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SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1970 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

COUNTY RESERVES

Section 722.485 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section establishes the county reserves for the 1970 crop of upland cotton. Such determinations were made initially by the respective county committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (29 F.R. 16210, 33 F.R. 542, 4275).

Notice that the Secretary was preparing to establish State and county allotments and reserves was published in the FEDERAL REGISTER on August 26, 1969 (34 F.R. 13662), in accordance with 5 U.S.C. 553. No written submissions were received in response to such notice.

Since the establishment of county reserves requires immediate action by the county committees, it is essential that § 722.485 be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and § 722.485 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.485 County reserves for the 1970 crop of upland cotton.

The county reserves for the 1970 crop of upland cotton are established in accordance with § 722.408 of the Regulations for Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton (33 F.R. 895 and 17346). The following table sets forth the county reserves:

ALABAMA

County	County reserve (acres)	County	County reserve (acres)
Autauga	27.0	Calhoun	21.2
Baldwin	6.0	Chambers	22.0
Barbour	32.5	Cherokee	27.0
Bibb	.4	Chilton	29.5
Blount	26.7	Choctaw	63.3
Bullock	25.1	Clarke	31.6
Butler	77.8	Clay	3.0
Cleburne	6.2	Lowndes	16.8
Coffee	43.8	Macon	32.8
Colbert	15.2	Madison	24.8
Conecuh	134.8	Marengo	27.9
Coosa	5.2	Marion	20.5
Covington	80.7	Marshall	123.4
Crenshaw	51.4	Mobile	13.1
Cullman	33.9	Monroe	22.4
Dale	51.6	Montgomery	24.2
Dallas	82.2	Morgan	19.3
De Kalb	41.0	Perry	25.7
Elmore	35.7	Pickens	53.1
Escambia	9.8	Pike	29.6
Etowah	124.9	Randolph	44.7
Fayette	60.0	Russell	20.8
Franklin	14.8	St. Clair	30.3
Geneva	33.2	Shelby	8.6
Greene	22.5	Sumter	99.8
Hale	30.3	Talladega	17.5
Henry	41.7	Tallapoosa	15.4
Houston	62.4	Tuscaloosa	10.6
Jackson	58.9	Walker	55.9
Jefferson	26.3	Washington	24.9
Lamar	109.2	Wilcox	54.6
Lauderdale	52.9	Winston	29.0
Lawrence	8.9		
Lee	11.8		
Limestone	81.9		

ARIZONA

County	County reserve (acres)	County	County reserve (acres)
Cochise	12.5	Pima	2.0
Gila	0	Pinal	11.8
Graham	5.9	Santa Cruz	1.1
Greenlee	3.1	Yavapai	0
Maricopa	43.2	Yuma	18.8
Mohave	2.0		

ARKANSAS

County	County reserve (acres)	County	County reserve (acres)
Arkansas	11.0	Lee	36.3
Ashley	8.0	Lincoln	5.4
Baxter	0	Little River	2.7
Bradley	45.0	Logan	.3
Calhoun	15.1	Lonoke	16.6
Chicot	4.2	Marion	0
Clark	10.8	Miller	5.7
Clay	20.8	Mississippi	10.6
Cleburne	.7	Monroe	9.6
Cleveland	5.0	Nevada	.8
Columbia	9.5	Newton	0
Conway	7.8	Ouachita	20.0
Craighead	20.0	Perry	2.0
Crawford	0	Phillips	17.1
Crittenden	21.3	Pike	.1
Cross	5.2	Poinsett	4.7
Dallas	3.4	Pope	1.3
Desha	7.1	Prairie	4.1
Drew	4.8	Pulaski	2.2
Faulkner	12.9	Randolph	.1
Franklin	.1	St. Francis	20.4
Fulton	2.2	Scott	0
Grant	4.3	Searcy	0
Greene	5.5	Sebastian	0
Hempstead	0	Sevier	1.2
Hot Spring	10.2	Sharp	45.7
Howard	.5	Stone	0
Independence	1.8	Union	.8
Izard	1.6	Van Buren	0
Jackson	8.2	Washington	0
Jefferson	9.3	White	10.6
Johnson	2.9	Woodruff	4.4
Lafayette	17.0	Yell	2.3
Lawrence	0		

CALIFORNIA

County	County reserve (acres)	County	County reserve (acres)
Fresno	38.7	San Benito	0
Imperial	19.1	San Bernardino	1.0
Kern	73.0	San Diego	1.0
Kings	13.8	Stanislaus	0
Madera	26.5	Tulare	18.4
Merced	7.2		
Riverside	21.4		

FLORIDA

County	County reserve (acres)	County	County reserve (acres)
Alachua	2.1	Leon	8.1
Baker	0	Levy	0
Bay	.8	Liberty	.1
Calhoun	.9	Madison	52.2
Columbia	8.4	Okaloosa	14.8
Dixie	.1	Santa Rosa	262.9
Escambia	22.5	Suwannee	12.7
Gadsden	8.2	Taylor	0
Hamilton	52.0	Union	0
Holmes	60.5	Walton	177.9
Jackson	325.7	Washington	35.1
Jefferson	9.4		
Lafayette	.3		

GEORGIA

County	County reserve (acres)	County	County reserve (acres)
Appling	2.8	Effingham	6.5
Atkinson	2.3	Elbert	83.0
Bacon	1.3	Emanuel	41.5
Baker	14.5	Evans	15.3
Baldwin	5.2	Fayette	11.4
Banks	9.6	Floyd	35.7
Barrow	26.4	Forsyth	34.7
Bartow	27.7	Franklin	33.5
Ben Hill	8.9	Fulton	10.5
Berrien	22.1	Glascock	3.0
Bibb	2.3	Gordon	456.3
Bleckley	25.9	Grady	22.0
Brantley	.2	Greene	8.2
Brooks	26.4	Gwinnett	10.6
Bryan	3.1	Habersham	0
Bulloch	38.6	Hall	1.7
Burke	24.5	Hancock	3.5
Butts	12.1	Haralson	15.5
Calhoun	12.4	Harris	6.3
Candler	19.5	Hart	26.5
Carroll	59.1	Heard	6.3
Catoosa	32.5	Henry	16.6
Charlton	.1	Houston	101.2
Chatham	.9	Irwin	24.5
Chattahoochee	0	Jackson	33.5
Chattooga	11.4	Jasper	.8
Cherokee	.3	Jeff Davis	4.8
Clarke	5.5	Jefferson	36.6
Clay	5.7	Jenkins	4.5
Clayton	13.1	Johnson	42.8
Clinch	.1	Jones	8.4
Cobb	20.9	Lamar	5.7
Coffee	19.5	Lanier	2.7
Colquitt	23.3	Laurens	38.8
Columbia	3.7	Lee	4.0
Cook	6.8	Liberty	3.0
Coweta	13.2	Lincoln	6.2
Crawford	6.1	Long	4.1
Crisp	18.4	Lowndes	7.1
Dade	6.2	Lumpkin	1.0
Dawson	.2	McDuffie	7.2
Decatur	25.4	Macon	13.5
De Kalb	.2	Madison	33.9
Dodge	33.7	Marion	12.7
Dooly	7.5	Meriwether	62.1
Dougherty	10.2	Miller	41.4
Douglas	3.1	Mitchell	25.3
Early	16.8		
Echols	.1		

GEORGIA—Continued

County	County reserve (acres)	County	County reserve (acres)
Monroe	2.6	Taliaferro	1.7
Montgomery	17.0	Tattnall	26.7
Morgan	6.4	Taylor	24.2
Murray	5.6	Telfair	5.7
Newton	15.7	Terrell	31.5
Oconee	10.7	Thomas	32.7
Oglethorpe	17.7	Tift	19.5
Paulding	5.8	Toombs	15.5
Peach	6.8	Treutlen	13.1
Pickens	2.5	Troup	9.1
Pierce	6.0	Turner	15.2
Pike	32.8	Twiggs	22.8
Polk	25.2	Upson	1.2
Pulaski	18.2	Walker	48.3
Putnam	1.6	Walton	27.3
Quitman	3.1	Ware	1.7
Randolph	27.4	Warren	.7
Richmond	4.4	Washington	22.2
Rockdale	12.5	Wayne	4.3
Schley	12.6	Webster	13.1
Screven	11.3	Wheeler	18.3
Seminole	38.8	White	.1
Spalding	20.0	Whitfield	33.3
Stephens	2.9	Wilcox	11.9
Stewart	11.4	Wilkes	6.3
Sumter	25.6	Wilkinson	15.2
Talbot	4.8	Worth	24.1

ILLINOIS

Alexander	2.3	Pulaski	5.6
Massac	0		

KANSAS

Montgomery	0

KENTUCKY

Ballard	0	Graves	4.3
Calloway	3.0	Hickman	25.1
Carlisle	2.4	McCracken	0
Fulton	10.0	Marshall	0

LOUISIANA

Parish	Parish reserve (acres)	Parish	Parish reserve (acres)
Acadia	496.7	Madison	37.4
Allen	53.0	Morehouse	2,094.2
Ascension	0	Natchitoches	1,329.1
Avoyelles	1,316.7	Ouachita	858.1
Beauregard	3.9	Pointe Coupee	134.2
Bienville	5.3	Rapides	1,224.2
Bossier	1,102.0	Red River	746.1
Caddo	1,992.8	Richland	111.3
Caldwell	508.2	Sabine	6.0
Catahoula	766.7	St. Helena	88.9
Claiborne	9.7	St. Landry	1,790.1
Concordia	606.5	St. Martin	350.7
De Soto	385.7	St. Tammany	0
East Baton Rouge	19.2	Tangipahoa	.2
East Carroll	43.1	Tensas	1,248.9
East Feliciana	19.4	Union	84.3
Evangeline	872.2	Vermilion	255.1
Franklin	3,583.3	Vernon	.1
Grant	279.0	Washington	607.8
Iberia	7.5	Webster	5.2
Iberville	.1	West Baton Rouge	48.0
Jackson	6.4	West Carroll	1,732.1
Jefferson Davis	0	West Feliciana	5.1
Lafayette	579.7	Winn	25.9
La Salle	31.2		
Lincoln	5.2		
Livingston	2.4		

MISSISSIPPI

County	County reserve (acres)	County	County reserve (acres)
Adams	5.2	Madison	57.1
Alcorn	29.1	Marion	11.5
Amite	10.7	Marshall	32.5
Attala	51.6	Monroe	26.7
Benton	14.2	Montgomery	9.8
Bolivar	25.3	Neshoba	230.6
Calhoun	10.6	Newton	26.8
Carroll	20.0	Noxubee	485.7
Chickasaw	23.9	Oktibbeha	6.1
Choctaw	12.6	Panola	27.8
Claiborne	15.8	Pearl River	1.7
Clarke	57.8	Perry	2.2
Clay	54.2	Pike	7.0
Coahoma	14.3	Pontotoc	27.2
Copiah	21.2	Prentiss	23.3
Covington	26.4	Quitman	11.5
De Soto	11.8	Rankin	15.1
Forrest	29.4	Scott	22.4
Franklin	2.0	Sharkey	1.0
George	4.8	Simpson	9.8
Greene	19.8	Smith	19.5
Grenada	14.5	Sunflower	6.8
Hinds	40.0	Tallahatchie	17.6
Holmes	2.6	Tate	16.3
Humphreys	8.0	Tippah	14.1
Issaquena	1.4	Tishomingo	19.3
Itawamba	12.8	Tunica	10.5
Jasper	21.6	Union	53.1
Jefferson	9.9	Walthall	43.3
Jefferson Davis	89.9	Warren	20.0
Jones	21.5	Washington	9.8
Kemper	171.3	Wayne	13.4
Lafayette	12.3	Webster	13.4
Lamar	2.7	Wilkinson	3.2
Lauderdale	14.1	Winston	330.6
Lawrence	10.6	Yalobusha	807.6
Leake	39.8	Yazoo	12.2
Lee	35.0		
Leflore	11.6		
Lincoln	19.9		
Lowndes	20.4		

MISSOURI

Bollinger	3.0	New Madrid	57.1
Butler	53.6	Pemiscot	22.5
Cape Girardeau	1.6	Ripley	12.7
Dunklin	3.0	Scott	18.7
Howell	0	Stoddard	20.7
Mississippi	10.8	Vernon	0
		Wayne	0

NEVADA

Clark	0	Nye	0

NEW MEXICO

Chaves	2.6	Lea	42.2
Curry	7.7	Luna	2.4
De Baca	16.2	Otero	.4
Dona Ana	100.0	Quay	6.3
Eddy	108.3	Roosevelt	29.3
Grant	.1	Sierra	0
Harding	0	Socorro	.6
Hidalgo	.9		

NORTH CAROLINA

Alamance	0	Chatham	1.1
Alexander	68.0	Chowan	103.8
Anson	1,083.2	Cleveland	2,477.4
Beaufort	107.5	Columbus	105.1
Bertie	280.3	Craven	.3
Bladen	9.8	Cumberland	442.5
Brunswick	1.1	Currituck	32.3
Burke	0	Davidson	3.2
Cabarrus	1.5	Davie	1.2
Caldwell	0	Duplin	1.7
Camden	43.5	Durham	.1
Carteret	.2	Edgecombe	530.1
Catawba	121.2		

NORTH CAROLINA—Continued

County	County reserve (acres)	County	County reserve (acres)
Forsyth	.9	Pamlico	0
Franklin	370.7	Pasquotank	30.7
Gaston	306.5	Pender	19.9
Gates	133.2	Perquimans	100.4
Granville	.6	Person	0
Greene	.5	Pitt	28.8
Guilford	3.0	Polk	.5
Halifax	1,029.5	Randolph	0
Harnett	61.5	Richmond	323.9
Hertford	220.8	Robeson	1,923.5
Hoke	568.0	Rowan	431.0
Hyde	17.4	Rutherford	718.8
Iredell	749.3	Sampson	962.9
Johnston	753.4	Scotland	14.5
Jones	12.9	Stanly	55.1
Lee	92.7	Tyrrell	11.9
Lenoir	2.0	Union	491.1
Lincoln	675.0	Vance	162.8
Martin	119.9	Wake	13.3
Mecklenburg	769.1	Warren	147.3
Montgomery	127.3	Washington	61.2
Moore	138.6	Wayne	778.1
Nash	572.4	Wilkes	.1
Northampton	944.8	Wilson	405.6
Onslow	3.7	Yadkin	.1
Orange	.2		

OKLAHOMA

Adair	1.0	Lincoln	24.8
Atoka	9.9	Logan	11.3
Beaver	0	Love	75.9
Beckham	86.7	McClain	51.4
Blaine	171.4	McCurtain	11.6
Bryan	35.8	McIntosh	31.3
Caddo	94.0	Major	84.6
Canadian	43.9	Marshall	.1
Carter	5.1	Mayes	1.1
Choctaw	5.1	Murray	10.1
Cimarron	0	Muskogee	930.1
Cleveland	6.8	Noble	2.3
Coal	10.6	Nowata	7.8
Comanche	202.4	Okfuskee	176.3
Cotton	27.1	Oklahoma	.1
Craig	3.0	Okmulgee	3.7
Creek	100.0	Osage	.2
Custer	29.4	Pawnee	19.9
Dewey	87.0	Payne	49.3
Ellis	2.0	Pittsburg	42.6
Garfield	0	Pontotoc	12.0
Garvin	4.6	Pottawatomie	14.8
Grady	42.4	Pushmataha	0
Grant	0	Roger Mills	33.5
Greer	163.6	Rogers	2.8
Harmon	59.6	Seminole	20.3
Harper	0	Sequoyah	2.6
Haskell	24.2	Stephens	27.2
Hughes	21.1	Texas	0
Jackson	152.4	Tillman	12.9
Jefferson	123.6	Tulsa	67.4
Johnston	2.2	Wagoner	16.6
Kay	4.0	Washita	85.5
Kingfisher	40.3	Woodward	9.8
Kiowa	298.2		
Le Flore	2.3		

SOUTH CAROLINA

Abbeville	351.8	Cherokee	589.4
Aiken	43.8	Chester	530.7
Allendale	10.2	Chesterfield	95.5
Anderson	1,260.6	Clarendon	70.6
Bamberg	36.3	Colleton	413.8
Barnwell	26.0	Darlington	122.6
Beaufort	1.2	Dillon	55.6
Berkeley	474.5	Dorchester	460.0
Calhoun	33.8		
Charleston	25.1		

SOUTH CAROLINA—Continued

County	County reserve (acres)	County	County reserve (acres)
Edgefield	544.4	Marion	705.0
Fairfield	5.9	Marlboro	96.8
Florence	1,913.6	Newberry	47.6
Georgetown	21.2	Oconee	280.8
Greenville	586.5	Orangeburg	84.7
Greenwood	175.2	Pickens	17.6
Hampton	451.2	Richland	289.1
Horry	42.7	Saluda	433.2
Jasper	8.0	Spartanburg	909.5
Kershaw	66.0	Sumter	71.0
Lancaster	333.2	Union	18.6
Laurens	840.5	Williamsburg	2,311.6
Lee	380.4	York	785.1
Lexington	36.7		
McCormick	149.3		

TENNESSEE

Bedford	3.8	Lewis	2.4
Benton	13.3	Lincoln	602.3
Bradley	1.0	Loudon	0
Cannon	.2	McMinn	1.7
Carroll	29.9	McNairy	31.6
Chester	17.0	Madison	16.5
Coffee	3.3	Marion	2.7
Crockett	157.3	Marshall	3.0
Decatur	30.3	Maury	3.7
Dyer	19.6	Meigs	2.0
Fayette	24.9	Moore	1.8
Franklin	17.1	Obion	48.9
Gibson	6.4	Perry	4.3
Giles	12.5	Polk	5.0
Grundy	3.0	Rhea	0
Hamilton	1.8	Robertson	0
Hardeman	31.0	Rutherford	11.6
Hardin	20.6	Shelby	37.3
Haywood	14.4	Tipton	31.4
Henderson	46.3	Warren	.2
Henry	47.8	Wayne	12.1
Humphreys	0	Weakley	49.2
Lake	14.0	Williamson	0
Lauderdale	15.7	Wilson	1.2
Lawrence	33.6		

TEXAS

Anderson	19.3	Cherokee	38.8
Andrews	.5	Childress	68.6
Angelina	46.0	Clay	14.7
Aransas	2.5	Cochran	3.8
Archer	10.0	Coke	9.9
Armstrong	5.1	Coleman	150.0
Atascosa	64.3	Collin	307.6
Austin	19.3	Collingsworth	14.8
Bailey	34.5	Colorado	9.5
Bastrop	21.7	Comal	3.0
Baylor	111.4	Comanche	44.5
Bee	12.8	Concho	65.8
Bell	152.3	Cooke	75.6
Bexar	22.8	Coryell	26.3
Blanco	0	Cottle	34.0
Borden	1.2	Crockett	0
Bosque	89.2	Crosby	13.9
Bowie	17.4	Culberson	2.0
Brazoria	49.5	Dallas	163.9
Brazos	21.3	Dawson	48.5
Brewster	0	Deaf Smith	9.4
Briscoe	19.2	Delta	150.7
Brooks	9.1	Denton	51.8
Brown	10.2	De Witt	41.4
Burleson	130.5	Dickens	9.1
Burnet	20.3	Dimmit	9.7
Caldwell	7.4	Donley	21.4
Calhoun	5.9	Duval	9.3
Callahan	9.6	Eastland	50.5
Cameron	54.2	Ector	10.0
Camp	3.0	Ellis	162.4
Carson	1.9	El Paso	37.1
Cass	15.3	Erath	20.7
Castro	29.0		

TEXAS—Continued

County	County reserve (acres)	County	County reserve (acres)
Falls	503.3	Medina	25.0
Fannin	28.9	Menard	6.3
Fayette	290.4	Midland	14.2
Fisher	72.2	Milam	50.1
Floyd	35.8	Mills	15.1
Foard	27.7	Mitchell	56.9
Fort Bend	27.9	Montague	40.1
Franklin	13.1	Montgomery	11.3
Freestone	20.3	Moore	.3
Frio	6.8	Morris	19.4
Gaines	43.4	Motley	12.9
Garza	5.6	Nacogdoches	20.9
Gillespie	25.5	Navarro	208.0
Glasscock	.9	Newton	3.1
Goliad	3.0	Nolan	30.2
Gonzales	4.4	Nueces	19.1
Gray	1.5	Ochiltree	.7
Grayson	100.8	Oldham	0
Gregg	12.2	Palo Pinto	18.2
Grimes	24.4	Panola	17.8
Guadalupe	40.6	Parker	33.6
Hale	28.4	Parmer	54.5
Hall	31.8	Pecos	2.5
Hamilton	26.0	Polk	9.0
Hansford	1.8	Potter	0
Hardeman	53.0	Presidio	1.3
Harris	69.4	Rains	117.5
Harrison	24.3	Randall	7.6
Hartley	.1	Reagan	3.2
Haskell	20.1	Red River	73.7
Hays	14.4	Reeves	3.6
Hemphill	2.1	Refugio	6.6
Henderson	55.4	Roberts	0
Hidalgo	694.3	Robertson	31.1
Hill	337.3	Rockwall	50.8
Hockley	28.1	Runnels	52.5
Hood	25.1	Rusk	266.4
Hopkins	22.8	Sabine	15.6
Houston	238.8	San Augustine	18.1
Howard	12.1	San Jacinto	5.1
Hudspeth	2.7	San Patricio	11.7
Hunt	211.0	San Saba	100.6
Hutchinson	0	Schleicher	1.4
Irion	.4	Scurry	7.0
Jack	9.8	Shackelford	21.3
Jackson	11.0	Shelby	102.7
Jasper	2.9	Smith	12.7
Jeff Davis	0	Somervell	9.7
Jim Hogg	6.2	Starr	252.3
Jim Wells	13.5	Stephens	5.3
Johnson	44.6	Sterling	2.9
Jones	77.2	Stonewall	21.4
Karnes	53.9	Swisher	12.8
Kaufman	128.4	Tarrant	19.5
Kendall	0	Taylor	17.5
Kent	.1	Terry	26.8
Kimble	0	Throckmorton	15.9
King	.5	Titus	12.1
Kinney	.1	Tom Green	153.2
Kleberg	5.9	Travis	43.3
Knox	15.4	Trinity	18.7
Lamar	25.9	Tyler	3.3
Lamb	36.1	Upshur	13.6
Lampasas	19.8	Upton	.1
La Salle	9.7	Uvalde	3.3
Lavaca	20.0	Val Verde	.6
Lee	12.6	Van Zandt	31.5
Leon	25.9	Victoria	13.6
Liberty	99.5	Walker	9.8
Limestone	99.9	Waller	9.0
Live Oak	11.4	Ward	2.1
Llano	5.0	Washington	472.4
Loving	0	Webb	61.5
Lubbock	51.9	Wharton	27.5
Lynn	19.7	Wheeler	14.5
McCulloch	44.4	Wichita	9.8
McLennan	348.0	Wilbarger	30.4
McMullen	5.1	Willacy	39.4
Madison	11.4	Williamson	23.9
Marion	8.6	Wilson	32.4
Martin	78.4	Wise	30.1
Mason	25.5	Wood	19.4
Matagorda	10.9	Yoakum	21.4
Maverick	1.9	Young	21.2
		Zapata	6.0
		Zavala	97.2

VIRGINIA

Brunswick	12.7	Nansemond	33.9
Charlotte	0	Prince Edward	0
Dinwiddie	22.9	Prince George	.4
Greensville	203.4	Southampton	23.6
Isle of Wight	0	Surry	0
Lunenburg	8.7	Sussex	31.3
Mecklenburg	48.1		

(Secs. 344, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 12, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-14946; Filed, Dec. 12, 1969; 3:40 p.m.]

PART 722—COTTON

Subpart—1970 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

COUNTY RESERVES

Section 722.563 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section establishes the county reserves for the 1970 crop of extra long staple cotton. Such determinations were made initially by the respective county committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (29 F.R. 16210, 33 F.R. 542, 4275).

Notice that the Secretary was preparing to establish State and county allotments and reserves was published in the FEDERAL REGISTER on August 26, 1969 (34 F.R. 13662), in accordance with 5 U.S.C. 553. No written submissions were received in response to such notice.

Since the establishment of county reserves requires immediate action by the county committees, it is essential that § 722.563 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest, and § 722.563 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.563 County reserves for the 1970 crop of extra long staple cotton.

The county reserves for the 1970 crop of extra long staple cotton are established in accordance with § 722.509 of the Regulations for Acreage Allotments for 1966 and Succeeding Crops of Extra Long Staple Cotton (31 F.R. 6247, 33 F.R. 8427, 16066, and 16435, 34 F.R. 5 and 808). The following table sets forth the county reserves:

ARIZONA

County	County reserve (acres)	County	County reserve (acres)
Cochise	1.1	Pima	0.9
Gila	0	Pinal	4.6
Graham	5.1	Yuma	2.1
Maricopa	9.7		

CALIFORNIA

Imperial	0.1	Riverside	0.9

FLORIDA

Alachua	0.1	Marion	0
Hamilton	0	Suwannee	0
Jefferson	0	Union	0
Madison	0		

GEORGIA

Berrien	4.0	Cook	0

NEW MEXICO

Chaves	0.7	Luna	0.5
Dona Ana	7.7	Otero	0
Eddy	2.7	Sierra	0
Hidalgo	0.8		

TEXAS

Brewster	0	Pecos	0.8
Culberson	0.7	Presidio	0.1
El Paso	7.5	Reeves	0.4
Hudspeth	3.2	Ward	0.1
Loving	0		

PUERTO RICO

County	County Reserve (acres)
North area	0.3

(Secs. 344, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 12, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-14945; Filed, Dec. 12, 1969; 3:40 p.m.]

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

[966.307, Amdt. 1]

PART 966—TOMATOES GROWN IN FLORIDA

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the production area, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) tomatoes grown in the production area are currently being marketed; (2) to facilitate the handling of tomatoes this amendment should be made effective as soon as possible; (3) compliance with this amendment will not require any special preparation by handlers; (4) information regarding the committee's recommendation has been made available to producers and handlers in the production area; and (5) this amendment relieves restrictions on the handling of production area tomatoes by providing for variations in container weights incident to proper packing.

Regulation, as amended. In § 966.307 (34 F.R. 18090) subparagraph (2) of paragraph (d) is hereby amended to read as follows:

§ 966.307 Limitation of shipments.

* * * * *

(d) *Containers.* * * *

(2) To allow for variations incident to proper packing, not more than a total of 10 percent, by count, of the containers in any lot may vary from the net weights specified.

* * * * *

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

Effective date. Dated: December 12, 1969, to become effective December 15, 1969.

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

[F.R. Doc. 69-14961; Filed, Dec. 16, 1969; 8:49 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 42-44, 46, 51, 52, 53, 54, and 55 tobacco, under the tobacco loan program published July 19, 1969 (34 F.R. 12129).

Sec.
1464.22 1969 Crop—Ohio Filler Tobacco, Types 42-44, advance schedule.
1464.23 1969 Crop—Connecticut Valley Broadleaf Tobacco, Type 51, advance schedule.
1464.24 1969 Crop—Connecticut Valley Havana Seed Tobacco, Type 52, advance schedule.
1464.25 1969 Crop—New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54, advance schedule.
1464.26 1969 Crop—Northern Wisconsin Tobacco, Type 55, advance schedule.
1464.27 1969 Crop—Puerto Rican Tobacco, Type 46, advance schedule.

AUTHORITY: §§ 1464.22-1464.27 issued under 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.

§ 1464.22 1969 Crop—Ohio Filler Tobacco, Types 42-44, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Crop run (stripped together):	
X1	33.50
X2	31.00
X3	27.50
X4	25.50
Nondescript:	
N	17.00

§ 1464.23 1969 Crop—Connecticut Valley Broadleaf Tobacco, Type 51, Advance Schedule.[2]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1	64.00
B2	56.00
B3	47.00
B4	41.00
B5	36.00
Nonbinders:	
X1	30.00

§ 1464.24 1969 Crop—Connecticut Valley Havana Seed Tobacco, Type 52, Advance Schedule.[3]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1	60.00
B2	52.00
B3	45.00
B4	40.00
B5	36.00
Nonbinders:	
X1	30.00

See footnotes at end of document.

§ 1464.25 1969 Crop—New York and Pennsylvania Havana Seed Tobacco, Type 53, and Southern Wisconsin Tobacco, Type 54, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Crop-run:	
X1	37.50
X2	33.50
X3	26.50
Farm fillers:	
Y1	26.00
Y2	24.00
Y3	22.00
Nondescript:	
N1	22.00
N2	16.00

§ 1464.26 1969 Crop—Northern Wisconsin Tobacco, Type 55, Advance Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Binders:	
B1	48.00
B2	45.00
B3	41.00
Strippers:	
C1	39.00
C2	35.50
C3	28.50
Crop-run:	
X1	37.00
X2	33.50
X3	25.50
Farm Fillers:	
Y1	30.00
Y2	27.00
Y3	25.00
Nondescript:	
N1	21.00
N2	16.00

§ 1464.27 1969 Crop—Puerto Rican Tobacco, Type 46, Advance Schedule.[2]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
Price Block I	
C1F	41.50
C1P	
Price Block II	
X1P	31.00
X1F	
X1S	
Price Block III	
X2P	22.00
X2F	
X2T	
X2S	
Price Block IV	
N	11.75

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

Signed at Washington, D.C., on December 12, 1969.

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

[F.R. Doc. 69-14915; Filed, Dec. 16, 1969; 8:46 a.m.]

[1] The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower 50 cents per hundred pounds to apply against receiving and overhead costs. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded "No-G" (no grade), or "S" (scrap).

[2] The cooperative association through which price support is made available is authorized to deduct from the amount paid the grower $1 per hundred pounds to apply against receiving and overhead costs. Only the original producer is eligible to receive advances. No advance is authorized for tobacco graded "N1" (first quality nondescript), "N2" (second quality nondescript), "S" (scrap), or "No-G" (no grade).

[3] The cooperative associations through which price support is made available to growers are authorized to deduct $1 per hundred pounds from the advances to growers to apply against overhead and handling costs. Tobacco is eligible for advance only if consigned by the original producer. No advance is authorized for scrap or tobacco designated as "No-G" (no grade).

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that one position of Private Secretary to the Director, Bureau of Politico-Military Affairs, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (v) is added to § 213.3304 as set out below.

§ 213.3304 Department of State.

* * * * *

(v) *Bureau of Politico-Military Affairs.* (1) One Private Secretary to the Director.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14921; Filed, Dec. 16, 1969; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that two positions of Assistant and three positions of Special Assistant to the Assistant Secretary for Health and Scientific Affairs are excepted under Schedule C and that one position of Confidential Assistant to the Assistant Secretary for Health and Scientific Affairs is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is revoked and subparagraphs (3) and (4) are added under paragraph (h) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(h) *Office of the Assistant Secretary for Health and Scientific Affairs.* * * *

(2) [Revoked]

(3) Two Assistants to the Assistant Secretary.

(4) Three Special Assistants to the Assistant Secretary.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14919; Filed, Dec. 16, 1969; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that in the Office of the Deputy Assistant Secretary for Consumer Services, Office of the Assistant Secretary for Community and Field Services, the positions of two Assistants, one Special Assistant for Consumer Education Programs, and one Special Assistant for Interdepartmental Affairs are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (9), (10), and (11) are added to paragraph (n) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(n) *Office of the Assistant Secretary for Community and Field Services.* * * *

(9) Two Assistants to the Deputy Assistant Secretary for Consumer Services.

(10) One Special Assistant for Consumer Education Programs to the Deputy Assistant Secretary for Consumer Services.

(11) One Special Assistant for Interdepartmental Affairs to the Deputy Assistant Secretary for Consumer Services.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14918; Filed, Dec. 16, 1969; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

U.S. Information Agency

Section 213.3328 is amended to show that one position of Special Assistant to the Assistant Director (Broadcasting) and one position of Special Assistant to the Assistant Director (Press and Publications) are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraphs

(i) and (j) are added under § 213.3328 as set out below.

