the objective of the proposed rule amendment. Two comments suggested changes to the proposal. No adverse comments and no reply comments were received.

4. Mr. Daggett<sup>2</sup> suggested that the proposed amendment be contained in a separate section rather than as an exception to the prohibition against

<sup>1</sup> The petitioner and the notice of proposed rule making indicated that the American Automobile Association (AAA) might be one such organization who would receive traffic condition information from Citizens Radio station licensees for relay to broadcast station licensees. The Commission has been advised that the AAA has not officially endorsed or sponsored this program.

<sup>2</sup> Late comments filed on November 10, 1969, have been received from California Citizens Band Association, Inc. To the extent that they are pertinent to this proceeding these comments are similar to and have been considered in connection with the disposition of Mr. Daggett's comments.



relaying messages or transmitting communications on behalf of other persons (§ 95.83(a)(14)). He believes an inconsistency exists between the proposed amendment and the basis and purpose of the service as set forth in the rules. He also believes that the proposed rule amendment is defective in that it does not come within any of the exceptions of § 95.83(a)(6) of the rules.<sup>3</sup> The Michigan CB Council suggests an amendment to permit the relay of information for the prevention of crime. It states that organizations are working in concert with their local police in providing neighborhood patrols for the reporting of suspicious occurrences.

5. The Commission does not agree that the private-use character of the Citizens Radio Service, as stated in the rules, is impaired by providing a limited exception to the prohibition against relaying messages or transmitting communications on behalf of other persons (§ 95.83(a)(14)). The specific language of the amended rule section is controlling over the general language reciting the intent and purpose of the radio service. We believe this exception is warranted as a means of promoting highway safety in the public interest.

6. The Commission's proposal did not contemplate liberalizing the requirement that communications be directed to a specific person or station. Under the new exception to § 95.83(a)(14), communications which report traffic conditions are required to be addressed to specific persons or stations. Likewise, the new exception (iii) to § 95.83(a)(14) does not relieve the licensee from observing the interstation channel provision of § 95.41(d)(2) when communicating between units of different stations except for emergencies.

7. Michigan CB Council's suggestion to include, in the proposed rule amendment, permission to relay information to the police when a licensee observes the commission of a crime is not being adopted. In addition to being beyond the scope of this proceeding, communications which report observed criminal acts will usually involve the immediate safety of life or the immediate protection of property and, therefore, may be transmitted under exception (i) of § 95.83(a)(14) of the rules.

8. In view of the foregoing, the Commission concludes that amendment of § 95.83(a)(14) of its rules, as proposed in the notice is in the public interest, convenience and necessity. The authority for such amendments is contained in section 4(i) and 303 of the Communications Act of 1934, as amended. Inasmuch as this amendment relieves a restriction it may, pursuant to 5 U.S.C. section 553(d)(1), be made effective immediately upon publication in the FEDERAL REGISTER. Accordingly, it is ordered, That effective November 26, 1969, Part 95 of the Commission's rules is amended, as set forth below.

<sup>3</sup> Section 95.83(a)(6) prohibits any communication that is not directed to specific persons or stations, except for (a) emergencies, (b) test transmissions, and (c) communications from a mobile unit to other units or stations for the sole purpose of requesting routing directions, assistance to disabled vehicles or vessels, information concerning the availability of food or lodging, or any other assistance necessary to a licensee in transit.

immediately upon publication in the FEDERAL REGISTER. Accordingly, it is ordered, That effective November 26, 1969, Part 95 of the Commission's rules is amended, as set forth below.

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

(Sec. 303, 48 Stat., as amended 1966, 1982; 47 U.S.C. 164, 303)

Adopted: November 19, 1969.

Released: November 21, 1969.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

Part 95 of the Commission's rules is amended as follows:

Section 95.83(a)(14) is amended to read as follows:

§ 95.83 Prohibited uses.

(a) \* \* \*

(14) For relaying messages or transmitting communications for a person other than the licensee or members of his immediate family except: (i) Communications transmitted pursuant to §§ 95.85(b), 95.87(b)(7), and 95.121; (ii) upon specific prior Commission approval, communications between Citizens radio stations at fixed locations where public telephone service is not provided; and (iii) communications reporting locally observed traffic conditions directed to persons engaged directly or indirectly in furnishing traffic condition information to the motoring public via broadcast facilities.

[F.R. Doc. 69-14027; Filed, Nov. 25, 1969; 8:46 a.m.]

[Docket No. 18506; FCC 69-1259]

**PART 97—AMATEUR RADIO SERVICE**  
**Mobile Operation**

*Report and order.* In the matter of amendment of § 97.95(b)(2) of the Amateur Radio Service rules concerning mobile operation; Docket No. 18506, RM-981.

1. On April 4, 1969, the Commission released a notice of proposed rule making in the above-entitled matter (FCC 69-311) which looked toward amendment of the rules to permit U.S. amateurs, when outside the jurisdiction of a foreign government, to operate in the frequency band between 7.0 and 7.1 MHz in Regions 1 and 3. The notice of proposed rule making was duly published in the FEDERAL REGISTER on April 9, 1969 (34 F.R. 6294), and all comments submitted in response thereto have been fully considered.

2. All the comments received support the proposal to include the frequencies 7.0-7.1 MHz in Regions 1 and 3. The American Radio Relay League (ARRL) stated that there has been a significant increase in maritime and aeronautical mobile amateur operation over the past few years.

3. Since the frequencies 7.0-7.1 MHz have been allocated for exclusive use of

<sup>4</sup> Chairman Burch not participating.

the Amateur Radio Service on a worldwide basis, we believe that there are no reasons why the proposed amendment of § 97.95(b)(2) should not be adopted.

4. In the notice, we considered the request of Richard F. Ackerman, the petitioner in this proceeding, to include the availability of the 3.5-3.8 MHz band for mobile operation in Region 2 outside the jurisdiction of foreign governments. However, that portion of the petition relating to the extension of present operating authority in the 3.5-3.8 MHz band was not adopted. Mr. Ackerman, in his comments, urges us to reconsider that portion of his original petition, which was not included in the proposed amendment of the rules, to permit U.S. amateurs to operate in the frequency band between 3.5 MHz and 3.8 MHz, while located anywhere outside of a foreign jurisdiction in Region 2. In support of his request, he states that (a) the number of actual additional stations that would operate in the 3.5-4.0 MHz band would be small, (b) interference is minimized because the antenna systems aboard ships and aircraft operate with relatively reduced efficiency, (c) other South American countries permit the requested operation without apparent interference problems, and (d) amateurs would voluntarily avoid transmissions on or near frequencies occupied by strong stations or other radio services.

5. By international agreement, in all regions, the 3.5-3.8 MHz band is allocated for shared use by Amateur, Fixed and Mobile Services. As stated in the notice, the operation by amateurs aboard ships of the United States could significantly increase the possibility of causing harmful interference to certain stations using this frequency band in accordance with the Geneva Radio Regulations and prior notification to the International Frequency Registration Board. Mr. Ackerman's reasons in support of this allocation are not persuasive. They fail to take into account the unpredictability of amateur station location and propagation in geographical areas not under the jurisdiction of the United States and the likelihood of these amateur stations causing harmful interference to foreign radio stations in other services, which are now successfully sharing the use of the frequencies in this amateur band. The same reasons militate against any trial period for the use of these frequencies in Region 2.

6. In view of the foregoing, the Commission concludes that amendment of § 97.95(b)(2) of its rules, as proposed in the notice, to permit operation, when outside the jurisdiction of a foreign government, on the frequencies 7.0 to 7.1 MHz in Regions 1 and 3 is in the public interest, convenience and necessity. Authority for this rule change is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Accordingly, it is ordered, That, effective December 31, 1969, Part 97 of the Commission's rules is amended as set forth below.

7. It is further ordered, That the petition RM-981 has been fully considered, and to the extent that it is at variance



with findings and determinations herein, it is denied.

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

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

Adopted: November 19, 1969.

Released: November 21, 1969.

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

[SEAL] BEN F. WAPLE,  
Secretary.

Part 97 of the Commission's rules is amended as follows:

In § 97.95(b), subparagraph (2) preceding the note is revised to read as follows.

§ 97.95 Operation away from the authorized permanent station location.

(b) \* \* \*

(2) When outside the jurisdiction of a foreign government, operation may be conducted within Region 2 on any amateur frequency band between 7.0 Mc/s and 148 Mc/s, inclusive; and when not within Region 2, operation may be conducted only in the amateur bands 7.0-7.1 Mc/s, 14.00-14.35 Mc/s, 21.00-21.45 Mc/s, and 28.0-29.7 Mc/s.

[F.R. Doc. 69-14028; Filed, Nov. 25, 1969; 8:46 a.m.]

## Title 49—TRANSPORTATION

### Chapter III—Federal Highway Administration, Department of Transportation

#### SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

#### PART 375—CONSUMER INFORMATION REGULATIONS

##### Motorcycle Brake Burnishing Requirement

On May 23, 1969, the Federal Highway Administration published 49 CFR

<sup>1</sup> Chairman Burch not participating.

375.101, *Vehicle stopping distance*, of the Consumer Information Regulations (34 F.R. 8112). Paragraph (e) (1) (ii) of that section, describing the burnishing procedures for motorcycles, is as follows: "Same as for passenger cars, except substitute 30 m.p.h. for 40 m.p.h. and 150° F. for 250° F., and maintain hand lever force to foot lever force ratio of approximately 1 to 2."

A manufacturer has stated that such a burnishing procedure, which was drawn from a draft SAE Recommended Practice, would be inappropriate for its vehicles, and suggests that the required burnishing procedure should be that recommended by the manufacturer. Since it appears that a uniform burnishing procedure suitable for all motorcycles has not yet been developed, the suggestion is found to have merit, to the extent that manufacturers have recommended such procedures. A general burnishing procedure must still be specified, however, for the purpose of determining compliance of those vehicles for which the manufacturers have not made a procedure publicly available. Accordingly, paragraph (e) (1) (ii) of § 375.101 is hereby amended to read as follows:

§ 375.101 *Vehicle stopping distance.*

(e) *Procedures.* (1) \* \* \*

(ii) *Motorcycles.* Adjust and burnish brakes in accordance with manufacturer's recommendations. Where no burnishing procedures have been recommended by the manufacturer, follow the procedure specified above for passenger cars, except substitute 30 m.p.h. for 40 m.p.h. and 150° F. and 250° F., and maintain hand lever force to foot lever force ratio of approximately 1 to 2.

The Consumer Information regulations require manufacturers to submit information to the FHWA by December 2, 1969, and it is important, therefore, that this amendment to the regulations be made effective without delay. The regulations require only that the manufacturers submit information to purchasers (and to the FHWA) as to per-

formance levels that can be met or exceeded by their vehicles, and it is not necessary that vehicles be retested as long as they perform as well under the manufacturers' own burnishing procedures as under the previously specified ones. Manufacturers are, of course, free to provide new performance figures at any time, under the procedures specified in Part 375. If in a particular case a manufacturer determines that its vehicles may not be able to meet the performance figures provided when its own recommended burnishing procedures are utilized, and is not able to provide new and appropriate figures within the time specified, it should include a notation to that effect at the time that the figures are first provided to the FHWA. The vehicles in question will not be considered to be in violation of the regulations if they meet the performance figures provided under the previously specified burnishing procedures, and if new and corrected figures are provided under § 375.101, as amended, not later than September 1, 1970.

Because of the importance of providing information to consumers by January 1, 1970, the probability that few if any manufacturers will be adversely affected by the amendment, and the provisions for relief included herein, notice and public procedure thereon are found to be impracticable, unnecessary, and contrary to the public interest, and the amendment described above is made effective on publication in the FEDERAL REGISTER.

(Secs. 112, 119, National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1401, 1407); delegation of authority from Secretary of Transportation to Federal Highway Administrator, 49 CFR 1.4(c))

Issued on November 24, 1969.

F. C. TURNER,  
Federal Highway Administrator.

[F.R. Doc. 69-14122; Filed, Nov. 25, 1969; 8:48 a.m.]



# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1124]

[Docket No. AO-368]

### MILK IN OREGON-WASHINGTON MARKETING AREA

#### Decision on Proposed Marketing Agreement and Order; Correction

Some material in F.R. Doc. 69-12934 was inadvertently omitted from the decision appearing in Part II beginning at page 17683 in the issue of Friday, October 31, 1969. This material consists of the entire text of page 12757 of the recommended decision as it appeared in the issue of Tuesday, August 5, 1969, of the FEDERAL REGISTER and which was adopted in full as a part of the decision. Starting on page 17697 of the decision third column, between the second and third lines from the top of the column, the following material should be inserted:

This price series reflects a manufacturing price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products. Further, it reflects the supply and demand of such products within a highly coordinated marketing system which is national in scale. The series is appropriate for use in establishing milk prices under this order.

Since the Class I price for the current month would be announced by the 5th day of the month, the basic formula price used in computing the Class I price should be that reflecting the Minnesota-Wisconsin price for the preceding month. This procedure is commonly used in other Federal orders.

While the Class I differential proposed by producers was \$2.10, the Class I price provided herein, together with Class II and Class III prices, should result in returns to producers sufficient to maintain an adequate, but not excessive, supply of quality milk for the fluid market. It also will result in appropriate alignment of the Class I price in this market with those in the Puget Sound and Inland Empire markets. In parts of southern Washington there is competition between handlers who would be regulated under this order and handlers regulated under the two existing Federal orders both in procurement of milk and in its distribution.

The Puget Sound order provides for a Class I differential \$1.85 over the basic formula price. The Inland Empire order has a differential of \$2.10. Under the present provisions, however, the latter may fluctuate as much as 50 cents in either direction as the relationship of supply to demand varies.

Until the middle of 1968, Oregon Class I prices averaged higher than the Puget Sound Class I price and about equal to the Inland Empire Class I price. The Oregon Class I price averaged \$5.61 in 1966, \$6.02 in 1967, and \$6.13 in 1968. The Puget Sound Class I price averaged \$5.55 in 1966, \$5.88 in 1967, and \$6.09 in 1968. The Class I price in the Inland Empire order was \$5.71 in 1966, \$5.97 in 1967, and \$6.19 in 1968.

The Class I price provided herein would have been \$6.28 per hundredweight in April 1969. This compares to a Class I price of \$6.18 in the Puget Sound marketing area. For April the Class I price in the Inland Empire order was \$6.28.

The Class I price fixed by the State of Oregon remained at \$6.10 from June 1967 through October 1968; was increased to \$6.25 on November 1, 1968, and to \$6.40 on March 1, 1969. Official notice is taken of "The Stabilizer" vol. 5, No. 11, for February 1969, a publication of the Oregon State Department of Agriculture, Salem, Ore.

The Class I price adopted herein, in April would have been 12 cents below the Class I price fixed by the State of Oregon. A differential or more than 10 cents over the Puget Sound Class I price, however, could result in a dislocation of supplies and induce Puget Sound producers, particularly those who do not hold a Class I base under that order, to shift from the Puget Sound to the Oregon-Washington market. A higher Class I price likewise could result in shifts of producers in the Columbia Basin area without an offsetting need for their milk in this market.

One handler proposed a special classification for fluid milk which is shipped to Alaska for Class I use. He proposed a price 30 cents over the uniform price for such milk.

He stated that the high cost of handling, particularly transportation and the wide fluctuation in the monthly requirements of their plant at Anchorage, Alaska, precludes payment of the Class I price for such milk.

There is no basis, when establishing the appropriate Class I milk price for this market, to distinguish between milk sold inside and milk sold outside the marketing area, whether it be in areas immediately adjacent to the market or at distant points such as Alaska. The milk sold outside the area by regulated handlers is produced under the same conditions as milk sold in the marketing area and is processed in the same plants. Thus, the milk moving through the handler's plant is involved in the same supply and demand considerations upon which the determinations concerning the appropriate Class I price level must be made.

If a lower Class I price were permitted on sales outside the area, it would be

necessary to increase the price of Class I milk sold within the area to maintain the level of returns to producers needed for an adequate supply. To whatever extent a higher Class I price inside the marketing area would be reflected in higher prices to consumers within the marketing area, such consumers would be subsidizing those outside the marketing area where the lower Class I price prevails.