§ 213.3328 U.S. Information Agency.

* * * * *

(i) One Special Assistant to the Assistant Director (Broadcasting).

(j) One Special Assistant to the Assistant Director (Press and Publications).

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–14922; Filed, Dec. 16, 1969; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one additional position of Special Assistant to the Assistant Secretary for Model Cities and Governmental Relations is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (e) of § 213.3384 is amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(e) *Office of the Assistant Secretary for Model Cities and Governmental Relations.* * * *

(3) Four Special Assistants to the Assistant Secretary.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–14920; Filed, Dec. 16, 1969; 8:46 a.m.]

PART 332—RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION

Filling Certain Postmaster Positions

Section 332.103, prescribing special examining procedures for certain fourth-class postmaster positions, is amended to make the procedures applicable to those positions involving fewer than 7 daily hours of service.

§ 332.103 Filling certain postmaster positions.

(a) When a vacancy occurs or is about to occur in a postmaster position in a fourth-class post office and the position involves fewer than 7 daily hours of service, a representative of the Post Office Department shall visit the locality and, after due public notice has been given, accept applications from interested persons. The representative shall establish a register based on the qualifications and suitability of each applicant and on his ability to provide proper facilities for transacting the business of the office. The Post Office Department shall submit to the Commission for postaudit one copy of the representative's report showing the qualifications of all applicants, the basis for ranking the eligibles, and the selection of an eligible from the register. The report shall be accompanied by the applications of all applicants. A person selected for appointment from such a register may be appointed after the date the postmaster position is determined to involve 7 or more daily hours of service only with the prior approval of the Commission.

(b) When making an appointment from a register established under paragraph (a) of this section, the appointing officer shall select an eligible in accordance with §§ 332.404 through 332.407.

(c) When the Commission, after holding two examinations, is unable to secure a complete certificate of three eligibles for a postmaster position involving 7 or more daily hours of service, it may authorize the establishment of a register and selection therefrom in accordance with paragraphs (a) and (b) of this section.

(5 U.S.C. 1302, 3301, E.O. 10577; 3 CFR 1954–1958, p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–14923; Filed, Dec. 16, 1969; 8:46 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Payment of Severance Pay

Section 550.704, paragraph (a), is amended by adding new subparagraph (3) and making necessary change in subparagraph (1) to provide that severance pay for certain employees with regularly alternating tours of duty will be based on average basic pay for the 26 pay periods immediately before separation.

§ 550.704 General provisions.

(a) *Payment of severance pay.* (1) Except as provided in subparagraph (2) or (3) of this paragraph, on an employee's separation, the agency shall compute his severance pay fund, and shall pay him at the same pay period intervals as if still employed the same amount as his basic pay for the pay period immediately before separation until the severance pay fund is exhausted, except that the final payment shall consist only of that portion of the severance pay fund remaining.

* * * * *

(3) For an employee who serves in a position in which he regularly alternates between receiving additional annual pay under section 5545(c)(1) of title 5, United States Code, and not receiving such additional annual pay, or an employee who serves in a position in which he regularly alternates between full-time and part-time tours of duty, the basic pay for the pay period immediately before separation, as required by subparagraph (1) of this paragraph, is the average basic pay for the position for the 26 pay periods immediately before separation, computed on the basis of the basic rate of pay in effect at the time of separation.

* * * * *

(5 U.S.C. 5595, E.O. 11257; 3 CFR 1964–1965 Comp., p. 357)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69–14924; Filed, Dec. 16, 1969; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 69–WE–88]

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

Designation of Control Zone

The purpose of this amendment of Part 71 of the Federal Aviation Regulations is to designate a control zone for the Aspen-Pitkin County (Sardy Field) Airport, Aspen, Colo.

On or about December 18, 1969, the Federal Aviation Administration (FAA) proposes to commission a new control tower at the Aspen-Pitkin County (Sardy Field) Airport, Aspen, Colo. Weather reporting, communications, and air traffic control services will be available. The control zone will be required to provide controlled airspace protection for aircraft conducting special VFR operations at Sardy Field.

Operation of turbojet aircraft, including air carrier aircraft, together with a concentration of general aviation aircraft in the narrow valley in which Sardy Field is located has created a situation in which safety of flight is compromised, especially during weather conditions lower than basic visual flight rules (VFR) conditions.

For the reasons stated above, the Administrator finds that a situation exists requiring immediate action in the interest of public safety and that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than 30 days notice.

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

ASPEN, COLO.

Within a 5-mile radius of the Aspen-Pitkin County (Sardy Field) Airport (latitude 39°13'30" N., longitude 106°52'09" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif., on December 11, 1969.

ARVIN O. BASNIGHT,
Director, Western Region.

[F.R. Doc. 69-15021; Filed, Dec. 16, 1969; 8:49 a.m.]

[Airspace Docket No. 69-SW-71]

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

Alteration of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the main airway segment and revoke the south alternate segment of VOR Federal airway No. 62 between Texico, N. Mex., and Lubbock, Tex.

V-62 is presently designated from Texico to Lubbock via Plainview, Tex., with a south alternate from Texico direct to Lubbock. Action is taken herein to redesignate the main airway segment direct from Texico to Lubbock and revoke V-62 south alternate segment between those points. This action would eliminate pilot confusion and would facilitate flight planning.

Since this amendment is editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

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 § 71.123 (34 F.R. 4509) V-62 is amended by deleting all between "Texico, N. Mex.;" and "Abilene, Tex.;" and substituting "Lubbock, Tex.;" therefor.

(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 Washington, D.C., on December 11, 1969.

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

[F.R. Doc. 69-14907; Filed, Dec. 16, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SO-35]

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

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration and Extension of Jet Routes and Designation of Associated Control Area

On October 2, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15365) stating that the Federal Aviation Administration was considering amendments to Part 71 and Part 75 of the Federal Aviation Regulations that would extend Jet Route No. 58 with associated control area and realign Jet Route No. 86.

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

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

1. Section 71.161 (34 F.R. 4547) is amended by adding the following:

Jet Route No. 58 From New Orleans, La., to Sarasota, Fla.

2. Section 75.100 (34 F.R. 4856 and 6079) is amended as follows:

a. In Jet Route No. 58 all after "New Orleans, La., 295° radials;" is deleted and "New Orleans; INT of Grand Isle, La., 104° and Crestview, Fla., 201° radials; INT of Grand Isle 104° and Sarasota, Fla., 286° radials; Sarasota; INT of Sarasota 133° and Biscayne Bay, Fla., 301° radials; to Biscayne Bay." is substituted therefor.

b. In Jet Route No. 86 all after "Sarasota;" is deleted and "INT of Sarasota 133° and Biscayne Bay, Fla., 301° radials; to Biscayne Bay." is substituted therefor.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 11, 1969.

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

[F.R. Doc. 69-14908; Filed, Dec. 16, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SW-56]

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area

On October 11, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15760) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a restricted area at Camp Bowie, Tex.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. A comment was received from the Air Transport Association of America (ATA). No other comments were received.

The ATA comment recommended that the proposed restricted area be modified so as not to conflict with a direct route between Brownwood, Tex., and Lometa, Tex., utilized by Texas International Airlines.

At present there are no scheduled operations by Texas International Airlines between Brownwood and Lometa. Due to the nonuse of this route and the limited time of use of the proposed restricted area, the FAA is of the opinion that further modification of the proposed restricted area as recommended by the ATA is not justified. The route between Brownwood and Lometa is totally within controlled airspace and the service volume of navigational aids. In the future if flights are scheduled on this route they will be routed by Air Traffic Control in an expeditious manner.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 5, 1970, as hereinafter set forth.

Section 73.63 (34 F.R. 4846) is amended by adding:

R-6304 CAMP BOWIE, TEX.

Boundaries: Beginning at lat. 31°41'00" N., long. 98°58'00" W., to lat. 31°39'25" N., long. 98°52'15" W., to lat. 31°34'30" N., long. 98°54'10" W., to lat. 31°36'10" N., long. 99°00'00" W., thence to point of beginning.

Designated altitudes: Surface to 6,000 feet MSL.

Time of designation: A 4-hour period commencing at official sunset, Monday through Thursday.

Using agency: Commander, 75th Tactical Reconnaissance Wing, Bergstrom AFB, Tex.

Controlling agency: Federal Aviation Administration, Air Route Traffic Control Center, Fort Worth, Tex.

(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 Washington, D.C., on December 10, 1969.

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

[F.R. Doc. 69-14909; Filed, Dec. 16, 1969; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 10014; Amdt. 95-187]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice

and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective January 8, 1970 as follows:

1. By amending Subpart C as follows:

Section 95.51 *Green Federal airway 11* is amended to read in part:

From, to, and MEA

Shemya, Alaska, LF/RBN; Kirilof Wharf, Alaska, LF/RBN; 6,000.
Kirilof Wharf, Alaska, LF/RBN; Adak, Alaska, LF/RBN; *8,000. *7,900—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Tuscola, Tex., VOR; Llano, Tex., VOR; *4,000. *3,900—MOCA.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Mango INT, Fla.; Miami, Fla. (L-MIA), localizer crs. *4,000. *1,200—MOCA.
Pueblo, Colo., LOM; Pinon INT, Colo. (Via COS 169° RAD) COP 17 NM PU; 7,600.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

Custer INT, Kans.; Alma INT, Kans.; *3,000. *2,700—MOCA.
Alma INT, Kans.; Topeka, Kans., VOR; 3,000.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

Youngstown, Ohio, VOR; Sharpsville INT, Ohio; 2,900.
Sharpsville INT, Ohio; Clarion, Ohio, VOR; 3,600.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Columbus, N. Mex., VOR; Harrington Ranch INT, N. Mex.; 8,500.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

Meade INT, Kans.; Garden City, Kans., VOR; *4,600. *4,200—MOCA.

Section 95.6043 *VOR Federal airway 43* is amended to read in part:

Tiverton, Ohio, VOR; Briggs, Ohio, VOR; 3,000.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

Indianapolis, Ind., VOR; Jackson INT, Ind.; *2,700. *2,200—MOCA.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

Columbus, N. Mex., VOR; Harrington Ranch INT, N. Mex.; 8,500.

Section 95.6069 *VOR Federal airway 69* is amended to read in part:

*Cotton INT, La., via W alter.; **Foster INT, La., via W alter.; ***2,000. *3,000—MRA. *3,500—MRA. ***1,600—MOCA.
Hillemann INT, Ark.; Walnut Ridge, Ark., VOR; *3,500. *1,700—MOCA.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Llano, Tex., VOR; Beth INT, Tex.; *3,000. *2,700—MOCA.

From, To and MEA

Section 95.6077 *VOR Federal airway 77* is amended to read in part:

*Westover INT, Tex.; **Mankins INT, Tex.; 3,000. *5,000—MRA. **5,000—MRA.
Mankins INT, Tex.; *Dundee INT, Tex.; 3,000. *5,000—MRA.

Section 95.6107 *VOR Federal airway 107* is amended to read in part:

Los Banos, Calif., VOR via E alter.; *Sunol INT, Calif., via E alter.; 6,500. *6,500—MCA Sunol INT southeastbound.
Sunol INT, Calif., via E alter.; Oakland, Calif., VOR via E alter.; 4,000.

Section 95.6117 *VOR Federal airway 117* is amended to read in part:

Beallsville INT, Ohio; Bellaire, Ohio, VOR; 3,000.

Section 95.6119 *VOR Federal airway 119* is amended to read in part:

Parkersburg, W. Va., VOR; Burton INT, W. Va.; 3,400.

Section 95.6128 *VOR Federal airway 128* is amended to read in part:

Indianapolis, Ind., VOR; Jackson INT, Ind.; *2,700. *2,200—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Sinton INT, Tex.; Three Rivers, Tex., VOR; *1,900. *1,600—MOCA.

Section 95.6172 *VOR Federal airway 172* is amended to read in part:

Malta INT, Ill.; Chicago O'Hare, Ill., VOR; 4,000.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

Columbus, N. Mex., VOR; Harrington Ranch INT, N. Mex.; 8,500.

Section 95.6301 *VOR Federal airway 301* is amended to read in part:

*Santa Rosa, Calif., VOR; Williams, Calif., VOR; **7,000. *6,000—MCA Santa Rosa VOR, northeastbound. **6,300—MOCA.

Section 95.6310 *VOR Federal airway 310* is amended to read in part:

Rocky Mount, N.C., VOR; Elizabeth City, N.C., VOR; *1,800. *1,400—MOCA.

Section 95.6330 *VOR Federal airway 330* is amended to read in part:

Jackson, Wyo., VOR; Ione INT, Idaho; 14,000. *13,600—MCA Jackson VOR, westbound.

Section 95.6430 *VOR Federal airway 430* is amended to delete:

Glasgow, Mont., VOR via S alter.; Williston, N. Dak., VOR via S alter.; *6,000. *4,600—MOCA.

Section 95.6430 *VOR Federal airway 430* is amended to read in part:

Havre, Mont., VOR; Glasgow, Mont., VOR; *5,500. *5,100—MOCA.
Glasgow, Mont., VOR; Williston, N. Dak., VOR; *6,000. *4,600—MOCA.

Section 95.6472 *VOR Federal airway 472* is amended to read in part:

Elizabeth City, N.C., VOR; Bertie INT, N.C.; 3,000.
Bertie INT, N.C.; *Zang INT, N.C.; **5,000. *4,000—MRA. *5,000—MCA—Zang INT, eastbound. **1,500—MOCA.

Section 95.7082 *Jet Route No. 82* is amended to delete:

From, to, MEA, and MAA

Albany, N.Y., VORTAC; Boston, Mass., VORTAC; 18,000; 45,000.

Section 95.7158 *Jet Route No. 158* is added to read:

Mina, Nev., VOR; Lucin, Utah, VOR; ‡23,000; 45,000. ‡MEA is established with a gap in navigation signal coverage.
Lucin, Utah, VOR; Malad City, Idaho, VORTAC; 18,000; 45,000.

Section 95.7547 *Jet Route No. 547* is amended by adding:

Northbrook, Ill., VOR; Pullman, Mich., VORTAC; 18,000; 45,000.
Pullman, Mich., VORTAC; Peck, Mich., VORTAC; 18,000; 45,000.
Buffalo, N.Y., VORTAC; Syracuse, N.Y., VORTAC; 18,000; 45,000.
Syracuse, N.Y., VORTAC; Kennebunk, Maine, VORTAC; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

From; to—Changeover point: distance; from

V–301 is amended to delete:
Santa Rosa, Calif., VOR; Williams, Calif., VOR; 10; Santa Rosa.

Section 95.8003 *VOR Federal airway changeover points:*

V–13 is amended by adding:
Grantsburg, Wis., VOR; Duluth, Minn., VOR; 50; Grantsburg.

Section 95.8005 *Jet routes changeover points:*

J–136 is amended by adding:
Yakima, Wash., VORTAC; Spokane, Wash., VORTAC; 50; Yakima.

(Secs. 307, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C., on December 9, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-14910; Filed, Dec. 16, 1969; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-597; Amdt. 26]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Modernization of Traffic and Capacity Data Collection System; Postponement of Effective Date

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of December 1969.

By ER-586 (34 F.R. 14584, 14844), the Board on August 6, 1969, adopted Amendment No. 24 to Part 241 providing, inter alia, for collection of traffic and capacity data on a flight stage basis by route carriers and transmittal of such data to the Board for direct automatic processing. The effective date for maintenance and submission of segment O&D passenger and cargo data and aircraft hours data was deferred until January 1, 1971. However, the effective date of the

remainder of the rule was set for January 1, 1970.

By letters of October 31, 1969, to each member of the Board the Air Transport Association (ATA) has requested reconsideration and rescission of ER-586.[1] The letters set forth no basis for reconsideration and rescission, and the relief requested is denied.

The Board is, of course, aware of the adverse trend in the earnings position of the carriers noted by ATA. This trend is, in significant part, due to declining load factors, underscoring the need for the Board to have complete and recurrent information of carrier operations on a flight stage basis. As the Board stated in ER-586, these data are of crucial importance in carrying out the Board's regulatory functions, since the relation of traffic carried to available capacity is a key to profitability of service and to the efficiency and economy of operations. In the long run, the economic welfare of the industry should be enhanced, rather than harmed, by the rule.

In view of the foregoing, it is important that the rule be implemented at the earliest feasible date. However, since the final rule was not released until September 18, 1969, only 3 months were available to carry out the necessary coordinations with the industry for establishing standard practices under the rule with respect to ADP details and for the carriers to make the necessary preparations for implementation of the rule. While most, if not all, of the data to be collected exists within the records of the carriers, it is not processed on a uniform basis and special retrieval programs will have to be developed in order to comply with the regulation. It appears, therefore, that implementation cannot be effective by January 1, 1970.

Under the circumstances, the Board finds that the effective date of the rule should be postponed to July 1, 1970, except for the matters deferred until January 1, 1971. Since this action merely delays the effectiveness of the rule in these respects, the Board finds that notice and public procedure are unnecessary, and the amendment may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby changes the effective date of Amendment No. 24 to Part 241 from January 1, 1970, to July 1, 1970.

(Secs. 204(a), 407(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14958; Filed, Dec. 16, 1969; 8:48 a.m.]

[1] It should be noted that the ATA has no authority to act for its member carriers with respect to the matters referred to in these letters, since there has been no compliance with respect to Part 263 of the economic regulations. However, because of the public importance of the matters raised, we have considered the merits of the request.

[Reg. ER-598; Amdt. 12]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Reduction in Retention Period of Flight and Auditor's Coupons

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of December 1969.

In view of the great volume of passenger tickets now required to be retained by the route air carriers under Part 249, the Board has decided to reduce the retention period for flight and auditor's coupons from 2 years to 1 year. The waiting period for preserving original flight coupons on microfilm is eliminated. These actions will reduce to some extent a burdensome storage facilities expense to the carriers while making available such records during a period sufficient for the Board's purposes.

Because this amendment does not adversely affect any person and relieves a restriction as to air carriers, the Board finds that notice and public procedure are unnecessary and the amendment shall be made effective immediately.

Accordingly, the Board hereby amends paragraph (f) of § 249.13 (14 CFR 249.13), effective December 11, 1969, by revising categories 151(a) and 151(b) in the "Schedule of Records" table to read as follows:

§ 249.13 Period of preservation of records by certificated route air carriers.

* * * * *

(f) * * *

SCHEDULE OF RECORDS

Category of records	Period to be retained	Microfilm indicator
* * *	* * *	* * *
151. (a) Flight coupons	1 year	M
(b) Auditor's coupons	do	
(c) Perpetual inventory of ticket stock	2 years	
* * *	* * *	* * *

(Secs. 204, 407, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-14957; Filed, Dec. 16, 1969; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7019]

PART 147—TEMPORARY REGULATIONS UNDER THE INTEREST EQUALIZATION TAX ACT

Information Returns With Respect to Foreign Branches of Commercial Banks

In order to eliminate duplicate reporting requirements, § 147.9-4(b)(2) of the Temporary Regulations (26 CFR Part 147) is amended as follows:

Paragraph (b) of § 147.9-4 is amended by revising subparagraph (2) to read as follows:

§ 147.9-4 Information returns with respect to commercial banks.

* * * * *

(b) *Reporting requirements.* * * *

(2) *Assets and liabilities at branches outside the United States*—(i) *Business months beginning before October 1, 1969.* Each U.S. person which is a commercial bank shall file a return on Form 3954 for each business month beginning before October 1, 1969, with respect to assets and liabilities at the foreign branches of such bank within 15 days (or, in the case of branches located in less developed countries (within the meaning of section 4916(b)), within 30 days) after the final business day in each business month. Such return shall include the information required by such form and the accompanying instructions.

(ii) *Business months beginning after September 30, 1969.* Each U.S. person which is a commercial bank shall file a return on Federal Reserve Form 502 (regardless of the total liabilities of the branch) for each business month beginning after September 30, 1969, with respect to assets and liabilities at the foreign branches of such bank within 15 days (or, in the case of branches located in less developed countries (within the meaning of section 4916(b)), within 30 days) after the final business day in each business month. Such return shall include the information required by such form and the accompanying instructions, as modified by this subdivision, and shall be filed with the Commissioner of Internal Revenue (Attention: Treasury, IET), Washington, D.C. 20224. The requirements of this subdivision do not apply to commercial banks which are members of the Federal Reserve System, or to commercial banks which are not members of the Federal Reserve System provided such nonmember banks (*a*) notify the Commissioner of Internal Revenue (Attention: Treasury, IET), Washington, D.C. 20224, that they intend to file Federal Reserve Form 502 or 503 with the

Federal Reserve System, and (b) comply with the filing and information requirements imposed on member banks of the Federal Reserve System with respect thereto.

* * * * *

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: December 11, 1969.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[F.R. Doc. 69-14959; Filed, Dec. 16, 1969; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Community Nursing Home Care for Veterans

1. In § 17.51, that portion preceding paragraph (a) and paragraph (c) are amended and paragraph (d) is added so that the added and amended material reads as follows:

§ 17.51 Transfers to community nursing homes from Veterans Administration facilities.

Nursing home care in a contract public or private nursing home care facility may be authorized for any veteran eligible for hospital care under § 17.47 (a), (b), (c), or (d), who has attained the maximum hospital benefit and for whom a protracted period of nursing home care will be required, provided:

* * * * *

(c) The cost of the nursing home care does not exceed 40 percent of the cost of care furnished by the Veterans Administration in a general medical and surgical hospital as determined from time to time, and

(d) The nursing home care will not be for more than 6 months in the aggregate in connection with any one transfer, except in the case of a veteran whose hospitalization was primarily for a service-connected disability. In such case entitlement to nursing home care under this section is not subject to any time limitation.

2. Section 17.51a is revised to read as follows:

§ 17.51a Extensions of community nursing home care beyond 6 months.

The Chief Medical Director, his Deputy or the Regional Medical Director may authorize, for any veteran whose hospitalization was not primarily for service-connected disability, an extension of nursing care in a public or private nursing home care facility at Veterans Administration expense beyond 6 months for circumstances of a most unusual nature such as when additional time is needed to complete imminent arrangements for other care.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective October 30, 1969.

Approved: December 5, 1969.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69-14911; Filed, Dec. 16, 1969; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-1—GENERAL

Synopsizing Procurement Actions for Commerce Business Daily

The table of contents of Part 5A-1 is amended to add the following new entries:

Sec.	
5A-1.1003	Synopses of proposed procurements.
5A-1.1003-70	Synopses of amendments to solicitations for offers.

Subpart 5A-1.10—Publicizing Procurement Actions

1. Subpart 5A-1.10 is amended by the addition of new §§ 5A-1.1003 and 5A-1.1003-70, as follows:

§ 5A-1.1003 Synopses of proposed procurements.

§ 5A-1.1003-70 Synopses of amendments to solicitations for offers.

(a) All amendments to solicitations for offers shall be reported for publication in the Commerce Business Daily if the initial procurement was published or if the amendment is of a type to bring the procurement within the criteria for publication (e.g., if the quantity is increased).

(b) Examples of message text (but not format, spacing, etc.), to the Commerce Business Daily covering amendments are set forth below:

(1) 68—Cleaning Compound Solvent—IFB No. FPNGG-Z-0000-N—Addition—Previously synopsized quantity of 2,000 is increased to 3,000 each.

(2) 58—Amplifier Assembly, Audio Mixing—RFP No. BO-Z-1-00000-0—Correction—fourth line of text is changed to read: "frequency response of 20,000."

(3) 67—Printer, X-915 Super—Solicitation No. WA-XX-Y-ZOOOOO—Correction—Original quantity of 100 now includes 50 set-aside for small business.

(4) 73—Heating Element—IFB No. FPNTP-XX-OOOOO-Y—Addition and Extension—Previously synopsized quantity of 10,000 is increased to 20,000 each—Bid Opening is extended to October 31, 1969.

2. Section 5A-1.1004 is revised to read as follows:

§ 5A-1.1004 Synopses of contract awards.

Awards of all unclassified contracts to be performed in whole or in part within the United States, exceeding $10,000 in amount, shall be published in the Commerce Business Daily.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated: December 2, 1969.

A. F. SAMPSON,
Commissioner, Federal Supply Service.

[F.R. Doc. 69-14948; Filed, Dec. 16, 1969; 8:48 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

Subpart B—Grants for Construction of Teaching Facilities for Health Professions Personnel

Subpart E—Grants for Construction of Nurse Training Facilities

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following revised Subpart B—Grants for Construction of Teaching Facilities for Health Professions Personnel, and revised Subpart E—Grants for Construction of Nurse Training Facilities, which relate solely to grants. The purposes of these revisions are to make the necessary changes consistent with the amendments made to Part B of Title VII and sections 801-804 of the Public Health Service Act by Public Law 90-490 (82 Stat. 779), including the authorization of grants of up to 66⅔ percent of the cost of construction in cases of unusual circumstances, and, with respect only to Teaching Facilities for Health Professions Personnel, the authorization of grants for the construction of multipurpose facilities and the extension of the Federal recovery period from 10 to 20 years after completion of construction; to require assurances as to minimum enrollment in the case of projects for new schools; to update the

provisions relating to minimum standards of construction; and to make various other technical and clarifying changes.

The following revised Subparts B and E shall become effective on the date of publication in the FEDERAL REGISTER.

1. Subpart B of Part 57 is revised to read as follows:

Subpart B—Grants for Construction of Teaching Facilities for Health Professions Personnel

Sec.
57.101 Definitions.
57.102 Eligibility.
57.103 Priority.
57.104 Percentage of participation; amount of construction grant.
57.105 Nondiscrimination.
57.106 Terms and conditions.
57.107 Good cause for other use of completed facility.
57.108 Minimum standards of construction and equipment.

AUTHORITY: The provisions of this Subpart B issued under sec. 727 of the Public Health Service Act as amended, 77 Stat. 170; 42 U.S.C. 293g.

§ 57.101 Definitions.

As used in this subpart:

(a) All terms not defined herein shall have the same meaning as given them in the Act.

(b) "Act" means the Public Health Service Act, as amended.

(c) "Secretary" means the Secretary of Health, Education, and Welfare or any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(d) "Construction grant" means a grant of funds for the construction of teaching facilities as authorized by Part B of Title VII of the Act.

(e) "Construction" as defined in section 724(1) of the Act includes those repairs to an existing building, excluding routine maintenance, which restore the building to a sound state, and the cost of which is no less than $100,000.

(f) "Equipment" means those items which are necessary for the functioning of the facility but does not include items of current operating expense such as food, fuel, drugs, dressings and paper, or books, pamphlets and related matter.

(g) "Multipurpose facilities" means facilities which are primarily (as determined in accordance with § 57.102(e) for teaching purposes but which are also for research, or research and related purposes, in the sciences related to health (within the meaning of Part A of Title VII of the Act) and/or for medical library purposes (within the meaning of Part I of Title III of the Act).

(h) "New school" means a school from which, at the time of filing an application for a construction grant, no class has been graduated because of an insufficient period of operation.

(i) "Council" means the National Advisory Council on Education for Health Professions (established by section 725 of the Act).

§ 57.102 Eligibility.

In order to be eligible for a construction grant, the applicant shall:

(a) Meet the requirements of section 721 of the Act;

(b) Be located in a State, the District of Columbia, Puerto Rico, or the Virgin Islands.

(c) Except in the case of an application with respect to an affiliated hospital, be accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that a new school which (by reason of no, or an insufficient period of operation) is not, at the time of making application for the construction grant, eligible for accreditation by such recognized body or bodies shall be deemed accredited for purposes of receiving a grant if the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school, after completion of the facility and at or prior to the time of graduation of the first class to use such facility, will have met the accreditation standards of such body or bodies; and

(d) In the case of an application with respect to an affiliated hospital, have a written agreement with an accredited school of medicine or a school of osteopathy providing for effective control by the school of the teaching in the hospital.

(e) In the case of an application with respect to the construction of multipurpose facilities, such application must be for the construction of facilities which are determined by the Secretary to be primarily for teaching purposes and for which a grant may otherwise be made under Part B of Title VII of the Act. The Secretary may determine to be primarily for teaching purposes any facilities with respect to which he determines that the health professions teaching portion of such facilities, including research and library space essential for teaching purposes, will substantially exceed the total of the research and library portions which are not essential for teaching, taken together.

§ 57.103 Priority.

Priority in approving applications for construction grants shall be determined on the basis of those factors specified in section 721(d) of the Act, and the following: (a) The relative need for increased enrollment and the availability of qualified students; (b) the relative effectiveness of the project in accomplishing the purposes of the Act at the least relative cost to the Federal Government; and (c) the relative ability of the applicant to make efficient and productive use of the facility constructed.

§ 57.104 Percentage of participation; amount of construction grant.

(a) *Percentage of participation.* (1) The amount of the construction grant may not exceed 50 per centum of the necessary cost of construction except that (i) in the case of a project for a new school or for major expansion of training capacity of an existing school in accordance with subparagraph (2) of this paragraph, such grant may not exceed 66⅔ percent of such cost; (ii) in the case of a project for a school of public health, it may not exceed 75 per centum of such cost; and (iii) with respect to appropriations for fiscal years ending after June 30, 1969, in the case of any other grant where the Secretary determines in the particular case that unusual circumstances make a percentage larger than 50 per centum (which in no case may exceed 66⅔ per centum) of such cost necessary in order to increase the enrollment of students in the health professions or to prevent the curtailment of such enrollment.

(2) For purposes of this paragraph a major expansion of training capacity of an existing school occurs or will occur when the Secretary determines, on the basis of such information or assurances as he may require, that the first-year enrollment at such a school for each of the 10 full school years after the completion of the construction will exceed the highest first-year enrollment at such school for any of the 5 full school years preceding the year in which the application is made by at least 20 per centum of such highest first-year enrollment, or by 20 students, whichever is greater: *Provided, however*, That where the Secretary finds, with respect to a particular school, that such increased enrollment cannot be achieved until the second or third full school year after completion of construction he may determine that the requirements for a major expansion of training capacity are met if during the first or second full school year after completion of construction the increased first-year enrollment will equal such amount in excess of 5 percent or five students, whichever is greater, as the Secretary may specify.

(b) *Amount of construction grant—less than maximum.* In determining the extent to which less than the maximum allowable construction grant may be made, the Secretary shall take into consideration the most effective use of available Federal funds to further the purposes of the Act.

§ 57.105 Nondiscrimination.

(a) *Executive Order 11246.* Each construction grant is subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, September 24, 1965 (30 F.R. 12319), relating to nondiscrimination in construction contract employment, and the applicable rules, regulations, and procedures prescribed pursuant thereto (see § 57.106(p)(2)(i)).

(b) *Civil Rights Act of 1964.* Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 78 Stat. 252), which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, applicable to grants for construction of teaching facilities, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

§ 57.106 Terms and conditions.