Neither should the regulation be constructed to encourage the use of outside markets as a dumping ground for milk in excess of the market's needs. A lower Class I price for milk sold outside the marketing area could have a depressing effect on prices paid to farmers by unregulated handlers in the outside market.

**Class II price.** The Class II price should be fixed at the Class III price plus 25 cents. This will result in a Class II price identical to that provided in the Puget Sound order. It will be approximately 2 cents per hundredweight higher than the Class II price which prevailed in the Oregon market during the year 1968.

This price will return to producers a differential over the price of manufacturing grade milk for milk used in those products which handlers normally make from Grade A milk to compensate producers for the delivery of milk for such uses. From experience in the Puget Sound and Inland Empire markets a differential of 25 cents over the Class III price will not discourage the continued use of Grade A producer milk in products such as cottage cheese and ice cream.

**Class III price.** The Class III price should be the basic formula price, but should not exceed the price resulting from a butter-nonfat dry milk solids formula.

Large quantities of the reserve milk of the market are utilized in the manufacture of butter, nonfat dry milk, hard cheeses, and other dairy products which are disposed of on the national market. Some milk utilized for Class I purposes in the market is handled at plants with limited manufacturing facilities. However, a number of plants which would be pool plants under the orders maintain substantial manufacturing operations. Throughout the year, particularly in the spring months of heavy production, producer milk not needed for fluid uses is moved to manufacturing plants by the handler who regularly receives the milk or by the cooperative association responsible for marketing such producer milk.

Prices paid by manufacturing plants may differ because of changes in the relative market prices of the manufactured products and because of variations in the quantities of milk available for manufacturing purposes. Handlers often will dispose of excess milk to those plants which are paying the highest price at the time of such disposal. Because of the



relatively small volumes and lack of opportunity for high efficiency in handling. It is possible that some handlers may at times incur losses in handling their necessary reserve supplies of milk. The handling of such reserve milk is incidental, however, to the handling of fluid milk.

The price for manufacturing milk should be at a level which will provide the highest possible returns to producers in the market and at the same time encourage the orderly marketing of such milk. A Class III price based on the basic formula, which is the average Minnesota-Wisconsin manufacturing milk price, should adequately meet these pricing objectives. A competitive pay price is used because, in the highly competitive dairy industry, the average of prices paid in the areas where there is substantial competition for manufacturing milk provides a good measure of its value.

The Minnesota-Wisconsin price series is representative of prices paid to farmers for about one-half the manufacturing grade milk sold in the United States. In Minnesota about 84 percent of the milk sold off farms is of manufacturing grade and in Wisconsin about 58 percent. There are many plants in these States which compete for such milk supplies. This price series reflects a price level determined by competitive conditions which are affected by demand in all of the major uses of manufactured dairy products.

A particular segment of the manufactured milk industry may be temporarily influenced by marketing conditions which do not affect the remainder of the industry to the same degree. Such conditions may not be fully reflected in the Minnesota-Wisconsin price series. Because of the importance of butter and nonfat dry milk solids as an outlet in this market, it is desirable that the Class III price not exceed a price level based on a butter-nonfat dry milk formula.

Signed at Washington, D.C., on November 21, 1969.

J. PHIL CAMPBELL,  
Under Secretary.

[F.R. Doc. 69-14047; Filed, Nov. 25, 1969;  
8:47 a.m.]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 73]

[Airspace Docket No. 69-CE-118]

### RESTRICTED AREA

#### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations that would alter Restricted Area R-4301 at Camp Ripley, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments

as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 15 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

At present the designated altitudes and time of designation of R-4301 are as follows:

Surface to 37,000 feet MSL, May 1 through October 31; and surface to 14,500 feet MSL, Saturday and Sunday, November 1 through April 30.

The proposal contained in this docket would add the following to the present time of designation of R-4301:

From 1200 G.m.t. January 27, 1970, through 2100 G.m.t. January 29, 1970, the designated altitude would be 14,500 feet MSL as presently designated. The time of designation would then revert to the present time of designation.

The additional time of designation is required for the training of the Minnesota National Guard. Ground to air firing of high explosive shells would be conducted. The firing would be continuous and include the night firing of illuminating shells.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 20, 1969.

H. B. HELSTROM,  
Chief, Airspace and Air  
Traffic Rules Division.

[F.R. Doc. 69-14006; Filed, Nov. 25, 1969;  
8:45 a.m.]

## CIVIL AERONAUTICS BOARD

[14 CFR Part 378a]

[Docket No. 21562; SPDR-17]

### TOUR OPERATORS AND FOREIGN TOUR OPERATORS FURNISHING TRANSPACIFIC BULK INCLUSIVE TOURS

#### Notice of Proposed Rule Making

NOVEMBER 21, 1969.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 378a of its Special Regulations (14 CFR Part

378a) which would establish the terms and conditions governing the furnishing of transpacific bulk inclusive tours (BIT's) in foreign air transportation by tour operators and foreign tour operators.

The principal features of the proposed amendment are described in the explanatory statement below and the proposed amendment is set forth in the proposed rule below. The amendment is proposed under the authority of sections 101(3), 204(a), 409, and 416(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 737, 743, 768, 771; 49 U.S.C. 1301, 1324, 1379, and 1386).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before December 5, 1969, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,  
Acting Secretary.

**Explanatory statement.** In a notice of proposed rule making dated June 25, 1969 (SPDR-16, 34 F.R. 10000), the Board, inter alia, proposed a new Part 378a of the Special Regulations establishing the terms and conditions governing the furnishing of bulk inclusive tours (BIT's) in foreign air transportation by tour operators and foreign tour operators. This proposal related solely to BIT tariffs filed pursuant to IATA Resolutions 079a and 079c, concerning North Atlantic and Mid-Atlantic Contract Bulk Inclusive Tour Fares, effective November 1, 1969. Part 378a was adopted on October 14, 1969.

On October 7, 1969, Japan Air Lines filed a motion to file late comments in the rule making proceeding, and on October 16 Pan American World Airways filed a similar motion to file comments in reply to those of Japan Air Lines. In substance both carriers request that Part 378a be revised so as to apply to tour operators conducting BIT's pursuant to tariffs filed independently by Japan Air Lines, Pan American, and other carriers providing for contract bulk inclusive tour fares valid for air transportation between the United States and points in Japan and the Orient via the Pacific.

The proposal contained in these comments is beyond the scope of the rule making proceeding initiated in SPDR-16, which, in any event, has been completed. However, the comments will be deemed petitions for rule making to amend Part 378a in the respects indicated, and the motions to file these documents are granted. The Board, also finds, for the reasons hereinafter set forth, that the petitions for rule making should be granted, and it herein proposes to amend



Part 378a, to include tour operators and foreign tour operators conducting transpacific BIT's.

It appears that transpacific BIT tariffs, substantially alike, have been filed by Northwest Airlines and Trans World Airlines, in addition to Japan Air Lines and Pan American. As will be seen, these tariffs are also substantially similar to the transatlantic BIT tariffs filed pursuant to the IATA Resolutions, although as will be noted, there are some differences.

The transpacific BIT tariffs provide for the sale of blocks of not less than 40 seats per departure for 14-28-day tours<sup>1</sup> to "contractors".<sup>2</sup> In addition to the normal 14-28-day validity, 4- to 8-day tours originating in Japan to Honolulu and return and 7- or 8-day tours originating in Japan to the continental United States and return would be permitted. Unlike transatlantic BIT's, there is no fare differential between peak, shoulder, and off-season periods. Examples of the fares are set forth in the margin.<sup>3</sup> Three stopovers are permitted, except in the case of a single open jaw where one stopover is permitted outbound and one inbound. All passengers must have purchased the same inclusive tour, and the tour must provide sleeping accommodations for the total duration of the tour and a daily program of sightseeing and/or entertainment features on at least half the number of days for the total duration of the tour, except that not more than 3 days without such sightseeing and/or entertainment may be consecutive.

The minimum price of the tour shall be the unit seat price plus \$100 for the first 14 days and \$7 for each day thereafter, as in transatlantic BIT's. Also, as in the case of transatlantic BIT's, no commission will be paid by a direct carrier for sale of transportation under a BIT contract, which must provide for a 10-percent deposit of the bulk price with the remainder to be paid 1 calendar month prior to each departure date.

As in the case of transatlantic BIT's, the Board finds that a tour operator's activities pursuant to the transpacific BIT tariff rules would place him in the position of an indirect air carrier not presently authorized by the Board to engage in air transportation.<sup>4</sup>

<sup>1</sup> In the case of transatlantic BIT's, the minimum blocks of seats are 40 eastbound and 20 westbound and the tours are 14-21 days.

<sup>2</sup> Defined as "a person other than a Carrier who produces and promotes the inclusive tour, with whom space is contracted by the Contracting Carrier." (C.A.B. No. 23, Rule No. 26(B)(2)).

<sup>3</sup> Honolulu-Tokyo, \$250;  
Honolulu-Hong Kong, \$460;  
West Coast Points\*-Tokyo, \$400;  
West Coast Points\*-Hong Kong, \$570;  
New York-Tokyo, \$600;  
New York-Hong Kong, \$770.

\* Los Angeles, San Francisco, Portland, and Seattle.

<sup>4</sup> See Order 69-4-138.

The Board also finds that it is in the public interest that transpacific BIT operators be relieved from various provisions of title IV of the act, as set forth in § 378a.3. The BIT fares are substantially lower than fares presently offered in scheduled service across the Pacific,<sup>5</sup> and lower tour prices should enable many persons to travel by air who would not otherwise be able to use air transportation to Far Eastern points. This circumstance has added a significance at this time in view of the forthcoming World Exposition in Osaka, Japan. The relief afforded is, accordingly, in the public interest, since it will enable such tour operators to engage in indirect air transportation and permit them to provide transpacific bulk inclusive tours.

Section 378a.4 provides that the exemption relief granted in § 378a.3 shall continue in effect for such periods as the Board approves IATA Resolutions 079a and 079c. Although these resolutions pertain only to transatlantic BIT fares, we propose no amendment to § 378a.4, thus making its provisions applicable to the duration of the relief granted tour operators conducting transpacific BIT's. As is well known, transatlantic BIT fares are currently under an investigation. If the transatlantic BIT fares are found uneconomic, such a finding could have an impact on the reasonableness of transpacific BIT fares. Although the transpacific BIT fares are not the subject of an intercarrier agreement under section 412 of the act and the Board has no jurisdiction over the reasonableness of transpacific BIT fares, as such, nevertheless the unreasonableness of the latter fares would necessarily be a factor to take into account with respect to whether it is in the public interest to grant blanket relief to transpacific tour operators. In addition, the investigation of transatlantic BIT fares includes issues of unjust discrimination and undue preference and prejudice which conceivably could have an impact on the lawfulness of transpacific BIT fares.

As in the case of foreign tour operators engaging in the formation of groups on foreign originating transatlantic BIT's (§ 378a.8), we proposed to decline jurisdiction over foreign tour operators with respect to transpacific BIT's which originate in a foreign country. Our reasons are the same as set forth in SPDR-16, June 25, 1969, pages 6-7, which is incorporated herein by reference.

The Board also tentatively concludes that, with one exception, the conditions and limitations presently set forth in Part 378a should likewise apply to tour operators conducting transpacific BIT's. Although, as indicated above, the terms

<sup>5</sup> In the West Coast-Tokyo market, for example, the BIT fares will provide reductions from the otherwise applicable round-trip economy fares in the on- and off-seasons, respectively, of 44.6 and 41.5 percent.

and conditions under which tour operators conduct transpacific BIT's are substantially the same as those applicable to transatlantic BIT's, there is one difference to be noted. With respect to transatlantic BIT's, IATA Resolution 810e requires that the "Sponsoring Member" approve the tour literature, which must include a description of tour prices and features, contain at least one illustration or map promoting the tour, and shall show the dates between which the tours are to be operative. Since the tour literature must be submitted by the BIT tour operator to the direct carrier and must conform to IATA Resolution 810e, the Board found that to require a second filing of such material with the Board would serve no purpose, and it was therefore not required.

It appears, however, that the tariff rules governing transpacific BIT's contain no provisions respecting the contents of tour literature and approval thereof by the direct air carrier. Accordingly, unless the transpacific BIT tariffs are amended to include requirements equivalent to those of transatlantic BIT's on these matters, the Board contemplates amending § 378a.10 to require that, with respect to transpacific BIT's, itinerary and solicitation material be filed with the Board together with the other documents required by that section.<sup>6</sup>

**Proposed rule.** It is proposed to amend Part 378a of the Special Regulations (14 CFR Part 378a) as follows:

Amend § 378a.2(a) to read as follows:  
**§ 378a.2 Definitions.**

As used in this part, unless the context otherwise requires—

(a) "Bulk inclusive tour" means round, circle or single open jaw tour trip transportation, including land services, performed either:

(1) Pursuant to IATA Resolutions 079a and 079c as approved by the Board, which meets the requirements of said resolutions, as approved; or

(2) Pursuant to CAB No. 23, Rule No. 26, issued by Air Tariffs Corp., Agent; CAB No. 388, Rule 56, issued by International Air Traffic Tariffs Corp., Agent; CAB No. 450, Rule 23, issued by Northwest Airlines, Inc.; and CAB No. 208, Rule 36, issued by Trans World Airlines, Inc.

[F.R. Doc. 69-14033; Filed, Nov. 25, 1969; 8:46 a.m.]

<sup>6</sup> In addition to the amendments proposed herein to make Part 378a applicable to transpacific BIT's a clarifying amendment will be made to the definition of "Bulk inclusive tour" in § 378a.2. Specifically, the words "including land services" will be inserted after the word "transportation" to make clear that hotel accommodations, etc., are included in such tours.



# Notices

## DEPARTMENT OF COMMERCE

### Maritime Administration OCEANIC STEAMSHIP CO.

#### Notice of Application for Approval of Certain Cruises

Notice is hereby given that the Oceanic Steamship Co. has applied for approval pursuant to section 613 of the Merchant Marine Act, 1936, as amended, of the following cruises in lieu of those cruises which were published in the FEDERAL REGISTER of September 26, 1969 (34 F.R. 14906):

Ship	Approximate cruise dates 1970	Itinerary
Monterey	Apr. 2-14	San Francisco, Los Angeles, San Diego, Acapulco, Puerto Vallarta, Mazatlan, San Diego, Los Angeles.
Do	Apr. 15-25	San Diego, Los Angeles, Acapulco, Puerto Vallarta, Mazatlan, San Diego, Los Angeles, San Francisco.
Do	Apr. 26-May 17	San Diego, Los Angeles, San Francisco, Honolulu, Nawiliwili, Lahaina, Hilo, Kailua (Kona), Honolulu, Los Angeles, San Francisco.
Do	May 23-June 21	San Francisco, Los Angeles, Mazatlan, Galapagos, Callao, Guayaquil, Balboa, Tuboga, Acapulco, Los Angeles, San Francisco.
Do	June 22-July 5	Los Angeles, San Francisco, Victoria, Juneau, Glacier Bay, Sitka, Skagway, Vancouver, Los Angeles, San Francisco.
<i>Itinerary (each cruise)</i>		
Mariposa	June 13-26, June 27-July 10, July 11-23, July 24-Aug. 5, Aug. 6-18.	San Francisco, Los Angeles, Vancouver, Juneau, Glacier Bay, Skagway, Sitka, Victoria, San Francisco, Los Angeles.
<i>Itinerary</i>		
Do	Aug. 19-31	San Francisco, Los Angeles, Vancouver, Juneau, Skagway, Glacier Bay, Sitka, Victoria, San Francisco, Los Angeles.
Do	Sept. 1-16	San Francisco, Los Angeles, Victoria, Juneau, Glacier Bay, Sitka, Skagway, Vancouver, San Francisco, Los Angeles.

Any person, firm, or corporation having any interest, within the meaning of section 613 of the Merchant Marine Act, 1936, as amended, in the foregoing who desires to offer data, views, or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235, by the close of business on December 12, 1969.

In the event an opportunity to present oral argument is also desired, specific reason for such request should be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

By order of the Maritime Subsidy Board.

Dated: November 21, 1969.

JAMES S. DAWSON, Jr.,  
Secretary.

[P.R. Doc. 69-14048; Filed, Nov. 25, 1969;  
8:47 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 21572; Order 69-11-86]

### GILLEY AIRWAYS CORP.

#### Order To Show Cause

Issued under delegated authority November 19, 1969.

The Postmaster General filed a notice of intent October 31, 1969, pursuant to 14 CFR Part 298, petitioning the Board

to establish for the above-captioned air taxi operator, a final service mail rate of 60 cents per great circle aircraft mile for the transportation of mail by aircraft between Plattsburgh, Glenn Falls, and Albany, N.Y.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beech D-18-S aircraft. The cost data submitted by the air taxi operator with their bid tend to support the requested rate.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order<sup>1</sup> to include the following findings and conclusions:

<sup>1</sup> As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

The fair and reasonable final service mail rate to be paid to Gilley Airways Corp., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 60 cents per great circle aircraft mile between Plattsburgh, Glens Falls, and Albany, N.Y.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Gilley Airways Corp., the Postmaster General, Mohawk Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Gilley Airways Corp.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Gilley Airways Corp., the Postmaster General, and Mohawk Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL]

MABEL MCCART,  
Acting Secretary.

[P.R. Doc. 69-14034; Filed, Nov. 25, 1969;  
8:46 a.m.]



[Docket No. 19617]

**NORTH CAROLINA POINTS SERVICE INVESTIGATION****Notice of Oral Argument**

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard by the Board on December 17, 1969, at 10:00 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., November 20, 1969.

[SEAL] RALPH L. WISER,  
Associate Chief Examiner.

[F.R. Doc. 69-14035; Filed, Nov. 25, 1969;  
8:46 a.m.]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE****Food and Drug Administration  
ECONOMICS LABORATORY, INC.****Notice of Filing of Petition Regarding  
Food Additives**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP OH2454) has been filed by Economics Laboratory, Inc., Osborn Building, St. Paul, Minn. 55102, proposing that § 121.2547 *Sanitizing solutions* (21 CFR 121.2547) be amended to provide for the safe use of a solution containing triethanolamine octyl sulfate iodine complex and components generally recognized as safe as a sanitizing solution on food-processing equipment and utensils and on beverage containers, subject to the limitation that such solutions will provide not more than 25 parts per million titratable iodine.

Dated: November 18, 1969.

R. E. DUGGAN,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 69-14013; Filed, Nov. 25, 1969;  
8:45 a.m.]

**GEIGY CHEMICAL CORP.****Notice of Filing of Petition Regarding  
Pesticide Chemicals**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), notice is given that a petition (PP 0F0903) has been filed by Geigy Chemical Corp., Ardsley, N.Y. 10502, proposing the establishment of tolerances (21 CFR 120.258) for residues of the herbicide 2-ethylamino-4-isopropylamino-6-methylthio-s-triazine in or on the raw agricultural commodities corn forage and fodder at 0.5 part per million and corn grain (kernels plus cob with husks removed) at 0.25 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure using a microcoulometric detector with a sulfur-specific titration cell.

Dated: November 19, 1969.

R. E. DUGGAN,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 69-14014; Filed, Nov. 25, 1969;  
8:45 a.m.]

**ATOMIC ENERGY COMMISSION****PYROTRONICS, INC.****Notice of Exemption of Fire Detection  
Units**

Models F5A, F3.5 (formerly F3.5A), and F6 fire detection devices containing americium 241, distributed by Pyrotronics, Inc., prior to the issuance of AEC License No. 29-08864-04E on August 28, 1969, which authorized the distribution of these devices to persons exempt from AEC licensing requirements, have been found to meet the safety criteria set forth in § 32.27 of 10 CFR Part 32 for gas and aerosol detectors containing byproduct materials for use under the class exemption in § 30.20 of 10 CFR Part 30. These devices were previously distributed under AEC License No. GL-133 prior to the promulgation of § 30.20. However, for the purposes of the exemption in § 30.20, such license shall be deemed to have been issued under § 32.26, 10 CFR Part 32. To the extent that persons in non-Agreement States other than manufacturers, processors, producers, or importers of such devices, receive, possess, use, transfer, export, own or acquire devices manufactured in accordance with that license, they are hereby deemed exempt from the requirements for a license set forth in Section 81 of the Atomic Energy Act of 1954, as amended, and from AEC regulations in 10 CFR Parts 20 and 30-36.

Dated at Bethesda, Md., November 19, 1969.

For the Atomic Energy Commission.

J. A. McBRIDE,  
Director,  
Division of Materials Licensing.

[F.R. Doc. 69-14032; Filed, Nov. 25, 1969;  
8:46 a.m.]

**FEDERAL POWER COMMISSION**

[Docket No. RI70-469, etc.]

**HUMBLE OIL & REFINING CO. ET AL.****Order Providing for Hearing on and  
Suspension of Proposed Changes in  
Rates, and Allowing Rate Changes  
To Become Effective Subject to  
Refund<sup>1</sup>**

NOVEMBER, 14, 1969.

The respondents named herein have filed proposed changes in rates and

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

charges of currently effective rate schedules for sales of natural gas under Commission 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 regulations 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: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.<sup>2</sup>

(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 January 1, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,  
Secretary.

<sup>2</sup> If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.



## 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	
R179-499	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	210	6	El Paso Natural Gas Co. (East LaBarge Field, Lincoln and Sublette Counties, Wyo.).	\$2,634	10-20-69	*11-1-69	*11-2-69	17.0	**17.255	R168-2.
.....do.....	.....do.....	218	5	Mountain Fuel Supply Co. (Dry Piney Unit, Sublette County, Wyo.).	1,008	10-20-69	*11-1-69	*11-2-69	17.0	**17.17	R169-390.
.....do.....	.....do.....	226	3	Montana-Dakota Utilities Co. (Elk Basin Field, Park County, Wyo.).	385	10-20-69	*11-1-69	*11-2-69	13.0	**13.13	
.....do.....	.....do.....	240	9	El Paso Natural Gas Co. (Green River Bend Unit, Lincoln and Sublette Counties, Wyo.).	337	10-20-69	*11-1-69	*11-2-69	17.0	**17.255	R168-2.
.....do.....	.....do.....	250	9	El Paso Natural Gas Co. (Figure Four Canyon Unit, Sublette County, Wyo.).	258	10-20-69	*11-1-69	*11-2-69	17.0	**17.255	R168-2.
.....do.....	.....do.....	335	4	Mountain Fuel Supply Co. (Vermilion Creek Field, Sweetwater County, Wyo.).	6	10-20-69	*11-1-69	*11-2-69	13.0	**13.13	R168-290.
.....do.....	.....do.....	345	4	Colorado Interstate Gas Co. (Wamsutter Field, Sweetwater County, Wyo.).	715	10-20-69	*11-1-69	*11-2-69	16.0	**16.24	R168-280.
.....do.....	.....do.....	359	4	Kansas Nebraska Natural Gas Co., Inc. (Frenchie Draw Field, Fremont and Natrona Counties, Wyo.).	4,427	10-20-69	*11-1-69	*11-2-69	15.0	**15.15	
.....do.....	.....do.....	360	4	Colorado Interstate Gas Co. (Patrick Draw Field, Sweetwater County, Wyo.).	97	10-20-69	*11-1-69	*11-2-69	17.0	**17.255	R168-280.
.....do.....	.....do.....	362	2	Colorado Interstate Gas Co. (Desert Springs Field, Sweetwater County, Wyo.).	41	10-20-69	*11-1-69	*11-2-69	15.50	**15.7325	R168-290.
.....do.....	.....do.....	363	*2	Montana-Dakota Utilities Co. (Elk Basin Field, Park County, Wyo., and Carbon County, Mont.).	255	10-20-69	*11-1-69	*11-2-69	13.0	**13.13	
.....do.....	.....do.....	383	3	Mountain Fuel Supply Co. (West Side Canal Area, Carbon County, Wyo.).	519	10-20-69	*11-1-69	*11-2-69	15.0	**15.15	
.....do.....	.....do.....	403	14	Colorado Interstate Gas Co. (Desert Springs Area, Sweetwater County, Wyo.).	538	10-20-69	*11-1-69	*11-2-69	16.0	**16.24	R168-403.
R179-470	Gulf Oil Corp.	*218	3	Cities Service Gas Co. (Palmer Field, Barber County, Kans.).	940	10-20-69	*12-23-69	*12-24-69	**14.0	***15.0	R165-398.
.....do.....	.....do.....	*302	2	Cities Service Gas Co. (Hoggs Field, Barber County, Kans.).	190	10-20-69	*12-23-69	*12-24-69	**14.0	***15.0	
R179-471	Pioneer Production Corp. (Operator) et al., Post Office Box 2542, Amarillo, Tex.	*31	1	Cities Service Gas Co. (Laverne (Morrow) Field, Woods County, Okla.) (Oklahoma "Other" Area).	503	10-20-69	*1-1-70	*1-2-70	**14.0	***15.0	
R179-472	Shell Oil Co. (Operator) et al., 50 West 50th St., New York, N.Y. 10020.	397	1	Texas Eastern Transmission Corp. (Sheridan Field, Colorado County, Tex.) (R.R. District No. 3).	344,290	10-10-69	*1-1-70	*1-2-70	**15.0	***16.0	

\* The stated effective date is the effective date requested by Respondent.

\* The suspension period is limited to 1 day.

\* Tax reimbursement increase.

\* Pressure base is 15.925 p.s.i.a.

\* Rate of 16 cents suspended in Docket No. R170-364 until Apr. 1, 1969.

\* Wyoming production only.

\* Pressure base is 14.65 p.s.i.a.

\* Periodic rate increase.

\* Subject to a downward B.t.u. adjustment.

\* Contract dated after Sept. 28, 1969, the date of issuance of the Commission's statement of general policy No. 61-1 and proposed rate does not exceed the area initial service ceiling.

\* Contractual effective date.

\* Initial rate.

The proposed rate increases filed by Humble Oil & Refining Co. (Humble) reflect tax reimbursement for severance tax recently enacted by the State of Wyoming which is retroactively effective as of January 1, 1968. Humble's proposed rate increases reflect a double amount of the contractually entitled tax reimbursement to provide for reimbursement of taxes applicable to past production back to January 1, 1968. Humble requests waiver of the 30-day notice requirement to permit an effective date of November 1, 1969 for its proposed rate filings. Humble's proposed rates exceed the applicable area ceilings for the areas involved and should be suspended for 1 day from November 1, 1969, with waiver of notice granted. Humble is advised that after the tax reimbursement amounts applicable to past production have been recovered appropriate rate filings will be required to reduce the instant proposed rates so as to provide for tax reimbursement for future production only.<sup>1</sup>

The basic contracts related to the proposed rate increases filed by Gulf Oil Corp. (Gulf), Pioneer Production Corp. (Operator) et al.,

(Pioneer) and Shell Oil Co. (Operator) et al. (Shell) were executed subsequent to September 28, 1969, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe in this situation, Gulf, Pioneer, and Shell's proposed rate filings should be suspended for 1 day from December 23, 1969 (Gulf), and January 1, 1970 (Pioneer) and (Shell), the requested effective dates.

[F.R. Doc. 69-13937; Filed, Nov. 25, 1969; 8:45 a.m.]

[Docket No. G-3655, etc.]

### KEWANEE OIL CO. ET AL.

#### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates<sup>1</sup>

NOVEMBER 17, 1969.

Take notice that each of the applicants listed herein has filed an application or

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.

petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 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). 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

<sup>1</sup> Humble will be required to refund any reimbursement relating to the Wyoming Severance Tax collected in this section 4(e) proceeding in the event the tax is for any reason held invalid upon judicial review.



Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Price per acre base
C19-876 E 10-25-49	B. C. Wynn, 1905 Republic National Bank Bldg., Dallas, Tex. 75201.	El Paso Natural Gas Co., Blasco Mesquite Field, San Juan County, N. Mex.	12.0	15.025
C19-877 C 10-30-49	do	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	12.0	15.025
C19-882 C 10-30-49	Jake L. Hamon, Post Office Box 464, Dallas, Tex. 75201.	Arkansas Louisiana Gas Co., Arkansas Area, La. Falls County, Okla.	15.0	14.65
C170-405 B 10-25-49	Southland Drilling Co. (Operator), et al., D-288 Petroleum Center, San Antonio, Tex. 78209.	Texas Eastern Transmission Corp., Ocker Field, Arkansas and Redingo Counties, Tex.	Depleted	
C170-405 B 10-25-49	Sam Boren, 225 Park Cities Bank Bldg., Dallas, Tex. 75201.	El Paso Natural Gas Co., Bagley Upper Penn Gas Pool, Lea County, N. Mex.	14.58	14.65
C170-405 B 10-25-49	Phillips Petroleum Co., Bartlesville, Okla. 74003.	Panhandle Eastern Pipe Line Co., Northwest Arvad Field, Woods County, Okla.	Depleted	
C170-405 B 10-25-49	do	Panhandle Eastern Pipe Line Co., Anadarko Basin Area, Beaver County, Okla.	Depleted	
C170-405 B 10-25-49	B. W. Whisman, Jr. (Operator), et al.	Northern Natural Gas Co., acreage in Crockett County, Tex.	(9)	
C170-405 B 10-25-49	Phillips Petroleum Co.	Texas Eastern Transmission Corp., North Fort Neches Field, Orange County, Tex.	(9)	
C170-423 A 10-25-49	McMullan Exploration Co., 1012 Pure Macquette Bldg., New Orleans, La. 70112.	Natural Gas Pipeline Co. of America, South Rappahannock Field, Wilcox County, Tex.	17.8	14.65
C170-424 B 10-25-49	D. B. McConnell (Operator), et al.	Arkansas Louisiana Gas Co., Silgo Field, Bossier Parish, La.	Depleted	
C170-425 A 10-25-49	Frank J. Hall et al., 630 Lane Bldg., Starveport, La. 71101.	United Gas Pipe Line Co., Silgo Field, Bossier Parish, La.	13.598	15.025
C170-425 B 10-25-49	R. W. Lange, c/o John L. Arrington, Jr., attorney, Huffman, Arrington, Schaubert & Kneass, 30 Oklahoma National Bldg., Tulsa, Okla. 74103.	Northern Natural Gas Co., Hagonan Field, Finney County, Kans.	Depleted	
C170-427 A 10-25-49	Coastal States Gas Producing Co. (Operator), et al., Post Office Box 501, Corpus Christi, Tex. 78401.	Texas Eastern Transmission Corp., Southeast Lake Bossi Field, La. 70001.	20.0	15.025
C170-428 F 10-25-49	Crown Properties, Inc. (successor to Shell Oil Co.).	Transcontinental Gas Pipe Line Corp., Humphreys and South Humphreys Field, Terrebonne Parish, La.	22.35	15.025
C170-428 A 10-31-49	Pan American Petroleum Corp.	United Gas Pipe Line Co., Pointe au Chien Field, Lafourche and Terrebonne Parishes, La.	21.25	15.025
C170-430 A 10-31-49	Edwin L. Cox, 3800 First National Bank Bldg., Dallas, Tex. 75202.	Arkansas Louisiana Gas Co., Southeast Carbon Area, Basins County, Okla.	15.06	14.65
C170-431 A 10-31-49	Westexas Petroleum, Inc.	Cumberland & Allegheny Gas Co., Union and Washington Districts, Upshur County, W. Va.	27.0	15.325
C170-432 A 11-3-49	Imperial-American Management Co., 177 Main Bldg., Houston, Tex. 77002.	Northern Natural Gas Co., acreage in Oelbire County, Tex.	17.0	14.65
C170-433 B 10-31-49	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Cities Service Gas Co., Northwest Lovelock Field, Harper County, Okla.	(9)	
C170-434 A 10-30-49	Bedoway Co., 1300 Mercantile Dallas Bldg., Dallas, Tex. 75201.	Texas Gas Transmission Corp., acreage in Webster Parish, La.	20.0	15.025

\* Rate in effect subject to refund in Docket No. R157-357.

\* Rate in effect subject to refund in Docket No. R155-261.

\* Rate in effect subject to refund in Docket No. R165-470.

\* General rate of 17.225 cents per Mcf (residue gas derived from gas-well gas) and 15.20 cents per Mcf (residue gas derived from casinghead gas), are presently in effect. A proposed increased rate of 17.225 cents per Mcf (residue gas derived from casinghead gas) was suspended until Sept. 6, 1969 in Docket No. R159-654. Permian has filed a motion to put the rate in effect.