In addition to any other requirements imposed by law or determined by the

Secretary to be reasonably necessary with respect to particular projects to fulfill the purpose of the grant, each construction grant shall be subject to the condition that the applicant will furnish and comply with the following assurances. The Secretary may at any time approve exceptions to these terms and conditions where he finds that such exceptions are not inconsistent with the Act and purposes of the program:

(a) That applicant has a fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 20 years undisturbed use and possession for the purpose of the construction and operation of the facility;

(b) That the Secretary's approval of the final working drawings and specifications, which conform to the minimum standards of construction and equipment (§ 57.108), will be obtained before the project is advertised or placed on the market for bidding;

(c) That applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and award the contract to the responsible bidder submitting the lowest acceptable bid; and will purchase all fixed equipment (including such fixed equipment as is not purchased through the construction contract) by adequate methods of competitive bidding and award the contract to the responsible bidder submitting the lowest acceptable bid, except that competitive bidding procedures need not be employed for the purchase of specific fixed equipment items which are not included in the construction contract where such action is found by the Secretary, upon written justification by the applicant, to be required by the needs of the program;

(d) The applicant will enter into no construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, without prior approval of the Secretary;

(e) The applicant will finance all costs in excess of the estimated costs approved in the application and submit to the Secretary for prior approval changes that substantially alter the scope of work, functions, utilities, or safety of the facility;

(f) That applicant will construct the project, or cause it to be constructed, to final completion in accordance with the grant application and approved plans and specifications;

(g) That applicant will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable time. All records shall be retained for 3 years after the close of the fiscal year in which the construction is completed; or, if a Federal audit has not occurred within 3 years, (1) for 5 years after the close of the fiscal year in which the construction is completed; or (2) until the applicant is notified of the completion of the Federal audit, whichever is earlier;

(h) That applicant will furnish progress reports and such other information as the Secretary may require;

(i) That applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications;

(j) That sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

(k) That sufficient funds will be available after construction is completed for effective use of the facility for the purposes for which it is being constructed;

(l) That the facility is intended to be used for the purposes for which the application has been made;

(m) That no portion of the facility constructed with funds under Part B of Title VII of the Act will be used for sectarian instruction or as a place for religious worship;

(n) That in the case of any application (including an application with respect to continuing education or advanced training) to expand the training capacity of an existing school, the first-year enrollment at such school during the first full school year after the completion of the construction and for each of the next 9 school years thereafter will exceed the highest first-year enrollment at such school for any of the 5 full years preceding the year in which the application is made by at least 5 percentum of such highest first-year enrollment, or by five students, whichever is greater. Where the applicant has given assurance under section 771(b) of the Act with respect to an institutional grant application, this increase shall be in addition to the increase of 2½ percentum or five students required thereunder.

(o) That in the case of a project for the construction of a new school, (1) the first-year enrollment at such school during the third full school year after completion of construction and for each of the 7 school years thereafter will be that number which is set forth in the application as the projected total first-year enrollment of the school and which is determined by the Secretary to be adequate in relation to the amount of the grant, taking into consideration the most effective use of the total amount of Federal funds available, the amount of Federal funds requested by the applicant, the nature and quality of training to be provided in the facility, and other relevant factors; and (2) the first-year enrollment at such school during the first full school year after completion of construction will be at least one-third of the number determined pursuant to subparagraph (1) of this paragraph;

(p) (1) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276 et seq.), and will receive compensation at a rate not less than 1½ times his basic rate of pay for all hours worked in any work week in excess of 8 hours in any calendar day or 40 hours in the work week (40 U.S.C. 327–332); and (2) That the following conditions and provisions will be included in all contracts for such construction work:

(i) The provisions set forth in "DHEW Requirements for Federally Assisted Construction Contracts Regarding Labor Standards and Equal Employment Opportunities", Form DHEW 514 (April 1969) (issued by the Division of Grants Administration Policy, U.S. Department of Health, Education, and Welfare) pertaining to the Davis-Bacon Act, the Contract Work Hours Standards Act, and the Copeland Act (Anti-Kickback) Regulations, except in the case of contracts in the amount of $2,000 or less; and pertaining to Executive Order 11246, September 24, 1965 (30 F.R. 12319), relating to nondiscrimination in construction contract employment, except in the case of contracts in the amount of $10,000 or less;

(ii) The contractor shall furnish performance and payment bonds in the full amount of the contract price, and shall maintain, during the life of the contract, adequate fire, workmen's compensation, public liability, and property damage insurance;

(iii) The Secretary will have access at all reasonable times to work whenever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

§ 57.107 Good cause for other use of completed facility.

If, within 20 years after completion of any construction for which a construction grant has been made under this subpart, the facility shall cease to be used for any one or more of the purposes for which it was constructed, the Secretary, in determining whether there is good cause for releasing the applicant or other owner of the facility from the obligation so to use the facility, shall take into consideration the extent to which:

(a) The facility will be devoted by the applicant or other owner to the teaching of other health personnel, or to other purposes in the sciences related to health for which funds are available under Part B of Title VII of the Act;

(b) A teaching hospital will be used as a facility eligible for assistance under title VI of the Act;

(c) There are reasonable assurances that for the remainder of the 20-year period other facilities not previously utilized for teaching health professions personnel, or for research and related purposes in the sciences related to health, or for medical library purposes, as the case may be, will be so utilized and are substantially the equivalent in nature and extent for such purposes.

§ 57.108 Minimum standards of construction and equipment.

(a) *Introduction.* (1) The standards set forth in this subpart have been established by the Secretary as required by section 721(c)(4) of the Act. These standards constitute minimum requirements for construction and equipment and shall apply to all projects for which Federal assistance is requested under the Act. The Secretary may approve plans and specifications which contain deviations from the requirements prescribed, if he is satisfied that the purposes of such requirements have been fulfilled. In addition to these requirements, it is recognized that the project will have to meet the requirements of local codes and ordinances relating to construction.

(2) Teaching hospital facilities constructed under the Act shall comply with the requirements of "General Standards of Construction and Equipment for Hospital and Medical Facilities" (PHS No. 930–A–7), and any amendments or revisions thereof, which document is incorporated by reference in § 53.101(a) of this chapter. Said document will be provided to all applicants for the construction of such teaching hospital facilities, and is available to any interested person, whether or not affected by the provisions of this subpart, upon request to the Regional Office of the Department of Health, Education, and Welfare, or the Public Inquiries Branch, Public Health Service, Washington, D.C.

(b) *Architectural.* The following requirements have been established to assure an orderly development of the project and to provide a uniform method for the preparation and review of drawings, specifications, and estimates:

(1) Facilities shall be fire safe, structurally safe and so planned as to carry out effectively the proposed program.

(2) Appropriate public facilities including entrances, toilet rooms, and elevators shall be designed to provide easy access for physically handicapped persons needing wheelchairs, walkers, and other aids. Minimum requirements shall be those set forth in the United States of America Standards Institute No. A117.-1961, "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped."

(3) The submission of programs, plans, specifications, site surveys, estimates, etc. shall be in such stages and in such form as the Secretary may require.

(c) *Construction including fire-resistive requirements*—(1) *Foundations.* Foundations shall rest on natural solid ground if a satisfactory soil is available at reasonable depths. Proper soil bearing values shall be established in accordance with recognized standards. If solid ground is not encountered at practical depths, the structure shall be supported on driven piles or drilled piers designed to support the intended load without detrimental settlement, except that one-story buildings may rest on a fill designed by a soils engineer. When engineered fill is used, site preparation and all grading shall be done under the direct supervision of the soils engineer. The soils engineer shall issue a final report on the grading operation and a certification of compliance with the job specifications. Special review and approval by the Secretary may be required for foundations supported on engineered fill. All footings shall extend to a depth not less than 1 foot below the estimated maximum frost line.

(2) *One-story buildings.* One-story buildings shall be of not less than 1-hour fire-resistive construction throughout, with the following exceptions:

(i) Walls enclosing stairways, elevator shafts, chutes and other vertical shafts, boiler rooms, and storage rooms of 100 square feet or greater area shall be of 2-hour fire-resistive construction.

(ii) Heavy timber construction may be used in auditoriums and administration areas provided that these areas are so located as to be freestanding buildings or, if attached to the main building, are suitably fire separated therefrom, do not form a major circulation element in the facility, and do not serve as a required means of egress.

(3) *Multistory buildings.* (i) For all buildings more than a story in height, the structural framework and building elements shall be an appropriately fire-resistive combination of materials using steel, concrete, or masonry, except that load-bearing masonry walls may be used for buildings up to and including three stories in height.

(ii) Bearing walls and walls enclosing stairways, elevator shafts, chutes, and other vertical shafts, boiler rooms, and storage rooms of 100 square feet or greater area shall be of 2-hour fire-resistive construction.

(iii) Nonbearing corridor partitions shall be of 1-hour fire-resistive construction.

(iv) Columns, girders, trusses, floor construction including beams, and roof construction including beams shall be of not less than 1½-hour fire-resistive construction.

(v) Beams supporting masonry shall be individually protected with not less than 2-hour fire-resistive construction.

(vi) Nonbearing partitions other than corridor partitions shall be of 1-hour fire-resistive construction and may utilize fire-retardant-treated wood studs.

(4) *Fire ratings.* Fire-resistive ratings shall be determined in accordance with American Society for Testing and Materials (ASTM) Designation No. E–119.

(i) Interior finish of walls and ceilings of all exitways, storage rooms, and areas of unusual fire hazard shall have a flame spread rating of not more than 25.

(ii) All other areas shall have a flame spread rating of not more than 75, except that up to 10 percent of the aggregate wall and ceiling area may have a finish with a rating up to 200.

(iii) Floor finish materials shall have a flame spread rating of not more than 75.

(iv) Flame spread ratings for each specific product shall be determined by an independent testing laboratory in accordance with ASTM Designation No. E–84.

(5) *Exits.* Exit facilities shall comply with the requirements of the Life Safety Code, National Fire Protection Association (NFPA) Standard No. 101.

(d) *Mechanical.* All installations of fuel burning equipment, steam, heating, air conditioning and ventilation, plumbing and other piping systems shall comply with the requirements of:

1. National Board of Fire Underwriters, 85 John Street, New York, N.Y. 10038.
2. American Standards Association, 70 East 45th Street, New York, N.Y. 10017.

Boilers shall meet the requirements of the American Society of Mechanical Engineers (A.S.M.E.) codes relating to pressure vessels, and shall be installed to meet all requirements of State and local codes and regulations.

(e) *Electrical.* All electrical installations and equipment shall comply with the requirements of local and State codes and the applicable sections of the National Electrical Code and the following:

(1) *Hazardous locations.* Installations and equipment in rooms in which flammable anesthetic and disinfecting agents are used or stored shall comply with the requirements of NFPA No. 56 and No. 70.

(2) *Fire alarms.* Manually operated fire alarm system installations shall comply with the requirements of NFPA No. 72 and shall be located as required by the Life Safety Code, NFPA No. 101.

(3) *Radiation protection.* Radiation protection in rooms in which X-ray, gamma-ray, or beta-ray producing equipment is used shall comply with the requirements of the following handbooks of the National Bureau of Standards:

Handbook 55. Protection Against Betatron-Synchrotron Radiations up to 100 Million Electron Volts.
Handbook 73. Protection Against Radiations from Sealed Gamma Sources.
Handbook 76. Medical X-Ray Protection Up To Three Million Volts.

(4) *Emergency electric service.* Emergency exit lighting shall comply with the requirements of the National Electrical Code and shall be located as required by the Life Safety Code.

(f) *Elevators, dumbwaiters, and escalators.* Installation of elevators, dumbwaiters, and escalators shall comply with the requirements of the American Standard Safety Code for Elevators, Dumbwaiters, and Escalators, ASA A17.

2. Subpart E is revised to read as follows:

Subpart E—Grants for Construction of Nurse Training Facilities

Sec.
57.401 Definitions.
57.402 Eligibility.
57.403 Priority.
57.404 Percentage of participation; amount of construction grant.
57.405 Nondiscrimination.
57.406 Terms and conditions.

Sec.
57.407 Good cause for other use of completed facility.
57.408 Acquisition of facilities.
57.409 Minimum standards of construction and equipment.

AUTHORITY: The provisions of this Subpart E issued under secs. 215, 802–804 of the Public Health Service Act as amended, 58 Stat. 690, 78 Stat. 909–911; 42 U.S.C. secs. 216, 296a–c.

§ 57.401 Definitions.

As used in this subpart:

(a) All terms not defined herein shall have the same meaning as given them in the Act.

(b) "Act" means Title VIII of the Public Health Service Act, as amended.

(c) "Secretary" means the Secretary of Health, Education, and Welfare or any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(d) "Construction grant" means a grant of funds for the construction of nurse training facilities as authorized by the Act.

(e) "Equipment" means those items which are necessary for the functioning of the facility but does not include items of current operating expense such as food, fuel, drugs, dressings and paper, or books, pamphlets, and related matter.

(f) "New school" means a school from which, at the time of filing an application for a construction grant, no class has been graduated because of an insufficient period of operation.

(g) "Council" means the National Advisory Council on Nurse Training (established by section 841 of the Act).

§ 57.402 Eligibility.

In order to be eligible for a construction grant, the applicant shall:

(a) Meet the requirements of section 802 of the Act;

(b) Be located in a State; and

(c) Be accredited as provided in section 843(f) of the Act.

§ 57.403 Priority.

Priority in approving applications for construction grants shall be determined on the basis of those factors specified in section 802(c) of the Act, and the following: (a) The relative availability of qualified students; (b) the relative effectiveness of the project in accomplishing the purposes of the Act at the least relative cost; and (c) the relative ability of the applicant to make efficient and productive use of the facility constructed.

§ 57.404 Percentage of participation; amount of construction grant.

(a) *Percentage of participation.* (1) The amount of the construction grant may not exceed 50 per centum of the necessary cost of construction except that (i) in the case of a project for a new school or for major expansion of training capacity of an existing school in accordance with subparagraph (2) of this paragraph, such grant may not exceed 66⅔ per centum of such cost; and (ii) in the case of any other grant where the Secretary determines in a particular case that unusual circumstances make a percentage larger than 50 per centum (which in no case may exceed 66⅔ per centum) of such cost necessary in order to increase the enrollment of nursing students or to prevent the curtailment of such enrollment.

(2) For purposes of this paragraph a major expansion of training capacity of an existing school occurs or will occur when the Secretary determines, on the basis of such information or assurances as he may require, that the first-year enrollment at such school for each of the 10 full school years after the completion of the construction will exceed the highest first-year enrollment at such school for any of the 5 full school years preceding the year in which the application is made by at least 20 per centum of such highest first-year enrollment, or by 20 students, whichever is greater: *Provided, however,* That where the Secretary finds, with respect to a particular school, that such increased enrollment cannot be achieved until the second or third full school year after completion of construction, he may determine that the requirements for a major expansion of training capacity are met if during the first or second full school year after completion of construction the increased first-year enrollment will equal such amount in excess of 5 percent or five students, whichever is greater, as the Secretary may specify.

(b) *Amount of construction grant—less than maximum.* In determining the extent to which less than the maximum allowable construction grant may be made, the Secretary shall take into consideration the most effective use of available Federal funds to further the purposes of the Act.

§ 57.405 Nondiscrimination.

(a) *Executive Order 11246.* Each construction grant is subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, September 24, 1965 (30 F.R. 12319), relating to nondiscrimination in construction contract employment, and the applicable rules, regulations, and procedures prescribed pursuant thereto (see § 57.406(o)(2)(i)).

(b) *Civil Rights Act of 1964.* Attention is called to the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 78 Stat. 252), which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, applicable to grants for construction of nurse training facilities, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

§ 57.406 Terms and conditions.

In addition to any other requirements imposed by law or determined by the Secretary to be reasonably necessary with respect to particular projects to fulfill the purpose of the grant, each construction grant shall be subject to the condition that the applicant will furnish and comply with the following assurances. The Secretary may at any time approve exceptions to these terms and conditions where he finds that such exceptions are not inconsistent with the Act and the purpose of the program.

(a) *Title.* That applicant has a fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 20 years undisturbed use and possession for the purpose of the construction and operation of the facility.

(b) *Approval of drawings and specifications.* That the Secretary's approval of the final working drawings and specifications, which conform to the minimum standards of construction and equipment (§ 57.409), will be obtained before the project is advertised or placed on the market for bidding (see § 57.408(a) with respect to the acquisition of facilities);

(c) *Competitive bids.* That applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and award the contract to the responsible bidder submitting the lowest acceptable bid; and will purchase all fixed equipment (including such fixed equipment as is not purchased through the construction contract) by adequate methods of competitive bidding and award the contract to the responsible bidder submitting the lowest acceptable bid, except that competitive bidding procedures need not be employed for the purchase of specific fixed equipment items which are not included in the construction contract where such action is found by the Secretary, upon written justification by the applicant, to be required by the needs of the program (see § 57.408(c) with respect to the acquisition of facilities);

(d) *Approval of estimated cost.* That applicant will enter into no construction contract or contracts, for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, without the prior approval of the Secretary;

(e) *Costs in excess of approved costs.* That applicant will finance all costs in excess of the estimated costs approved by the Secretary and submit to the Secretary for prior approval changes that substantially alter the scope of work, functions, utilities, or safety of the facility;

(f) *Completion responsibility.* That applicant will construct the project, or cause it to be constructed, to final completion in accordance with the grant application and approved plans and specifications;

(g) *Records and accounts.* That applicant will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable time. All records shall be retained for 3 years after the close of the fiscal year in which the construction is completed; or, if a Federal audit has not occurred within 3 years, (1) for 5 years after the close of the fiscal year in which the construction is completed; or (2) until the applicant is notified of the completion of the Federal audit, whichever is earlier;

(h) *Progress reports.* That applicant will furnish progress reports and such other information as the Secretary may require;

(i) *Construction supervision.* That applicant will provide and maintain competent and adequate architectural and engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications;

(j) *Non-Federal share.* That sufficient funds will be available to meet the non-Federal share of the cost of construction;

(k) *Funds for operation.* That sufficient funds will be available after construction is completed for effective use of the facility for the purposes for which it is being constructed;

(l) *Authorized uses.* That for not less than 20 years after completion of construction, the facility will be used for the purposes of the training for which it is to be constructed, and will not be used for sectarian instruction or as a place for religious worship;

(m) *Expansion of training capacity.* That in the case of any application (including an application with respect to advanced training) to expand the training capacity of an existing school, the first-year enrollment at such school during the first full school year after the completion of the construction and for each of the next 9 school years thereafter will exceed the highest first-year enrollment at such school for any of the 5 full years preceding the year in which the application is made by 5 percentum of such highest first-year enrollment, or by five students, whichever is greater, or by such higher percentage or number as specified in the approved application. Where the applicant has given assurance under section 806(b) of the Act with respect to an institutional grant application, this increase shall be in addition to the increase of 2½ percentum or five students required thereunder.

(n) *Enrollment of new school.* That in the case of a project for the construction of a new school, (1) the first-year enrollment at such school during the third full school year after completion of construction and for each of the 7 school years thereafter will be that number which is set forth in the application as the projected total first-year enrollment of the school and which is determined by the Secretary to be adequate in relation to the amount of the grant, taking into consideration the most effective use of the total amount of Federal funds available, the amount of Federal funds requested by the applicant, the nature and quality of training to be provided in the facility, and other relevant factors; and (2) the first-year enrollment at such school during the first full school year after completion of construction will be at least one-third of the number determined pursuant to subparagraph (1) of this paragraph.

(o) *Labor standards; insurance; inspection.* (1) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276 et seq.), and will receive compensation at a rate not less than 1½ times his basic rate of pay for all hours worked in any workweek in excess of 8 hours in any calendar day or 40 hours in the workweek (40 U.S.C. 327–332); and

(2) That the following conditions and provisions will be included in contracts for such construction work:

(i) The provisions set forth in "DHEW" Requirements for Federally Assisted Construction Contracts Regarding Labor Standards and Equal Employment Opportunities", Form DHEW 514 (April 1969) (issued by the Division of Grants Policy, U.S. Department of Health, Education, and Welfare) pertaining to the Davis-Bacon Act, the Contract Work Hours Standards Act, and the Copeland Act (Anti-Kickback) Regulations, except in the case of contracts in the amount of $2,000 or less; and pertaining to Executive Order 11246, September 24, 1965 (30 F.R. 12319), relating to nondiscrimination in construction contract employment, except in the case of contracts in the amount of $10,000 or less;

(ii) The contractor shall furnish performance and payment bonds in the full amount of the contract price, and shall maintain, during the life of the contract, adequate fire, workmen's compensation, public liability, and property damage insurance;

(iii) The Secretary will have access at all reasonable times to work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

§ 57.407 Good cause for other use of completed facility.

If, within 20 years after completion of any construction for which a construction grant has been made under this subpart, the facility shall cease to be used for the teaching purposes for which it was constructed, the Secretary, in determining whether there is good cause for releasing the applicant or other owner of the facility from the obligation so to use the facility, shall take into consideration the extent to which:

(a) *Other teaching use.* The facility will be devoted by the applicant or other owner to the teaching of other health personnel;

(b) *Utilization of other facilities.* There are reasonable assurances that for the remainder of the 20-year period other facilities not previously utilized for nurse training will be so utilized and are substantially the equivalent in nature and extent for such purposes.

§ 57.408 Acquisition of facilities.

In addition to the other requirements of this subpart, the following provisions are also applicable to the acquisition of existing facilities, including the acquisition of land in connection therewith.

(a) *Minimum standards of construction; exceptions.* The Secretary's approval of the architectural program and structural description which conform (or upon completion of any necessary construction will conform) to the minimum standards of construction and equipment as specified in § 57.409, shall be obtained before entering into a final or unconditional contract for such acquisition. Where the Secretary finds that exceptions to or modification of any such minimum standards of construction and equipment would be consistent with the purposes of the Act and of the program, he may authorize such exceptions or modifications.

(b) *Estimated cost of acquisition and remodeling; suitability of facility.* Each application for a project involving the acquisition of existing facilities shall include in the detailed estimates of the cost of the project the cost of acquiring such facilities and the cost of remodeling, renovating or altering such facilities to serve the purposes for which they are acquired. Such application shall demonstrate to the satisfaction of the Secretary that the architectural, structural and other pertinent features of the facility, as modified by any proposed expansion, remodeling, renevoation, or alteration, will be clearly suitable for the purposes of the program, and, to the extent of the costs in which Federal participation is requested, are not in excess of what is necessary for the services proposed to be provided in such facilities.

(c) *Determination of necessary cost.* The necessary cost of acquisition of existing facilities will be determined on the basis of such documentation submitted by the applicant as the Secretary may prescribe (including the reports of such real estate appraisers as the Secretary may approve) and other relevant factors.

(d) *Bona fide sale.* Federal participation in the acquisition of existing facilities is on condition that such acquisition constitutes a bona fide sale involving an actual cost to the applicant and will result in additional or improved facilities for purposes of the program.

(e) *Facility which has previously received Federal grant.* No grant for the acquisition of a facility which has previously received a Federal grant for construction, acquisition, or equipment shall serve either to reduce or restrict the liability of the applicant or any other transferor or transferee from any obligation of accountability imposed by the Federal Government by reason of such prior grant.

§ 57.409 Minimum standards of construction and equipment.

(a) *Introduction.* The standards set forth in this subpart have been established by the Secretary as required by section 802(b)(4) of the Act. These standards constitute minimum requirements for construction and equipment and shall apply to all projects for which Federal assistance is requested under the Act. The Secretary may approve plans and specifications which contain deviations from the requirements prescribed, if he is satisfied that the purposes of such requirements have been fulfilled. In addition to these requirements, it is recognized that the project will have to meet the requirements of local codes and ordinances relating to construction.

(b) *Architectural.* The following requirements have been established to assure an orderly development of the project and to provide a uniform method for the preparation and review of drawings, specifications, and estimates:

(1) Facilities shall be fire safe, structurally safe and so planned as to carry out effectively the proposed program.

(2) Appropriate public facilities including entrances, toilet rooms, and elevators shall be designed to provide easy access for physically handicapped persons needing wheelchairs, walkers, and other aids. Minimum requirements shall be those set forth in the United States of America Standards Institute Standard No. A117.1961, "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped."

(3) The submission of programs, plans, specifications, site surveys, estimates, etc., shall be in such stages and in such form as the Secretary may require.

(c) *Construction including fire-resistive requirements*—(1) *Foundations.* Foundations shall rest on natural solid ground if a satisfactory soil is available at reasonable depths. Proper soil bearing values shall be established in accordance with recognized standards. If solid ground is not encountered at practical depths; the structure shall be supported on driven piles or drilled piers designed to support the intended load without detrimental settlement, except that one-story buildings may rest on a fill designed by a soils engineer. When engineered fill is used, site preparation and all grading shall be done under the direct supervision of the soils engineer. The soils engineer shall issue a final report on the grading operation and a certification of compliance with the job specifications. Special review and approval by the Secretary may be required for foundations supported on engineered fill. All footings shall extend to a depth not less than 1 foot below the estimated maximum frost line.

(2) *One-story buildings.* One-story buildings shall be of not less than 1-hour fire-resistive construction throughout, with the following exceptions:

(i) Walls enclosing stairways, elevator shafts, chutes and other vertical shafts, boiler rooms, and storage rooms of 100 square feet or greater area shall be of 2-hour fire-resistive construction.

(ii) Heavy timber construction may be used in auditoriums and administration areas provided that these areas are so located as to be freestanding buildings or, if attached to the main building, are suitably fire separated therefrom, do not form a major circulation element in the facility, and do not serve as a required means of egress.

(3) *Multistory buildings.* (i) For all buildings more than a story in height, the structural framework and building elements shall be an appropriately fire-resistive combination of materials using steel, concrete, or masonry, except that load-bearing masonry walls may be used for buildings up to and including three stories in height.

(ii) Bearing walls and walls enclosing stairways, elevator shafts, chutes, and other vertical shafts, boiler rooms, and storage rooms of 100 square feet or greater area shall be of 2-hour fire-resistive construction.

(iii) Nonbearing corridor partitions shall be of 1-hour fire-resistive construction.

(iv) Columns, girders, trusses, floor construction including beams, and roof construction including beams shall be of not less than 1½-hour fire-resistive construction.

(v) Beams supporting masonry shall be individually protected with not less than 2-hour fire-resistive construction.

(vi) Nonbearing partitions other than corridor partitions shall be of 1-hour fire-resistive construction and may utilize fire-retardant-treated wood studs.

(4) *Fire ratings.* Fire resistive ratings shall be determined in accordance with American Society for Testing and Materials (ASTM) Designation No. E–119.

(i) Interior finish of walls and ceilings of all exitways, storage rooms, and areas of unusual fire hazard shall have a flame spread rating of not more than 25.

(ii) All other areas shall have a flame spread rating of not more than 75, except that up to 10 percent of the aggregate wall and ceiling area may have a finish with a rating up to 200.

(iii) Floor finish materials shall have a flame spread rating of not more than 75.

(iv) Flame spread ratings for each specific product shall be determined by an independent testing laboratory in accordance with ASTM Designation No. E–84.

(5) *Exits.* Exit facilities shall comply with the requirements of the Life Safety Code, National Fire Protection Association (NFPA) Standard No. 101.

(d) *Mechanical.* All installations of fuel burning equipment, steam, heating, air conditioning and ventilation, plumbing, and other piping systems shall comply with the requirements of:

1. National Board of Fire Underwriters, 85 John Street, New York, N.Y. 10038.
2. American Standards Association, 70 East 45th Street, New York, N.Y. 10017.

Boilers shall meet the requirements of the American Society of Mechanical Engineers (A.S.M.E.) codes relating to pressure vessels, and shall be installed to meet all requirements of State and local codes and regulations.

(e) *Electrical.* All electrical installations and equipment shall comply with the requirements of local and State codes and the applicable sections of the National Electrical Code and the following:

(1) *Hazardous locations.* Installations and equipment in rooms in which flammable anesthetic and disinfecting agents are used or stored shall comply with the requirements of NFPA No. 56 and No. 70.

(2) *Fire alarms.* Manually operated fire alarm system installations shall comply with the requirements of NFPA No. 72 and shall be located as required by the Life Safety Code, NFPA No. 101.

(3) *Radiation protection.* Radiation protection in rooms in which X-ray, gamma-ray, or beta-ray producing equipment is used shall comply with the requirements of the following handbooks of the National Bureau of Standards:

Handbook 55. Protection Against Betatron-Snychrotron Radiations up to 100 Million Electron Volts.

Handbook 73. Protection Against Radiations From Sealed Gamma Sources.

Handbook 76. Medical X-ray Protection up to Three Million Volts.

(4) *Emergency electric service.* Emergency exit lighting shall comply with the requirements of the National Electrical Code and shall be located as required by the Life Safety Code.

(f) *Elevators, dumbwaiters, and escalators.* Installation of elevators, dumbwaiters, and escalators shall comply with the requirements of the American Standard Safety Code for Elevators, Dumbwaiters, and Escalators, ASA A17. 1.

Dated: October 21, 1969.

ROBERT Q. MARSTON,
Director, National Institutes of Health.

Approved: December 12, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69–14950; Filed, Dec. 16, 1969; 8:48 a.m.]

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Metropolitan Dayton Intrastate Air Quality Control Region

On October 2, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15362) to amend Part 81 by designating the Metropolitan Dayton Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c–2(a)) was held on October 16, 1969. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.34, as set forth below, designating the Metropolitan Dayton Intrastate Air Quality Control Region, is adopted effective on publication.

§ 81.34 Metropolitan Dayton Intrastate Air Quality Control Region.

The Metropolitan Dayton Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Ohio

Clark County.	Miami County.
Drake County.	Montgomery County.
Greene County.	Preble County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: December 9, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-14878; Filed, Dec. 16, 1969; 8:45 a.m.]

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Metropolitan Detroit-Port Huron Intrastate Air Quality Control Region

On October 16, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 16559) to amend Part 81 by designating the Metropolitan Detroit-Port Huron Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on November 3, 1969. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.37, as set forth below, designating the Metropolitan Detroit-Port Huron Intrastate Air Quality Control Region, is adopted effective on publication.

§ 81.37 Metropolitan Detroit-Port Huron Intrastate Air Quality Control Region.

The Metropolitan Detroit-Port Huron Intrastate Air Quality Control Region (Michigan) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Michigan:

Macomb County	Oakland County
St. Clair County	Wayne County

(Secs. 107(a), 301(a), 81 Stat. 490, 504; U.S.C. 1857c-2(a), 1857g(a))

Dated: December 9, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-14879; Filed, Dec. 16, 1969; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Interim Policies and Requirements

CROSS REFERENCE: For interim policies and requirements relating to methods of administration in cases of fraud under State plans for medical assistance under title XIX of the Social Security Act, see F.R. Doc. 69-14880 in the Notices section of this issue, page 19775.

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18683; FCC 69-1349]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments, Freeport, Ill., etc.

Report and order. In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Freeport, Ill., Waupun, Wis., and Clinton, Iowa); Docket No. 18683, RM-1403, RM-1423, RM-1425.

1. The Commission has here under consideration its notice of proposed rule making issued on September 24, 1969 (FCC 69-1031, 34 F.R. 15257), inviting comments on changes in the FM Table of Assignments in response to three petitions filed by parties seeking channel assignments in Freeport, Ill.; Waupun, Wis.; and Clinton, Iowa. The petitions, as originally filed, were technically related so that each, either directly or indirectly, conflicted with one or both of the other two. The details were set forth in the notice and hence will not need to be reiterated here.

2. The notice to this proceeding proposed an alternate plan which would assign the channels sought at Freeport and Clinton, but would deny the Waupun proposal. In lieu of the latter, the plan would make a first channel available to either Columbus, Sun Prairie or Waterloo, Wis. The alternate plan set forth in the notice is as follows:

City	Channel No.	
	Present	Proposed
Clinton, Iowa	241	241, 249A
Freeport, Ill	253	221A, 253
Mount Horeb, Wis	221A	
Columbus or Sun Prairie or Waterloo, Wis.		221A

3. Several comments were filed in response to the notice supporting the above plan as it concerned Freeport and Sun Prairie, but none were received regarding the proposal for Clinton, Columbus or Waterloo. No opposing comments to the plan were received.

4. We observed in the notice that the proposed assignments of Channel 221A would not appear to have a preclusionary effect on potential assignments on educational channels, 218, 219, and 220. However, we requested comments directed to this aspect, as well as on the matter of intermixing Class A and B channels in the same community, such as Clinton and Freeport. In comments by Francis X. Mahoney and Associates, the petitioner for Freeport, it is shown by a detailed engineering statement that no adverse impact should result to potential Class B or C assignments on educational Channels 218, 219, or 220, with which we agree. However, our further analysis of Mahoney's study for potential Class A assignments discloses that a small preclusion area lying immediately adjacent to Freeport would develop and involve only Channel 220. It does not appear that any community of 1,000 or more population would be entirely included within the Channel 220 impact area. Insofar as Freeport is concerned, at least three other channels in the lower portion of the educational band are apparently available for Class A assignments, which would more than offset the limited impact caused by assigning Channel 221A in the Freeport area. With respect to the intermixture of Class A and B channels, Mahoney urges that such intermixture would be consistent with precedents cited in its comments where no Class B channel was found to be available for assignment, as is the case here. The Freeport proposal was also supported by Mr. David C. Britton, Freeport, who indicates that he would apply for the channel if assigned, but who does not address himself to the specific questions raised in the notice.