\* Deletions acreage due to expiration or cancellation of nonproducing leases.

\* For gas produced from formations below the base of the Wolfcamp Series of the Permian System and above the top of the Morrow Series of the Pennsylvanian System.

\* For gas produced from formations below the top of the Morrow Series of the Pennsylvanian System.

\* Rates in effect subject to refund in Docket No. R155-261. Subject to upward and downward B.U. adjustment.

\* Deletions acreage due to relocation and construction of highway in the area.

necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the applicant indicates in writing that it is unwilling to accept such a condition. In the event applicant is unwilling to accept such condition the application will be set for formal hearing.

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

GORDON M. GRANT,  
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Price per acre base
G-3535 E 10-25-49	Keweenaw Oil Co. (successor to A. P. King, Jr. (Operator), et al.), Post Office Box 2226, Tulsa, Okla. 74101.	Texas Gas Transmission Corp., Lewisburg Field, Acadia and St. Landry Parishes, La.	15.73	15.025
G-3536 E 10-25-49	do	United Gas Pipe Line Co., Lewisburg Field, Acadia Parish, La.	15.0	15.025
G-4073 E 10-25-49	Crown Properties, Inc. (successor to Shell Oil Co.), c/o Jacob Goldberger, attorney, 829 Pennsylvania Bldg., Washington, D.C. 20004.	United Gas Pipe Line Co., Orange Grove Field, Terrebonne Parish, La.	21.1	15.025
G-4260 E 10-25-49	do	do	21.1	15.025
G-4261 E 10-25-49	Keweenaw Oil Co. (successor to A. P. King, Jr. (Operator), et al.),	Southern Natural Gas Co., Fort Jackson Field, Plaquemines Parish, La.	19.0	15.025
G-4262 E 10-25-49	do	Transcontinental Gas Pipe Line Corp., Bossier Field, Lafourche Parish, La.	20.025	15.025
G-4263 E 10-25-49	The Permian Corp. (Operator) (successor to Continental Oil Co. (Operator), 1509 West Wall St., Midland, Tex. 79701.	El Paso Natural Gas Co., Todd Field Plant, Crockett County, Tex.	15.0	14.65
G-4264 D 10-30-49	Mobil Oil Corp. (Operator), Post Office Box 1774, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, West Cross and Palmer Fields, DeWitt County, Texas, Okla.	(9)	
G-4265 C 10-30-49	Pan American Petroleum Corp. (Operator), et al., Post Office Box 52, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.	13.0	15.025
G-4266 D 10-25-49	PetroDynamics, Inc. (Operator), et al. (successor to J. F. Smith), Post Office Box 1006, Amarillo, Tex. 79106.	Northern Natural Gas Co., Winkley Field, Severn County, Md.	14.0	14.65
G-4267 D 10-25-49	Westexas Petroleum, Inc., et al., 250 Park Ave., New York, N.Y. 10017.	Consolidated Gas Supply Corp., Grant District, Blaine County, W. Va.	(9)	

Filing code: A—Initial service.

B—Amendment.

C—Amendment to add acreage.

D—Amendment to delete acreage.

E—Succession.

F—Partial succession.

See footnotes at end of table.



- \* Adds acreage acquired from Atlantic Richfield Co., Docket No. G-4547.  
 \* Contract provides for rate of 16 cents per Mcf; however, Applicant states its willingness to accept permanent certificate at 15 cents per Mcf.  
 \* Sale initiated under Applicant's small-producer certificate in Docket No. CS67-33.  
 \* Plus upward B.T.U. adjustment.  
 \* Wells were never connected and production never commenced from subject acreage.  
 \* Acreage assigned.  
 \* Application filed by Frank J. Hall et al.  
 \* Subject to reduction for compression, if required.  
 \* Contract provides for rate of 21.25 cents per Mcf; however, by amendment filed Nov. 7, 1969, Applicant agreed to accept permanent certificate at 20 cents per Mcf at 15.025 p.s.i.a.  
 \* Subject to upward and downward B.T.U. adjustment.  
 \* Includes 1.95-cent upward B.T.U. adjustment.  
 \* Well is no longer capable of delivering gas in commercial quantities.  
 \* Applicant proposes 20 cents per Mcf or area ceiling rate, whichever is higher.

[F.R. Doc. 69-13938; Filed, Nov. 25, 1969; 8:45 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 577]

### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 21, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.1 (e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PROPERTY

No. MC 1936 (Deviation No. 3), B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224, filed November 13, 1969. Carrier's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: Between New York, N.Y., and Youngstown, Ohio, over Interstate Highway 80, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From New York, N.Y., over U.S. Highway 1 to Philadelphia, Pa.; (2) from Philadelphia, Pa., over U.S. Highway 1 to Washington, D.C.; (3) from Pittsburgh, Pa., over U.S. Highway 30 via Bedford, Pa., to Breezewood, Pa., thence over Pennsylvania Highway 126 to Warfordsburg, Pa., thence over U.S. Highway 522 to Hancock, Md., thence over U.S. Highway 40 to Baltimore, Md.; and (4) from Pittsburgh, Pa., over Pennsylvania Highway 15 to the Pennsylvania-Ohio State line,

thence over Ohio Highway 14 to Unity, Ohio, thence over Ohio Highway 14 to junction Ohio Highway 7, thence over Ohio Highway 7 to Youngstown, Ohio, thence over Ohio Highway 18 to Edinburg, Ohio, and return over the same route.

No. MC 1936 (Deviation No. 4), B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224, filed November 13, 1969. Carrier's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: Between Gary, Ind., and Ligonier, Ind., over U.S. Highway 6, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 12 to Michigan City, Ind., thence over U.S. Highway 35 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Indiana Highway 2, thence over Indiana Highway 2 to South Bend, Ind., thence over U.S. Highway 33 to Elkhart, Ind.; and (2) from South Bend, Ind., over U.S. Highway 33 to Fort Wayne, Ind., and return over the same routes.

No. MC 1936 (Deviation No. 5), B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224, filed November 13, 1969. Carrier's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: Between Toledo, Ohio, and Detroit, Mich., over Interstate Highway 75, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Detroit, Mich., and Toledo, Ohio, over U.S. Highway 25.

No. MC 1936 (Deviation No. 6), B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224, filed November 13, 1969. Carrier's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: Between the junction Interstate Highway 80 (Indiana Toll Road) and Interstate Highway 94 at or near Interchange No. 4 (Burns Harbor) on Interstate Highway 80, over Interstate Highway 80 to junction Interstate

Highway 80S, thence over Interstate Highway 80S to junction Interstate Highway 76 (Pennsylvania Turnpike), thence over Interstate Highway 76 to junction Interstate Highway 276 (Pennsylvania Turnpike), thence over Interstate Highway 276 to junction Interstate Highway 95 at or near Interchange No. 29 (Delaware Valley), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 20 to junction Ohio Highway 120 (formerly Ohio Highway 102), thence over Highway 120 to Toledo, Ohio, thence over Ohio Highway 2 to Port Clinton, Ohio (also from Toledo over Ohio Highway 120 to junction Ohio Highway 163, thence over Ohio Highway 163 to Port Clinton), thence over Ohio Highway 2 to Lorain, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland, Ohio; (2) from Pittsburgh, Pa., over Pennsylvania Highway 15 to the Pennsylvania-Ohio State line, thence over Ohio Highway 14A to Salem, Ohio, thence over Ohio Highway 14A to Deerfield, Ohio, thence over Ohio Highway 14 via Edinburg, Ohio, to Cleveland, Ohio, thence over U.S. Highway 42 to Mansfield, Ohio; (3) from Pittsburgh, Pa., over U.S. Highway 22 to Armagh, Pa., thence over Pennsylvania Highway 56 to junction U.S. Highway 220, thence over U.S. Highway 220 to Bedford, Pa., thence over U.S. Highway 30 to Breezewood, Pa., thence over Pennsylvania Highway 126 to Warfordsburg, Pa., thence over U.S. Highway 522 to Hancock, Md., thence over U.S. Highway 40 to Baltimore, Md.; (4) from Philadelphia, Pa., over U.S. Highway 1 to Washington, D.C.; and (5) from Philadelphia, Pa., over U.S. Highway 1 to New York, N.Y., and return over the same route.

No. MC 1936 (Deviation No. 7), B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224, filed November 13, 1969. Carrier's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: Between New York, N.Y., and Richmond, Va., over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From New York, N.Y., over U.S. Highway 1 to Philadelphia, Pa., over U.S. Highway 1 to Washington, D.C.; and (3) from Richmond, Va., over U.S. Highway 1 to Baltimore, Md., and return over the same routes.

No. MC 1936 (Deviation No. 8), B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224, filed November 13, 1969. Carrier's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as



follows: Between Ypsilanti, Mich., and Gary, Ind., over Interstate Highway 94, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 12 to Michigan City, Ind., thence over U.S. Highway 35 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Indiana Highway 2, thence over Indiana Highway 2 to South Bend, Ind., thence over U.S. Highway 33 to Elkhart, Ind.; and (2) from South Bend, over U.S. Highway 20 to Elkhart, Ind., thence over Indiana Highway 120 to Bristol, Ind. (also from South Bend over U.S. Highway 20 to junction Indiana Highway 112, thence over Indiana Highway 112 to junction Indiana Highway 120, thence over Indiana Highway 120 to Bristol), thence over Indiana Highway 15 to the Indiana-Michigan State line, thence over Michigan Highway 103 (formerly U.S. Highway 131) to Mottville, Mich., thence over U.S. Highway 12 (formerly U.S. 112), to Detroit, Mich., and return over the same routes.

No. MC 1936 (Deviation No. 9), B & P MOTOR EXPRESS, INC., 720 Gross Street, Pittsburgh, Pa. 15224, filed November 13, 1969. Carrier's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Fort Wayne, Ind., over U.S. Highway 30 to junction U.S. Highway 41, thence over U.S. Highway 41 to Hammond, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 12 to Michigan City, Ind., thence over U.S. Highway 35 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Indiana Highway 2, thence over Indiana Highway 2 to South Bend, Ind., thence over U.S. Highway 33 to Elkhart, Ind.; and (2) from South Bend, Ind., over U.S. Highway 33 to Fort Wayne, Ind., and return over the same routes.

No. MC 59957 (Deviation No. 9), MOTOR FREIGHT EXPRESS, Post Office Box 1029, York, Pa. 17405, filed November 12, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over deviation routes as follows: (1) From Harrisburg, Pa., over Interstate Highway 78 to junction with the Northeast Extension of the Pennsylvania Turnpike at or near Allentown, Pa., thence over the Northeast Extension of the Pennsylvania Turnpike to junction Interstate Highway 81 at or near Scranton, Pa., thence over Interstate Highway 81 to Syracuse, N.Y.; (2) from Harrisburg, Pa., over Interstate Highway 78 to junction Interstate Highway 81 at or near Jonestown, Pa., thence over Interstate Highway 81 to Syracuse, N.Y.; and (3) from Philadelphia, Pa., over Interstate Highway 76 to junction with the Northeast Extension

of the Pennsylvania Turnpike at or near Norristown, Pa., thence over the Northeast Extension of the Pennsylvania Turnpike to junction Interstate Highway 81 at or near Scranton, Pa., thence over Interstate Highway 81 to Syracuse, N.Y., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Harrisburg, Pa., over combined U.S. Highways 11, 15, 22, and 322 to Amity Hall, Pa., thence over combined U.S. Highways 22 and 322 to Potters Mills, Pa., thence over Pennsylvania Highway 144 (formerly Pennsylvania Highway 53) to Milesburg, Pa., thence over U.S. Highway 220 to Williamsport, Pa., thence over U.S. Highway 15 to Painted Post, N.Y., thence over New York Highway 17 (also over New York Highway 17E) to Elmira, N.Y., thence over New York Highway 13 to Cortland, N.Y. (also from Elmira over New York Highway 17 to Binghamton, N.Y.), thence over U.S. Highway 11 to Cortland, thence over U.S. Highway 11 to Syracuse, N.Y.; and (2) from Philadelphia, Pa., over U.S. Highway 30 to Lancaster, Pa., thence over Pennsylvania Highway 230 to Harrisburg, Pa. (also from Philadelphia over U.S. Highway 422 to Harrisburg), and return over the same routes.

No. MC 75651 (Deviation No. 5), R. C. MOTOR LINES, INC., Post Office Box 2501, Jacksonville, Fla. 32203, filed November 12, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Jacksonville, Fla., over Interstate Highway 95 to junction Interstate Highway 4 near Daytona Beach, Fla., thence over Interstate Highway 4 to Orlando, Fla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Atlanta, Ga., over U.S. Highway 41 to Forsyth, Ga. (also from Atlanta over Georgia Highway 42 to Forsyth), thence over U.S. Highway 41 to Perry, Ga., thence over U.S. Highway 341 to Baxley, Ga., thence over U.S. Highway 1 to Jacksonville, Fla.; and (2) from Jacksonville, Fla., over U.S. Highway 17 to Orlando, Fla., and return over the same routes.

No. MC 75651 (Deviation No. 6), R. C. MOTOR LINES, INC., Post Office Box 2501, Jacksonville, Fla. 32203, filed November 12, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over deviation routes as follows: (1) From Atlanta, Ga., over Interstate Highway 75 to Tampa, Fla. (also from Atlanta over Interstate Highway 75 to junction Interstate Highway 475 bypass around Macon, Ga., thence over Interstate Highway 475 to junction Interstate Highway 75, thence over Interstate Highway 75 to Tampa, Fla.); and (2) from Atlanta, Ga., over Interstate Highway 75 to junction Sunshine State Parkway at or near Wildwood, Fla. (also from Atlanta over Interstate Highway 75 to

junction Interstate Highway 475 (bypass around Macon, Ga., thence over Interstate Highway 475 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Sunshine State Parkway at or near Wildwood, Fla.), thence over the Sunshine State Parkway to junction U.S. Highway 441 approximately 8 miles south of Orlando, Fla., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Atlanta, Ga., over U.S. Highway 41 to Forsyth, Ga. (also from Atlanta over Georgia Highway 42 to Forsyth), thence over U.S. Highway 41 to Perry, Ga., thence over U.S. Highway 341 to Baxley, Ga., thence over U.S. Highway 1 to Jacksonville, Fla.; (2) from Jacksonville, Fla., over U.S. Highway 301 to junction U.S. Highway 441, thence over U.S. Highway 441 to junction Sunshine State Parkway approximately 8 miles south of Orlando, Fla.; (3) from Jacksonville, Fla., over Interstate Highway 10 to junction U.S. Highway 301, thence over U.S. Highway 301 to Sarasota, Fla.; and (4) from Jacksonville, Fla., over U.S. Highway 17 to Orlando, Fla., thence over Interstate Highway 4 to Tampa, Fla., and return over the same routes.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 535) (Cancels Deviation No. 515), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed November 12, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over deviation routes as follows: (1) from Covington, Ky., over Interstate Highway 75 to junction U.S. Highway 25W approximately 1 mile north of Lake City, Tenn.; (2) from Richmond, Ky., over Kentucky Highway 338 to junction Interstate Highway 75; (3) from Walton, Ky., over Kentucky Highway 14-16 to junction Interstate Highway 75; (4) from Crittenden, Ky., over Kentucky Highway 491 to junction Interstate Highway 75; (5) from Dry Ridge, Ky., over Kentucky Highway 22 to junction Interstate Highway 75; (6) from Williamstown, Ky., over Kentucky Highway 36 to junction Interstate Highway 75; (7) from Corinth, Ky., over Kentucky Highway 330 to junction Interstate Highway 75; (8) from Georgetown, Ky., over U.S. Highway 62 to junction Interstate Highway 75; (9) from Lexington, Ky., over Kentucky Highway 922 to junction Interstate Highway 75; (10) from Richmond, Ky., over U.S. Highway 25 to junction Kentucky Highway 776, thence over Kentucky Highway 776 to junction Interstate Highway 75; (11) from Berea, Ky., over U.S. Highway 25 to junction Kentucky Highway 21, thence over Kentucky Highway 21 to junction Interstate Highway 75; (12) from Mount Vernon, Ky., over U.S. Highway 25 northbound to junction Interstate Highway 75; (13) from Mount Vernon, Ky., over U.S. Highway 25 southeasterly to junction Interstate Highway 75; (14)



from Corbin, Ky., over U.S. Highway 25 to junction Kentucky Highway 709, thence over Kentucky Highway 709 to junction Interstate Highway 75; (15) from Corbin, Ky., over U.S. Highway 25W to junction Interstate Highway 75; (16) from Williamsburg, Ky., over Kentucky Highway 92 to junction Interstate Highway 75; and (17) from Jellico, Tenn., over U.S. Highway 25W southeasterly to junction Interstate Highway 75, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes, as follows: (1) From Cincinnati, Ohio, over U.S. Highway 25 to Lexington, Ky. (also from Cincinnati across the Ohio River to Covington, Ky., thence over Kentucky Highway 17 to junction U.S. Highway 27, thence over U.S. Highway 27 to Lexington), and thence over U.S. Highway 27 to Chattanooga, Tenn.; and (2) from Lexington, Ky., over U.S. Highway 25 via Livingston, Oakley and East Bernstadt, Ky., to Corbin, Ky., thence over U.S. Highway 25W to Knoxville, Tenn., and return over the same route.