5. The assignment of Channel 221A to Sun Prairie was supported in comments filed by Mr. Carl J. Tutera in behalf of Sun Prairie Broadcasters, a group of Sun Prairie businessmen, and by Collins Broadcasting Corp.[1] Both parties

[1] Collins Broadcasting Corp., the petitioner (RM-1425) in this proceeding originally seeking assignment of Channel 221A to Waupun, Wis., filed comments stating that it was abandoning its original request and supporting the alternate plan to assign the channel to Sun Prairie instead. Collins simultaneously filed a further request for rule making (RM-1528), to assign Channel 257A to Waupun, which will be considered in a different proceeding in the future.

state that they would file applications for the channel in the event the Sun Prairie assignment is adopted. Sun Prairie Broadcasters states that it would file for a site which would provide primary coverage to the communities of Columbus and Waterloo, as well as Sun Prairie, all of which places are located slightly more than 10 miles from one another and each in a separate county. Sun Prairie, located in the Madison SMSA (Dane County) but outside the Madison urbanized area, had a 1960 U.S. population of 4,008. Collins submits that a special U.S. Census (May 15, 1968), shows that the city had a population of 9,178 persons and states that the Sun Prairie Chamber of Commerce estimates the current population at over 10,000. The city has neither a local AM nor FM outlet.

6. We have carefully considered all the comments and supporting data submitted in this proceeding and conclude that adoption of the alternate plan delineated above would serve the public interest, and it is therefore being adopted. Since there were no comments indicating an interest in either Columbus or Waterloo, we are selecting Sun Prairie, the largest community of the three. Although no comments were filed in behalf of the Clinton proposal, we consider that that city warrants a second assignment in view of its size and for the same general reasons, we are in favor of the second assignment for Freeport. Because the Waupun petitioner declared abandonment of its original request for assignment of Channel 221A at Waupun, we are dismissing the petition, RM-1425, filed by Collins Broadcasting Corp.

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

8. In accordance with the foregoing determinations: *It is ordered*, That effective January 19, 1970, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, insofar as the communities named below are concerned, as follows:

(a) The following entries are amended to read as follows:

Illinois:	
Freeport	221A, 253
Iowa:	
Clinton	241, 249A

(b) The following entry is added:

Wisconsin:	
Sun Prairie	221A

(c) The following entry is deleted:

Wisconsin:	
Mt. Horeb	221A

9. *It is further ordered*, That all petitions, comments, reply comments, pleadings, briefs, and other instruments filed in this proceeding are adopted or denied in whole or in part, as is consistent with the actions we take herein.

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

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

Adopted: December 10, 1969.

Released: December 12, 1969.

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

[F.R. Doc. 69-14936; Filed, Dec. 16, 1969; 8:47 a.m.]

[Docket No. 18243; FCC 69-1365]

PART 73—RADIO BROADCAST SERVICES

Identification of Broadcast Stations

Report and order. In the matter of amendment of rules for identification of broadcast stations (Part 73); Docket No. 18243, RM-1105.

1. In a notice of proposed rule making adopted July 3, 1968 (FCC 68-701), we proposed revised rules updating and simplifying the requirements for the broadcast of station identification announcements by standard, FM, television and international broadcast stations. The matters chiefly proposed in the notice were changes in the time of regular announcements during the hour by AM and FM stations, and simplification of the rules concerning program material which should not be interrupted for ID's, and the making of "deferral announcements" in such cases.

2. Having considered the comments filed by 10 interested parties, which generally favored the proposed revisions, we herein adopt the appended rules, which contain most of the modifications suggested in the comments.

3. Under the present rules, all standard, FM, television and international broadcast stations are required to broadcast station identification announcements at the beginning and ending of each time of operation and, regularly, during operation, within 2 minutes of each hour. Additionally, standard and FM broadcast stations are required, during operations, to broadcast a regularly scheduled station identification within 2 minutes either of each half-hour, or of both quarter-hours.

4. The only change to the present rules with respect to the prescribed times for the broadcast of regularly scheduled station identifications is our elimination of the option of quarter-hour announcements. This change eliminates a complication no longer needed in view of the new provisions governing permissible deferment of any regularly scheduled station identification which (taking into account the type of program) "would break program continuity essential to the value of the program to the audience."

5. The sole opposition to eliminating the option of station identifications at the quarter-hours was stated in the comment of Southern Broadcasting Co. Southern felt that removing the option would impose hardship during the period when equipment performance measurements are being carried out. The revised rules meet this point by permitting a regular station identification becoming due during such operations to be deferred for a quarter hour, or until the procedure is completed if that happens sooner.

6. In all cases, the official station identification consists of the station's call letters immediately followed by the name of the community or communities to which the station is licensed. Stations given specific written authorization to do so may include the name of an additional community or communities.

7. The rules applicable to domestic broadcast stations provide, however, that the licensee shall not, in any identification announcements, promotional announcements or any other broadcast matter either lead or attempt to lead the station's audience to believe that the station has been authorized to identify officially with cities other than those permitted to be included in official station identifications. Commission interpretations of this limitation are found in a separate public notice issued October 30, 1967, entitled "Examples of Application of Rule Regarding Broadcast of Statements Regarding a Station's Licensed Location" (FCC 67-1132; 10 F.C.C. 2d 407).

8. The rules additionally require that call letters shall be announced only on the channel of the station so identified. Exceptionally, if the same licensee operates an FM broadcast station and a standard broadcast station, and simultaneously broadcasts the same programs over the facilities of both such stations, the station identification announcement may be made jointly for both stations during such period of simultaneous operation. If the call letters of the FM station do not clearly reveal that it is an FM station, the joint announcement must so identify it.

9. Broadcaster Services, Inc., urged that simultaneous identification of AM and FM stations no longer be permitted, but that if the Commission could not see its way clear to adopting that prohibition, it confine the permission for simultaneous identification to AM and FM stations licensed to the same community. Broadcaster Services supported this recommendation with allegations that, without separate station identification, listeners are confused as to which service they are listening to and as to which community the station is licensed.

10. American Broadcasting Co., Inc. (ABC), opposed Broadcaster Services' recommendation, partly on the procedural ground that it had not been included in the rule-making proposal, but additionally on the ground that requiring separate station identifications in all cases for AM and FM stations would impose a substantial burden requiring them to use some switching device to prevent the FM identification

from appearing on the AM channel and vice versa. ABC also questioned Broadcaster Services' claim of significant confusion to the listening public resulting from the simultaneous AM and FM identifications.

11. We agree that requiring separate AM and FM station identifications in the circumstances where combined announcements are not permitted would impose a burden, nor warranted on the record in this proceeding, which was not intended to encompass this matter.

12. The revisions relate chiefly to the circumstances in which a broadcast station is permitted to avoid program interruption for regularly scheduled station identification, and prescription of the times when "deferred" station identifications, taking the place of omitted regular announcements, must be made. The new rules eliminate a complicated series of distinctions which had accrued over many years between programs of at least 30 minutes duration and shorter programs, between different types of programs, between station identifications normally required to be broadcast on the hour and those required at other times, and between cases requiring one, two or three substitute announcements. The new rules also define more clearly both the circumstances in which program interruption may be avoided and the times when deferred announcements must be broadcast if a regularly scheduled announcement is omitted.

13. As proposed in the notice, the rule would list certain types of programs which need not be interrupted for ID's at the regular times—public affairs, religious or instructional programs, concerts, dramas or athletic events—and, in addition, "any other type of production whose interruption for station identification would objectionably break program continuity essential to the value of the program to the audience." Omission of the regular ID would give rise to an obligation to make a "deferred" ID at the first program interruption, defined as occurring: (1) Where next there is insertion of any nonprogram matter, such as commercials, public service announcements or promotional announcements; (2) in certain types of programs, specific points: The end of a regular period (e.g., quarter, round or half-inning) of a sports event, the end of a musical selection, or the end of an act in a dramatic or variety show; or (3) at any other point when the ID can be made without interrupting program continuity as described above.

14. A total of six parties discussed the proposed revisions in terms of these concepts. Two of these, Dodge City Broadcasting, Inc. and Palmer Broadcasting Co., expressed general support for the proposed revisions but expressed the hope that the Commission would be considerate of audience needs in its interpretation of what constitutes an "objectionable" interruption, for example in religious and discussion programing. Storer Broadcasting Co. suggested that recorded music be treated the same as live music, with respect to not requiring an ID when it would interrupt a selection such as a symphony or concerto. Storer also urged that the phrase "objectionably break program continuity essential to the value of the program to the audience" might prove difficult to apply at the operating level, since it would involve a question of judgment. It suggests instead the formula "whose interruption for station identification would break program continuity and materially impair the listenability (viewability in the case of television) of the program to the audience." WGBH Educational Foundation (licensee of educational FM and TV stations) urged that the rule should not require ID announcements at the end of each selection where the station is presenting a live concert (including one recorded and rebroadcast later), and where the between-selection material, such as applause, the exit and re-entrance of the conductor, etc., is an important part of the "continuous flow of the concert experience." Eastern Educational Network supported this position. Columbia Broadcasting System, Inc. (CBS), while supporting generally the revision proposed in the notice, objected to the specific indication in the proposal as to where interruptions are deemed to occur in music and drama presentations (the end of the selection or the end of the act) although not strenuously objecting to it for sports events. CBS proposed a rule doing away entirely with listing specific types of programs where interruption is permitted or specific points at which interruption is deemed to occur in musical or dramatic programs (although a specific indication would be given in the case of sports broadcast). Thus, the CBS formulation would rely heavily on the concepts of "objectionably breaking program continuity essential to the value of the program to the audience" and that an interruption is deemed to occur, and a deferred ID must be made, wherever there is interruption for other nonprogram matter such as commercials, public service announcements (PSA's), or promotional announcements.

15. On further consideration of this matter and the foregoing comments, we are of the view that there is merit in the CBS suggestions looking toward a simpler rule. We note, first, that reliance on the second concept mentioned immediately above—that any insertion of nonprogram matter constitutes an interruption—would by itself take care of probably most aural broadcasting and the great bulk of AM broadcasting, the service where the need for prompt identification of stations is greatest. This is true because of these stations' use of commercials and "promos", as well as PSA's. In normal AM broadcasting (except perhaps sports events), it is rare that a 4-minute period around the hour or half hour goes by without such material. Second, since we are relying in any event on a standard of "objectionably breaking program continuity", there is no point in listing certain types of programs where an identification at the regular times is not necessarily required. This might exclude other types where interruption at a certain time could be equally undesirable, and, equally important, might tend to give the impression that regular identification is not required in programs of the listed types even if it would not interrupt program continuity.

16. However, we do not agree with CBS that it is not at all desirable to list certain points in some common types of programs where continuity will usually be broken anyhow, and where therefore an ID would not constitute an interruption and should be given. We agree that they should not be iron-clad, and therefore the rule recognizes that there may be exceptions; but setting forth certain specific points will give desirable guidance, and therefore they are set forth as breaks in program continuity when an ID is to be given if one is due. These are the end of a regular period in sports events (e.g., quarter, round or half-inning), the end of a live or recorded musical selection (or in the case of a broadcast of an entire live musical performance, the intermission), or, in dramatic or variety shows, the end of an act. The treatment of musical performances will deal with the problems raised by Storer and WGBH; a break is normally regarded as occurring at the end of a live or recorded selection (not a movement in the case of a symphony or concerto), except where a live concert, opera, etc. is being presented (simultaneously or recorded and rebroadcast) and the break may be regarded as occurring only at the intermission (if otherwise it would objectionably break continuity).

17. Paragraph (d) of the rule, as adopted, lays down these requirements. An ID is to be given on schedule unless to do so would objectionably break program continuity necessary to the value of the program to the audience; if during the 4-minute period around the hour and half-hour nonprogram matter is presented (commercials, PSA's or "promos") program continuity will always be regarded as broken anyhow and an ID required if one is due, and, while there may be exceptions, program continuity will normally be regarded as broken, so as to require an ID if one is due, at the specific points mentioned in paragraph 16, above.

18. Paragraph (e) of the rule as adopted deals with when an announcement, deferred under the above, is to be presented. It is to be presented at the first opportunity after it would regularly fall due, the "opportunity" regarded as occurring at the same points mentioned under (d) (always including presentation of non-program matter).

19. We do not agree with Storer that the formulation proposed in the notice and used above will prove troublesome in practice. No set of general words can be expected to provide an unfailing, unambiguous criterion in all situations, and we believe those proposed are as good as any. We find the suggested alternative "materially impair the listenability" no more precise and possibly likely to lead to undesirable laxity.

20. In adopting the revised rules, we wish to emphasize one point: licensees

are expected to observe the regular identification times unless there is a substantial reason in the form of undesirable interruption to program continuity for not doing so, and if an announcement at the regular time is omitted for this reason, to present it at the earliest opportunity. Paragraph (d) of the new rules, dealing with interruptions, states that licensees are expected to arrange their programming, in general, so as to make ID's at the regular times without undue disruption of program continuity. It might well be a violation of this requirement if a station consistently scheduled a long musical selection to begin shortly before a regular ID would be due. We expect licensees to act reasonably and in good faith in this respect.

21. The rule as adopted herein (paragraph (e)(2)), also takes into account suggestions by CBS and Storer concerning the need for more than one deferred announcement where a regular ID is omitted, and for making a deferred announcement when a regular announcement is due shortly after the first opportunity for the deferred announcement. The rule provides only that a deferred announcement shall be made at the earliest opportunity (instead of both then and at the end of the program, as proposed), and that it is not required if there is another, regular announcement within the next 5 minutes. It appears that these simplifications can be made consistent with prompt identification of the station for technical monitoring purposes.

22. We had proposed to embody the revisions in the five separate rules which have hitherto covered station identification requirements for standard, FM, noncommercial educational FM, television and international broadcast stations. We have since decided, however, to assemble, in a new Subpart H to Part 73, all rules applying in common to the several broadcast services. We accordingly, adopt herein a single new rule covering station identification requirements for the foregoing broadcast services. Progressively, we shall update and transfer to the new subpart the numerous other rules which now appear in substantially identical form in the separate subparts relating to the aforementioned individual broadcast services.

23. Accordingly, pursuant to authority found in sections 4 (i) and (j) and 303(p) of the Communications Act of 1934, as amended: *It is ordered*, That, effective January 19, 1970, the rule amendments set out below are adopted and this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 164, 303)

Adopted: December 10, 1969.

Released: December 12, 1969.

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

1. Section 73.117 is revised to read as follows:

§ 73.117 Station identification.

See § 73.1201.

2. Section 73.287 is revised to read as follows:

§ 73.287 Station identification.

See § 73.1201.

3. Section 73.587 is revised to read as follows:

§ 73.587 Station identification.

See § 73.1201.

4. Section 73.652 is revised to read as follows:

§ 73.652 Station identification.

See § 73.1201.

5. Section 73.787 is amended by revising paragraph (c) to read as follows:

§ 73.787 Station identification.

* * * * *

(c) International broadcast stations shall comply with the provisions of § 73.1201 (d) and (e) relating to the avoidance of program interruption for regular station identification announcements.

6. New Subpart H of Part 73 reads as follows:

Subpart H—Rules Applicable in Common to Broadcast Stations

SCOPE

Sec.
73.1001 Applicability.
73.1201 Station identification.

AUTHORITY: The provisions of this Subpart H issued under secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 164, 303.

Subpart H—Rules Applicable in Common to Broadcast Stations

SCOPE

§ 73.1001 Applicability.

(a) Except where they expressly provide otherwise, the rules in this Subpart H apply in common to all standard, FM and television broadcast stations, both commercial and noncommercial.

(b) When expressly so provided in the separate rules governing stations in other broadcast services, designated rules in this Subpart H apply also to:

International Broadcast Stations—Subpart F of this part.
Television Broadcast Translator Stations—Subpart G of Part 74 of this chapter.
Television Broadcast Booster Stations—Subpart H of Part 74 of this chapter.

(c) References in this Subpart H to "station(s)", "broadcast station(s)", "licensee(s)" or "broadcast licensee(s)" shall be construed accordingly.

(d) "Licensee" includes the holder of a construction permit.

§ 73.1201 Station identification.

(a) *When regularly required.* Broadcast stations shall announce station identification: (1) At the beginning and ending of each time of operation, and (2) regularly, during operation, within 2 minutes of each hour. Standard, FM, and noncommercial educational FM broadcast stations shall, additionally, announce station identification regularly within 2 minutes of each half-hour. Television broadcast stations may make the hourly announcements either visually or aurally, but shall make the announcements at the beginning and ending of each time of operation both visually and aurally.

(b) *Content.* (1) Official station identification shall consist of the station's call letters immediately followed by the name of the community or communities specified in its license as the station's location.

(2) When given specific written authorization to do so, a station may include in its official station identification the name of an additional community or communities, but the community to which the station is licensed must be named first.

(3) A licensee shall not in any identification announcements, promotional announcements or any other broadcast matter either lead to attempt to lead the station's audience to believe that the station has been authorized to identify officially with cities other than those permitted to be included in official station identifications under subparagraphs (1) and (2) of this paragraph.

NOTE: Commission interpretations of this paragraph may be found in a separate Public Notice issued Oct. 30, 1967, entitled "Examples of Application of Rule Regarding Broadcast of Statements Regarding a Station's Licensed Location." (FCC 67-1132; 10 FCC 2d 407).

(c) *Channel*—(1) *Generally.* Except as provided in subparagraph (2) of this paragraph, in making the identification announcement the call letters shall be given only on the channel of the station identified thereby.

(2) *Simultaneous AM-FM broadcasts.* If the same licensee operates an FM broadcast station and a standard broadcast station and simultaneously broadcasts the same programs over the facilities of both such stations, station identification announcements may be made jointly for both stations for periods of such simultaneous operation. If the call letters of the FM station do not clearly reveal that it is an FM station, the joint announcement shall so identify it.

(d) *Program interruption.* Licensees shall, in general, arrange their programming so as to permit the broadcast of station identification announcements at the regular times prescribed in paragraph (a) of this section without undue disruption of program continuity. Subject to this requirement, a station identification announcement need not be presented at the time it is regularly required, if to do so would objectionably break program continuity essential to the value of the program to the audience. However, program continuity is deemed to be broken, and therefore an announcement is required, if during the 4-minute period in which an announcement is regularly due there is presented any nonprogram matter, such as commercial,

public service or promotional announcements. While there may be exceptions, normally program continuity is also deemed to be broken, and an identification announcement is required, if during the 4-minute period there occurs the end of a regular period in a sports event being broadcast (e.g., round, quarter, or half-inning), the end of an act in a dramatic or variety program, the intermission of a live concert, opera, recital, or other musical performance presented live in its entirety (presented simultaneously or by rebroadcast), or the end of any other musical selection.

(e) *Deferred station identification.* (1) If a station omits a regular station identification announcement as permitted under paragraph (d) of this section, it shall broadcast a deferred station identification announcement at the next opportunity when it can be presented without objectionably breaking program continuity essential to the value of the program to the audience. Such opportunity is deemed to occur, at the latest, when any of the material or events mentioned in paragraph (d) of this section is presented or occurs.

(2) If no opportunity for an announcement (as defined in subparagraph (1) of this paragraph) occurs after a regular station identification is omitted, a deferred station identification shall be broadcast prompty at the end of the program unless the next regular station identification is broadcast within 5 minutes after the program ends.

(f) *Equipment performance measurements.* Station identifications falling due during equipment performance measurements may be deferred up to a quarter of an hour.

[F.R. Doc. 69-14937; Filed, Dec. 16, 1969; 8:47 a.m.]

[Docket No. 18568; FCC 69-1366]

PART 74—EXPERIMENTAL, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

TV Broadcast Translator Station Identification Requirements

Report and order. In the matter of amendment of §§ 74.750(c)(7) and 74.783(a) of the Commission's rules to modify TV broadcast translator station identification requirements; Docket No. 18568, RM-1367.

1. The Commission has before it for consideration its notice of proposed rule making released June 9, 1969 (FCC 69-641), proposing to amend its rules concerning the identification of Television Translator Stations. The notice was the result of a petition filed by the National TV Translator Association (National) requesting that § 74.783 of the Commission's rules be amended to eliminate the requirement that station identification be transmitted by translator stations of over 1 watt, or that arrangements with the primary station to present the identification be regarded as satisfying the requirement.

2. Under the present rule (§ 74.783) translators of more than 1 watt peak visual power must transmit their call signs in International Morse Code within 5 minutes of each hour and half-hour. This transmission may be accomplished either: (1) By an automatic device in the translator apparatus which will modulate the local oscillator or a suitable amplifier stage with an audiofrequency tone keyed in the proper sequence so as to cause the modulation to appear on the aural and visual carriers emitted by the transmitter; or (2) by rebroadcasting the signals of another translator which transmits the call signals of translators rebroadcasting its signal. The notice proposed, for translators of more than 1 watt peak visual power, modification of this requirement in one or more of a number of different ways: (1) Identification in International Morse Code at either every 30 minutes or every hour within 5 minutes of the hour, instead of the present hour and half-hour (within 5 minutes); (2) continuous keying of the transmitter, using Frequency Shift Keying (FSK), a system proposed by Association of Maximum Service Telecasters, Inc. (MST) and its consulting engineers; or (3) the possibility of relieving the individual translators from the requirement entirely, provided an ID announcement is broadcast by the primary station being rebroadcast, at sign-on and sign-off, and provided the translator and the primary station have an arrangement whereby the latter has current information as to the address and telephone number of the licensee and its representative to be contacted in case of necessity.

3. There were approximately 23 comments and reply comments filed in response to the notice. Most supported some means of modifying the identification requirements or outright elimination of identification by the translator station. Several of the comments supplied considerable information in connection with the problems of identifying transmissions of translators.

4. Television Technology Corp. (TTC), a manufacturer of television translators, suggests that the identification requirements for translator of under 20 watts be deleted, on the ground that because of the limited range of these translators, identification is not necessary. It states that if identification is necessary, it would relieve the difficulties greatly if the requirement that the call letters be sent within 5 minutes of the hour and half-hour were modified so that it be required only at 30-minute periods. This would eliminate the need for the licensee to reset the code-wheel timing mechanism each time the power fails at the translator. TTC made tests using frequency shift keying methods, and FM modulation of the local oscillator of the translator. It states that output frequencies (it is assumed the local oscillator of the translator was being keyed) where shifted more than 75 kc/s with no detrimental effect to either picture or sound as monitored on a color television receiver, and suggests a shift of from 5 to 25 kc/s for a practical requirement. TTC also frequency modulated (FM) the local oscillator of the translator with a 400-cycle and 3-kc/s tone, and suggests that a 5- to 15-kc/s swing would be practical. It is also stated that it is unlikely that oscillator stability will be affected by the suggested limits. TTC also states that if frequency shift keying (FSK) were required, translators of its manufacture could be field-converted for around $50, and that it would make a kit available for that purpose. Thus, it says FSK is practical; but whether it is economical is another question. TTC then urges that the Commission delete the individual translator requirements and substitute the requirement that the translator licensee arrange with the primary station to keep on file the exact location of the translator, address, and telephone number of the licensee or his representative, etc., or as an alternate suggestion, to delete the station identification requirements of translators of up to and including 20 watts peak output.

5. Ampex Corp., R. F. Systems Department (Ampex) supplied brief comments. In its translators the aural carrier is separated from the visual information in order to provide aural carrier level control. One of the aural I.F. amplifiers is then modulated, resulting in 30-percent minimum amplitude modulation of the aural FM carrier. Tests were made using both broadcast monitoring equipment and a number of home receivers, with no interference in either the aural or visual (monochrome or color) signal. Ampex is of the opinion that its system is less expensive, simpler and more stable. However, the code wheel-gated tone oscillator is still required in the system to key the modulation in the form of call letters. The random 30-minute transmission of call letters could be used with this system to good advantage.

6. Electronics, Missiles and Communications, Inc. (EMCEE) in its brief comments states that the FSK system of identification would add about 2 percent to the cost of the translator without significantly adding to the complexity. It also feels that the requirement for identification could be eliminated Keith Anderson Co. in its comments suggests that code identification should not be required for VHF translators of 10 watts or under, or UHF translators of 30 watts or less; that the area of coverage is not great, and there would not be much chance of interference. It proposes that translators of higher power should be identified and that stricter specifications should apply to the higher power translators. It is of the opinion that FSK has no advantages over aural-carrier-only amplitude tone modulation, and that code wheels are not reliable. Keith Anderson states that the identification should be at specific intervals, not within some time slot such as within 5 minutes of the hour and half-hour. It then states that the company has designed a tone modulator which is all solid-state and has no moving parts, and can provide a tone signal in code which can be set for any required code element on external switches. It can be adjusted to send the call letters at any time interval between 10 and 60 minutes.

plus or minus 5 percent, it may be installed on any existing translator, and it does not cause interference to the viewer. It states that the unit has not been marketed because it will not comply with the 10-minute time slot at the hour and half-hour, and urges the Commission to specify a time interval rather than a specific time period.

7. We are persuaded that the rules for the identification of translator stations should be modified, that the present method of identification of the station does impose a burden upon the licensee and that it causes interference to the transmitted picture and therefore is an annoyance to the viewer. This was treated in considerable detail in the notice of proposed rule making. However, as mentioned in the notice, we are still of the view that all transmitting stations of more than 1-watt output should be identified in some manner. Therefore we are amending our rules as discussed in the next few paragraphs.

8. *Translators of more than 1 watt but no more than 100 watts peak visual power.* We are of the view that—except for higher-power translators discussed below—identification by the translators themselves is not necessary, provided suitable arrangements for their identification through the primary station are worked out and implemented. Several of the comments proposed that translators of up to 10, 20, or 30 watts be exempted from any requirement of identifying themselves, and that translators of powers higher than these levels be subject to such a requirement. These are quite reasonable suggestions. However, it is noted that approximately 80 percent of the UHF translators authorized are in the 100-watt class, and that consequently such an approach would provide very little relief in the UHF translator service. Accordingly, it appears that to make any relief meaningful the new rules permitting this type of arrangement should apply to all translators (except 1-watt translators) up to and including 100 watts. Considering that translators with more than 10 watts power are either UHF translators or translators on VHF channels listed in the Table of Assignments, having little interference potential as compared to VHF translators generally, it is believed that no substantial interference problems will result.

9. To achieve identification by this means in lieu of the translator's own transmission, we will require an arrangement with two parts. First, the primary television station being rebroadcast shall display a list twice during each of two periods of the day of the call letters and location of translator stations rebroadcasting its signals. It had been suggested that this be done at the beginning and end of the broadcast day. However, it has also been pointed out that many television stations are now operating from 12 to 24 hours a day, and the display of this list at 5 or 6 a.m. in the morning, or at midnight or 2 a.m. in the morning, would be of little practical value. Therefore, we are requiring that this list be displayed twice during the periods 7 to 9 a.m. and 3 to 5 p.m. (local time) daily, and at intervals of not less than 30 minutes during each time period. Television stations which do not begin their broadcast day before 9 a.m., shall display this list four times a day during the hours closest to these time periods at the specified intervals. It is believed that this gives the station sufficient choice of time, and that these are periods of the day when the information would be more useful, and more usable for field work. We will not attempt to specify any particular format for the display, but will expect this information to be displayed in such a way that it will be readable and provide sufficient information so that the individual translator stations can be identified, and also that it will be displayed for some reasonable time so that the average person will be able to read or absorb the information.[1] Secondly, we will require an arrangement to be made between the television broadcast licensee and the television translator licensees so that the broadcast station will keep on file the name, address and telephone numbers of the translator licensee, his service representative, and the call letters and exact location of the translator station. This shall be made available to responsible persons in case of malfunction of the translator equipment or interference problems that might involve the translator's signals. A new applicant relying on identification by this means, when he certifies that he has received permission to rebroadcast a primary station's signals, shall include a statement that he has made arrangements with the primary station to present his identification and keep on file, and that he will supply to it, current information as required by § 74.783(a)(2) of the rules. All Television Broadcast Translator licensees using this means of identification will be required in their renewal applications to certify that the above arrangements are in effect, and that they have furnished current information to the primary station. Measures to insure adequate identification for the immediate future are discussed below.

10. Translators eligible to use this arrangement (those with power of 100 watts or less) may of course not be able to, or prefer not to, make such arrangements with the primary station as means of identification. In that event, if authorized with more than one watt power, they shall transmit their own call signs every 30 minutes, using one of the methods specified in § 74.750(c)(7) as amended herein, in the same manner as translators of more than 100 watts. Present forms of identification may continue in use until December 31, 1970, as mentioned below.

11. *Translators of more than 100 watts peak visual power (and others not relying on identification through the main station).* The rules limit translators generally to no more than 100 watts peak visual power; however, six 1-kilowatt UHF translators have been authorized on a waiver basis, and others may be authorized in the future. Power levels higher than 100 watts approach regular broadcast powers, and therefore it is appropriate to require such facilities to identify themselves by presenting their own call signs. As noted above, the present system, of keying the local oscillator or amplifying stage with an audio frequency tone on the hour or half-hour (or within 5 minutes) is unsatisfactory for a number of reasons, including interference and consequent annoyance to viewers. We are of the view that it should be terminated, and replaced by one of the systems discussed above, in the alternative. Therefore, while existing means of identification may be used until December 31, 1970, thereafter identification shall be made at least every 30 minutes by one of the methods specified in § 74.783 as amended herein, i.e., frequency shift keying, of between 5 and 25 kc/s, or amplitude modulation of the FM aural carrier (at least 30 percent modulation). The requirement of ID every 30 minutes, in lieu of at specified times such as within 5 minutes of the hour, is being adopted in line with most of the comments, as mentioned above. It will avoid any problems with power failures and inability to set some equipment to transmit at a particular time, and at the same time provide the announcement with sufficient frequency for prompt identification purposes.

12. *One-watt translators.* The rules now specifically exempt 1-watt translators from any ID requirement, and the notice herein did not propose one. Therefore, and since any interference from such translators occurs in a very small area, we are not imposing a requirement on them. However, it appears that some identification is desirable even in these cases, and the arrangement with the primary station mentioned above should not be difficult to work out in most cases. Therefore, such translators, and the primary stations which they rebroadcast, should adopt similar arrangements whereby the primary station will present the call sign and location, and maintain the current information mentioned for translators of higher power.

13. *Measures to insure compliance with the new rule.* It is expected that the vast majority of translators with more than 1 watt peak visual power will attempt to secure identification through the primary station, and most of them will be able to work out the arrangements described above. Since this is in effect a relaxation of an existing requirement which has proved burdensome, the rule permitting this type of ID is being made effective immediately. However, translators may not be able to work out the necessary arrangements immediately, and until firm arrangements for main-station identification of the translator have been made and are in effect, the translator shall continue to

[1] As a rough guideline in these respects, the following appears appropriate: Where a primary station is listing numerous translators, not more than 12 should be listed on each slide; and each slide should be displayed for three seconds or one second per translator listed on it, whichever is less.

identify itself as heretofore provided or as provided in the new rule herein for translators of over 100 watts. We are not requiring existing translators to certify to such arrangements until they have occasion to do so in a renewal or modification application; but any cases of failure to secure adequate identification, either by the translator itself or by the primary station, will be regarded as very serious violations of our rules.

14. When translator licensees or permittees have occasion to file applications—renewal, modification, or license to cover CP—they will be required to answer a question concerning the manner in which station identification will be made. If other than by arrangement with the primary station, they will be held responsible for compliance with §§ 74.750(c) and 74.783(a)(1) as amended herein and set forth below.