No. MC 1515 (Deviation No. 536), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed November 13, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle, with passengers, over deviation routes as follows: (1) From Atlanta, Ga., over Interstate Highway 85 to junction Georgia Highway 365, thence over Georgia Highway 365 to junction U.S. Highway 129, thence over U.S. Highway 129 to Gainesville, Ga.; (2) from Gainesville, Ga., over Georgia Highway 60 to junction Georgia Highway 365; and (3) from Gainesville, Ga., over Georgia Highway 13 to junction Georgia Highway 365, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Cornelia, Ga., over U.S. Highway 23 via Buford and Duluth, Ga., to Atlanta, Ga., and return over the same route.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

(P.R. Doc. 69-14037; Filed, Nov. 25, 1969;  
8:46 a.m.)

[Notice 1352]

#### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 21, 1969.

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

The publications hereinafter set forth reflect the scope of the applications as

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

#### APPLICATIONS ASSIGNED FOR ORAL HEARING

##### MOTOR CARRIERS OF PROPERTY

Nos. MC 17426 (Sub-No. 1); MC 77380 (Sub-No. 4); MC 126769; MC 126987; MC 127555 (Sub-No. 1); and MC 129436 (Republications).

No. MC 17426 (Sub-No. 1) filed January 31, 1968, published in the FEDERAL REGISTER issue of February 15, 1968, and republished this issue. Applicant: NY STROM'S MOVING & STORAGE INC., 125 West Baraga Avenue, Marquette, Mich. 49855. Applicant's representative: James Davis, 1400 Michigan National Tower, Lansing, Mich. 48933.

No. MC 77380 (Sub-No. 4), filed February 14, 1966, published in the FEDERAL REGISTER issue of March 10, 1966, and republished this issue. Applicant: HEICK MOVING AND STORAGE INC., 3618 Lexington Avenue, Madison, Wis. Applicant's representative: Rolfe E. Hanson, 303 Price Place, Madison, Wis. 53705.

No. MC 126769, filed December 2, 1964, published in the FEDERAL REGISTER issue of December 16, 1964, and republished this issue. Applicant: STASZUK'S ABLE VAN LINES, a corporation, 238 Mill Street, Lansing, Mich.

No. MC 126987, filed February 16, 1965, published in the FEDERAL REGISTER issue of March 17, 1965, and republished this issue. Applicant: VINCENT FISTER, INC., 831 National Avenue, Lexington, Ky. Applicant's representative: George M. Catlett, Suite 703-706 McClure Building, Frankfort, Ky. 40601.

No. MC 127555 (Sub-No. 1), filed February 7, 1966, published in the FEDERAL REGISTER issue of March 24, 1966, and republished this issue. Applicant: HOLLANDER STORAGE & MOVING COMPANY, a corporation, 1801 Pratt Boulevard, Elk Grove Village, Ill. 60007.

No. MC 129436 filed October 2, 1967, published in the FEDERAL REGISTER issue of October 19, 1967, and republished this issue. Applicant: CARL COMBEST, doing business as COMBEST MOVING & STORAGE, U.S. Route 136 West, Post Office Box 266, Rantoul, Ill. 61866. Applicant's representative: Paul F. Sullivan, 15th and New York Avenue NW., Washington, D.C. 20005.

By a prior report in the above-entitled proceedings, decided September 26, 1968, the Commission Review Board No. 4, found that each applicant had failed to establish that the present or future public convenience and necessity require the operations proposed, and that each application should be denied. Upon consideration of petitions filed by each applicant, the above-entitled proceedings were reopened for further processing under the modified procedure on July 11,

1969, by the Commission, Division 1, acting as an Appellate Division.

A report of the Commission on further consideration by Review Board No. 4, has determined that the present and future public convenience and necessity require operation by each applicant in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes of the commodities, to and from points substantially as indicated below. An order of the Commission, Review Board No. 4, decided October 24, 1969, and served November 5, 1969, upon further consideration, finds that the present and future public convenience and necessity require operation by each applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of used household goods, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic: In No. MC-17426 (Sub-No. 1): (1) Between points in Marquette County, Mich.; and (2) between points in Marquette County, Mich., on the one hand, and, on the other, points in Keweenaw, Houghton, Baraga, Iron, Dickinson, Delta, Alger, Schoolcraft, Luce, Mackinac, Menominee, Gogebic, and Ontonagon Counties, Mich. The authority described herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. In No. MC-77380 (Sub-No. 4): Between Dane, Rock, and Sauk Counties, Wis. In No. MC-126769: Between points in Barry, Branch, Calhoun, Clinton, Eaton, Gratiot, Hillsdale, Ingham, Ionia, Jackson, Kalamazoo, Kent, Lenawee, Livingston, Montcalm, St. Joseph, Shiawassee, and Washtenaw Counties, Mich. In No. MC-126987: (1) Between points in Fayette County, Ky.; and (2) between points in Fayette County, Ky., on the one hand, and, on the other, points in Anderson, Bath, Bell, Bourbon, Boyle, Bracken, Bullitt, Carroll, Carter, Casey, Clinton, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Harlan, Harrison, Jackson, Jessamine, Johnson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Mercer, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Russell, Scott, Wayne, Whitely, Wolfe, and Woodford Counties, Ky.

In No. MC-127555 (Sub-No. 1): Between points in Boone, Cook, Dekalb, Du Page, Grundy, Kane, Kankakee, Kendall, LaSalle, Lake, Livingston, McHenry, Ogle, Will, and Winnebago Counties, Ill., Lake and Porter Counties, Ind., and Kenosha, Racine, and Walworth Counties, Wis. In No. MC-129436: Between points in Ford, Vermillion, and Champaign Counties, Ill.; that each applicant



is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of certificates in these proceedings will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 83539 (Sub-No. 248) (republication), filed May 14, 1969, published in the *FEDERAL REGISTER* issue of June 5, 1969, and republished in this issue. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh, Post Office Box 5976, Dallas, Tex. 75222, and W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. By application filed May 14, 1969, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of asphalt handling equipment with or without fifth wheels and running gear, in initial movements, in truckaway service from and to the points substantially as indicated below. An order of the Commission, Operating Rights Board, dated October 31, 1969, and served November 13, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of asphalt handling equipment from points of manufacture at Glasgow, Mo., and Leavenworth, Kans., to points in the United States (except Alaska and Hawaii); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this order, a notice of the authority granted will be published in the *FEDERAL REGISTER* and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119895 (Sub-No. 20) (republication), filed April 28, 1969, published *FEDERAL REGISTER* issue of May 22, 1969,

and republished this issue. 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. By application filed April 28, 1969, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), between Algona, Iowa, on the one hand, and, on the other, Austin, Minn., Fremont, Nebr., and Des Moines, Iowa. An order of the Commission, Operating Rights Board, dated October 31, 1969, and served November 7, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C, and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meatpackers as described in section D, of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), between Algona, Iowa, on the one hand, and, on the other, Austin, Minn., and Fremont, Nebr., restricted to the transportation of traffic originating at the above-named origins and destined to the indicated destinations; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127193 (Republication), filed April 20, 1965, published in the *FEDERAL REGISTER* issues of May 13, 1965, and December 4, 1968, and republished this issue. Applicant: LEONARD BROS. VAN & STORAGE CO., a corporation, 7040 West Fort Street, Detroit, Mich. 48209. By application filed April 20, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by

motor vehicle, over irregular routes, transporting: Used household goods, between Detroit, Mich., and points within the Detroit, Mich., commercial zone, on the one hand, and, on the other, points in Michigan within 50 miles of Detroit, restricted to shipments having an immediately prior or subsequent line-haul movement by rail, water, motor, or air and further restricted to shipments moving on through bills of lading for a forwarder operating under section 402 (b) (2) exemption. A prior report of the Commission, Review Board No. 4, decided November 15, 1968, and served November 22, 1968, as modified, found that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used household goods, between the points indicated below. A report of the Commission on further consideration, Review Board No. 4, decided October 24, 1969, and served November 4, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used household goods, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic:

Between Detroit, Mich., on the one hand, and, on the other, points in Macomb, Wayne, St. Clair, Lapeer, Genesee, Oakland, Livingston, Shawassee, Ingham, Jackson, Washtenaw, Monroe, Lenawee, and Hillsdale Counties, Mich. The authority granted herein to the extent it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127864 (Sub-No. 1) (Republication), filed March 27, 1967, published in the *FEDERAL REGISTER* issue of April 20, 1967, and republished this issue. Applicant: WILLS TRUCKING, INC., 2535 Center Street, Cleveland,



Ohio 44113. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. By application filed March 27, 1967, as amended, applicant, successor-in-interest to Paul W. Wills, Inc., of Cleveland, Ohio, seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of the commodities and between the points as indicated below under a continuing contract with a specified shipper. By orders dated November 4, 1968, and December 13, 1968, in No. MC-F-10237, the application to transfer the permit in No. MC-127864 (Sub-No. 1) to Harold W. Stewart, Inc., was denied without prejudice to the filing by applicant of appropriate pleadings seeking reopening and a grant of common carrier authority in No. MC-127864 (Sub-No. 1) since issuance of a permit in No. MC-127864 (Sub-No. 1) to the proposed transferee in light of the common control approved in No. MC-F-10237 would result in dual operations prohibited conditionally by sections 210 of the Interstate Commerce Act. By petition filed March 27, 1969, applicant has requested that the application be amended as set forth below to seek common carrier authority instead of contract carrier authority, thus eliminating the conflict with section 210 of the act. An order of the Commission, Operating Rights Board, dated October 31, 1969, and served November 7, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of scrap metal, in dump vehicles, (1) between the port of entry on the international boundary line between the United States and Canada at or near Port Huron, Mich., on the one hand, and, on the other, points in Michigan, and

(2) between points in Michigan, on the one hand, and, on the other, points in Ohio (except Canton, and points in Cuyahoga, Geauga, Lorain, and Portage Counties); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that the grant of authority in this order, and applicant's existing authority that it duplicates, shall be construed as conferring only a single operating right. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

Nos. MC-128943 (Sub-No. 1); MC-129114 (Sub-No. 1); MC-129115 (Sub-No. 1); MC-129377; and MC-129673 (Republications).

(1) No. MC 128943 (Sub-No. 1) filed January 25, 1968, published in the FEDERAL REGISTER issue of February 8, 1968, and republished this issue. Applicant: C & T MOVING & STORAGE CO., INC., 4331 Factory Hill, San Antonio, Tex. 78219. Applicant's representative: Charles J. Nichols (same address as applicant).

(2) No. MC 129114 (Sub-No. 1) filed August 25, 1967, published in the FEDERAL REGISTER issue of September 21, 1967, and republished this issue. Applicant: MOLLERUP VAN & STORAGE CO., INC., OF OGDEN, UTAH, 2127 Lincoln Avenue, Ogden, Utah 84401. Applicant's representative: Richard H. Moffat, 1311 Walker Bank Building, Salt Lake City, Utah 84111.

(3) No. MC 129115 (Sub-No. 1) filed August 25, 1967, published in the FEDERAL REGISTER issue of September 14, 1967, and republished this issue. Applicant: MOLLERUP MOVING & STORAGE CO., INC., 2900 South Main Street, Salt Lake City, Utah 84115. Applicant's representative: Richard H. Moffat, 1311 Walker Bank Building, Salt Lake City, Utah 84111.

(4) No. MC 129377, filed August 27, 1967, published in the FEDERAL REGISTER issue of September 21, 1967, and republished this issue. Applicant: WALTER E. SMITH, doing business as SMITH TRANSFER & STORAGE COMPANY, 137 44th Street, Post Office Box 9215, Corpus Christi, Tex.

(5) No. MC 12973, filed January 26, 1968, published in the FEDERAL REGISTER issue of February 8, 1968, and republished this issue. Applicant: SOUTHERN MOVING & STORAGE CO., a corporation, 3233 Pan Am Expressway North, Box 8100, San Antonio, Tex. 78201. Applicant's representative: W. Scott Clark, Fort Worth Club Building, Fort Worth, Tex. 76102.

By a prior report in the above-entitled proceedings, decided September 23, 1968, the Commission Review Board No. 1, found that each applicant had failed to establish that the present or future public convenience and necessity require the operations proposed, and that each application should be denied. Upon consideration of petitions filed by each applicant, the above-entitled proceedings were reopened for further processing under the modified procedure on July 11, 1969, by the Commission, Division 1, acting as an Appellate Division. A report of the Commission on further consideration by Review Board No. 1, has determined that the present and future public convenience and necessity require operation by each applicant in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes of the commodities, to and from points substantially as indicated below. An order of the Commission, Review Board No. 1, decided October 24, 1969, and served November 4, 1969, upon further consideration, finds that the

present and future public convenience and necessity require operation by each applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used household goods, restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic: In No. MC-128943 (Sub-No. 1): Between San Antonio, Tex., on the one hand, and, on the other, points in Frio, Atascosa, Wilson, Bexar, Medina, Guadalupe, Comal, Kendall, Kerr, Mays, Blanco, Karnes, Caldwell, Gonzales and Bandera Counties, Tex.