15. In view of the above, the Commission finds that it is in the public interest to amend §§ 74.750(c)(7) and 74.783(a) of its rules to relax the presently required identification of Television Broadcast Translator Stations. Since this relieves an existing and burdensome requirement, the usual effective-date provisions of the Administrative Procedure Act (5 U.S.C. § 553(d)) need not be complied with, and the change is effective immediately.

16. Accordingly, pursuant to the authority contained in sections 4(i) and 303(e) of the Communications Act of 1934, as amended: *It is ordered*, That effective December 19, 1969, Part 74 of the Commission's rules and regulations is amended as set forth below.

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

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 164, 303)

Adopted: December 10, 1969.

Released: December 12, 1969.

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

Part 74, Subpart G of the Commission's rules is amended in the following respects:

1. In § 74.750, paragraph (c)(7) is amended to read as follows:

§ 74.750 Equipment and installation.

* * * * *

(c) * * *

(7) Transmitters of over 100 watts peak visual power shall be equipped with an automatic keying device which will transmit the call sign assigned to the station, in International Morse Code, at least once each 30 minutes during the time the station is in operation. Transmitters of more than one watt but not more than 100 watts peak visual power shall be similarly equipped unless they have in effect a firm arrangement with the television station being rebroadcast for the latter to display their call sign as provided in § 74.783(a)(2). Transmission of the call sign can be accomplished in either of the following ways:

(i) By frequency shift keying; the carrier shift shall not be less than 5 kilocycles or greater than 25 kilocycles;

(ii) By amplitude modulation of the aural FM carrier of at least 30 percent modulation. The audio frequency tone used shall not be within 200 cycles of the 1,000 cycle tone used for Emergency Broadcast System Alerting.[1]

NOTE: Until Dec. 31, 1970, translators may use automatic devices permitted under earlier § 74.750(c)(7), i.e., one interrupting the radiated signals or amplitude modulating the radiated signal with an audiofrequency tone.

* * * * *

2. Section 74.783(a) is amended to read as follows:

§ 74.783 Station identification.

(a) (1) Each television broadcast translator station of over 100 watts peak visual power shall transmit its call sign in International Morse Code at least once each 30 minutes during the time the station is in operation. The transmission may be accomplished by means of an automatic device as required by § 74.750(c)(7). Call sign transmissions shall be made at a code speed not in excess of 20 words per minute. At this speed the transmission of each individual call sign will require approximately 4 seconds.

(2) Each television broadcast translator station of 100 watts peak visual power and less (but more than 1 watt), in lieu of transmitting its call letters, may make arrangements with the licensee of the television station whose signals are being rebroadcast to provide for the display of the translator call letters and location each broadcast day twice during each of the periods 7 to 9 a.m. and 3 to 5 p.m. at intervals of not less than 30 minutes during each time period. Television stations which do not begin their broadcast day before 9 a.m. shall make these displays four times a day in the hours closest to these time periods at the specified intervals. This may be accomplished by visual means, with due regard for readability. In addition, arrangements shall be made so that the licensee of the television station will keep on record, and make available to any responsible person the call letters and location of each translator station rebroadcasting its signals, with the name, address and telephone number of the licensee or his service representative to be contacted in cases of malfunction of the translator. It shall be the responsibility of the translator licensee to furnish current information in this respect to the television station licensee. Where a television translator of more than 1 watt but no more than 100 watts peak visual power does not have such arrangements with the station whose signals are being rebroadcast, it shall transmit its own call sign as specified in subparagraph (1) of this paragraph.

* * * * *

[F.R. Doc. 69-14938; Filed, Dec. 16, 1969; 8:47 a.m.]

[1] The National Industry Advisory Committee (NIAC) has under study for the Commission an alerting system using the frequencies 853 and 960 cycles per second. Pending resolution of this study audiofrequency tones for identification purposes within 200 cycles of those frequencies shall not be used.

[Docket No. 18589; FCC 69-1344]

PART 91—INDUSTRIAL RADIO SERVICES

Use of Frequencies Allocated for Land Mobile Operations on Airports

Report and order. In the matter of amendment of Part 91 of the Commission's rules regarding the use of frequencies allocated for land mobile operations on airports; Docket No. 18589, RM-1314.

1. On June 27, 1969, the Commission released a notice of proposed rule making (FCC 69-708, 34 F.R. 11150) in the above entitled matter. The proposals contained therein provided for an increase in the maximum permissible power input on air terminal mobile only frequencies from 3 to 5 watts. The proposed rule amendment also allowed a greater horizontal separation between control points and antennas than was permitted for stations operating on these frequencies. Interested parties were invited to file comments on or before August 4, 1969, and reply comments on or before August 14, 1969.

2. The only comments received in response to the notice were submitted by Aeronautical Radio, Inc. (ARINC), the petitioner who originally requested the rule making procedure.

3. ARINC concurs with all aspects of the notice except for the provision that would specify the power limitation on the mobile frequencies in terms of input power. They recommend that proposed § 91.554(b)(42) be changed to specify power in terms of output. Such action on the part of the Commission, ARINC states, would be consistent with similar power limitations already authorized in the rules and would impose no financial burden on licensees in purchasing specialized measuring devices. ARINC stressed that their petition was not intended to imply a request for an increase in power for mobile units, but that their proposal was designed to provide a less complicated measurement technique, especially for solid state equipment. ARINC points out that measurement of input power in solid state equipment would require specialized measuring equipment, whereas equipment for measuring output power is readily available and relatively inexpensive. They do not consider their request for an output power limitation to be a new concept for consideration by the Commission and note that output power has received considerable recognition as an acceptable standard in the Commission's rules.

4. Metering of final input power by voltage and current readings in older, tube type equipment presents no problems, and the efficiencies of these equipments are practically constant so that output power can be readily obtained from these measurements. In the case of present day solid state equipment, tuning procedures generally relate to power output readings, and the efficiencies may vary over a wide range. These facts were taken into account when the Commission adopted output power as the limitation

on the aviation terminal base station frequencies and on the 154 MHz and 173 MHz tone signaling channels. We shall, therefore, change the limitation on the mobile frequencies to specify output power.

5. Although ARINC, in their comments, indicated that they did not intend to imply a request for an increase in power, they nevertheless proposed a power limitation of 3 watts output in their petition. In the Commission's opinion, this is a sound proposal and, for the reasons stated in the notice, we will adhere to the proposed power increase, but the limitation shall specify output power in lieu of input.

6. Authority for the rule amendments adopted herein is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. *Accordingly, it is ordered*, That effective January 19, 1970, § 91.554 of the Commission's rules is amended as set forth below.

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

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 164, 303)

Adopted: December 10, 1969.

Released: December 12, 1969.

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

Part 91 of the Commission's rules is amended as follows:

In § 91.554, paragraph (a) is amended by the deletion from the frequency table limitations on the entries beginning 465.650 and ending 465.875 and substituting the limitations as set forth below. Paragraph (b) is amended by adding a new subparagraph (42), as follows:

§ 91.554 Frequencies available.

(a) * * *

Frequency or band	Class of station(s)	General reference	Limitations
* * *	* * *	* * *	* * *
465.650	Mobile	Permanent use	7, 9, 34, 35, 36, 37, 38, 40, 42
465.675	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.700	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.725	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.750	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.775	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.800	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.825	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.850	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
465.875	do	do	7, 9, 34, 35, 36, 37, 38, 40, 42
* * *	* * *	* * *	* * *

(b) * * *

(42) Maximum permissible power output for stations on airports is 3 watts. Each station authorized on this frequency will be classified and licensed as a mobile station. Any units of such a station, however, may be used to provide the functions of a base station, provided no harmful interference is caused to mobile service operations and further provided, that the vertical separation between the control point or ground level and the center of the radiating portion of the antenna of any units so used shall not exceed 25 feet.

* * * * *

[F.R. Doc. 69-14939; Filed, Dec. 16, 1969; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 908]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Handling

Notice was published in the FEDERAL REGISTER issues of July 23 and August 7, 1969 (34 F.R. 12182, 12833), that the Department was giving consideration to a proposed amendment of the rules and regulations (Subpart—Rules and Regulations; §§ 908.100–908.142) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

During the period provided in said notice for submitting written data, views, or arguments in connection with said proposal, the Valencia Orange Administrative Committee, established pursuant to the amended marketing agreement and order as the agency to administer the provisions thereof, and Sunkist Growers, Inc., Los Angeles, Calif., each submitted its recommendations and considerations with respect to several proposed modifications of §§ 908.110, 908.111, 908.114, 908.116, and 908.117 as published in the notice. The recommendations were identical and the considerations with respect thereto were similar.

The proposal hereinafter set forth is a revision of that contained in the prior notice and reflects the recommended modifications; and notice is hereby given that the Department is giving consideration to the revised proposal.

The revised proposal reads as follows:

1. Add a new paragraph (g) to § 908.100 *Definitions* to read as follows:

§ 908.100 Definitions.

* * * * *

(g) Whenever a time of day is specified in this subpart, it shall mean local time in effect at the headquarters of the committee in Los Angeles, Calif., except when specifically stated otherwise.

§ 908.101 [Amended]

2. Amend the provisions of § 908.101 *Communications* following the colon to read as follows:

Valencia Orange Administrative Committee, 117 West Ninth Street, Room 913, Los Angeles, Calif. 90015.

3. Amend the provisions of subparagraphs (2) and (3) of paragraph (a) of § 908.102 *Nomination procedure* to read as follows:

§ 908.102 Nomination procedure.

(a) * * *

(2) All cooperative marketing organizations which are not qualified to nominate members and alternate members pursuant to § 908.22(b), or the growers affiliated therewith, shall nominate members and alternate members as provided in § 908.22(c). The vote of each such organization shall be weighted, as provided in § 908.22(e), by the quantity of oranges which it handled during the marketing year in which the nominations are made.

(3) Not less than seven meetings shall be held at such times and places throughout the production area as may be designated by the agent of the Secretary, at which growers who are not members of, or affiliated with, the organizations included under subparagraphs (1) and (2) of this paragraph may vote. At each such meeting, the growers present shall nominate members and alternate members as provided in § 908.22(d). The number of ballots to be cast in selecting the nominees at any such meeting shall be determined at that meeting. All growers voting at any such meeting shall submit their names and addresses to the agent of the Secretary.

* * * * *

§ 908.103 [Deleted]

4. Delete § 908.103.

§ 908.108 [Redesignated]

5. Redesignate § 908.110 as § 908.108.

6. Add a new § 908.110 *Equity of marketing opportunity* to read as follows:

§ 908.110 Equity of marketing opportunity.

Equity of marketing opportunity between prorate districts shall be afforded by the following procedure:

(a) The committee shall establish an equity factor which is the same for all prorate districts. The equity factor shall be stated as a percentage of the tree crop in each district and shall reflect a quantity of oranges (grown in each district) for which there will be equitable marketing opportunity under volume regulation during the ensuing season.

(b) At the marketing policy meeting for each prorate district, the committee shall formulate a weekly shipping schedule for the ensuing season reflecting, insofar as practicable, the desire of growers and handlers of oranges within the district as to the quantity of oranges grown in that district to be shipped under volume regulation each week. The quantity of oranges on such schedules shall be computed by application of the equity factor to the tree crop of the district. The seasonal periods covered by such schedules shall be determined by the committee. Prior to any marketing policy meeting for a prorate district the committee may consult with such growers and handlers regarding formulation of such schedule.

(c) Following the marketing policy meetings for all districts, the committee may review and make equitable modifications as it deems advisable in the equity factor and weekly shipping schedules.

(d) The committee shall combine into a weekly total the quantities of oranges that growers and handlers in each district desire to handle each week, as shown on the weekly shipping schedules. The weekly quantity shown on the applicable schedule for a district shall be converted into a percentage of the said weekly total. This percentage shall be known as the percentage allocation to such district.

(e) Insofar as practicable, the committee shall base its recommendation each week (pursuant to § 908.51(a)) to the Secretary, as to the respective quantities of oranges that should be handled in the prorate districts, upon the percentage allocations for such districts for such week except when allotments are granted on the basis of the requests of handlers of early maturity oranges pursuant to § 908.60 or the requests of handlers for freeze damage allotments pursuant to § 908.61a.

(f) The committee shall make such adjustments as it deems advisable in the equity factor, the weekly shipping schedules, and the percentage allocations to prorate districts, so as to reflect changing crop or market conditions. Any such adjustment in the weekly shipping schedule for a prorate district shall be based on the tree crop of handlers in the district who are on the prorate base at the time of adjustment and on the tree crop of all handlers in the district who received short-life allotment. Appropriate adjustments shall be made in the schedules and percentage allocations as soon as possible after a change in the estimated tree crop of any prorate district. Whenever a prorate district nears the end of the shipping schedule for that district and the committee ascertains that oranges (grown in that district) remain for handling under volume regulation, the committee may (1) adjust the equity factor upward with corresponding changes in the weekly shipping schedules for all districts or (2) adjust the schedules for all districts by adding thereto the difference between the aggregate quantity of oranges listed on the weekly shipping schedule of each district during all of the preceding weeks and the sum of the aggregate quantity of oranges fixed by the Secretary for handling under general maturity, early maturity, and freeze damage allotments during such preceding weeks of regulation in each of the respective districts

plus the aggregate quantity of oranges that were handled in each district when no such regulation was in effect. Adjustments in the weekly shipping schedules for each of the prorate districts may be made by adding weeks to or deleting weeks from the schedule, and, if deemed advisable, by proportionate modification of the desired shipments shown thereon for the remaining weeks of the season or any portion thereof.

(g) The committee shall calculate each season as soon as it is feasible, an estimated percentage of the total tree crop in the production area which, in the judgment of the committee, will be handled under volume regulation and prepare a schedule of estimated weekly shipments based thereon, taking into account the purposes of the act. Such percentage and schedule shall be used as the reference for determining adjustments in the prorate base of handlers, for granting short-life allotment, and for matters wherein it is necessary to consider utilization of the crop within a district.

7. Revise the provisions of § 908.111 *Allotment loans* to read as follows:

§ 908.111 Allotment loans.

(a) Loans arranged by handlers: Loans arranged by handlers shall be subject to the following:

(1) *Payback date.* Each allotment loan agreement entered into by a handler must provide for a definite payback date specified by the lender. Each loan agreement entered into by a handler to whom short-life allotments have been issued shall provide for the repayment of the loan during the time the borrowing handler will be issued allotment.

(2) *Ability to repay.* Allotment loan transactions shall be limited to the borrowing handler's calculated ability to make repayment whenever the payback date falls within the scheduled shipping period of the borrowing handler.

(3) *Confirmation.* All allotment loans made on Saturday shall be confirmed as required by § 908.57 but not later than 4:30 p.m. on the following Monday.

(b) Loans arranged by the committee: The committee shall arrange loans for handlers subject to paragraph (a) (1) and (2) of this section and, to the extent practicable, in accordance with the following:

(1) The committee shall give priority, in arranging loans, to those offers which have a specific payback date within the current scheduled shipping period of borrowing handlers.

(2) Except as otherwise provided in subparagraph (4) (iii) of this paragraph (b), the committee shall consider offers to loan and requests to borrow received prior to 12 m. Monday separately from offers and requests received thereafter during the week.

(3) Each handler offering allotment for loan shall specify at least two payback dates. To receive a loan of any such allotment, or portion thereof offered, the payback date specified by the requesting handler must be the same as one of the repayment dates specified by the offering handler.

(4) Loan offers and requests received by the committee prior to 12 m. Monday shall be applied first to the arrangement of loans between handlers within the same prorate district in accordance with the following provisions:

(i) If requests from handlers, in a prorate district, for general maturity allotment exceed the quantity offered by handlers in that district, the quantity offered shall be apportioned to each borrowing handler so that the amount he receives bears the same ratio to the total amount received by all borrowing handlers as the amount of his tree crop bears to the total tree crop of all borrowing handlers. If the quantity of general maturity allotment offered in any prorate district exceeds the quantity requested in that district, the same proportion of each offering handler's allotment shall be loaned; and any surplus general maturity allotment from such prorate district shall be apportioned, as aforesaid, to fill requests from borrowing handlers in all other prorate districts.

(ii) If requests from handlers, in a prorate district, for short-life allotment exceed the quantity offered by handlers in that district, the quantity offered shall be equitably apportioned to each borrowing handler so that the amount he receives bears the same ratio to the total amount received by all borrowing handlers as his tree crop bears to the total tree crop of all borrowing handlers. If the quantity of short-life allotment offered in a prorate district exceeds the quantity requested in that district, the same proportion of each lending handler's allotment shall be loaned.

(iii) Such loan offers and requests may be modified or withdrawn any time prior to 12 m. Monday, after which time the committee shall arrange allotment loans on the basis of the offers and requests, including modifications thereof, then pending without further action by the handlers involved. Loan offers and requests not fully utilized in such allotment loan arrangements may be modified or withdrawn.

(5) Offers to loan allotment received by the committee at, or subsequent to, 12 m. Monday shall be applied first to the arrangement of loans to handlers within the same prorate district whose requests were received prior to such time, but had not been completely filled. Any remaining allotment shall then be applied to the arrangement of loans to handlers within that district to fill any requests as thereafter received. Allotment loan offers received from handlers in a prorate district at, or subsequent to, 12 m. Monday and for which there are no requests by handlers in that district, may be applied by the committee to the arrangement of loans to fill requests from handlers in other prorate districts. If the total allotment offered for loan in the same prorate district exceeds total requests in such district, the same proportion of each lending handler's allotment shall be loaned. If the quantity of allotment requested by handlers in a prorate district exceeds the quantity offered, the quantity each borrowing handler receives shall bear the same ratio to the total amount received by all borrowing handlers as his tree crop bears to the total tree crop of all borrowing handlers.

(i) Offers to loan, and requests to borrow, allotment received at, or subsequent to, 12 m. Monday may be modified or withdrawn: *Provided*, That allotment loan arrangements with respect to such offered allotment have not been completed by the committee.

(6) Offers to loan, and requests for, allotment may be made in person, by telephone, or telegram, or in writing. Immediately after completing arrangements for a loan, the committee shall confirm the terms thereof by mailing VOAC Form 6 Confirmation of Allotment Loan to the handlers involved.

(c) Whenever any Monday herein specified falls on a legal holiday, the next following business day shall be applicable.

8. Revise paragraph (a) and the second sentence of paragraph (b) of § 908.114 *Short-life allotments* to read as follows:

§ 908.114 Short-life allotments.

(a) *Qualification for short-life allotment.* A handler shall be considered to have short-life oranges when he has oranges which historically are known to lack keeping qualities which will permit him to handle, during the normal marketing period for the oranges grown in the prorate district, the same proportion of his oranges as the average which will be handled by all handlers pursuant to § 908.110(g).

(b) *Application to be filed.* * * * The application shall contain the following information: Name and address of applicant; location of each grove producing short-life oranges; a record covering the maximum years available, but not in excess of the 10 immediately preceding years, showing the marketing period of the oranges covered by the application; a suggested shortened marketing season showing the final date when the short-life oranges covered by the application should be marketed; and, a showing satisfactory to the committee why the oranges covered by the application cannot be marketed during the normal marketing period for the applicable district through appropriate adjustments in the handler's packinghouse operations.

9. Add a new § 908.116 *Credit forfeitures* to read as follows:

§ 908.116 Credit forfeitures.

(a) The forfeiture of any handler's general maturity allotment that was neither used nor loaned to another handler shall be applied to reduce overshipments of handlers as provided in § 908.55 unless the forfeiting handler made a bona fide and timely offer to the committee to lend his undershipment. An offer shall be considered bona fide and timely if such offer (1) was received in the office of the committee by 12 p.m. Monday, or the next following business day if Monday is a legal holiday, and (2) contained at least two alternative payback dates. All short-life allotment that is forfeited shall be applied to reduce

overshipments of handlers as provided in § 908.55.

(b) If the forfeiture of allotment in a prorate district exceeds that required to offset overshipments in such district and overshipments exceed forfeitures in other districts, the surplus forfeiture credit shall be allocated, as provided in § 908.55, to the handlers in the deficit districts in proportion to their permissible overshipments.

10. Add a new § 908.117 *Freeze damage allotments* to read as follows:

§ 908.117 Freeze damage allotments.

(a) At least 6 days before any meeting held by the committee to consider the quantity of allotments to be issued in any one or more prorate districts pursuant to § 908.61a, the committee shall mail written notice to handlers in such districts of its intention advising handlers that applications for such allotments shall be filed with the committee as hereinafter provided.

(b) Whenever freeze damage allotments are to be issued in a prorate district pursuant to § 908.61a on the basis of requests by handlers, the committee shall determine on the basis of all available information and after consideration of all of the factors enumerated in § 908.51(b), the extent to which freeze damage allotments should be granted in such district.

(c) Any handler who desires to receive freeze damage allotment shall request such allotment in person, or by telephone, telegram, or by filing VOAC Form 35 on or before 12 m. of the day preceding the regular weekly meeting of the committee. Such requests may be made at any of the offices of the committee. VOAC Form 35 shall contain (1) the name and address of the handler, (2) the week for which the application is made, (3) the amount of freeze damage allotment requested, and (4) the signature of the handler or authorized representative. All requests not made by a properly completed VOAC Form 35 shall be confirmed by delivering to the committee at any of its offices, not later than the day preceding the committee's regular weekly meeting, a properly completed VOAC Form 35 or by mailing a properly completed form to the committee not later than the day preceding the committee's regular weekly meeting.

(d) Whenever the total amount of freeze damage allotment the committee determines should be granted to handlers within a prorate district equals or is larger than the total amount applied for in such district, the full amount applied for in each application shall be granted. Whenever the total amount applied for exceeds the total amount of freeze damage allotment the committee deems should be granted in the district, the request of each handler in such district shall be granted in the same proportion as the handler's tree crop bears to the total tree crop of requesting handlers in that district, but not in excess of the amount requested, and any allotment then remaining shall be granted in successive increments, as necessary, to handlers filing requests, in proportion to the tree crop controlled by each, but not in excess of the amount requested.

(e) Any handler to whom freeze damage allotment is issued may transfer such allotment, or portion thereof, to another such handler in the same prorate district; and such handlers shall notify the committee of such transfer on or before 12 m. Friday, or the following business day if Friday is a legal holiday, of the week following the one for which such allotment was issued. Such notification shall show names of the parties, the amount of the allotment transferred, and the week thereof.

(f) Any handler to whom freeze damage allotment is issued and who desires transfer of freeze damage allotment from or to other such handlers within another prorate district shall so notify the committee in person, by telephone, or telegram, or in writing by 12 m. Wednesday of the week for which the allotment was issued, or by 12 m. of the preceding day if Wednesday is a legal holiday. The committee shall endeavor to effect a transfer of allotment and shall confirm each such transfer to the handlers involved. In the event the total amount of the allotment available for transfer is less than the total amount requested, the committee shall transfer the available allotment to the requesting handlers proportionately as provided in paragraph (d) of this section.

§ 908.139 [Amended]

11. In § 908.139 *Conversion factors*, delete "40" from the second sentence and insert "37½" in lieu thereof.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: December 12, 1969.

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

[F.R. Doc. 69-14962; Filed, Dec. 16, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18766; FCC 69-1350]

FM BROADCAST STATIONS

Table of Assignments; Biloxi, Miss., etc.

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Biloxi, Ocean Springs, and Picayune, Miss., Port Sulphur, La., and Prichard, Ala.); Docket No. 18766, RM-1422, RM-1435, RM-1463.

1. Notice is hereby given of proposed rule making in the above-entitled matters, concerning amendments of the FM Table of Assignments contained in § 73.202 of the Commission's rules, for communities located in the general Gulf Coastal area of Alabama, Louisiana, and Mississippi. All proposed assignments are alleged and appear to meet the separation requirements of the rules. All population figures, except as otherwise stated, are from the 1960 U.S. Census. These petitions are not technically related.

2. *RM-1422, Biloxi, Miss.* By a petition filed on March 14, 1969, New South Communications, Inc. (South), licensee of Stations WVMI(AM) and WBIL(FM), Biloxi, Miss., requests assignment of Class C Channel 229 to Biloxi, Miss. Biloxi is a city of 44,053 persons, the largest city and county seat of Harrison County, population 119,489. Station WVMI(AM) is a daytime-only station; WBIL(FM) operates on Class A Channel 292A, the only FM assignment presently provided in the table for Biloxi. There is one other AM station in Biloxi, WLOX, a Class IV unlimited-time station, and two other Class A FM assignments in Harrison County, both of which are assigned at Gulfport, population 30,204, about 12 miles east of Biloxi.

3. South submits that the proposed assignment will conform with the technical rules without requiring any other changes in the table. A preclusion study provided with the petition reveals that impact areas would develop on Channels 228A, 229, 230, and 232A. Since very small, coastal marshland areas are involved on Channels 230 and 232A, which contain no established communities, the preclusion areas on these channels are of little consequence. Channel 228A would involve an area containing no community of 2,000 or more population that does not already have one or more FM assignments, or for which other Class A channels are not available. The Channel 229 preclusion area appears to be less than half of that indicated by petitioner and extends generally eastward along the coastal area from Biloxi to about the Mississippi-Alabama boundary.[1] The area does not include any city of 5,000 or more population that does not either have an FM assignment or a petition pending for an assignment.

4. Proponent notes that Biloxi had a 17.7 percent increase in population between 1950 and 1960, and submits statistical data on the economics, industry, and general business activity of the city in support of its contention that it is a fast-growing and economically sound community. According to cited statistics compiled by the Biloxi Chamber of Commerce, the city had a 1968 estimated population of 61,610 persons. It is claimed that this figure does not include a military strength of some 17,000 men stationed at Keesler Air Force Base, located

[1] Petitioner's Channel 229 preclusion analysis does not include consideration of the impact of Channel 227 assigned to New Orleans,

within the Biloxi corporate limits. It is urged that the wide-area coverage provided by a Class C assignment would permit a needed service to the "Gulf Coast tricounty area" (Jackson, Harrison, and Hancock Counties), particularly important because of what is described by petitioner as the "limited existing broadcast outlets presently at Biloxi and in the area."

5. Comments supporting the proposal were filed by WLOX Broadcasting Co., licensee of Stations WLOX(AM)–TV, Biloxi, and Tung Broadcasting Co. (Tung), licensee of WRJW(AM), Picayune, Miss.[2] Tung advances a further proposal that Channel 292A, now assigned at Biloxi, be reassigned to Picayune as its first FM assignment. Tung demonstrates that Channel 292A could be used at Picayune and meet all requirements of the rules if moved from Biloxi. Picayune, with a 1960 Census population of 7,834 persons, has one daytime-only AM station, but is without an FM assignment.

6. Tung submits that Picayune, the largest city in Pearl River County, had an estimated 1965 population of 9,500 persons. At present, the only FM assignment in the county (population 22,411) is a Class A channel in operation at Poplarville (population 2,136), the county seat, located about 25 miles from Picayune. It appears that no other channel is available to Picayune without changing the channel of one or more operating stations. Further, if Channel 292A were moved from Biloxi to Picayune, its assignment could be duplicated in an area lying between Pascagoula, Miss., and Mobile, Ala., which is not the case so long as it remains assigned to Biloxi.[3]

7. We consider that sufficient showing has been made by petitioner (South) on the size and relative importance of Biloxi in its area to warrant institution of a rule making proceeding looking toward assignment of a Class C channel. We take special note here of the availability of the channel proposed without requiring any other changes in existing assignments, as well as the minimal preclusion impact involving the proposed and adjacent channels. We also consider that the related proposal advanced by Tung warrants inclusion in the same proceeding. Accordingly, we are inviting comments from interested parties with supporting data on the following proposed changes in the Table:

City	Channel No.	
	Present	Proposed
Biloxi, Miss	292A	229
Picayune, Miss		292A

8. We also invite comments from parties interested in duplicating the proposed assignment of Channel 292A at another community in the area between Pascagoula and Mobile, in addition to Picayune (see paragraph 6 and footnote 3, above). In the event it is determined that Channel 292A should be assigned to Pascagoula, we would further consider permanently assigning Channel 285A to Moss Point. Further, if it is determined that reassignment of Channel 292A from Biloxi to Picayune at this time would serve the public interest, consideration will be given to modification of the WBIL (FM) outstanding authorization to specify operation on Channel 229.

9. *RM–1435, Port Sulphur, La.* Plaquemines Broadcasting Co., Inc., filed a petition on April 1, 1969, seeking assignment of Class C Channel 294 as a first FM channel at Port Sulphur, La. The assignment would constitute a "drop-in" and require a site about 3 miles east of Port Sulphur so as to meet the minimum separation requirements with other assignments. Port Sulphur has a population of 2,868 persons and is located in Plaquemines Parish (population 25,723) about 40 miles southeast of New Orleans, location of the nearest Class C assignment. The Table contains no listing for any community of Plaquemines Parish. A recently authorized AM daytime-only station, KPBC, is operated by petitioner at Port Sulphur.

10. The petitioner urges that, because of the activity of swampland and offshore drilling by the oil industry, numerous quasi-communities and outposts have been established in the area in which a need has developed for a first local FM service to serve Port Sulphur and the coastal areas of the parish. It is further submitted that providing for a first FM service to Plaquemines Parish will enable a means of establishing an early warning system in an area beset with hurricanes for a major portion of the year. Studies included with the supporting engineering statement show that no community on the "mainland" of sufficient size warranting consideration would be precluded in the limited areas that would be affected by the proposed assignment. Other preclusion areas in the remote southern portion of Plaquemines Parish would occur and involve three channels (292A, 294, and 296A), for which it appears other channels are available for assignment.

11. Approximately one-half of Plaquemines Parish consists of a peninsula, including the Mississippi River Delta area, extending about 45–50 miles from the mainland and Port Sulphur. It is demonstrated by petitioner's engineering exhibits that only a small area in the northern portion of the peninsula is within the service area of existing FM assignments, and it is further alleged that the southern area receives no nighttime AM service. In justification of the request for a Class C in lieu of a Class A channel, it is urged that, where coverage from a Class A assignment would be permanently limited to providing a first service to within about 15 miles of Port Sulphur, a Class C assignment would permit establishing a modest facility initially (25 k.w. at 200 feet), but more importantly it would be possible for the facility and its corresponding coverage to be increased as the future growth of the parish warrants. It is estimated by petitioner that the population of Plaquemines Parish will double by 1978. It is submitted that the peninsula's southern area will probably be a permanent "white area", unless provisions are made for a Class C station at Port Sulphur.

12. Ordinarily, consideration is only given to a Class A assignment for a small community, such as Port Sulphur. However, exceptions have been made on occasions when a significant potential gain in service can be shown to be possible. The petitioner's showing of first service area available from an assumed minimal Class C operation (25 kw. at 200 feet) compared to that possible by a maximum Class A station (3 kw. at 300 feet) is not significant in this case.[4] We are of the opinion that there is merit to petitioner's contention that future utilization of the potential coverage of a Class C assignment may be the only means of assuring future FM service to the southern area to Plaquemines Parish. We also take special cognizance here that the assignment would result in an insignificant preclusion impact on the mainland, if the assignment were made.

13. In view of the above considerations, we are inviting comments on the proposal to assign Channel 294 as a first FM assignment at Port Sulphur, La.

14. *RM–1463, Ocean Springs, Miss.* A petition was received on May 28, 1969, from Mr. Charles H. Cooper of Gulfport, Miss., proposing assignment of Channel 276A to Ocean Springs, Miss., by shifting the channel from Prichard, Ala., where it is vacant and unapplied for, as follows:

City	Channel No.	
	Present	Proposed
Ocean Springs, Miss		276A
Prichard, Ala	276A	

Ocean Springs is a community of 5,025 persons located on the Gulf Coast about 6 miles east of Biloxi. The proposed community is the third largest in Jackson County, population 55,522. Ocean Springs has neither an FM nor AM local outlet. Prichard, population 47,371, is wholly contained within and encircled by the city of Mobile, population 202,779. Channel 276A assigned to Prichard has

[2] Comments by Tung were filed on Apr. 23, 1969, 2 days after the time specified by the rules for the Biloxi petition. Since the comments offer a further proposal for consideration, which is contingent upon and in harmony with the Biloxi proposal, Tung's request for acceptance of its late filing is granted and the comments are considered in this proceeding.

[3] The Table lists Channels 256 and 285A for Pascagoula (17,155). However, Channel 285A was authorized for use at Moss Point (6,631) under rule 73.203(b). If Channel 228A were assigned to Picayune, it could also be assigned to Pascagoula as a replacement for Channel 285A, where it could also be applied for by prospective applicants there or in other nearby communities within 10 miles, including East Side (population 4,318) and Kreole (population 1,870).

[4] The extent of potential service wasted over large water areas because of the narrow peninsular land area involved contributes to a poor showing for a Class C station when comparing classes of stations in this case.

not been applied for since listed in the original Table of Assignments (1963). There is one daytime AM station in Prichard. Mobile is assigned five Class C channels, only two of which are occupied.

15. The petitioner submits that Ocean Springs is experiencing exceptional growth, that the city limits have been extended since 1960 to include three times its former area, and that its current population is in excess of 10,000 people. It is shown by an associated engineering study that the proposed assignment would conform with the technical requirements of the rules, providing a site is selected about 5–6 miles east of Ocean Springs. As to the proposed removal of the Prichard Class A assignment, it is urged that, considering the unique situation of Prichard being encompassed by the dominant city of Mobile, the Prichard Class A assignment could not effectively compete with Mobile's five Class C assignments. The petitioner notes in this connection that the licensee of the Prichard AM station is an applicant for one of the three vacant Mobile Class C channels.

16. We are of the opinion that petitioner has made sufficient showing to warrant institution of rule making proceedings. We are therefore inviting comments on the proposed reassignment plan outlined above.

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

18. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before January 19, 1970, and reply comments on or before January 29, 1970. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

19. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: December 10, 1969.

Released: December 12, 1969.

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

[F.R. Doc. 69-14940; Filed, Dec. 16, 1969; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 18765; FCC 69-1348]

FM BROADCAST STATIONS

Table of Assignments; New Bern, N.C.

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (New Bern, N.C.); Docket No. 18765, RM-1432.

1. The Commission has before it for consideration the above-captioned petition for rule making filed on March 24, 1969, by V.W.B., Inc., permittee of Station WVWB-FM, Bridgeton, N.C., which seeks substitution of Channel 293 for Channel 257A at New Bern, N.C.

2. Petitioner presently holds a construction permit originally granted on November 29, 1965, for Station WVWB-FM, Bridgeton, N.C., specifying operation on Channel 249A. Channel 249A, then listed in the Table for New Bern, was authorized for use at Bridgeton under the provisions of § 73.203(b) of the rules, as the communities are merely separated by the Neuse River. By an order released October 30, 1967, in a rule making proceeding in Docket No. 17627 (FCC 67-1179), inter alia, the channel listed in the table for New Bern was changed from 249A to 257A. In the same order, it was further provided that the construction permit held by V.W.B., Inc., for Station WVWB-FM, Channel 249A, was modified to specify operation on Channel 257A, subject to the permittee advising the Commission of its consent to the modification by November 8, 1967. V.W.B. contends that it was not advised of the change order and it consequently completed construction of the station on Channel 249A as originally authorized. An application for license was subsequently filed for the station's operation on Channel 249A and program test authority was inadvertently granted for that channel on July 26, 1968. By action of August 23, 1968, the Commission set aside the program test authority and authorized Station WVWB-FM to continue operation on Channel 249A on a special temporary authority basis pending resolution of the channel conflicts. Since Channel 249A is now assigned to Washington, N.C., only some 30 miles from Station WVWB-FM's temporary operation on the same channel, it is imperative that the station change its operation to a different channel so as to preserve what appears to be the only remaining channel now available to Washington. Petitioner states that from its study of the matter it determined that Channel 293 could be "dropped in" at New Bern and thereby permit changing WVWB-FM to a Class C operation. It is submitted that such change would not cost appreciably more than switching the present WVWB-FM operation over to Channel 257A. Petitioner also urges that the permissible facilities on Channel 293, as compared to Channel 257A, would enable it to serve a substantial area with a first FM service, based on presently authorized services in the area, without any compromise to the possibility of making other future assignments.

3. The proponent provides an extensive engineering analysis of the technical feasibility of adopting the proposed assignment of Channel 293. The area in which a transmitter site for the channel may be used and meet the minimum spacing criteria is uniquely limited so that, although a station could not be located in New Bern proper, the area does barely include the existing site of WVWB-FM. It is noted that the largest community included in the "open area" for Channel 293 is Swansboro, population 1,020. As to preclusion on the pertinent adjacent channels, it is indicated that very limited impact areas would occur for Channels 292A and 296A. However, it is further shown that Channel 257A, proposed to be relinquished at New Bern, and Channel 252A would be available to the entire areas so affected, thus completely nullifying any preclusion impact from the proposed assignment.

4. It appears from petitioner's presentation that Channel 293 could be assigned to New Bern and used at the WVWB-FM site without any other changes in the table; that the assignment would not preclude potential assignments elsewhere for which a potential need may develop, since other comparable channels are apparently available; and that it would offer a means of providing at least a second FM service to a significant area, even assuming all other assignments in the area were to be activated. In light of these considerations, we conclude that institution of rule making on the proposed plan has merit and we are therefore inviting comments on the proponent's proposal as outlined above and the deletion of Channel 257A, as follows:

City	Channel No.	
	Present	Proposed
New Bern, N.C.	257A	293

Action looking toward modification of the outstanding authorization for WVWB-FM to specify operation on either Channel 257A or Channel 293 will be withheld pending the outcome of the decision on whether the requested change in assignment would serve the public interest.

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

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before January 12, 1970, and reply comments on or before January 22, 1970. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: December 10, 1969.

Released: December 12, 1969.

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

[F.R. Doc. 69-14941; Filed, Dec. 16, 1969; 8:48 a.m.]

[1] Commissioner Johnson concurring in the result.

Notices

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs., Temporary Reg. H–11]

SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Revocation of Delegation of Authority

1. *Purpose.* This regulation revokes a delegation of authority to the Secretary of Housing and Urban Development to dispose of approximately 200 acres of real property at Fort Sam Houston, San Antonio, Tex.

2. *Effective date.* This regulation is effective October 8, 1969.

3. *Expiration date.* This regulation expires December 31, 1969.

4. *Revocation.* By letter dated October 8, 1969, the Administrator of General Services released the Secretary of Housing and Urban Development from the authority and duties delegated to him under FPMR Temporary Regulation H–8. Accordingly, FPMR Temporary Regulation H–8 is hereby revoked effective the date of the Administrator's letter.

Dated: December 11, 1969.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc. 69–14949; Filed, Dec. 16, 1969; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

AREA DIRECTORS ET AL.

Delegations of Authority; Exceptions

DECEMBER 10, 1969.

On page 9038 of the June 6, 1969, issue of the FEDERAL REGISTER were published certain exceptions to the Credit authorities redelegated to Area Directors. A subsequent correction to one of those exceptions, 10 BIAM 3.3F(4)(a), was made in the July 1, 1969, issue (34 F.R. 11108). This section is further amended to remove the restriction on redelegation by the Billings Area Director and reads as follows:

3.3 *Exceptions.* The authorities redelegated in 3.1 above do not include the following:

* * * * *

F. *Credit.* * * *

(4) The redelegation of authority to Superintendents for:

(a) Approval of mortgages or deeds of trust of individually-owned trust or restricted land executed pursuant to 25 CFR 121.61 given to secure loans. The Billings Area Director is excluded from this exception.

T. W. TAYLOR,
Acting Commissioner.

[F.R. Doc. 69–14942; Filed, Dec. 16, 1969; 8:48 a.m.]

Bureau of Land Management

RESOURCE AREA MANAGERS, CALIFORNIA

Redelegation of Authority

DECEMBER 4, 1969.

Pursuant to Part III, section 3.1, Bureau Order No. 701 of July 23, 1964, as amended, the Area Managers of all Resource Areas of the Bakersfield, Susanville, Redding, Folsom, Ukiah, and Riverside District Offices are authorized to perform in their respective areas of responsibility and in accordance with the existing policies, regulations, and procedures of this Department, and under the direct supervision of the respective District Manager, the functions as listed below, subject to the limitations listed in Part I together with any limitations specified below.

AUTHORITY IN SPECIFIED MATTERS

SEC. 3.3 *Fiscal affairs.* On matters in which he is authorized to act, the Area Managers may take all actions on:

* * * * *

(d) *Trespass.* Determine liability and accept damages for trespass on the public lands and dispose of resources recovered in trespass cases for not less than the appraised value thereof when the amount involved does not exceed $2,000.

SEC. 3.7 *Range management.* The Area Managers may take all the listed actions on:

(a) Licenses and permits to graze or trail livestock.

* * * * *

(3) Permits or cooperative agreements to construct and maintain range improvements and determine the value of such improvements.

(4) The expenditure of funds appropriated by Congress, or contributed by individuals, associations, advisory boards, or others, for the construction, purchase or maintenance of range improvements.

(b) Grazing leases.

* * * * *

(d) Soil and moisture conservation; control of halogeton glomeratus.

(e) Controlled brush burning. In accordance with plans and specifications approved by the State Director.

SEC. 3.8 *Forest management.* The Area Managers may take all the actions on:

(a) Disposition of forest products except sales of timber in excess of 1 million feet, board measure, which must be approved by the District Manager prior to advertisement.

* * * * *

SEC. 3.9 *Land use.* The Area Managers may take all the listed action on:

* * * * *

(g) Material other than forest products not exceeding $2,000.

* * * * *

(m) Temporary rights-of-way. Grant rights-of-way over public and acquired lands pursuant to 43 CFR 2234.2–3(a)(2).

* * * * *

(o) Special land-use permits.

(1) Issue special land-use permits for public lands within the grazing districts.

* * * * *

(3) Special land-use permits for lands outside established grazing and forest districts.

The Area Managers may not redelegate the authority vested in them by the District Manager.

The authority redelegated by the District Manager may, in his discretion, be exercised personally by him notwithstanding the redelegation of authority.

The District Manager may at any time, temporarily reserve, restrict or withhold any portion of the above delegated authority.

This order will become effective upon publication in the FEDERAL REGISTER.

ROBERT J. SPRINGER,
District Manager, Bakersfield.
REX J. MORGAN,
District Manager, Susanville.
RICHARD L. THOMPSON,
District Manager, Redding.
DELMAR D. VAIL,
District Manager, Folsom.
JOHN F. LANZ,
District Manager, Ukiah.
JOHN F. WILSON,
District and Land Office Manager, Riverside.

Approved:

J. R. PENNY,
State Director.

[F.R. Doc. 69–14906; Filed, Dec. 16, 1969; 8:45 a.m.]

[M 067221]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

DECEMBER 8, 1969.

Notice of an application, serial number M 067221, for withdrawal and reservation of lands for the Forest Service, Department of Agriculture, was published as F.R. Doc. 64–9816 on page 13434 of the issue for September 29, 1964. A portion of the land description therein is hereby corrected to read as follows:

KOOTENAI NATIONAL FOREST

PRINCIPAL MERIDIAN, MONTANA

Yaak Falls Recreation Area

Unsurveyed but when surveyed will probably be:

T. 33 N., R. 33 W.,
Sec. 9, W½NW¼NW¼.

Containing 20 acres.

Therefore, pursuant to the regulations contained in 43 CFR Subpart 2311 the following lands, at 10 a.m. on January 9, 1970, will be relieved of the segregative effect of the above mentioned application:

KOOTENAI NATIONAL FOREST

PRINCIPAL MERIDIAN, MONTANA

Yaak Falls Recreation Area

Unsurveyed but when surveyed will probably be:

T. 33 N., R. 33 W.,
Sec. 9, E½NE¼NW¼.

Containing 20 acres.

EUGENE H. NEWELL,
Land Office Manager.

[F.R. Doc. 69-14943; Filed, Dec. 16, 1969; 8:48 a.m.]

Geological Survey

[Wyoming 141]

WYOMING

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYO.

COAL LANDS

T. 48 N., R. 74 W.,
Secs. 1 to 36, inclusive.
T. 49 N., R. 74 W.,
Secs. 1 to 36, inclusive.

The area described aggregates 45,854 acres, more or less, of which all are classified as coal lands.

FRANK E. CLARKE,
Acting Director.

DECEMBER 10, 1969.

[F.R. Doc. 69-14897; Filed, Dec. 16, 1969; 8:45 a.m.]

[Wyoming 142]

WYOMING

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING

COAL LANDS

T. 47 N., R. 75 W.,
Secs. 1 to 36, inclusive.

The area described aggregates 22,924 acres, more or less, of which all are classified as coal lands.

FRANK E. CLARKE,
Acting Director.

DECEMBER 10, 1969.

[F.R. Doc. 69-14898; Filed, Dec. 16, 1969; 8:45 a.m.]

[Wyoming 143]

WYOMING

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING

COAL LANDS

T. 48 N., R. 75 W.,
Secs. 1 to 36, inclusive.

The area described aggregates 22,817 acres, more or less, of which all are classified as coal lands.

FRANK E. CLARKE,
Acting Director.

DECEMBER 10, 1969.

[F.R. Doc. 69-14899; Filed, Dec. 16, 1969; 8:45 a.m.]

[Wyoming 144]

WYOMING

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING

COAL LANDS

T. 49 N., R. 75 W.,
Secs. 1 to 36, inclusive.

The area described aggregates 23,023 acres, more or less, of which all are classified as coal lands.

FRANK E. CLARKE,
Acting Director.

DECEMBER 10, 1969.

[F.R. Doc. 69-14900; Filed, Dec. 16, 1969; 8:45 a.m.]

[Wyoming 145]

WYOMING

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING

COAL LANDS

T. 50 N., R. 75 W.,
Secs. 1 to 36, inclusive.

The area described aggregates 22,982 acres, more or less, of which all are classified as coal lands.

FRANK E. CLARKE,
Acting Director.

DECEMBER 10, 1969.

[F.R. Doc. 69-14901; Filed, Dec. 16, 1969; 8:45 a.m.]

[Wyoming 146]

WYOMING

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title therto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING

COAL LANDS

T. 48 N., R. 76 W.,
Secs. 1 to 36, inclusive.

The area described aggregates 22,823 acres, more or less, of which all are classified as coal lands.

FRANK E. CLARKE,
Acting Director.

DECEMBER 10, 1969.

[F.R. Doc. 69-14902; Filed, Dec. 16, 1969; 8:45 a.m.]

[Wyoming 147]

WYOMING

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING

COAL LANDS

T. 49 N., R. 76 W.,
Secs. 1 to 36, inclusive.

The area described aggregates 23,025 acres, more or less, of which all are classified as coal lands.

FRANK E. CLARKE,
Acting Director.

DECEMBER 10, 1969.

[F.R. Doc. 69-14903; Filed, Dec. 16, 1969; 8:45 a.m.]

[Wyoming 148]

WYOMING

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING

COAL LANDS

T. 50 N., R. 76 W.,
Secs. 1 to 36, inclusive.

The area described aggregates 23,024 acres, more or less, of which all are classified as coal lands.

FRANK E. CLARKE,
Acting Director.

DECEMBER 10, 1969.

[F.R. Doc. 69-14904; Filed, Dec. 16, 1969; 8:45 a.m.]

[Wyoming 149]

WYOMING

Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

SIXTH PRINCIPAL MERIDIAN, WYOMING

COAL LANDS

T. 51 N., R. 76 W.,
Secs. 1 to 36, inclusive.

The area described aggregates 23,006 acres, more or less, of which all are classified as coal lands.

FRANK E. CLARKE,
Acting Director.

DECEMBER 10, 1969.

[F.R. Doc. 69-14905; Filed, Dec. 16, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

PUERTO RICO SUGARCANE CROP

1970–71 Crop Proportionate Shares; Notice of Hearing

Notice is hereby given that the Secretary of Agriculture acting pursuant to the Sugar Act of 1948, as amended, is preparing to conduct a public hearing to receive views and recommendations from all interested persons on the possible need for establishing proportionate shares for the 1970–71 sugarcane crop in Puerto Rico.

In accordance with the provisions of paragraph (1), subsection (b) of section 302 of the Sugar Act of 1948, as amended, the Secretary must determine for each crop year whether the production of sugar from any crop of sugarcane in Puerto Rico will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determination may be made only after due notice and opportunity for an informal public hearing.

The hearing on this matter will be conducted in Room 4711, South Building, U.S. Department of Agriculture, Washington, D.C., beginning at 10 a.m. on December 22, 1969.

Views and recommendations are desired on all phases of the proportionate share program. They may be submitted in writing, in triplicate, at the hearing, or may be mailed to the Director, Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washintgon, D.C. 20250, postmarked not later than January 7, 1970. Interested persons will be given the opportunity at the hearing to appear and submit orally data, views and arguments in regard to the establishment of proportionate shares.

Restrictions on the marketing of sugarcane in Puerto Rico have not been in effect since the 1955–56 crop. The area has not marketed all of its mainland basic sugar quota in recent years. Prospects for the 1969–70 crop indicate that production will again fall short of the area's mainland basic quota.

All written submissions made pursuant to this notice will be made available for public inspection as such times and places in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washintgon, D.C., on December 12, 1969.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-14960; Filed, Dec. 16, 1969; 8:49 a.m.]

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (34 F.R. 13378, 14445, 16634, and 18048) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to Oakwood Farms Packing Corp., establishment 85, and the reference to cattle with respect to such establishment are deleted. The reference to calves with respect to Greendell Packing Co., establishment 542, is deleted. The reference to sheep and goats with respect to Atwater Meat Co., establishment 6113, is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Callaway Packing Co., Inc.	688	(*)	(*)					
Anthony Parillo, Inc.	5193	(*)	(*)	(*)		(*)		
Helms Slaughterhouse	6777	(*)						
Bob Evans Farms, Inc.	6807					(*)		
New establishments reported: 4								
Prairie Packing Co.	253		(*)					
Beeville Packing Co.	377				(*)			
Oakridge Smokehouse	401		(*)		(*)			
Virgin Islands Packing Plant	482		(*)					
Meat Laboratory, Oklahoma State University	536				(*)			
Cavitess Packing Co., Inc.	675		(*)					
Broadway Packing Co., Inc.	2264					(*)		
Fort Plain Packing Co.	5074		(*)					

Done at Washington, D.C., on December 12, 1969.

H. M. STEINMETZ,
Acting Deputy Administrator, Consumer Protection.

[F.R. Doc. 69-14963; Filed, Dec. 16, 1969; 8:49 a.m.]

Office of the Secretary

ARKANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Arkansas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Ashley.	Lee.
Chicot.	Mississippi.
Cross.	Monroe.
Crittenden.	Phillips.
Desha.	Prairie.
Independence.	St. Francis.
Jackson.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1970, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 11th day of December 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-14964; Filed, Dec. 16, 1969; 8:49 a.m.]

Packers and Stockyards Administration

[P. & S. Docket No. 425]

SIOUX CITY STOCK YARDS

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on February 3, 1969 (28 A.D. 124), authorizing the respondent, Sioux City Stock Yards, Sioux City, Iowa, Division of United States Stockyards Corp., to assess the current temporary schedule of rates and charges to and including December 31, 1970 unless modified or extended by further order before the latter date.

By a petition filed on November 19, 1969, the respondent requested authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below, and requested that the current schedule, as so modified, be continued in effect to and including December 31, 1971.

a. Amend Item No. 1 to provide an increase in basic yardage charges per head as follows:

	Present	Proposed
Cattle (except bulls 700 lbs. or over)	$1.23	$1.30
Bulls (minimum 700 lbs.)	1.65	1.90
Calves (400 lbs. or under)	.67	.71
Hogs	.42	.45
Sheep or goats	.24	.26
Horses	.80	1.00

b. Amend Item No. 1, Exception (1), by deleting the words "forwarded to another terminal market beyond Sioux City or." This exception will then read:

(1) When livestock, consigned for sale in Selling agencies Division is returned to point of origin, without sale, weighing, or change of ownership of any part of the shipment, the yardage charge will be waived.

c. Amend Item No. 1 to provide the following additional exception thereto:

(4) When livestock is forwarded to another point, other than point or origin, without sale, weighing, or change of ownership of any part of the shipment, one-half the above yardage charges (fractions at the next highest full cent) will be charged.

d. Amend Item No. 3 of said tariff to provide an increase in yardage charges per head in Column 1 on so-called "Plants" or Resales by selling agencies as follows:

	Present	Proposed
Cattle (except bulls 700 lbs. or over)	$1.23	$1.30
Bulls (minimum 700 lbs.)	1.65	1.90
Calves (400 lbs. or under)	.67	.71
Hogs	.42	.45
Sheep or goats	.24	.20

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of December 1969.

DONALD A. CAMPBELL,
Administrator, Packers and Stockyards Administration.

[F.R. Doc. 69-14916; Filed, Dec. 16, 1969; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23 (69)-2]

SOCIETE D'EQUIPEMENTS AGRICOLE & DE VENTE INTERAGRA

Notice of Related Party Determination

In the matter of Societe D'Equipements Agricole & De Vente Interagra, 14 Rue Alexandre Fourtanier, Toulouse, France; File No. 23(69)-2.

An order dated May 14, 1969 was entered by the Office of Export Control, Bureau of International Commerce, against Interagra S.A., Paris, France, denying it all privileges of participating in any manner or capacity in exportations from the United States of commodities or technical data for an indefinite period. This order was published in the FEDERAL REGISTER on May 20, 1969 (34 F.R. 7920).

Section 388.1(b) of the Export Control Regulations provides, in part, that to the extent necessary to prevent evasion of any order denying export privileges, said order may be made applicable to parties other than those named in the order with whom said named parties may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. It has been determined by the Office of Export Control, Bureau of International Commerce, that within the purview of said section the firm Societe D'Equipements Agricole & De Vente Interagra located at the above address, is a related party to said Interagra S.A. Under this determination the terms and restrictions of the order of May 14, 1969 are effective against said related party.

The said related party has been notified of this determination and has been advised that if it contends that the ruling is not justified, it may make application to have the ruling reconsidered or terminated. Due notice will be given of any termination or change in this related party determination.

Dated: December 8, 1969.

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

[F.R. Doc. 69-14947; Filed, Dec. 16, 1969; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Interim Policies and Requirements

Notice is hereby given that the regulations set forth below prescribe interim policies and requirements relating to methods of administration in cases of fraud under State plans for medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396). These regulations are effective upon publication in the FEDERAL REGISTER.

Interested persons who wish to submit comments, suggestions, or objections thereto may present their views in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington,

D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The final regulations will be codified in Chapter II, Title 45 of the Code of Federal Regulations.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Dated: September 29, 1969.

MARY E. SWITZER,
Administrator, Social and Rehabilitation Service.

Approved: December 9, 1969.

ROBERT H. FINCH,
Secretary.

SEC. 250.80 *Fraud in the medical assistance program—(a) State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

(1) Provide that the State agency will establish and maintain (i) methods and criteria for identifying situations in which a question of fraud in the program may exist, and (ii) procedures developed in cooperation with State legal authorities for referring to law enforcement officials situations in which there is valid reason to suspect that fraud has been practiced. The definition of fraud for purposes of this section will be determined in accordance with State law.

(2) Provide for methods of investigation of situations in which there is a question of fraud that do not infringe on the legal rights of persons involved and are consistent with principles recognized as affording due process of law.

(3) Provide that the State agency will designate positions that are responsible for referring situations involving suspected fraud to the proper authorities.

(4) Effective January 1, 1970, provide that the State agency will establish and maintain procedures for reporting promptly to the Social and Rehabilitation Service (i) each case of suspected fraud by a provider which has been referred by the State or local agency to law enforcement officials for appropriate action and subsequently (ii) the disposition thereof by such law enforcement officials.

(5) Effective April 1, 1970, provide for the following statements (or alternate wording approved by the Social and Rehabilitation Service Regional Commissioner) to be imprinted in bold face type on all provider claim forms above the claimant's signature:

(i) "This is to certify that the foregoing information is true, accurate, and complete."

(ii) "I understand that payment and satisfaction of this claim will be from Federal and State funds, and that any false claims, statements, or documents, or concealment of a material fact, may be prosecuted under applicable Federal or State laws."

[F.R. Doc. 69-14880; Filed, Dec. 16, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-34]

WESTINGHOUSE ELECTRIC CORP.

License Termination Order

The Atomic Energy Commission (the Commission) has found that the Westinghouse Electric Corp.'s Critical Reactor Experiment (CRX) Facility located in Westmoreland County, Pa., has been dismantled, decontaminated, and disposition made of the component parts and fuel (pursuant to the Commission's order dated Sept. 30, 1969), in accordance with the Commission's regulations in 10 CFR Chapter I, and in a manner not inimical to the common defense and security or to the health and safety of the public. Therefore, pursuant to Westinghouse Electric Corp.'s application of August 4, 1969, Facility License No. CX-6 held by the corporation is hereby terminated as of December 8, 1969.

Dated at Bethesda, Md., this 8th day of December 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-14917; Filed, Dec. 16, 1969; 8:46 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Administrator, Foreign Economic Development Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14925; Filed, Dec. 16, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Director, Livestock and Dairy Policy Staff in the Agricultural Stabilization and Conservation Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14926; Filed, Dec. 16, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Administrator, International Agricultural Development Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14927; Filed, Dec. 16, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment the position of Confidential Assistant to the Secretary. This position is removed from the excepted service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14928; Filed, Dec. 16, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Commissioner for Fishery Programs, Office of the Commissioner for Fish and Wildlife Service, Office of the Assistant Secretary for Fish and Wildlife, Parks and Marine Resources.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14930; Filed, Dec. 16, 1969; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil

Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Assistant Director for Community Action, Community Relations Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14931; Filed, Dec. 16, 1969; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Attorney General, Office of the Assistant Attorney General, Criminal Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14932; Filed, Dec. 16, 1969; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Director, Office of Information, in the Office of the Assistant Secretary for Public Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14935; Filed, Dec. 16, 1969; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the General Services Administration to fill by noncareer executive assignment in the excepted service the position of Chairman, GSA Board of Contract Appeals, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14929; Filed, Dec. 16, 1969; 8:47 a.m.]

POST OFFICE DEPARTMENT

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Deputy Assistant Postmaster General for Field Services" to "Deputy Assistant Postmaster General-Services".

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14933; Filed, Dec. 16, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Small Business Administration to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Deputy Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 69-14934; Filed, Dec. 16, 1969; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

MID AMERICA BANCORPORATION, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Mid America Bancorporation, Inc., St. Paul, Minn., for approval of acquisition of voting shares of Park-Grove National Bank, Cottage Grove, Minn., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Mid America Bancorporation, Inc., St. Paul, Minn., a registered bank holding company, for the Board's prior approval of the acquisition of all (less directors' qualifying shares) of the voting shares to be issued by Park-Grove National Bank, Cottage Grove, Minn., a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller's office recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 8, 1969 (34 F.R. 15617), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis, pursuant to delegated authority, and that Park-Grove National Bank be open for business not later than 6 months after the date of this order.

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

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14895; Filed, Dec. 16, 1969; 8:45 a.m.]

MID AMERICA BANCORPORATION, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Mid America Bancorporation, Inc., St. Paul, Minn., for approval of acquisition of voting shares of Suburban National Bank of Roseville, Roseville, Minn., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Mid America Bancorporation, Inc., St. Paul, Minn., a registered bank holding company, for the Board's prior approval of the acquisition of all (less directors' qualifying shares) of the voting shares to be issued by Suburban National Bank of Roseville, Roseville, Minn., a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Minneapolis.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sherrill. Absent and not voting: Chairman Martin and Governor Maisel.

the Currency and requested his views and recommendation. The Comptroller's office recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on October 8, 1969 (34 F.R. 15618), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis, pursuant to delegated authority, and that Suburban National Bank of Roseville be open for business not later than 6 months after the date of this order.

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

By order of the Board of Governors.[2]

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-14896; Filed, Dec. 16, 1969; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN POLAND

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 12, 1969.

On March 4, 1969, there was published in the FEDERAL REGISTER (34 F.R. 3766) a letter dated February 27, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Poland and exported to the United States during the 12-month period beginning March 1, 1969. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to the bilateral cotton textile agreement of March 15, 1967, between the Governments of the United States and Poland, which provides that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent. The aforementioned letter also provided that any such adjustment in the levels of restraint could be made to the Commissioner of Customs by letter from the Chairman of the Interagency Textile Administrative Committee.

Accordingly, at the request of the Government of Poland and pursuant to the bilateral agreement referred to above, there is published below a letter of December 12, 1969, from the Chairman of the Interagency Textile Administrative Committee to the Commissioner of Customs adjusting the levels of restraint applicable to cotton textile products in Categories 42, 43, and 60 for the 12-month period which began on March 1, 1969.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee and Deputy Assistant Secretary for Resources.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DECEMBER 12, 1969.

DEAR MR. COMMISSIONER: On February 27, 1969, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Poland, and exported to the United States on or after March 1, 1969, in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments[1] in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of March 15, 1967, between the Governments of the United States and Poland, in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of February 27, 1969, the levels of restraint provided in that directive for cotton textile products in Categories 42, 43, and 60, produced or manufactured in Poland and exported from Poland to the United States for the period beginning March 1, 1969, and extending through February 28, 1970, are hereby amended as follows, to be effective as soon as possible:

Categories		*Amended 12-month levels of restraint*[2]
42	dozen	28,941
43	do	52,094
60	do	15,628

The actions taken with respect to the Government of Poland and with respect to imports of cotton textiles and cotton textile products from Poland have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[F.R. Doc. 69-14966; Filed, Dec. 16, 1969; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

BUSINESS INVESTORS, INC.

Approval of Application for Transfer of Control of Licensed Small Business Investment Company

On November 21, 1969, a notice of application for transfer of control was published in the FEDERAL REGISTER (34 F.R. 18574), stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for transfer of control of Business Investors, Inc., License No. 05/05-0028, 2233 Fourth Avenue North, Birmingham, Ala. 35203, a Federal Licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. sec. 661 et seq.).

Interested persons were given until the close of business December 1, 1969, to submit their written comments to SBA. No comments were received.

SBA, having considered the application and all other pertinent information and facts with regard thereto, hereby approves the application for transfer of control of Business Investors, Inc., by merger with Fidelity Capital Corp., thereby becoming a wholly owned subsidiary of Fidelity Mutual Life Insurance Co.

For SBA.

Dated: December 4, 1969.

A. H. SINGER,
Associate Administrator for Investment.

[F.R. Doc. 69-14944; Filed, Dec. 16, 1969; 8:48 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Minneapolis.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sherrill. Absent and not voting: Chairman Martin and Governor Maisel.

[1] The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of March 15, 1967, between the Governments of the United States and Poland which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent and for administrative arrangements.

[2] These levels have not been adjusted to reflect entries made on or after Mar. 1, 1969.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 12, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41826.—*Newsprint paper from Chandler, Quebec, Canada, to Milwaukee, Wis.* Filed by Traffic Executive Association, Eastern Railroads, agent (E.R. No. 2963), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Chandler, Quebec, Canada, to Milwaukee, Wis.

Grounds for relief.—Contract water carrier competition.

Tariff.—Supplement 53 to Canadian National Railways tariff ICC E–543.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14952; Filed, Dec. 16, 1969; 8:48 a.m.]