In No. MC-129114 (Sub-No. 1): Between points in Weber County, Utah, on the one hand, and, on the other, Cache and Salt Lake Counties, Utah. In No. MC-129115 (Sub-No. 1): Between points in Toole, Salt Lake, Utah, Wasatch, Summit, Duchesne, Davis, Morgan, and Weber Counties, Utah. In No. MC-129377: Between points in Calhoun, Refugio, Goliad, San Patricio, Bee, Jim Wells, Nueces, Kleberg, Willacy, Kenedy, Cameron, Duval, Live Oak, and Brooks Counties, Tex. In No. MC-129673: Between San Antonio, Tex., on the one hand, and, on the other, points in Bexar County, Tex.; that each applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; because it is possible that other persons, who have relied upon the notice of the applications as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of certificates in these proceedings will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129768 (Sub-No. 2) (Republication), filed June 17, 1968, published FEDERAL REGISTER issue of July 4, 1968, and republished this issue. Applicant: EDWARD S. JOHNSON, doing business as JOHNSON'S LIMOUSINE SERVICE, Box 215, Frederica, Del. 19946. By application filed June 17, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of passengers and their baggage, transporting not more than 11 passengers in any one vehicle in special operations, from Dover Air Force Base, near Dover, Del., to Baltimore, Md.; McGuire Air Force Base, near Wrightstown, N.J.; Newark, N.J.; Washington, D.C.; Dulles International Airport in Loudoun



County, Va., Philadelphia, Pa., and New York, N.Y. A Report of the Commission, Division 1, decided October 24, 1969, and served November 10, 1969, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of passengers and their baggage, transporting not more than 11 passengers in any one vehicle, not including the driver, in special operations, from Dover Air Force Base, near Dover, Del., to Baltimore, Md., Friendship International Airport, near Baltimore, Md., McGuire Air Force Base, near Wrightstown, N.J., Newark, N.J., Washington, D.C., Washington National Airport, near Washington, D.C., Dulles International Airport, in Loudoun County, Va., Philadelphia, Pa., and New York, N.Y., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notices of the publication as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the *FEDERAL REGISTER* and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

**APPLICATIONS FOR CERTIFICATES OF PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE**

No. MC 99695 (Sub-No. 4), filed October 19, 1969. Applicant: ATLAS TRANSPORT, INC., Post Office Box 707, Little Rock, Ark. 72203. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, over regular and/or irregular routes as follows: (1) Between Texarkana, and Corning, Ark., over U.S. Highway 67 to Corning and return over the same route, serving all intermediate points; (2) between junction of U.S. Highways 64 and 65, and Eudora, Ark.; from junction of U.S. Highways 64 and 65 (near Conway), over U.S. Highway 65 to Eudora, and return over the same route, serving all intermediate points; (3) between Little Rock, and Thornton, Ark.; over U.S. Highway 167 to Thornton, and return over the same route, serving all intermediate points; (4) between junction of Arkansas State Highway 81 and U.S. Highway 65, and Hamburg, Ark.; from the junction of Arkansas State Highway 81 with the junction of U.S. Highway 65 (near Pine Bluff), over Arkansas High-

way 81 to Hamburg, and return over the same route, serving all intermediate points; (5) between junction U.S. Highway 165 and U.S. Highway 65, and Wilmet, Ark.; from the junction of U.S. Highway 165 and U.S. Highway 65 (near Dermott), over U.S. Highway 165 to Wilmet, and return over the same route, serving all intermediate points;

(6) Between West Memphis, and Little Rock, Ark., over U.S. Highway 70 to Little Rock, and return over the same route, serving all intermediate points; (7) between Fort Smith, and Conway, Ark., over U.S. Highway 64 to Conway, and return over the same route, serving all intermediate points; (8) between Hot Springs, and Kirby, Ark., over U.S. Highway 70 to Kirby and return over the same route, serving all intermediate points; (9) between Alma, and Bentonville, Ark., over U.S. Highway 71 to Bentonville, and return over the same route, serving all intermediate points; (10) between Marianna, and Fordyce, Ark., over U.S. Highway 79 to Fordyce and return over the same route, serving all intermediate points; (11) between Thornton, and Magnolia, Ark., over U.S. Highway 79 to Magnolia, and return over the same route, serving all intermediate points; (12) between Pine Bluff, and Warren, Ark., over Arkansas State Highway 15 to Warren, and return over the same route, serving all intermediate points; (13) between junction of U.S. Highway 167 and U.S. Highway 67, and Batesville, Ark.; from the junction of U.S. Highway 167 and U.S. Highway 67 (near Bald Knob), over U.S. Highway 167 to Batesville, and return over the same route, serving all intermediate points; (14) between Jonesboro, and West Memphis, Ark., over U.S. Highway 63 to West Memphis, and return over the same route, serving all intermediate points; (15) between Jonesboro, and Paragould, Ark., over Arkansas Highway 1 to Paragould, and return over the same route, serving all intermediate points;

(16) Between Marianna, and Helena, Ark.; from Marianna south over Arkansas Highway 1 to junction with U.S. Highway 49, thence east over U.S. Highway 49 to Helena, and return over the same route, serving all intermediate points; (17) between Texarkana, and El Dorado, Ark., over U.S. Highway 82 to El Dorado, and return over the same route, serving all intermediate points; (18) between Hamburg, and Crossett, Ark., over U.S. Highway 82 to Crossett, and return over the same route, serving all intermediate points; (19) between Kirby, and Nashville, Ark., over Arkansas State Highway 27 to Nashville, and return over the same route, serving all intermediate points; (20) between Wynne, and Marianna, Ark., over Arkansas State Highway 1 to Marianna, and return over the same route, serving all intermediate points; (21) between Stuttgart, Ark., and the junction of Arkansas State Highways 152 and 11; from Stuttgart over Arkansas Highway 11 to junction with Arkansas Highway 152, and return over the same route, serving all intermediate

points; (22) between junction of Arkansas Highway 152 and 11 and DeWitt, Ark.; from junction of Arkansas State Highways 152 and 11 (near Lodge Corner), over Arkansas Highway 152 to DeWitt, and return over the same route, serving all intermediate points; (23) between El Dorado, and Smackover, Ark., over Arkansas Highway 7 to Smackover, and return over the same route, serving all intermediate points; (24) between Morrilton, and Perry, Ark., over Arkansas Highway 9 to Perry, and return over the same route, serving all intermediate points;

(25) Between Stuttgart, Ark., and junction of U.S. Highway 70 and Arkansas Highway 11; from Stuttgart over Arkansas Highway 11 to junction with U.S. Highway 70, and return over the same route, serving all intermediate points; (26) between Malvern, and Hot Springs, Ark., over U.S. Highway 270 to Hot Springs, and return over the same route, serving all intermediate points; (27) between Perry, and Greenwood, Ark., over Arkansas Highway 10 to Greenwood, and return over the same route, serving all intermediate points; (28) between Greenwood, and Fort Smith, Ark., over U.S. Highway 71 to Fort Smith, and return over the same route, serving all intermediate points; (29) between junction of Arkansas Highway 14 and U.S. Highway 63, and Batesville, Ark.; from the junction of Arkansas Highway 14 and U.S. Highway 63 (near Marked Tree) over Arkansas Highway 14 to Batesville, and return over the same route, serving all intermediate points; (30) between Little Rock, and Perry, Ark., over Arkansas Highway 10 to Perry, and return over the same route, serving all intermediate points; (31) between the junction of Arkansas River and Arkansas State Highway 60 and Plainview, Ark.; from the junction of the Arkansas River and Arkansas State Highway 60 (near Conway) over Arkansas Highway 60 to Plainview, and return over the same route, serving all intermediate points; (32) between the junction of Arkansas State Highways 113 and 60, and the junction of Arkansas Highways 113 and 10; from the junction of Arkansas State Highway 113 and Arkansas Highway 60 (north of Bigelow) over Arkansas Highway 113 to junction with Arkansas Highway 10 (east of Williams Junction), and return over the same route, serving all intermediate points, and the off-route point of Fourche, Ark.;

(33) Between the junction of Arkansas Highway 7 and Arkansas Highway 60, and Ola, Ark.; from the junction of Arkansas Highways 7 and 60 (near Fourche Junction) over Arkansas Highway 7 to Ola, and return over the same route, serving all intermediate points; (34) between Rover, and Ola, Ark., over Arkansas Highway 28 to Ola, and return over the same route, serving all intermediate points, and the off-route point of Kingston, Arkansas; (35) between Rover, and Danville, Ark., over Arkansas Highway 27 to Danville, and return over the same route, serving all intermediate points; (36) between Booneville, and State Sanitarium, Ark.; from Booneville south over



Arkansas Highway 23 to junction Arkansas Highway 116, thence over Arkansas Highway 116 to State Sanitarium and return over the same route, serving all intermediate points; (37) between Camden, and Smackover, Ark., over Arkansas Highway 7 to Smackover, and return serving no intermediate points as an alternate route only. Restriction: The authority herein granted is restricted against serving point in Oklahoma within the Fort Smith, Ark., commercial zone as defined by the Commission. NOTE: Applicant proposes to tack all routes shown above with each other at common points of joinder to render a through single-line service between all points and places on all highways shown. (1) This application is a matter directly related to MC-P-10574, published in FEDERAL REGISTER issue of August 13, 1969. Applicant states by this instant application it seeks to convert its certificate of registration into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 109821 (Sub-No. 28) filed October 16, 1969. Applicant: H. W. TAYNTON COMPANY, INC., 40 Main Street, Wellsboro, Pa. 16901. Applicant's representative: Robert DeKroyft, 24 Branford Place, Newark, N.J. 07102. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those commodities injurious to other lading); (1) Between Niagara Falls and Binghamton, N.Y.: (a) From Niagara Falls to Buffalo over New York Highway 384; thence over New York Highway 130 and U.S. Highway 20 to the intersection of U.S. Highway 20 and New York Highway 63; thence over New York Highway 63 to Wayland; thence over U.S. Highway 15 to Painted Post; thence over New York Highway 17 to Binghamton, including alternate routes between Big Flats Elmira over New York Highway 17E; and (b) between Owego (sic) and Binghamton over New York Highway 17C, with no service from, to or between any intermediate points lying between Buffalo and Wayland; (2) Between Corning and Homer, N.Y.: From Corning over New York Highway 17 to Horseheads; thence over New York Highway 13 to Cortland; thence over U.S. Highway 11 to Homer; (3) Between Homer and Binghamton, N.Y., over U.S. Highway 11;

(4) Between Bath and Elmira, N.Y.: From Bath over New York Highway 54 or over New York Highway 54 and 54A to Dresden; thence over New York Highway 14 to Horseheads; thence over New York Highway 13 and New York Highway 17 to Elmira; including an alternate route from Penn Yan over New York Highway 14A to its junction with New York Highway 14; and (5) between Buffalo and Homer, N.Y.: From Buffalo over New York Highway 130 to its junction with U.S. Highway 20, thence over

U.S. Highway 20 to its intersection with U.S. Highway 11, thence over U.S. Highway 11 to Homer, with no service from, to or between any intermediate points; and including service between all intermediate points on the foregoing routes, and the following off-route points: Chenango Bridge and Chenango Forks (Broome County), N.Y.; Akron, Amherst, Bladell, Clarence Center, Depew, East Aurora, Hamburg, Jewettville, Kenmore, Lackawanna, Orchard Park, Sloan, Snyder, and Williamsville (Erie County), N.Y.; Breesport, Erin, Pine City, Southport, Van Etten, Webbssmills, and Wellsburg (Chemung County), N.Y.; Burdett, Cayutta, and Odessa (Schuyler County), N.Y.; Addison, Arkport, Campbell, Canisteo, Erwins, Greenwood, Hornell, Howard, Jasper, North Hornell, Presho, Rheims, and Woodhull (Steuben County), N.Y.; McGraw and Preble (Cortland County), N.Y.; Candor and Spencer (Tioga County), N.Y.; and Groton, Ludlowville, Myers, North Lansing, South Lansing, and Trumansburg, (Tompkins County), N.Y. NOTE: No duplicate authority is being sought. Common control may be involved. This is a matter directly related to MC-F-10639, published in the FEDERAL REGISTER issue of October 29, 1969. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

#### TRANSFER APPLICATIONS UNDER SECTION 212(b) WHICH HAVE BEEN DESIGNATED FOR ORAL HEARING

No. MC-FC-71511. SARDO'S DELIVERY SERVICE, INC., Seaford, N.Y., transferee, and MARKING SERVICES, INC., Jersey City, N.J., transferor. Attorney for applicants: Arthur J. Piken, 160 Jamaica Avenue, Jamaica, N.Y. By application filed June 30, 1969, under section 212(b) of the Act, the above-named transferee seeks to acquire a portion of the operating rights in certificate No. MC 133087 issued January 14, 1969, to transferor, authorizing the transportation of general commodities, between points in Nassau and Westchester Counties, N.Y., on the one hand, and, on the other, points in Hudson, Bergen, Passaic, Essex, and Union Counties, N.J.

By order of the Commission, Division 3, entered in the subject proceeding November 14, 1969, the matter of the transfer No. MC-FC-71511 is assigned for hearing at a time and place to be hereafter designated, for the purpose of determining, among other things, whether transferor, Marking Services, Inc., is affiliated with, and operated under common control with the carrier holding authority from this Commission in No. MC-61420, New Deal Delivery Services, Inc., and whether such control and management was accomplished and continuing in violation of section 5(4) of the Act; that the subject transfer application may be improperly tendered under section 212(b) and is properly for determination under the provisions of section 5 of the Act, by reason of aggregate gross revenues of the parties, for the period prescribed by the Commission, having exceeded \$300,000.

Interested parties have 30 days from the date of this publication in which to file petitions for leave to intervene. Such petitions should state the reason or reasons for the intervention, where the petitioner wishes the hearing to be held, the number of witnesses it expects to present, and the estimated time required for presentation of its evidence. The Bureau of Enforcement has been directed to participate for the purpose of developing the record.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR Part 240).

#### MOTOR CARRIERS OF PROPERTY

No. MC-F-10660. Authority sought for purchase by OLD COLONY TRANSPORTATION CO., INC., 676 Dartmouth Street, South Dartmouth, Mass. 02748, of the operating rights and certain property of EDWARD F. MILOVICZ, doing business as PULASKI MOTOR EXPRESS, Port Street, Pulaski, N.Y. 13142, and for acquisition by GEORGE VIG-EANT, 6 Stetson Street, New Bedford, Mass., of control of such rights and property through the purchase. Applicants' attorney: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. Operating rights sought to be transferred: General commodities, excepting, among others, classes A and B explosives, household goods and commodities in bulk, as a common carrier, over regular routes, between Syracuse, N.Y., and Lacona, N.Y., serving the intermediate points of Pulaski and Sandy Creek, N.Y., and those between Pulaski and Syracuse; and the off-route points of Fernwood, Parish, and Selkirk Beach, N.Y., between Syracuse, N.Y., and Hastings, N.Y., serving all intermediate points, and the off-route points of CCC Camp 130 near Williams-town, N.Y., and CCC Camp 113 near Camden, N.Y. Vendee is authorized to operate as a common carrier in Massachusetts, Rhode Island, New Jersey, New York, Connecticut, Vermont, Maine, and New Hampshire. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10661. Authority sought for continuance in control by JOHN C. HOOPER and LEWIS E. HOOPER, Suite 1600, 225 Baronne Street, New Orleans, La. 70112, of INTRACOASTAL TRANSFER LINE, INC., 1200 Peters Road, Harvey, La. 70058. Applicants' attorney: Daniel Lund, 806 National Bank of Commerce Building, New Orleans, La. 70112. Operating rights sought to be controlled: Temporary authority under Docket No. MC-133594 Sub-ITA, covering the transportation of gypsum, gypsum products, and building materials, as a contract



carrier, over irregular routes, from Westwego, La., to points in Alabama, and Mississippi, and points in Florida on and west of U.S. Highway 319, with restriction. (The Issuance of a Permit Is Contingent Upon Approval of This Section 5(2) Application, pursuant to the order in No. MC-133594, by the Operating Rights Board, dated Aug. 28, 1969.) JOHN C. HOOPER nor LEWIS E. HOOPER, individually, hold no authority from this Commission. However, they control INTRACOASTAL TRUCK LINE, INC., 1200 Peters Road, Post Office Box 354, Harvey, La., which is authorized to operate as a *common carrier* in Louisiana, Mississippi, Alabama, Georgia, and Florida. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10662. Authority sought for purchase by WEST FARMS EXPRESS, INC., 1095 Close Avenue, Bronx, N.Y. 10472, of the operating rights of C. ANELLO, INC., 307 Kingsland Avenue, Brooklyn, N.Y. 11222, and for acquisition by BERNARD SEIGEL and OSCAR KAZDIN, both also of Bronx, N.Y., of control of such rights through the purchase. Applicants' attorney: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Operating rights sought to be transferred: Under a certificate of registration in No. MC-97495 Sub-No. 1, covering the transportation of general commodities, as a *common carrier*, in intrastate commerce, within the State of New York. Vendee is authorized to operate as a *common carrier* in New York and New Jersey. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10663. Authority sought for purchase by ROBBINS TRUCK LINE, INC., Hardinsburg, Ky., of a portion of the operating rights and certain property of MEADE TRANSPORT, INC., 2021 Mill Avenue, Owensboro, Ky., and for acquisition by E. D. ROBBINS, also of Hardinsburg, Ky., of control of such rights and property through the purchase. Applicants' attorney: Rudy Yessin, Sixth Floor, McClure Building, Post Office Box 457, Frankfort, Ky. Operating rights sought to be transferred: *General commodities*, excepting, among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier*, over regular routes, between Rhodell, Ky., and Louisville, Ky., serving the intermediate and off-route points of Andyville, Paynesville, Sirocco, Brandenburg, Garrett, Grahamton, Mooleyville, Concord, and Ekron, Ky., between West Point, Ky., and Louisville, Ky., serving all intermediate points, with restriction; between Owensboro, Ky., and Falls of Rough State Park, Ky., serving all intermediate points, and off-route points within 3 miles of the described route but restricted against serving any points in Indiana within the Owensboro, Ky., commercial zone, as defined by the Commission, between Harned, Ky., and Falls of Rough State Park, Ky., serving all intermediate points, and off-route points within 3 miles of the described route; between Fordsville, Ky., and

Hardinsburg, Ky., serving all intermediate points and off-route points within 3 miles of the specified route, between Hawesville, Ky., and Fordsville, Ky., serving all intermediate points and off-route points within 3 miles of the specified route, with restriction; and a portion under a certificate of registration, in Docket No. MC-923 Sub-6, covering the transportation of general commodities, as a *common carrier*, in intrastate commerce, within the State of Kentucky. Vendee is authorized to operate under certificates of registration, in intrastate commerce within the State of Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10664. Authority sought for purchase by INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, Mich. 49502, of the operating rights of FOX VALLEY EXPRESS, INC., Route 1, Box 7, Bristol, Ill. 60512, and for acquisition by FUQUA INDUSTRIES, INC., 3800 First National Bank Building, Atlanta, Ga. 30303, of control of such rights through the purchase. Applicants' attorney: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-85940 Sub-No. 2, covering the transportation of property, as a *common carrier*, in intrastate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Ohio, Illinois, Indiana, New York, Missouri, Pennsylvania, Michigan, Minnesota, Wisconsin, Kentucky, West Virginia, Maryland, Massachusetts, New Jersey, Iowa, Delaware, Colorado, Nebraska, Wyoming, Kansas, Connecticut, Rhode Island, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: No. MC-35628 Sub-No. 301 is a matter directly related.