[Notice 580]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 12, 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 151 (Deviation No. 6), LOVELACE TRUCK SERVICE, INC., 425 North Second Street, Terre Haute, Ind. 47807, filed November 26, 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 St. Louis, Mo., over Interstate Highway 85 to Bloomington, Ill. (traversing U.S. Highway 66 where Interstate Highway 85 is not completed), 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 Decatur, Ill., over Illinois Highway 48 to junction U.S. Highway 66, thence over U.S. Highway 66 to St. Louis, Mo.; and (2) from Decatur, Ill., over U.S. Highway 51 to Bloomington, Ill., and return over the same routes.

No. MC 151 (Deviation No. 7), LOVELACE TRUCK SERVICE, INC., 425 North Second Street, Terre Haute, Ind. 47807, filed November 26, 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 Indianapolis, Ind., over Interstate Highway 70 to Columbus, Ohio (traversing U.S. Highway 40 where Interstate Highway 70 is not completed), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Indianapolis, Ind., and Columbus, Ohio, over U.S. Highway 40.

No. MC 200 (Deviation No. 16), RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106, filed December 2, 1969. Carrier's representative: Rodger J. Walsh, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Wheeling, W. Va., over Interstate Highway 70 to Cambridge, Ohio, thence over Interstate Highway 77 to Charleston, W. Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Wheeling, W. Va., over West Virginia Highway 2 to Parkersburg, W. Va., thence over U.S. Highway 21 to Charleston, W. Va., and return over the same route.

No. MC 16502 (Deviation No. 1), WILLIAM A. ROBINSON, KENNETH D. ROBINSON, HENRY CLAY ROBINSON, JR., RICHARD RAY ROBINSON, and FRANK TAYLOR ROBINSON (a partnership), doing business as ROBINSON TRUCK LINES, Post Office Box 194, West Point, Miss. 39773, filed December 5, 1969. Carrier's representative: D. E. McFarland, 240 South Orleans Street, Memphis, Tenn. 38126. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn., over Interstate Highway 55 to junction Mississippi Highway 6, thence over Mississippi Highway 6 to junction Mississippi Highway 41, thence over Mississippi Highway 41 to Okolona, Miss., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Memphis, Tenn., over U.S. Highway 78 via New Albany, Miss., to Tupelo, Miss., thence over U.S. Highway 45 to junction Alternate U.S. Highway 45 (formerly Mississippi Highway 45W), thence over Alternate U.S. Highway 45 to junction U.S. Highway 82, thence west over U.S. Highway 82 to Starkville, Miss., and return over the same route.

No. MC 48958 (Deviation No. 20), ILLINOIS-CALIFORNIA EXPRESS, INC., Post Office Box 9050, Amarillo, Tex. 79105, filed December 3, 1969. Carrier's representative: Morris G. Cobb, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over Texas Highway 114 to junction U.S. Highway 287 (at or near Rhome, Tex.), thence over U.S. Highway 287 to junction Texas Highway 24 (at or near Decatur, Tex.), thence over Texas Highway 24 to junction Texas Highway 199 (southeast of Jacksboro, Tex.), thence over Texas Highway 199 to junction Texas Highway 148 (immediately west of Jacksboro, Tex.), 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 Amarillo, Tex., over U.S. Highway 287 via Wichita Falls, Tex., to Rhome, Tex., thence over Texas Highway 114 to Dallas, Tex. (also from Amarillo to Wichita Falls as specified above, thence over U.S. Highway 281 to Jacksboro, Tex., thence over Texas Highway 199 to Fort Worth, Tex., thence over U.S. Highway 80 to Dallas); and (2) from Jacksboro, Tex., over Texas Highway 199 to Seymour, Tex., thence over U.S. Highway 283 to the Texas-Oklahoma State line, and return over the same routes.

No. MC 106195 (Sub-No. 2) (Deviation No. 1), CLARK BROS. TRANSFER, INC., 802 North First Street, Norfolk, Nebr. 68701, filed December 2, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Sioux City, Iowa, and Omaha, Nebr., over Interstate Highway 29, 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 Norfolk, Nebr., over Nebraska Highway 35 to junction Nebraska Highway 15, thence over Nebraska Highway 15 to junction U.S. Highway 20, thence over U.S. Highway 20 to South Sioux City, Nebr.; and (2) from Ainsworth, Nebr., over U.S. Highway 20 to junction U.S. Highway 275, thence over U.S. Highway 275 to junction U.S. Highway 6, thence over U.S. Highway 6 to Council Bluffs, Iowa, and return over the same routes.

No. MC 106195 (Sub-No. 2) (Deviation No. 2), CLARK BROS. TRANSFER, INC., 802 North First Street, Norfolk,

Nebr. 68701, filed December 2, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Omaha, Nebr., and Lincoln, Nebr., 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 Ainsworth, Nebr., over U.S. Highway 20 to junction U.S. Highway 275, thence over U.S. Highway 275 to junction U.S. Highway 6, thence over U.S. Highway 6 to Council Bluffs, Iowa; (2) from Fremont, Nebr., over U.S. Highway 30 to Columbus, Nebr.; and (3) from Neligh, Nebr., over Nebraska Highway 14 to Albion, Nebr., thence over Nebraska Highway 39 to Genoa, Nebr., thence over Nebraska Highway 22 to Columbus, Nebr., thence over U.S. Highway 81 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to junction Nebraska Highway 15, thence over Nebraska Highway 15 to junction U.S. Highway 34, thence over U.S. Highway 34 to Lincoln, Nebr., and return over the same route, for operating convenience only.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 533) (Cancels Deviation No. 489) (Correction) GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed November 4, 1969. Route No. 3 of the summary of this deviation notice published in the FEDERAL REGISTER November 19, 1969, should be corrected to show the deviation route as follows: (3) From Macon, Ga., over Georgia Highway 22 to junction Interstate Highway 475.

No. MC 13300 (Deviation No. 14), CAROLINA COACH COMPANY, 1201 South Blount Street, Raleigh, N.C. 27602, filed November 28, 1969. Carrier's representative: Bruce E. Mitchell, 1735 K Street NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: Between junction combined U.S. Highways 29–601 and Interstate Highway 85 near China Grove, N.C., and Charlotte, N.C., over Interstate Highway 85, 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 junction combined U.S. Highway 29–601 (formerly junction U.S. Highway 29 and Alternate U.S. Highway 29), near China Grove, N.C., over combined U.S. Highway 29–601 (formerly Alternate U.S. Highway 29) to Concord, N.C., thence over U.S. Highway 29 (formerly Alternate U.S. Highway 29) to Charlotte, N.C., and return over the same route.

No. MC 107586 (Deviation No. 12), CONTINENTAL BUS SYSTEM, INC., 316 Continental Avenue, Dallas, Tex. 75207, filed December 1, 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 a deviation route as follows: Between San Antonio, Tex., and Houston, Tex., over Interstate Highway 10, 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 Tyler, Tex., over U.S. Highway 69 to Jacksonville, Tex., thence over U.S. Highway 79 to Round Rock, Tex., thence over U.S. Highway 81 via Austin to San Marcos, Tex., thence over Texas Highway 123 to Seguin, Tex., thence over Texas Highway 218 to San Antonio, Tex.; and (2) from Seguin, Tex., over Alternate U.S. Highway 90 via Gonzales and Hallettsville, Tex., to Altair, Tex., thence over Texas Highway 71 to Columbus, Tex., thence over U.S. Highway 90 to Houston, Tex., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-14953; Filed, Dec. 16, 1969; 8:48 a.m.]

[Notice 1359]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 12, 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

No. MC 95540 (Sub-No. 771), filed November 6, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative. Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from Rocky Mount, N.C., to points in Virginia, West Virginia, Pennsylvania, Ohio, New York, Connecticut, Massachusetts, Maryland, New Jersey, Delaware, and the District of Columbia, and (2) *pizza, salads, and sandwich spreads*, from Greensboro, N.C., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved.

HEARING: January 6, 1970, at the John H. Hamilton Auditorium, Laboratory Building, State Board of Health, 215 Jones Street, Raleigh, N.C., before Examiner Charles J. Murphy.

No. MC 4405 (Sub-No. 468) (Republication), filed March 31, 1969, published in the FEDERAL REGISTER issue of April 24, 1969, and republished this issue. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, Ill. 60652. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. By application filed March 31, 1969, as amended, applicant seeks a certificate of public and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of tractors, excavating, trailers (other than those designed to be drawn by passenger automobiles), and parts and attachments therefor when moving in connection with the above-named tractors, from Perry, Okla., to all points in the United States, except Oklahoma and Hawaii. An order of the Commission, Review Board Number 2, decided November 26, 1969, and served December 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 *excavating tractors, equipment trailers, and mechanically adjustable work platforms, and tractor and trailer parts and attachments* therefor when moving in connection with the above-named commodities, from Perry, Okla., to points in the United States, except Alaska, Hawaii, and Oklahoma; 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 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 16365 (Sub-No. 6) and MC 36181 (Sub-No. 3) (Republications), filed April 1, 1966, and April 27, 1965, respectively, published in the FEDERAL REGISTER issues of April 21, 1966, and May 13, 1965, respectively, and republished this issue. (1) No. MC 16365 (Sub-No. 6). Applicant: GEO. W. WEAVER & SON, INC., 539 North Front Street, Steelton, Pa. Applicant's representative: John W. Frame, 2207 Old Gettysburg Road, Post Office Box 626, Camp Hill, Pa. (2) No. MC 36181 (Sub-No. 3). Applicant: ARNOLD N.

GILMER, doing business as ARNOLD N. GILMER MOVING & STORAGE, Aberdeen, Md. Applicant's representative: William T. Croft, Federal Bar Building, 1815 H Street NW., Washington, D.C. 20006. In a prior report in the above-entitled proceedings, decided September 25, 1968, the Commission Review Board Number 1, denied the applications filed April 1, 1966, and April 27, 1965, respectively by applicants seeking certificates of public convenience and necessity authorizing operation, in interstate or foreign commerce, as common carriers by motor vehicle, over irregular routes, of the commodities, and to, from, or between the points indicated below. Upon consideration of petitions filed by applicants, 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. An order of the Commission, Review Board Number 1, decided November 25, 1969, and served December 2, 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 16365 (Sub-No. 6): Between points in Dauphin, Lebanon, Lancaster, York, Cumberland, Perry, Juniata, Snyder, Northumberland, Schuylkill, Union, Adams, and Franklin Counties, Pa. In No. MC 36181 (Sub-No. 3): Between (1) points in Harford and Cecil Counties, Md., and (2) between points in Harford and Cecil Counties, Md., on the one hand, and, on the other, points in Baltimore County, Md., and Baltimore, Md.; 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 43652 (Sub-No. 2) (Republication), filed February 24, 1969, published in the FEDERAL REGISTER issue of March 27, 1969, and republished this issue. Applicant: ECKDAHL WAREHOUSE CO., a corporation, 250 North Myers Street, Los Angeles, Calif. 90033. Applicant's representative: Phil Jacobson, 510 West Sixth Street, Los Angeles, Calif. 90014. By application filed February 24, 1969, 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 new furniture, in cartons, crates, and boxes, in interstate commerce, having a prior movement by rail, water, or truck, from Los Angeles and Los Angeles Harbor, Calif., to 281 points in California, and from San Francisco, Calif., to 196 points in California. An order of the Commission, Review Board No. 1, decided November 19, 1969, and served November 25, 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 *new furniture*, crated, from Los Angeles and Los Angeles Harbor, Calif., to points in Los Angeles, San Diego, San Bernardino, Orange, Riverside, Imperial, Santa Barbara, and Ventura Counties, Calif., and to Oildale, Lamont, Arvin, Bakersfield, Marina, Greenfield, Las Palmos, and Miramonte, Calif.; 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 86913 (Sub-No. 28) (Republication), filed June 20, 1969, published in the FEDERAL REGISTER issue of July 31, 1969, and August 14, 1969, and republished this issue. Applicant: EASTERN MOTOR LINES, INC., Post Office Box 649, Warrenton, N.C. Applicant's representative: Edward G. Villalon, 1735 K Street NW., Washington, D.C. 20006. By application filed June 20, 1969, 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 hardboard, from Conway, N.C., and points within 10 miles thereof; to points in that part of Maine north of a line beginning at the Maine-New Hampshire State line near Gilead, Maine, and extending along U.S. Highway 2 to Bangor, Maine; thence along Alternate U.S. Highway 1 to Ellsworth, Maine, and thence along Maine Highway 3 to Bar Harbor, Maine; New York, N.Y., and points in Nassau, Queens, Kings, and Suffolk Counties, N.Y., that part of Pennsylvania on, south and east of a line beginning at the New Jersey-Pennsylvania State line near Easton, Pa., and extending along U.S. Highway 22 to Harrisburg, Pa., thence along Interstate Highway 83 (formerly U.S. Highway 111) to the Pennsylvania-Maryland State line near Maryland Line, Md., points in Montgomery County, Md., and Baltimore, Md., points in West Virginia south of U.S. Highway 50, and points in Tennessee east of U.S. Highway 25E, points in Virginia and the District of Columbia; An order of the Commission, Operating Rights Board, dated November 21, 1969, and served December 1, 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 vehicles, over irregular routes, transporting of *hardboard*, from points in Northampton County, N.C., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin; 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 100623 (Sub-No. 7) (Republication), filed November 6, 1967, published in the FEDERAL REGISTER issue of November 30, 1967, and republished this issue. Applicant: HOURLY MESSENGERS, INC., 1710 Wood Street, Philadelphia, Pa. Applicant's representative: V. Baker Smith, 123 South Broad Street, Philadelphia, Pa. 19109. Upon consideration of the record in the above-entitled proceeding, and the petition for reconsideration filed by protestant, and the reply thereto filed by applicant, and, for good cause shown, by order entered May 20, 1969, the proceeding was reopened for reconsideration on the present record. An order of the Commission, Division 1, Acting as an Appellate Division, dated November 3, 1969, and served November 18, 1969, on reconsideration, 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 *general commodities*, except those of unusual

value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, cash letters, cash and currency, narcotics, and processed and unprocessed film, (1) between points in that part of Pennsylvania bounded by a line beginning at a point on the Pennsylvania-Delaware State line where the Pennsylvania-Delaware State line meets the Delaware River; extending in a northwesterly direction along the Pennsylvania-Delaware State line to the intersection with Ridge Avenue (U.S. Highway 13 Bypass); thence in a northeasterly direction along Ridge Avenue to Linwood, Pa.;

Thence north along Pennsylvania Highway 452 to the intersection with U.S. Highway 1; thence northeast along U.S. Highway 1 to Rosetree; thence northwest along Providence Road through Edgemont and White Horse to Boot Road; thence northwest along Boot Road to Sugartown; thence north along Sugartown Road to intersection with U.S. Highway 202; thence east along U.S. Highway 202 to intersection with Devon Road; thence along Devon Road to intersection with Sugartown Road; thence east along Sugartown Road to Strafford; thence west along U.S. Highway 30 to intersection with Waterloo Road; thence north along Waterloo Road to New Centerville; thence east along U.S. Highway 202 (Swedesford Road) to Interstate Highway 76 (Schuylkill Expressway); thence south along Interstate Highway 76 to intersection with U.S. Highway 1 (City Line Avenue); thence northwest along the Schuylkill River to the Philadelphia-Montgomery County border line, thence northeast along the Philadelphia-Montgomery County border line to Stenton Avenue; thence south along Stenton Avenue to intersection with Bethlehem Pike; thence along Bethlehem Pike through Erdenheim, Flourtown, Whitemarsh, and Fort Washington to Cedar Hill Road; thence northeast along Cedar Hill Road and Chestnut Lane to County Line Road (Montgomery County-Bucks County border line); thence southeast along County Line Road to Newton Road; thence northeast along Newton Road to Johnsville; thence southeast along Pennsylvania Highway 132 (Street Road) through Davisville and Southampton to intersection with Gravel Hill Road; thence northeast along Gravel Hill Road to Churchville; thence southeast along Bristol Road to Buck Road; thence southwest along Buck Road to Pennsylvania Highway 213 (Feasterville and Bridgetown Pike); thence northeast along Pennsylvania Highway 213 (Feasterville and Bridgetown Pike) through Bridgetown to Bucktow; thence northeast along Pennsylvania Highway 432 (Langhourne-Yardley Road) through Woodside and Yardley to the Delaware River; thence along the Delaware River to the point of beginning, including points on the said boundary line; and

(2) Between the points described in (1) preceding, on the one hand, and, on the other, points in Burlington, Camden, Cumberland, Gloucester, Hunterdon, Mercer, Salem, and Warren Counties, N.J., New Castle County, Del., and Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, and York Counties, Pa., subject in parts (1) and (2) to the following restrictions and conditions: (1) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment, (2) no service shall be rendered between partment stores, specialty shops, and retail stores, and the branches or warehouses of such stores; or between department stores, specialty shops, and retail stores, or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores, (3) no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any 1 day, (4) no delivery service shall be provided under the authority granted herein to the premises of persons who or which have entered into contracts with applicant and are served by it pursuant to permits issued by this Commission, (5) the certificate granted herein shall be subject to the rights of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that applicant's operations shall conform to the provisions of section 210 of the act, and (6) the authority granted herein is restricted (a) against the transportation of traffic having a prior or subsequent movement by air; and

(b) Against tacking or joining with any other authority held by applicant; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that a certificate authorizing such operation should be granted, subject to applicant's prior written request for the cancellation of permit No. MC 102799 (except those portions on sheet 3 thereof authorizing the transportion of processed and unprocessed film); that the holding by applicant of the certificate herein granted, and the holding by it of permit No. MC 102799 heretofore issued to it (as modified above) will be consistent with the public interests and the national transportation policy. 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 123048 (Sub-No. 152) (Republication), filed April 10, 1969, published in the FEDERAL REGISTER issue of May 15, 1969, and republished this issue. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703, and Paul L. Martinson, Box A, Racine, Wis. 53401. By application filed April 10, 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 agricultural implements, agricultural machinery, from the plantsite and warehouse facilities of Oliver Corp., located at or near South Bend, Ind., to ports of entry located on the international boundary line between the United States and Canada, located at Port Huron and Detroit, Mich. A supplemental order of the Commission, Operating Rights Board, dated November 21, 1969, and served December 2, 1969, finds that the present and future public convenience and necessity require operation by applicant, in foreign commerce only, as a *common carrier* by motor vehicle, over irregular routes, of *agricultural implements, agricultural machinery, and parts* for agricultural implements and agricultural machinery, from South Bend, Ind., to those ports of entry located on the international boundary line between the United States and Canada, at Port Huron and Detroit, Mich., restricted to the transportation of traffic originating at the plantsite and storage facilities of Oliver Corp. located at or near South Bend, Ind.; 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 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 124211 (Sub-No. 112) (Republication), filed April 11, 1968, published in the FEDERAL REGISTER issue of May 2, 1968, and republished this issue. Applicant: HILT TRUCK LINE, INC., 2648 Cornhusker Highway, Post Office Box 824, Lincoln, Nebr. 68501. By application filed April 11, 1968, 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 regular and irregular routes, of the commodities and from, to, and between the points substantially as indicated below. An order of the Commission, Operating Rights Board, dated November 21, 1969, and served December 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 (1)(a) *macaroni, noodles, grain products, bakery products, beverages, pancake flour, spaghetti, and vermicelli,* between Lincoln, Nebr., and those points on the following highways (except Glenwood, Iowa); on U.S. Highway 77 from Lincoln to junction U.S. Highway 36, thence on U.S. Highway 36 to junction U.S. Highway 59, thence on U.S. Highway 59 to junction U.S. Highway 34, thence on U.S. Highway 34 to Lincoln; and (b) *macaroni, noodles, grain products, bakery products, beverages, pancake and cake flour, spaghetti, and vermicelli,* between Lincoln, Nebr., and those points in Iowa within the Sioux City, Iowa, commercial zone; restricted against joinder or tacking with any other authority now held by applicant.

(2)(a) *Nonfrozen beverages and nonfrozen beverage concentrates* in mixed loads with related advertising matter, and (b) *advertising matter* in mixed loads with nonfrozen beverage concentrates and nonfrozen beverages, from Sioux City, Iowa (except those points in Nebraska within the Sioux City commercial zone) and points in California, Louisiana, and Texas, to Alliance, David City, Fairbury, Fremont, Lincoln, McCook, Norfolk, Omaha, and Scottsbluff, Nebr., and points in South Dakota; (3) *empty containers and pallets,* from Alliance, David City, Fairbury, Fremont, Lincoln, McCook, Norfolk, Omaha, and Scottsbluff, Nebr., to points in California, Louisiana, and Texas, and to Sioux City, Iowa (except points in Nebraska within the Sioux City commercial zone); and (4) *junk, scrap, and waste materials* (except scrap paper and waste paper, and except waste materials in bulk) between points in the United States (including Alaska, but excluding Hawaii and except from points in Nebraska to Chicago, Ill., and Kansas City and St. Louis, Mo.); restricted against the transportation of meat scraps between point in Nebraska and Iowa, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Iowa, Michigan, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming; 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.

Nos. MC 129053, MC 129083 (Sub-No. 1), MC 129099 (Sub-No. 1), MC 129133 (Sub-No. 1), MC 129185, MC 129192 (Sub-No. 1), MC 129197 (Sub-No. 1), MC 129199, MC 129284, MC 129383 (Sub-No. 1), and MC 129417 (Sub-No. 1) (Republications) No. MC 129053, filed April 27, 1967, published in the FEDERAL REGISTER issue of May 18, 1967, and republished this issue. Applicant: FIDELITY MOVING & STORAGE CO., INC., 610 Commerce Street, Fayetteville, N.C. 28302. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109.

No. MC 129083 (Sub-No. 1) filed August 14, 1967, published in the FEDERAL REGISTER issue of September 8, 1967, and republished this issue. Applicant: YOUMANS TRANSFER COMPANY, a corporation, 4209 Montgomery Street, Savannah, Ga. 31405. Applicant's representative: James E. Yates III, 19 East Bay Street, Post Office Box 332, Savannah, Ga.

No. MC 129099 (Sub-No. 1) filed June 26, 1967, published in the FEDERAL REGISTER issue of July 13, 1967, and republished this issue. Applicant: MAY MOVING OF GOLDSBORO, INC., 507 South Center Street, Goldsboro, N.C. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109.

No. MC 129133 (Sub-No. 1) filed November 9, 1967, published in the FEDERAL REGISTER issue of November 30, 1967, and republished this issue. Applicant: TYRONE J. GOLLOTT, doing business as CITY TRANSFER & STORAGE CO., 1253 Conevas Street, Biloxi, Miss. 39530.

No. MC 129185 filed June 15, 1967, published in the FEDERAL REGISTER issue of June 29, 1967, and republished this issue. Applicant: DALE J. COOK MOVING AND STORAGE, INC., 4700 Paramount Drive., North Charleston, S.C. Applicant's representative: J. Mitchell Graham, Post Office Box 223, Charleston, S.C.

No. MC 129192 (Sub-No. 1) filed August 21, 1967, published in the FEDERAL REGISTER issue of September 8, 1967, and republished in this issue. Applicant: UNIVERSITY TRANSFER & STORAGE, INC., 111 San Lorenzo Avenue, Coral Gables, Fla. 33146. Applicant's representative: Ralph W. McCandliss, Jr. (same address as applicant).

No. MC 129197 (Sub-No. 1) filed June 26, 1967, published in the FEDERAL REGISTER issue of July 26, 1967, and republished this issue. Applicant: ASHLEY TRANSFER AND STORAGE, COMPANY, a corporation, 1142 Morrison Drive, Charleston, S.C. 29405. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109.

No. MC 129199 filed June 26, 1967, published in the FEDERAL REGISTER issue of July 13, 1967, and republished this issue. Applicant: CROWN MOVING & STORAGE OF GOLDSBORO, INC., 901 North James Street, Goldsboro, N.C. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109.

No. MC 129284, filed July 26, 1967, published in the FEDERAL REGISTER issue of August 17, 1967, and republished this issue. Applicant: ORANGE TRANSFER & STORAGE, INC., 2890 Coolidge Avenue, Orlando, Fla. 32804. Applicant's representative: Paul F. Sullivan, 15th and New York Avenue NW., Washington, D.C. 20005.

No. MC 129383 (Sub-No. 1) filed December 13, 1967, published in the FEDERAL REGISTER issue of December 28, 1967, and republished this issue. Applicant: McCARLEY MOVING & STORAGE COMPANY, INC., 4245 Milgen Road, Columbus, Ga. 31907. Applicant's representative: James L. Flemister, 1026 Fulton Federal Building, Atlanta, Ga. 30303.

No. MC 129417 (Sub-No. 1) filed December 1, 1967, published in the FEDERAL REGISTER issue of December 14, 1967, and republished this issue. Applicant: GUARDIAN VAN LINES, INC., 605 South Second Street, Post Office Box 274, Blytheville, Ark. 72315. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109.

By a prior report in the above-entitled proceedings, decided September 20, 1969, the Commission Review Board No. 3, found that each applicant had failed to establish that the present or future public convenience and necessity required the operation proposed, and that each application should be denied without prejudice to the right of each applicant to petition this Commission, within a specified time, to reopen its particular proceeding for the purpose of submitting specific and concrete evidence, in the form of verified statements, as to the scope of its asserted past operations, in order that a proper determination could then be made of the necessity for reopening the proceeding for further proceeding. Upon consideration of the petitions filed by each applicant, the above-entitled proceedings were reopened for further processing under the modified procedure on July 11, 1969, by Division 1, acting as an Appellate Division. A report of the Commission of further consideration, by Review Board No. 3, 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. 3, decided November 6, 1969, and served November 19, 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 129053: Between points in Stokes, Rockingham, Caswell, Person, Granville, Vance, Forsyth, Guilford, Alamance, Orange, Durham, Franklin, Nash, Davidson, Randolph, Chatham, Wake, Wilson, Montgomery, Moore, Lee, Harnett, Johnston, Wayne, Greene, Lenoir, Anson, Richmond, Scotland, Hoke, Robeson, Cumberland, Sampson, Duplin, Jones, Onslow, Bladen, Pender, Columbus, Brunswick, and New Hanover Counties, N.C. In No. MC 129083 (Sub-No. 1): Between points in Jenkins, Screven, Effingham, Chatham, Emanuel, Candler, Bulloch, Bryan, Toombs, Tattnall, Evans, Treutlen, Montgomery, Long, Liberty, McIntosh, Appling, Wayne, Glynn, Pierce, Brantley, and Camden Counties, Ga., and Barnwell, Bamberg, Allendale, Hampton, Colleton, Jasper, Beaufort, Dorchester, and Charleston Counties, S.C.

In No. MC 129099 (Sub-No. 1): Between points in Granville, Vance, Warren, Halifax, Northampton, Hertford, Bertie, Martin, Washington, Franklin, Nash, Edgecombe, Pitt, Wilson, Durham, Wake, Johnston, Chatham, Lee, Harnett, Wayne, Greene, Lenoir, Craven, Pamlico, Beaufort, Cumberland, Bladen, Sampson, Duplin, Pender, Onslow, Jones, and Carteret Counties, N.C. In No. MC 129133 (Sub-No. 1): Between points in Jackson, Harrison, and Hancock Counties, Miss. In No. MC 129185: Between points in Charleston, Dorchester, and Berkeley Counties, S.C., on the one hand, and, on the other, points in South Carolina. In No. MC 129192 (Sub-No. 1): Between points in Dade and Broward Counties, Fla. In No. MC 129197 (Sub-No. 1): Between points in Beaufort, Jasper, Hampton, Allendale, Bamberg, Colleton, Charleston, Dorchester, Orangeburg, Calhoun, Berkeley, Sumter, Clarendon, Williamsburg, and Georgetown Counties, S.C., subject to the condition that the person or persons who control the operation of both applicant and any other carrier operation in interstate or foreign commerce shall first obtain approval of such control under the provisions of section 5(2) of the Act, or file in the proceeding an affidavit that such approval is unnecessary. In No. MC 129199: Between points in Granville, Vance, Warren, Halifax, Northampton, Hertford, Bertie, Martin, Edgecombe, Nash, Franklin, Durham, Orange, Chatham, Wake, Wilson, Pitt, Beaufort, Pamlico, Craven, Lenoir, Greene, Wayne, Johnston, Lee, Harnett, Cumberland, Bladen, Sampson, Duplin, Jones, Onslow, Carteret, Pender, and New Hanover Counties, N.C.

In No. MC 129284: Between points in Citrus, Hernando, Lake, Orange, Sumter, Alachua, Bradford, Clay, Dixie, Flagler, Gilchrist, Levy, Marion, Putnam, Seminole, St. Johns, and Volusia Counties, Fla. In No. MC 129383 (Sub-No. 1): Between points in Muscogee, Chattahoochee, Troup, Meriwether, Harris, Talbot, Upson, Taylor, Marion, Schley, Macon, Sumter, Webster, Stewart, Quitman, Randolph, Terrell, and Clay Counties, Ga., and Chambers, Tallapoosa, Macon, Lee, Russell, Bullock, and Barbour Counties, Ala. In No. MC 129417 (Sub-No. 1): Between points in Randolph, Clay, Greene, Mississippi, Lawrence, Craighead, Poinsett, Crittenden, Jackson, Cross, and St. Francis Counties, Ark.; Ripley, Butler, Stoddard, Scott, Dunklin, Pemiscot, Mississippi, New Madrid, and Cape Girardeau Counties, Mo.; and Dyer, Gibson, Lauderdale, Crockett, Shelby, Tipton, Haywood, and Fayette Counties, Tenn.; 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 129313 (Sub-No. 2) (Republication) filed June 26, 1968, published in the FEDERAL REGISTER issue of July 18, 1968, and republished this issue. Applicant: FLANIGAN BROTHERS STORAGE COMPANY, a corporation, 203 North Lake Street, Marquette, Mich. 49855. Applicant's representative: John R. Weber, Longyear Building, Marquette, Mich. 49855. By application filed June 26, 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 household goods, between Marquette, Mich., on the one hand, and, on the other, K. I. Sawyer Air Force Base and points in Marquette, Baraga, Houghton, Keweenaw, Alger, Schoolcraft, Delta, Iron, Ontonagon, Gogebic, Dickinson, and Menominee Counties, Mich. A prior report of the Commission in the above-entitled proceeding decided April 9, 1969, found that applicant had failed to establish that the present or future public convenience and necessity require the operation proposed; and that the application should be denied without prejudice to the right of applicant to petition this Commission, within a specified time, to reopen the proceeding for the purpose of submitting specific and concrete evidence in the form of verified statements, as to the scope of its asserted past operations. Upon consideration of the petition filed, the proceeding was reopened for further processing under modified procedure on September 9, 1969, by Division 1, acting as an Appellate Division. A report of the Commission on further consideration, Review Board No. 4, decided November 25, 1969, and served December 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 points in Marquette, Baraga, Houghton, Keweenaw, Alger, Schoolcraft, Delta, Iron, Ontonagon, Gogebic, Dickinson and Menominee Counties, Mich.; 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 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 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 OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 6945 (Sub-No. 33) filed October 20, 1969. Applicant: THE NATIONAL TRANSIT CORPORATION, 4401 Stecker Avenue, Dearborn, Mich. 48126. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (I) Irregular routes: (A) *General commodities;* (1) between points in Thorn, Hopewell, and Madison Townships, Perry County, Ohio, on the one hand, and, on the other, points in Ohio, *restricted* against the transportation of heavy electrical and oil field machinery; and *restricted* against the transportation of household goods from or to New Lexington, Ohio; (2) between points in Walnut and Richland Townships, Fairfield County, Ohio, on the one hand, and, on the other points in Ohio; *restricted* against the transportation of household goods, office furniture and fixtures; and

restricted against the transportation of heavy electrical and oil field machinery; (3) between points within 1 mile of Buckeye Lake, Licking County, Ohio, on the one hand, and, on the other, points in Ohio, *restricted* against the transportation of heavy electrical and oil field machinery; and *restricted* against the transportation of livestock.