No. MC-F-10665. Authority sought for purchase by LEWISBURG TRANSFER COMPANY, INC., 1045 Verona Road, Lewisburg, Tenn. 37091, of a portion of the operating rights and certain property of ELK VALLEY FREIGHT LINE, INC., 317 Arlington Avenue, Nashville, Tenn. 37210, and for acquisition by JAMES J. WIECK, also of Lewisburg, Tenn., of control of such rights and property through the purchase. Applicants' attorneys and representative: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603, and Frank Ingraham, 1720 Parkway Towers, Nashville, Tenn. 37201. Operating rights sought to be transferred: *General commodities*, excepting, among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Nashville, Tenn., and Fayetteville, Tenn., serving all intermediate points south of Shelbyville, Tenn., between Fayetteville, Tenn., and Ardmore, Tenn., serving all intermediate points; between Nashville, Tenn., and Lexington, Ky., serving no intermediate points, with restriction; between Ardmore, Tenn., and Birmingham,

Ala., serving no intermediate points; between Lexington, Ky., and Wheeling, W. Va., serving Parkersburg, W. Va., as an intermediate point, with restriction; over two alternate routes for operating convenience only. Vendee is authorized to operate as a *common carrier* in the State of Tennessee; and under a certificate of registration, in intrastate commerce, within the State of Tennessee. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC-65282 Sub-7 is a matter directly related.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 69-14038; Filed, Nov. 25, 1969;  
8:47 a.m.]

[Notice 1354]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 21, 1969.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

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

### APPLICATIONS ASSIGNED FOR ORAL HEARING

#### MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

*Special rules of procedure for hearing.*  
(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.



(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 52110 (Sub-No. 113), filed November 10, 1969. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, Iowa 50312. Applicant's representative: Cecil L. Goettsch, Des Moines Building, 11th floor, Des Moines, Iowa 50309. 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 Glenwood, Iowa, to points in Maryland, New Jersey, New York, Pennsylvania, and Washington, D.C. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority.

HEARING: December 15, 1969, in Room 271, Federal Building, 210 Walnut Street, Des Moines, Iowa, before Examiner James Anton.

No. MC 124174 (Sub-No. 76), filed November 17, 1969. Applicant: MOMSEN TRUCKING CO., a corporation, Highways 71 and 18 North, Spencer, Iowa 51301. Applicant's representative: Karl E. Mosen, 6801 L Street, Omaha, Nebr. 68117. 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 Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority.

HEARING: December 1, 1969, at the Sheraton-Fontenelle Hotel, 1806 Douglas Street, Omaha, Nebr., before Examiner James O'D. Moran.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 69-14039; Filed, Nov. 25, 1969;  
8:47 a.m.]

# NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 21, 1969.

The following applications for motor common carrier authority to operate in

intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 245 (49 CFR 1100.245) of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. (unknown), filed November 12, 1969. Applicant: JOHN E. & LENORA K. BROWN, doing business as BROWN TRANSFER, 419 Spring Street, Box 602, Hot Springs, Mont. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities and express*, between Hot Springs, Mont., and Plains, Mont., over State Highway 28 and State Highway 200. The transportation of commodities in bulk is prohibited. The applicant proposes to transport no person, just express the Northern Pacific has and the freight delivered there at the rate of 75 cents per hundred pounds. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Montana Board of Railroad Commissioners, Helena, Mont. 59601, and should not be directed to the Interstate Commerce Commission.

State Docket No. MT-627, filed October 7, 1969. Applicant: C. & L. TRANS, INC., 517 West 28th Street, New York, N.Y. 10011. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, as defined in section 800.1 of Title 16 of the Official Compilation of Codes, Rules, and Regulations of the State of New York, between the city of New York on the one hand, and, on the other, all points in Rockland County. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the New York State Public Service Commission, 44 Holland Avenue, Albany, N.Y. 12208, and should not be directed to the Interstate Commerce Commission.

State Docket No. 3807, filed November 5, 1969. Applicant: ALAMO EXPRESS, INC., 51 Essex Street, San Antonio, Tex. Applicant's representative: Dan Felts, The 904 Lavaca Building, Austin, Tex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporta-

tion of *general commodities*, between the junction of Texas Highway 9 and Farm-to-Market Highway No. 72, thence over Farm-to-Market Highway No. 72 in a northeastern direction approximately 3.5 miles to the plant site of Susquehanna Western, and return over the same route, and coordinating such service with all other authorized service of the applicant. Both intrastate and interstate authority sought.

HEARING: Approximately 30 days after notice in the FEDERAL REGISTER. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Railroad Commission of Texas, Transportation Division, Capitol Station, Post Office Drawer EE, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

State Docket No. M-5273, filed October 30, 1969. Applicant: ATLAS TRANSIT, INC., Post Office Box 707, Little Rock, Ark. 72203. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, serving the plant site of the Remington Arms Co., a subsidiary of E. I. du Pont de Nemours, Inc., in Lonoke County, Ark., in conjunction with its authorized routes. Both intrastate and interstate authority sought.

HEARING: Tuesday, December 30, 1969, at 10 a.m., at the Arkansas Commerce Commission, Justice Building, Little Rock, Ark. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Arkansas Commerce Commission, Justice Building, Little Rock, Ark. 72201, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC 5332, filed November 4, 1969. Applicant: HARLAN HENRY AND MARDELLO FORD, a partnership, doing business as COOKEVILLE FREIGHT LINE, Monterey Road, Post Office Box 43, Cookeville, Tenn. Applicant's representative: A. O. Buck, 500 Court Square Building, Nashville, Tenn. 37201. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except household goods and classes A and B explosives and except for commodities requiring special equipment and/or special handling, and commodities in bulk, between Nashville, Tenn., on the one hand, and, on the other, points and places in Putnam County, Tenn. as follows: (1) From Nashville over Interstate 40 to the Putnam County line, thence over Interstate 40 and any and all other highways to all points and places in Putnam County, and return over the same routes; and (2) from Nashville over U.S. Highway 70 North to the Putnam County line, thence over U.S. Highway 70 North and any and all other highways to all points and places in Putnam County, and return over the same route. Both intrastate and interstate authority sought.



**HEARING:** Friday, January 23, 1970, at 9:30 a.m., C-100 Cordell Hull Building, Nashville, Tenn. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. 10571, filed October 22, 1969. Applicant: OZONE MOTOR LINE, INC., 4552 North Villere Street, New Orleans, La. Applicant's representative: John Schwab, 617 North Boulevard, Baton Rouge, La. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general commodities, in both directions, between Baton Rouge, La., and St. Francisville, La., over U.S. Highway 61, serving all intermediate points and all points within 5 miles of U.S. Highway 61 between Baton Rouge, La., and St. Francisville, La., and the off-route point of Zee, La. Both intrastate and interstate authority sought.

**HEARING:** Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to Louisiana Public Service Commission, Baton Rouge, La., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 69-14043; Filed, Nov. 25, 1969;  
8:47 a.m.]

[Notice 945]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 21, 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 1131), 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 protests 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 field office to which protests are to be transmitted.

### MOTOR CARRIERS OF PROPERTY

No. MC 29566 (Sub-No. 138 TA), filed November 17, 1969. Applicant: SOUTH-WEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. 66105. Applicant's representative: Vernon M. Masters (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cellulose materials and products; cellulose materials and products joined to or combined with paper, plastics, synthetics, or cloth; sanitary paper and paper products; sanitary paper and paper products joined to or combined with paper, plastics, synthetics, or cloth; materials, equipment, and supplies, used or useful in the production, manufacture and distribution of the above described commodities; and related premium and advertising materials when shipped with the above described commodities (except commodities in bulk), between the plant site of the Charmin Paper Products Co., located at or near Neelys Landing, Mo., on the one hand, and, on the other, points in Illinois, Iowa, Nebraska, Colorado, Kansas, Oklahoma, and Arkansas, for 180 days. Supporting shipper: The Procter & Gamble Co., Post Office Box 599, Cincinnati, Ohio 45201. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 73688 (Sub-No. 37 TA), filed November 18, 1969. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Memphis, Tenn. 38107. Applicant's representative: Paul A. Costin (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cast iron valves, including brass valves and/or components, and cast iron fire hydrants, from Birmingham, Ala., to points in Arkansas, Oklahoma, and all points on and west of U.S. Highway 45 and 45E, in Tennessee, for 180 days. Supporting shipper: American Cast Iron Pipe Co., Post Office Box 2603, Birmingham, Ala. 35202 (Walter M. Boyce, Traffic Manager). Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 96498 (Sub-No. 31 TA), filed November 17, 1969. Applicant: BONIFIELD BROS. TRUCK LINES, INC., Post Office Box 40, West Frankfort, Ill. 62896. Applicant's representative: R. W. Burgess, 8514 Midland Boulevard, St. Louis, Mo. 63114. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Cellulose materials and products; cellulose materials and products joined to or combined with paper, plastics, synthetics, or cloth; sanitary paper and paper products; sanitary paper and paper products joined to or combined with paper, plastics, synthetics, or cloth, and

materials, equipment and supplies used or useful in the production, manufacture and distribution of the above-described commodities; and related premium and advertising materials when shipped with the above-described commodities, between the plant site of the Charmin Paper Products Co., located at or near Neely's Landing, Mo., and Cape Girardeau, Mo., from Cape Girardeau over U.S. Highway 61 to the junction of unnumbered Missouri Highway at Fruitland, Mo., thence over unnumbered Missouri Highway to the plant site of the Charmin Paper Products Co., located at or near Neely's Landing, Mo., and return over the same routes, serving no intermediate points, for 180 days. NOTE: Applicant intends to tack with authority in MC-96498 and also interline points at St. Louis, Chicago, Evansville, and Paducah. Supporting Shipper: The Procter & Gamble Co., Post Office Box 599, Cincinnati, Ohio 45201. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 103993 (Sub-No. 462 TA) (Correction), filed October 10, 1969, published in the FEDERAL REGISTER issue of October 23, 1969, and republished as corrected, this issue. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Truck campers, camp coaches, and trailers designed to be drawn by passenger automobiles, from Loyal, Wis., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, Ohio, South Dakota, Texas, and Wisconsin, for 180 days. NOTE: The purpose of this republication is to include tacking information, which was inadvertently omitted. Supporting shipper: Black River Campers Corp., Main Street, Loyal, Wis. 54446. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 107227 (Sub-No. 111 TA), filed November 17, 1969. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, Calif. 94577. Applicant's representative: John G. Lyons, Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: New automobiles, in secondary movements, in truckaway service, from Benicia, Calif., to Ely, Fallon, Reno, and Sparks, Nev., and Bountiful, Cedar City, Murray, Ogden, Provo, and Salt Lake City, Utah, with no return movements, except as otherwise authorized, for 180 days. Supporting shipper: Toyota Motor Sales, U.S.A., Inc., 2055 West 190th Street, Torrance, Calif. 90509. Send protests to: District Supervisor Wm. E.



Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 107295 (Sub-No. 247 TA), filed November 17, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Systems, suspension, acoustical ceiling tile and necessary fittings, fixtures and hardware for installation and completion, and furring or studding including necessary clips, couplings, and locks and mouldings for installation, from the plantsite of Chicago Metallic Corp., Chicago, Ill., to points in the United States, except points in Washington, Oregon, California, Nevada, Arizona, Alaska, Hawaii, North Dakota, South Dakota, Vermont, and Illinois, for 180 days. Supporting shipper: Chicago Metallic Corp., 4849 South Austin Avenue, Chicago, Ill. 60638. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.*

No. MC 118959 (Sub-No. 56 TA), filed October 31, 1969. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. 63701. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cellulose materials and products; cellulose materials and products joined to or combined with paper, plastics, synthetics, or cloth; sanitary paper and paper products; sanitary paper and paper products joined to or materials, equipment, supplies used or useful in the production, manufacture, and distribution of the above-described commodities; and related premium and advertising materials when shipped with the above-described commodities, between the plantsite of Charmin Paper Products Co., at or near Neely's Landing, Mo., on the one hand, and, on the other, Kansas, Iowa, Illinois, Indiana, Kentucky, Tennessee, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas, Oklahoma, New Mexico, Arizona, and California, for 180 days. Supporting shipper: The Procter & Gamble Co., Post Office Box 599, Cincinnati, Ohio 45201. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.*

No. MC 120543 (Sub-No. 64 TA), filed November 17, 1969. Applicant: FLORIDA REFRIGERATED SERVICE, INC., Highway 301 North, Post Office Box 1297, Dade City, Fla. 33525. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen meat, from ports of entry on international boundary between the United States and Canada at Buffalo, Niagara Falls, Champlain, N.Y. (shipments originating in Canada), to points in Florida, for 180 days. Supporting shipper: Atlantic Commodities Ltd., Post Of-*

*fice Box 153, Halifax, Nova Scotia. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.*

No. MC 133803 (Sub-No. 2 TA), filed November 18, 1969. Applicant: B & W DISTRIBUTORS CORP., 11 Franklin Avenue, Rye, N.Y. 10580. Applicant's representative: Arthur J. Piken, 160-16 Jamaica, N.Y. 11432. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Magazines, from Jersey City, N.J., to points in New York, New Jersey, and Connecticut, for 150 days. Supporting shipper: New York Magazine, 207 East 32d Street, New York, N.Y. 10016. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.*

No. MC 133970 (Sub-No. 1 TA), filed November 18, 1969. Applicant: CHARLES BOGGESE, doing business as BOGGESE TRANSFER, Pine Grove Addition, Nitro, W. Va. 25143. Applicant's representative: John M. Friedman, 410 Lawson Street, Hurricane, W. Va. 25526. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Wetting agents and methanol and reclaimed materials and supplies or containers used in the manufacturing and shipment of wetting agents and methanol, except, commodities in bulk, for the account of Fike Chemicals, Inc., between Nitro, W. Va., and points in Ohio, Kentucky, Virginia, Pennsylvania, Maryland, Illinois, Indiana, Delaware, New York, and New Jersey, for 180 days. Supporting shipper: Fike Chemicals, Inc., First Avenue and 11th Street, Nitro, W. Va. 25143. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3202 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.*

No. MC 134142 TA, filed November 10, 1969. Applicant: BROWN REFRIGERATED EXPRESS, INC., Post Office Box 603, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross, Warner Building, Washington, D.C. 20404. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Dairy products (including cheese spread and cheese food), from Carthage, Mo., to Phoenix, Ariz.; National City, Santa Fe Springs, Richmond, and Sacramento, Calif.; Clackamas, Ore.; Bellevue and Spokane, Wash.; Butte, Mont.; Denver, Colo.; and Salt Lake City, Utah; (2) dairy products returned for salvage, from points in California, Arizona, Washington, Oregon, Montana, Colorado, and Utah, to Carthage, Mo.; and (3) agricultural commodities, as that term is used in section 203(b)(6) of the Interstate Commerce Act, when moving at the same time and in the same vehicle with dairy products returned for salvage; from points in California, Arizona, Washington, Oregon, Montana, Colorado, Utah, Idaho, Nevada, Wyoming, and New Mexico, to Garland, Tex.; Kansas City, Kans.; Omaha, Nebr.; and Little Rock, Ark. Restriction: Serv-*

*ice under the authority sought shall be restricted to that provided for transportation of shipments moving for the account of Safeway Stores, Inc., pursuant to a continuing bilateral contract between that company and Brown Refrigerated Express, Inc., for 180 days. Supporting shipper: Safeway Stores, Inc., 5755 East 14th Street, Oakland, Calif. 94621. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.*

No. MC 134152 TA, filed November 18, 1969. Applicant: BARTON TRUCK LINE, INC., 455 West Fourth South Street, Salt Lake City, Utah 84101. Applicant's representative: William S. Richards, Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Canned soft drinks, from the plantsite of Canners for Coca-Cola Bottlers, Inc., at 2269 South 3270 West Street, Salt Lake City, Utah, on the one hand, to Grand Junction and Glenwood Springs, and Twin Falls, Idaho; Kalispell, Great Falls, Helena, Miles City, and Lewistown, Mont., and Ely, Nev., for 180 days. Supporting shipper: Canners for Coca-Cola Bottlers, Inc., Post Office Box 1747, Atlanta, Ga. 30301. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.*

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 69-14040; Filed, Nov. 25, 1969;  
8:47 a.m.]

[Notice 450]

## MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 21, 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-71613. By order of November 13, 1969, the Motor Carrier Board approved the transfer to Thomas J. Peck & Sons, Inc., Lehi, Utah, of certificate Nos. MC-112076 (Sub-No. 8) and MC-112076 (Sub-No. 10), issued May 31, 1961, and October 21, 1961, respectively, to Lowell H. Rasmussen, Salt Lake City, Utah, authorizing the transportation of:



## NOTICES

[Notice 450A]

MOTOR CARRIER TRANSFER  
PROCEEDINGS

NOVEMBER 21, 1969.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-71791. By application filed November 20, 1969, INDIAN RIVER TRANSPORT COMPANY, Post Office Box 1749, Fort Pierce, Fla. 33450, seeks temporary authority to lease the operating rights of ERVIN KRAMER, doing business as MARYLAND TANK TRANSPORTATION CO., 1599 Levering Avenue, Elkridge, Md., under section 210a(b). The transfer to INDIAN RIVER TRANSPORT COMPANY, of the operating rights of ERVIN KRAMER, doing business as MARYLAND TANK TRANSPORTATION CO., is presently pending.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.[P.R. Doc. 69-14042; Filed, Nov. 25, 1969;  
8:47 a.m.]

[Notice 449]

MOTOR CARRIER TRANSFER  
PROCEEDINGS

NOVEMBER 20, 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 pe-

tioners must be specified in their petitions with particularity.

No. MC-FC-71690. By order of November 13, 1969, the Motor Carrier Board approved the transfer to Garrett & Thomas Livestock Transportation Co., Inc., Los Angeles, Calif., of the operating rights in certificates Nos. MC-126145, MC-126145 (Sub-No. 2), MC-126145 (Sub-No. 4), MC-126145 (Sub-No. 6), MC-126145 (Sub-No. 8), and MC-126145 (Sub-No. 10) issued September 1, 1965, December 10, 1965, October 18, 1965, March 22, 1966, March 28, 1967, and March 21, 1968, respectively to Phillips Trucking, a corporation, 20299 Valley Boulevard, Rialto, Calif., authorizing the transportation, over irregular routes, of dry manufactured fertilizer, in bulk, from and to points in specified parts of California and Arizona, aggregates used in the manufacture of concrete and concrete products between points in a specified part of California and points in Arizona, potash, in bulk, from Trona, Calif., to points in Arizona, and aggregates (except cement and pozzolan) from points in specified counties in California to points in specified counties in Nevada and from Las Vegas, Nev., to points in specified counties in California. Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027, representative for transferee.

No. MC-FC-71679. By order of November 12, 1969, the Motor Carrier Board approved the transfer to Ford Truck Lines, Inc., 4115 Holly Street, Loris, S.C. 29569, of the operating rights in certificate No. MC-101133 issued August 29, 1951, to Boyd Rivers Ford, Sr., doing business as Ford's Fuel Service, Loris, S.C., authorizing the transportation of fertilizer, from Wilmington, N.C., and points within 10 miles thereof, to points in Horry County, S.C.; hardware, from Wilmington, N.C., to Nixons Cross Roads, S.C.; roofing, from Port Wentworth, Ga., to Conway and Loris, S.C., and acetylene and oxygen, in steel cylinders, from Charlotte, N.C., to Conway, S.C.

[SEAL]

H. NEIL GARSON,  
Secretary.[P.R. Doc. 69-13982; Filed, Nov. 24, 1969;  
8:46 a.m.]

Crude clay, in bulk, from the site of the Interstate Brick Co. mine near Evanston, Wyo., to the site of the Interstate Brick Co. plant, Salt Lake County, Utah, and from the mines of the Harrisville Brick Co. near Evanston, Wyo., to the plantsite of the Harrisville Brick Co., Harrisville, Utah. David K. Winder, 604 Boston Building, Salt Lake City, Utah 84111, attorney for applicants.

No. MC-FC-71689. By order of November 14, 1969, the Motor Carrier Board approved the transfer to Pack Transport, Inc., Salt Lake City, Utah, of the operating rights in corrected certificate No. MC-2887 and certificates Nos. MC-2887 (Sub-No. 1), MC-2887 (Sub-No. 2), MC-2887 (Sub-No. 3), and MC-2887 (Sub-No. 5), issued May 10, 1937 (effective June 9, 1937), December 7, 1939, September 30, 1940, July 19, 1950, and November 17, 1959, respectively, to Lynn Cox, Woodruff, Utah 84086, authorizing the transportation, over regular routes, of general commodities between Evanston, Wyo., and Randolph, Utah, serving the off-route point of Woodruff, Utah, and coal from Kemmerer, Wyo., to Woodruff, Utah, and from Almy, Wyo., to Randolph, Utah, serving the intermediate point of Woodruff, Utah; and, over irregular routes, of cement, in bags, during the season June 1 through October 31, from Devil's Slide, Utah, to Randolph, Utah, traversing Wyoming when necessary, coal from Kemmerer, Wyo., and points within 8 miles thereof, to Garden City, Laketown, and Smithfield, Utah, and points within 2 miles of each, and from points in Lincoln, Sweetwater, and Uinta Counties, Wyo., to Garden City and Laketown, Utah, and points in Cache County, Utah, and flour and mill feeds from Malad City, Idaho, and Logan and Smithfield, Utah, to specified points in Wyoming and Utah. Max D. Eliason, 3015 Bonnie Brae Avenue, Post Office Box 2602, Salt Lake City, Utah 84110, attorney for transferee.

[SEAL]

H. NEIL GARSON,  
Secretary.[P.R. Doc. 69-14041; Filed, Nov. 25, 1969;  
8:47 a.m.]







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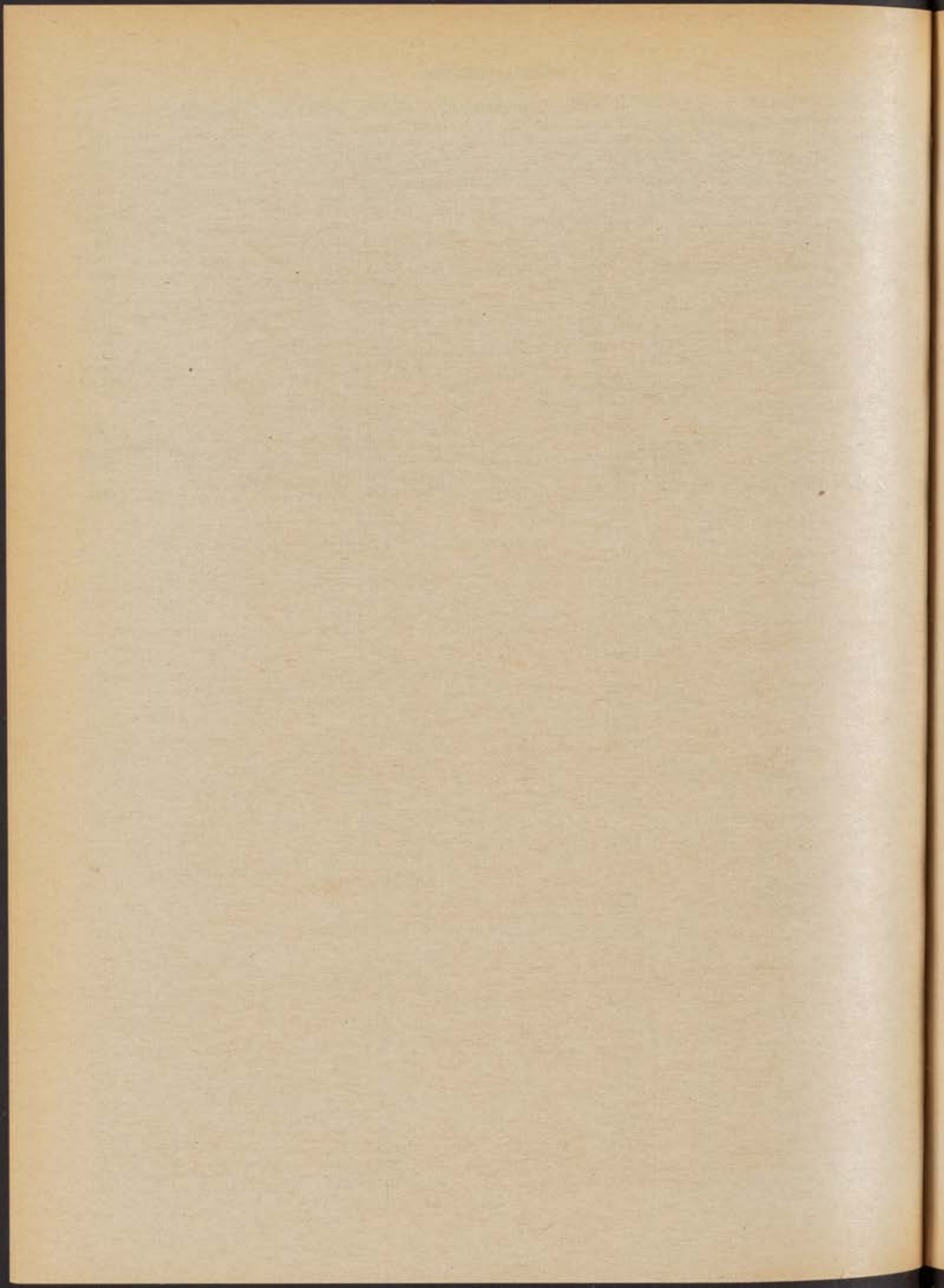
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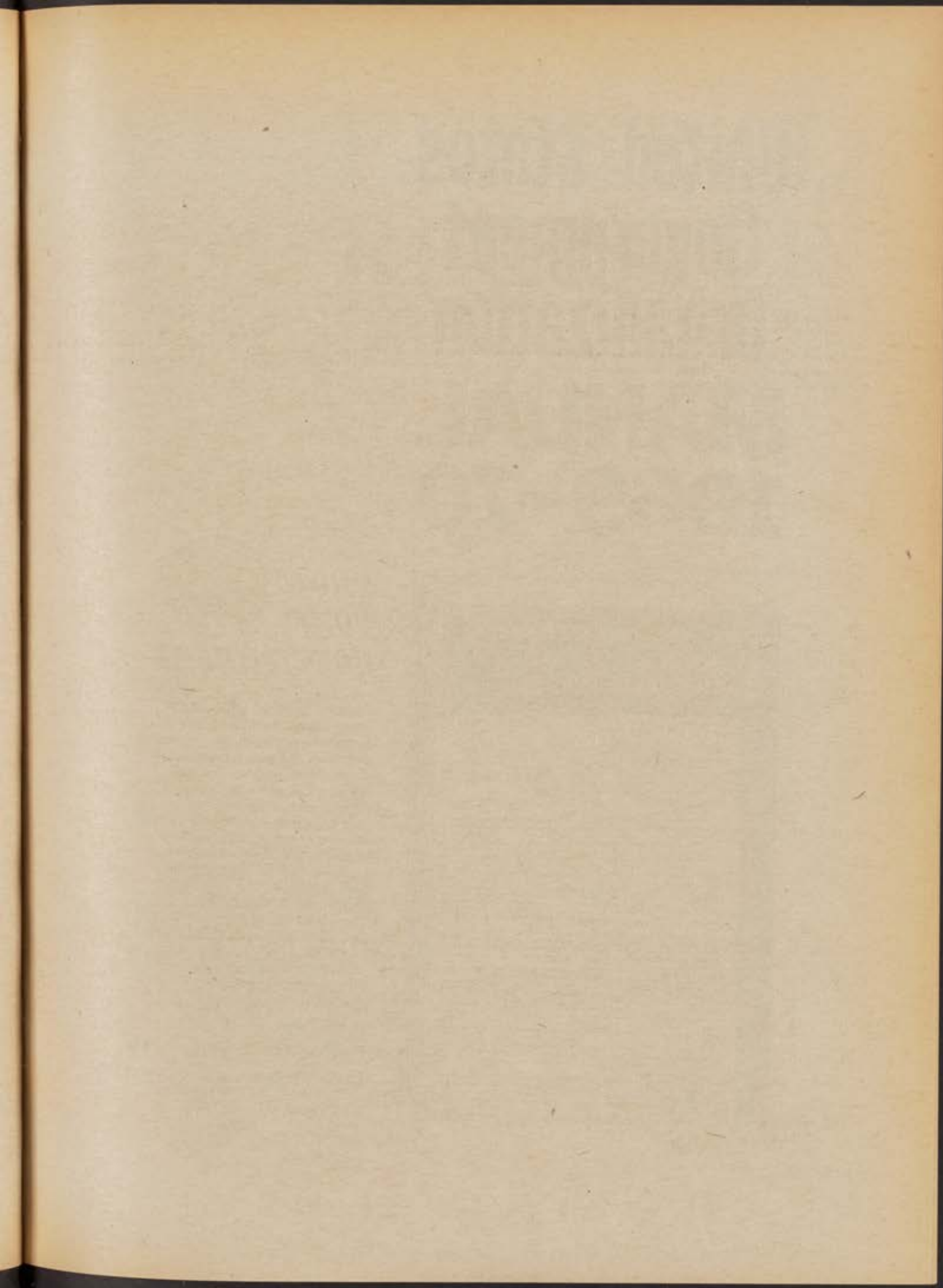
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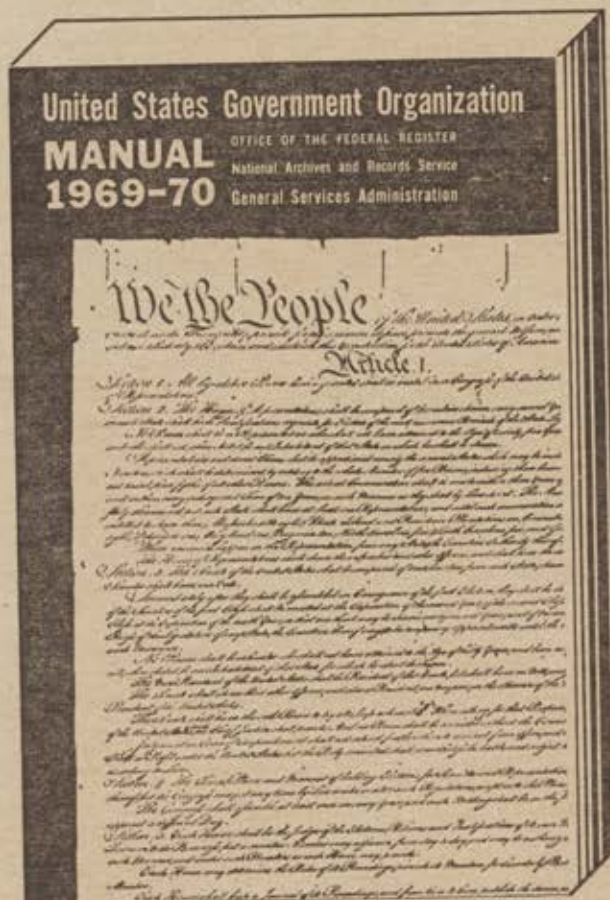








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