(4) Between Alexandria, Ohio, on the one hand, and, on the other, points in Ohio; (5) between Kirkersville, Ohio, on the one hand, and, on the other, points in Ohio; (6) between all points in Licking County, Ohio, on and west of Ohio Highways 661 and 37 on the one hand, and, on the other, points in Ohio; *restricted* against the transportation of heavy machinery requiring special equipment to handle; and (7) between Columbus, Ohio, on the one hand, and, on the other, points in Ohio; and (B) *livestock;* (1) between points in Fairfield County, Ohio, on the one hand, and, on the other, points in Ohio; and (2) between points in Licking and Knox Counties, Ohio, on the one hand, and, on the other, points in Ohio. (II) *Regular routes.* (A) *General commodities,* (1) between Columbus and Chillicothe, Ohio; (a) from Columbus over U.S. Highway 23 to Chillicothe and return over the same route, serving all intermediate points and the off-route point of Williamsport, Ohio; (b) from Columbus over Ohio Highway 104 to Chillicothe and return over the same route, serving all intermediate points and the off-route point of Williamsport, Ohio; (2) between Columbus and Asheville, Ohio; over unnumbered highway to Asheville and return, serving all intermediate points including Lockburne and Duvall; (3) between Circleville and Kingston, Ohio; from Circleville over unnumbered highway to junction Ohio Highway 361 thence over Ohio Highway 361 to junction Ohio Highway 159, thence over Ohio Highway 159 to Kingston and return over the same route, serving all intermediate points; (4) between Kingston, Ohio, and junction Ohio Highway 159 and U.S. Highway 23; from Kingston over Ohio Highway 159 to junction U.S. Highway 23 and return over the same route, serving all intermediate points;

(5) Between Ashville, Ohio, and junction Ohio Highway 316 and Ohio Highway 104; from Ashville over Ohio Highway 316 to junction Ohio Highway 104 and return over the same route, serving all intermediate points except those on Ohio Highway 316 between U.S. Highway 23 and Ohio Highway 104; (6) between Circleville, Ohio, and junction U.S. Highway 22 and Ohio Highway 104; from Circleville over U.S. Highway 22 to junction Ohio Highway 104 and return over the same route, serving all intermediate points; (7) between Circleville and Laurelville, Ohio; over Ohio Highway 56 to Laurelville and return over the same route, serving all intermediate points; (8) between Laurelville, and Kinnickinnick, Ohio, over Ohio Highway 180 to Kinnickinnick and return over the same route, serving all intermediate points; (9) between Kingston and Tarlton, Ohio, over Ohio Highway 159 to Tarlton and return over the same route, serving all intermediate points; (10) between Tarlton and Laurelville, Ohio; over unnumbered highway to Laurelville and return over the same route, serving all intermediate points; (11) between Tarlton, Ohio, and junction Ohio Highway 159 to junction U.S. Highway 22 and return over the same route, serving all intermediate points; (12) between Amanda, and Lancaster, Ohio; (a) from Amanda over San Hill Road to junction U.S. Highway 22; thence over U.S. Highway 22 to Lancaster and return over the same route, serving all intermediate points and the off-route point of Delmont, Ohio;

(b) from Amanda over Cincinnati-Zanesville Road to junction Ohio Highway 159 and return over the same route, serving all intermediate points; (13) between Lancaster and Kirkersville, Ohio; from Lancaster over Ohio Highway 158 to junction Licking County Highway 40; thence over Licking County Highway 40 to Kirkersville and return over the same route, serving all intermediate points; (14) between Reynoldsburg, Ohio, and junction Ohio Highways 188 and 256; from Reynoldsburg over Ohio Highway 256 to junction Ohio Highway 188 and return over the same route, serving all intermediate points; (15) between Lancaster, Ohio, and junction Ohio Highway 37 and U.S. Highway 40; from Lancaster over Ohio Highway 37 to junction U.S. Highway 40 and return over the same route, serving all intermediate points; (16) between Columbus, Ohio, and junction U.S. Highway 40 and Ohio Highway 37; from Columbus over U.S. Highway 40 to junction Ohio Highway 37 and return over the same route, serving all intermediate points; (17) between junction Licking County Highway 157 and U.S. Highway 40 and junction Licking County Highway 157 and Ohio Highway 37; from junction Licking County Highway 157 and U.S. Highway 40 over Licking County Highway 157 to junction Licking County Highway 489; thence over Licking County Highway 489 to junction Ohio Highway 79; thence over Ohio Highway 79 to junction Ohio Highway 37 and return over the same route, serving all intermediate points; (18) between Pleasantville, Ohio, and junction Ohio Highway 360 and Licking County Highway 157; from Pleasantville over unnumbered highway to junction Ohio Highway 79; thence over Ohio Highway 79 to junction Ohio Highway 360; thence over Ohio Highway 360 to junction Licking County Highway 157 and return over the same route, serving all intermediate points including Millersport and Thurston, Ohio;

(19) Between Pleasantville and Carroll, Ohio, over unnumbered highway to Carroll and return over the same route, serving all intermediate points; (20) between Lancaster and New Salem, Ohio, over Ohio Highway 188 to New Salem and return over the same route, serving all intermediate points; (21) between Pickerington and Canal Winchester, Ohio, over unnumbered highway to Canal Winchester and return over the same route, serving all intermediate points; (22) between Columbus, Ohio, and junction unnumbered highway and Ohio Highway 256; from Columbus over unnumbered highway via Brice, Ohio, to junction Ohio Highway 256 and return over the same route, serving all intermediate points; (23) between Circleville and Oakland, Ohio, from Circleville over unnumbered highway via Stoutsville, Ohio, to Oakland and return over the same route, serving all intermediate points; (24) between Millersport, Ohio, and junction Ohio Highway 204 and Ohio Highway 256, from Millersport over Ohio Highway 204 to junction Ohio Highway 256 and return over the same route, serving all intermediate points; (25) between Columbus, Ohio, and junction Licking County Highway 157 and Ohio Highway 37; from Columbus over U.S. Highway 40 to junction Licking County Highway 157; thence over Licking County Highway 157 to junction Ohio Highway 37, and return over the same route, serving all intermediate points;

(26) Between junction Ohio Highway 79 and U.S. Highway 40 and junction Ohio Highway 79 and Licking County Highway 157; from junction Ohio Highway 79 and U.S. Highway 40 over Ohio Highway 79 to junction Licking County Highway 157, and return over the same route, serving all intermediate points; (27) between junction Licking County Highways 596 and 157 and junction Licking County Highway 596 and Ohio Highway 13; from junction Licking County Highways 596 and 157 over Licking County Highway 596 to junction Ohio Highway 13, and return over the same route, serving all intermediate points; (28) between junction Licking County Highways 596 and 327 and loop north of Buckeye Lake, from junction Licking County Highways 596 and 327 over Licking Highway 327 to and around loop north of Buckeye Lake, and return over the same route, serving all intermediate points; (29) between junction Licking County Highways 596 and 303 and junction Licking County Highways 596 and 303, from junction Licking County Highways 596 and 303 over Licking County Highway 303 to junction Licking County Highway 596, and return over the same route, serving all intermediate points; (30) between junction Licking County Highway 596 and Ohio Highway 13, and junction Ohio Highways 13 and 204; from junction Licking County Highway 596 and Ohio Highway 13 over Ohio Highway 13 to junction Ohio Highway 204 and return over the same route, serving all intermediate points; (31) between junction Ohio Highways 13 and 204 and junction Ohio Highways 204 and 310, from junction Ohio Highways 13 and 204 over Ohio Highway 204 to junction Ohio Highway 310, and return over the same route, serving all intermediate points;

(32) Between junction County Line Road and Ohio Highway 204 and junction Shell Beach Road and Ohio Highway 204; from junction County Line Road and Ohio Highway 204 over County Line Road to junction South Shore Drive; thence over South Shore Drive to junction Shell Beach Road; thence over Shell Beach Road to

junction Ohio Highway 204, and return over the same route, serving all intermediate points; (33) between junction Berry Road and Ohio Highway 204 and Berry Point, from junction Berry Road and Ohio Highway 204 over Berry Road to Berry Point, and return over the same route, serving all intermediate points; (34) between junction South Shore Drive and Berry Road and junction Canal Drive and Ohio Highway 204, from junction South Shore Drive and Berry Road over South Shore Drive to junction Canal Drive; thence over Canal Drive to junction Ohio Highway 204, and return over the same route, serving all intermediate points; (35) between junction Ohio Highways 37 and 204 and junction Ohio Highway 37 and U.S. Highway 40, from junction Ohio Highways 37 and 204 over Ohio Highway 37 to junction U.S. Highway 40, and return over the same route, serving all intermediate points; (36) between junction Ohio Highways 158 and 204 and junction Ohio Highway 158 and U.S. Highway 40, from junction Ohio Highways 158 and 204 over Ohio Highway 158 to junction U.S. Highway 40, and return over the same route, serving all intermediate points;

(37) Between junction Licking County Highway 141 and U.S. Highway 40 and junction Licking County Highways 141 and 35; from junction Licking County Highway 141 and U.S. Highway 40 over Licking County Highway 141 to junction Licking County Highway 35, and return over the same route, serving all intermediate points; (38) between Harris Farm and Agy Farm, over Licking County Highway 30 to Agy Farm, and return over the same route serving all intermediate points; (39) between Meadow Farm and Cedar Grove Farm, over Licking County Highway 35 to Cedar Grove Farm, and return over the same route, serving all intermediate points; (40) between junction Licking County Highway 40 and U.S. Highway 40 and junction Licking County Highway 40 and Ohio Highway 16, from junction Licking County Highway 40 and U.S. Highway 40 over Licking County Highway 40 to junction Ohio Highway 16, and return over the same route, serving all intermediate points; (41) between junction Licking County Highways 34 and 40 and junction Licking County Highway 34 and Ohio Highway 16, from junction Licking County Highways 34 and 40 over Licking County Highway 34 to junction Ohio Highway 16, and return over the same route serving all intermediate points; (42) between junction Ohio Highways 310 and 204 and junction Ohio Highways 310 and 16, from junction Ohio Highways 310 and 204 over Ohio Highway 310 to junction Ohio Highway 16, and return over the same route, serving all intermediate points;

(43) Between junction Licking County Highway 41 and Ohio Highway 16 and junction Licking County Highway 41 and U.S. Highway 40, from junction Licking County Highway 41 and Ohio Highway 16 over Licking Highway 41 to junction U.S. Highway 40, and return over the same route, serving all intermediate points; (44) between junction Licking County Highways 26 and 154 and junction Licking County Highway 26 and Ohio Highway 16, from junction Licking County Highway 26 to junction Ohio Highway 16, and return over the same route, serving all intermediate points; and (45) between junction Ohio Highway 16 and Licking County Highway 40 and Columbus, Ohio, from junction Ohio Highway 16 and Licking County Highway 40 over Ohio Highway 16 to Columbus, and return over the same route, serving all intermediate points. NOTE: Applicant states that it proposes to tack the above sought authority with each other at all common points of service as well as tacking such authority to applicant existing authority in MC 6945. The principal tacking point there will involve Columbus, Ohio. This application is a matter directly related to MC-F-10555, published FEDERAL REGISTER issue of July 30, 1969. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 59728 (Sub-No. 22), filed November 7, 1969. Applicant: MORRISON MOTOR FREIGHT, INC., 1100 East Jenkins Boulevard, Akron, Ohio 44306. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Dayton, Ohio, and Chillicothe, Ohio: From Dayton over U.S. Highway 35 through Xenia, Jamestown, and Washington Court House, to Chillicothe and return over the same route, serving all intermediate points; and (2) between Jamestown and Washington Court House, Ohio: From Jamestown over county road through Grape Grove to South Solon, thence over Ohio Highway 41 (formerly Ohio Highway 70) and county road, through Jeffersonville, Parrot, and Eber, to Washington Court House, and return over the same route, serving all intermediate points. Restrictions: The authority sought in (1) and (2) above is restricted against the transportation of shipments originating at Dayton, Ohio, or at any point intermediate to Dayton and Xenia and destined to Xenia or any point intermediate to Xenia and Dayton, or the reverse. NOTE: This is a matter directly related to MC-F-10633, published in the FEDERAL REGISTER issue of October 16, 1969. The purpose of this application is to convert the certificate of registration of D. & C. Transportation Co., Inc., to a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10675. Authority sought for control and merger by J. J. WILLIS TRUCKING COMPANY, Post Office Box 2112, Odessa, Tex. 79760, of the operating rights and property of AJAX TRANSPORT, INC., 802 Houston First Savings Building, Houston, Tex. 77002, and for acquisition by J. JEROME WILLIS, JR., PALMER P. WILLIS, W. FREDERICK WILLIS, all also of Odessa, Tex., R. HARDY WILLIS, Post Office Box 550, Beaumont, Tex. 77704, and JOE P. WILLIS, Post Office Box 20096, Dallas, Tex. 75220, of control of such rights and property through the transaction. Applicants' attorneys: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004, and Joe G. Fender, Houston First Savings Building, Houston, Tex. Operating rights sought to be controlled and merged: *Machinery, equipment, materials, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, as a *common carrier*, over irregular routes, between certain specified points in Texas, points in Lea and Eddy Counties, N. Mex., and points in Oklahoma, Kansas, and Arkansas; *commodities* other than those described above, the transportation of which requires the use of special equipment by reason of their size or weight and *related machinery parts and related contractors' equipment and supplies* when their transportation is incidental to the transportation of commodities which by reason of their size or weight require the use of special equipment, between points in that portion of Texas as above and those in Oklahoma, between points in the above Texas territory and points in Oklahoma, on the one hand, and, on the other, points in Colorado; and *machinery, equipment, materials, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, *machinery, materials, equipment and supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipelines, between Oklahoma, Kansas, Arkansas, and the above portions of Texas and New Mexico, on the one hand, and, on the other, points in Colorado, Utah, and Wyoming. J. J. WILLIS TRUCKING COMPANY is authorized to operate as a *common carrier* in Louisiana, Texas, New Mexico, Arizona, Kansas, and Oklahoma. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10676. Authority sought for merger into CROSS TRANSPORTATION, INC., Box 483, Bridgeton, N.J., of the operating rights and property of BLANTON TRUCKING COMPANY, INCORPORATED, Milford, Va., and for acquisition by J. GAGE CROSS, Carll's Corner, Bridgeton, N.J., and LOUIS TAYLOR, 61 Broad Avenue, Fairview, N.J., of control of such rights and property through the transaction. Applicants' attorney: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Operating rights sought to be merged: *Excelsior*, as a *common carrier*, over regular routes, from Montross, Va., to New York, N.Y., serving certain intermediate points and the off-route point of Washington, D.C.; *general commodities*, except livestock, dangerous explosives, inflammables, commodities in bulk other than fertilizer, articles of unusual size or value, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between Richmond, Va., and New York, N.Y., serving certain intermediate and off-route points, with restriction; *general commodities*, with exceptions as immediately above, over regular and irregular routes, between certain specified points in Virginia, and New York, serving certain intermediate points, with restriction; *lumber*, over irregular routes, from certain specified points in Virginia, to Reading and Sellersville, Pa., Washington, D.C., and points in Maryland within 20 miles of Washington, D.C.; *general commodities*, except those of unusual value, and except dangerous explosives, furs, alcoholic beverages, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, livestock, silk, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between New York, N.Y., and certain specified points in New Jersey, on the one hand, and, on the other, Baltimore, Md., and Washington, D.C.; *fresh vegetables, canned and preserved foodstuff, and materials, equipment, and supplies* used in the canning of food, between points in King George County, Va., on the one hand, and, on the other, the District of Columbia, Baltimore, Md., Philadelphia, Pa., certain specified points in New Jersey, and New York, N.Y., traversing Delaware for operating convenience only; and *excelsior*, in bales, from points in Lancaster County, Va., to certain specified points in New York, New Jersey, and Boyertown and Philadelphia, Pa., traversing Delaware for operating convenience only. CROSS TRANSPORTATION, INC., is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, New York, Connecticut, Delaware, Massachusetts, Maryland, Virginia, Rhode Island, Maine, New Hampshire, Vermont, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b.) NOTE: CROSS TRANSPORTATION, INC., controls BLANTON TRUCKING COMPANY, INCORPORATED, through ownership of capital stock pursuant to authority granted in Docket No. MC–F–10064, by Review Board No. 5, dated June 13, 1968, and consummated June 19, 1968.

No. MC–F–10677. Authority sought for purchase by STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Lane, Post Office Box 5689, Dallas, Tex. 75222, of a portion of the operating rights of A. K. FINNEY CO., INC., RICHARD W. BARRY, receiver in bankruptcy, doing business as A. K. FINNEY CO., c/o Leonard Salter, Attorney, 31 Milk Street, Boston, Mass. 02019, and for acquisition by HILL-ELLIOTT, INC., 2100 Mercantile Bank Building, Dallas, Tex., of control of such rights through the purchase. Applicants' attorney: Leroy Hallman, 4555 First National Bank Building, Dallas, Tex. 75202. 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 Plymouth, Mass., and Providence, R.I., serving all intermediate points, certain off-route points, between Providence, R. I., and Taunton, Mass., serving all intermediate points, between Plymouth, Mass., and New Bedford, Mass., serving all intermediate points and the off-route points of Dartmouth, and Swansea, Mass., between Plymouth, Mass., and Boston, Mass., serving all intermediate points, and certain off-route points, between Plymouth, Mass., and Weymouth, Mass., serving all intermediate points; *yarn*, on spools or in packages, and empty *spools*, between Providence, R.I., and Attleboro, Mass., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Texas, Arkansas, Tennessee, Louisiana, Mississippi, Missouri, Oklahoma, Illinois, Indiana, Michigan, Wisconsin, Ohio, Connecticut, New York, Massachusetts, New Jersey, Pennsylvania, and Kentucky. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10678. Authority sought for purchase by McVEY TRUCKING, INC., Rural Route 1, Oakwood, Ill. 61858, of the operating rights and property of FLOYD WILLEY, Rossville, Ill., and for acquisition by LLOYD McVEY, and NORMA McVEY, both also of Oakwood, Ill. 61858, of control of such rights and property through the purchase. Applicants' attorney: Clyde Meachum, 41 North Vermilion, Danville, Ill. 61832. Operating rights sought to be transferred: *Sand and gravel*, as a *common carrier*, over irregular routes, from points in Warren, Fountain, and Vermillion Counties, Ind., to points in Vermilion County, Ill., with restriction; and *haydite, limestone, crushed rock, and coal*, from points in Vermilion County, Ill., to points in Indiana with restriction. Vendee holds no authority from this Commission. However, one of its controlling stockholders, LLOYD McVEY, doing business as McVEY TRUCKING, Route No. 1, Oakwood, Ill. 61858 which is authorized to operate as a *common carrier* in Iowa, Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee, Wisconsin, and Michigan, and as a *contract carrier* in Illinois and Indiana. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10679. Authority sought for purchase by COOK REFRIGERATED EXPRESS, INC., 830 North 33d Street, Birmingham, Ala. 35201, of a portion of the operating rights of DIXIE MIDWEST EXPRESS, INC., Highway No. 69 South, Post Office Box 372, Greensboro, Ala. 36744, and for acquisition by OCIE M. COOK, SR., also of Birmingham, Ala., of control of such rights through the purchase. Applicants' attorney: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Operating rights sought to be transferred: *Charcoal*, as a *common carrier*, over irregular routes, from Sardis, Ala., to points in Illinois, Indiana, and Ohio; *canned vegetables*, from Rochelle and De Kalb, Ill., and certain specified points in Wisconsin to points in Alabama; *malt beverages*, from St. Louis, Mo., Cincinnati, Ohio, Milwaukee, Wis., Belleville and Peoria, Ill., and Evansville and Terre Haute, Ind., to certain specified points in Alabama; *malt beverages, beer-can openers, and advertising material* pertaining to malt beverages, from St. Joseph, Mo., Chicago, Ill., Fort Wayne and South Bend, Ind., Louisville and Covington, Ky., Tampa, Fla., and New Orleans, La., to points in Alabama, and to points in Troup and Muscogee Counties, Ga.; *malt beverage containers and pallets, and advertising materials* pertaining to malt beverages, from points in Alabama and points in Troup and Muscogee Counties, Ga., to St. Louis and St. Joseph, Mo., certain specified points in Illinois and Indiana, Cincinnati, Ohio, Louisville and Covington, Ky., Tampa, Fla., and New Orleans, La.; *malt beverages, and can openers and malt beverage advertising materials*, when moving in the same vehicle with malt beverages, from Milwaukee, Wis., and Peoria, Ill., to points in Calhoun County, Ala. Vendee holds no authority from this Commission. However, its controlling stockholder is affiliated with EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. 35201, which is authorized to operate as a *common carrier* in Georgia, Mississippi, Tennessee, Alabama, Florida, Louisiana, Texas, Virginia, Arkansas, North Carolina, South Carolina, Missouri, Kansas, Illinois, Michigan, Ohio, Wisconsin, Iowa, Kentucky, Oklahoma, West Virginia, Indiana, Maryland, Pennsylvania, Connecticut, Delaware, Massachusetts, Minnesota, Maine, Nebraska, New Hampshire, North Dakota, Rhode Island, New Mexico, Colorado, Wyoming, Montana, Idaho, Washington, Oregon, California, Nevada, Arizona, Utah, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10680. Authority sought for purchase by ESCRO STORAGE & CARTAGE, INC., 360 Dingens Street, Buffalo, N.Y. 14206, of the operating rights of MURRAY'S TRUCKING SERVICE, INC., 150 Myrtle Avenue, Buffalo, N.Y.

14204, and for acquisition by A. STEPHEN ESPOSITO, 199 Dale Drive, Tonawanda, N.Y. 14150, of control of such rights through the purchase. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. 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 irregular routes, from Buffalo, N.Y., to points in Cattaraugus, Chatauqua, Erie, Genesee, Niagara, Orleans, and Wyoming Counties, N.Y. Vendee is authorized to operate as a *common carrier*, in New York and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10683. Authority sought for purchase by LONG TRANSPORTATION COMPANY, 3755 Central Avenue, Detroit, Mich. 48210, of the operating rights of AURORA MOTOR EXPRESS, INC. (LEONARD SPIRA, ASSIGNEE FOR BENEFIT OF CREDITORS), 257 Stuart Avenue, Aurora, Ill. 60507, and for acquisition by WAYNE E. LONG, also of Detroit, Mich., of control of such rights through the purchase. Applicants' attorneys: Robert A. Sullivan and Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. 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 Chicago, Ill., and Oswego, Ill., serving the intermediate point of Aurora, Ill., with restriction; and under a certificate of registration, in Docket No. MC–36469 Sub-No. 3, covering the transportation of commodities general, as a common carrier, in intrastate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Connecticut, Illinois, Pennsylvania, Michigan, Ohio, New York, New Jersey, and Indiana. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC–24379 Sub-No. 35 is a matter directly related.

MOTOR CARRIERS OF PASSENGERS

No. MC–F–10681. Authority sought for control and merger by ADIRONDACK TRANSIT LINES, INC., 495 Broadway, Kingston, N.Y., of the operating rights and property of EMPIRE BUS LINES, INC., 186 Smith Street, Poughkeepsie, N.Y., and for acquisition by LOUISE H. VAN GONSIC, 75 Valentine Avenue, Kingston, N.Y., and JOHN J. VAN GONSIC, JR., Round Lake Road, Rhinebeck, N.Y., of control of such rights and property through the transaction. Applicants' attorney and representative: James E. Wilson, 1735 K Street NW., Washington, D.C., and Louis H. Shereff, 292 Madison Avenue, New York, N.Y. Operating rights sought to be controlled and merged: Passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between Danbury, Conn., and Poughkeepsie, N.Y., serving intermediate points; passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Danbury, Conn., and New Haven, Conn., between Danbury, Conn., and Haviland Hollow, N.Y., between Poughkeepsie, N.Y., and Poughquag, N.Y., between Poughkeepsie, N.Y., and Bard College, at Annandale-On-Hudson, N.Y., between junction New York Highways 199 and 9G south of Bard College, at Annandale-On-Hudson, N.Y., and junction New York Highway 9G and U.S. Highway 9 near Weys Corners, N.Y., with restriction; serving all intermediate points; passengers and their baggage, and express, in the same vehicle with passengers, between Stormville, N.Y., and Danbury, Conn., serving all intermediate points, except no service shall be rendered between Brewster, N.Y., Danbury, Conn., and points intermediate thereto; and passengers and their baggage, restricted to traffic originating at the point indicated, in charter operations, over irregular routes, from Red Hook, N.Y., to Washington, D.C., and return; and passengers and their baggage, in the same vehicle with passengers, as a *contract carrier*, over regular routes, between Danbury, Conn., and Brewster, N.Y., between junction combined U.S. Highways 6 and 202 and New York Highway 22 near Brewster, N.Y., and Chappaqua, N.Y., serving all intermediate points, with restriction. ADIRONDACK TRANSIT LINES, INC., is authorized to operate as a *common carrier* in New Jersey and New York. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14954; Filed, Dec. 16, 1969; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 12, 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. M–5285 filed November 5, 1969. Applicant: POTEET TRUCK LINES, INC., 1419 West Broadway, Morrilton, Arkansas. Applicant's representatives: Charles J. Lincoln, Don T. Jack, Jr., 1550 Tower Building, Little Rock, Ark. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, between Morrilton, Ark., and Centerville, Ark., from Morrilton, Ark., over Arkansas State Highway 9 to Oppelo, Ark., thence over Arkansas State Highway 154 from Oppelo, Ark., to Centerville, Ark., serving all intermediate points and return; between Morrilton, Ark., and the west bank of the Arkansas River at the point on Arkansas State Highway 60 where it intersects the Arkansas River; from Morrilton, Ark., over Arkansas State Highway 9 to Oppelo, Ark., thence over Arkansas State Highway 113 from Oppelo, Ark., to Houston, Ark., thence over Arkansas State Highway 60 to the west bank of the Arkansas River, serving all intermediate points and return; between Morrilton, Ark., and Harrison, Ark.; from Morrilton, Ark., over Arkansas Highway 9 to Choctaw, Ark., thence over U.S. Highway 65 to Harrison, Ark., serving all intermediate points and return; between Harrison, Ark., and Jasper, Ark.; from Harrison, Ark., over Arkansas State Highway 7 to Jasper, Ark., serving all intermediate points and return; between Harrison, Ark., and Mountain Home, Ark.; from Harrison, Ark., over U.S. Highway 62 to Mountain Home, Ark., serving all intermediate points and return; between Yellville, Ark., and Marshall, Ark., from Yellville, Ark., over Arkansas State Highway 14 to Harriet, Ark., thence over Arkansas State Highway 27 from Harriet, Ark., to Marshall, Ark., serving all intermediate points and return. Both intrastate and interstate authority sought.

HEARING: Monday, January 26, 1969, at 10 a.m., hearing room, 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. CC–7061, filed November 26, 1969. Applicant: HENRY MARVIN FIELDS, doing business as FIELDS BUS LINE, Route 1, Box 78–D, Roanoke, Va. 24012. Applicant's representative: Jno. C. Goddin, 200 West Grace Street, Richmond, Va. 23220. Certificate of public convenience and necessity sought to operate a passenger service as follows: Transportation of *Passengers and their baggage, mail, newspapers and express* between Bedford, Va., and Big Island, Va., via Virginia Highway 122. Both intrastate and interstate authority sought.

HEARING: Tuesday, February 24, 1970, at 10 a.m., Courtroom State Corporation Commission, Blanton Building, Richmond, Va. Requests for procedural information, including the time for filing protests, concerning this application

should be addressed to the State Corporation Commission of Virginia, Office of Motor Carrier Counsel, Post Office Box 1158, Richmond, Va. 23209, and should not be directed to the Interstate Commerce Commission.

State Docket No. 69–327–MF/O, filed August 29, 1969. Applicant: RUDY MALLONEE, 205 East 26th Street, Spenard, Alaska 99503. Applicant's representative: James K. Tallman, 906 West Third Avenue, Anchorage, Alaska. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Machinery, equipment, materials, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts; and *machinery, equipment, materials and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines including the stringing and picking up thereof, between points in zones, between Fairbanks and points within a 25-mile radius on the one hand and points in Zone 2 and 4 north of the Yukon River. Both intrastate and interstate authority sought.

HEARING: Not given. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Alaska Transportation Commission, 750 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501, and should not be directed to Interstate Commerce Commission.

State Docket No. 69–352–MF/O filed September 30, 1969. Applicant: ORVILLE J. DICKMAN, Teller, Alaska 99778. Applicant's representative: Roger A. McShea III, Suite A, 1016 West Sixth Avenue, Anchorage, Alaska 99501. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities, machinery, barrel fuel, barrel gas, building materials, grocery and store supplies, hardware and household goods, oil well, and drilling equipment* constituting the so-called "Mercer" description, but not to include local pickup and delivery, between Teller and Nome, and between Nome and Teller and all points connected by roads in Zone 2, and all intermediate points in between, and between all other points connected by roads in Zone 2. 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 Alaska Transportation Commission, 750 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14951; Filed, Dec. 16, 1969; 8:48 a.m.]

[Notice 461]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 12, 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–71738. By order of December 3, 1969, the Motor Carrier Board approved the transfer to Manuel Val, Jr., doing business as Val Motor Freight, Irvington, N.J., of permit No. MC–3469 issued December 3, 1965, to Mildred L. Johnson, doing business as Johnson Forwarding Co., Newark, N.J., authorizing the transportation of mineral wook, asbestos cement, and waterproofing cement, between Newark, N.J., on the one hand, and, on the other, Wilmington, Del., and points in the New York, N.Y., commercial zone, as defined by the Commission; and lead, zinc, and allied products, used in the manufacture and sale thereof, between Newark, N.J., on the one hand, and, on the other, Mamaroneck, White Plains, Port Chester, Hempstead, and Southampton, N.Y., Philadelphia, Pa., Wilmington, Del., and Bridgeport, Conn., points in New Jersey and those in the New York, N.Y., commercial zone. Robert B. Pepper, Registered Practitioner, 297 Academy Street, Jersey City, N.J. 07306, representative for applicants.

No. MC–FC–71739. By order of December 2, 1969, the Motor Carrier Board approved the transfer to Seigle's Express, Inc., Clifton, N.J., of certificate No. MC–54200 issued June 17, 1941, to Henry Seigle, doing business as Seigle's Express, Clifton, N.J., authorizing the transportation of general commodities, with the usual exceptions, between New York, N.Y., and points in Westchester and Nassau Counties, N.Y., on the one hand, and, on the other, points in Passaic, Bergen, Hudson, Essex, Union, Morris, Hunterdon, Warren, and Somerset Counties, N.J. Alvin Altman, 1776 Broadway, New York, N.Y. 10019, attorney for applicants.

No. MC–FC–71741. By order of December 2, 1969, the Motor Carrier Board approved the transfer to Clifford C. Nielsen, doing business as Nielsen & Son, 1134 North Skokie Highway, Gurnee, Ill. 60031, of certificate No. MC–114426 issued November 10, 1954, to Niels Nielsen and Clifford C. Nielsen, doing business as Nielsen & Son, 1134 North Skokie Highway, Gurnee, Ill. 60031, authorizing the transportation of such commodities, as are dealt in and sold by chain, retail and mail order department stores, from Waukegan, Ill., to specified points in Wisconsin.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14955; Filed, Dec. 16, 1969; 8:48 a.m.]

[Notice 462A]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 15, 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–71759. By order of December 11, 1969, the Motor Carrier Board approved the transfer to Thunderbird Motor Freight Lines, Inc., Crawfordsville, Ind., of the operating rights of Hugh Major, South Roxana, Ill., in certificate No. MC–125708 issued June 16, 1966, and all active sub-numbered certificates thereunder, authorizing the transportation of, among other things, iron and steel articles, building materials, grain products (dry), processed and canned foodstuffs, non-self-propelled farm implements, fruit juices and vinegar, and railroad ties and timber, from and to, or between, points in 38 States. Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–14968; Filed, Dec. 16, 1969; 8:49 a.m.]

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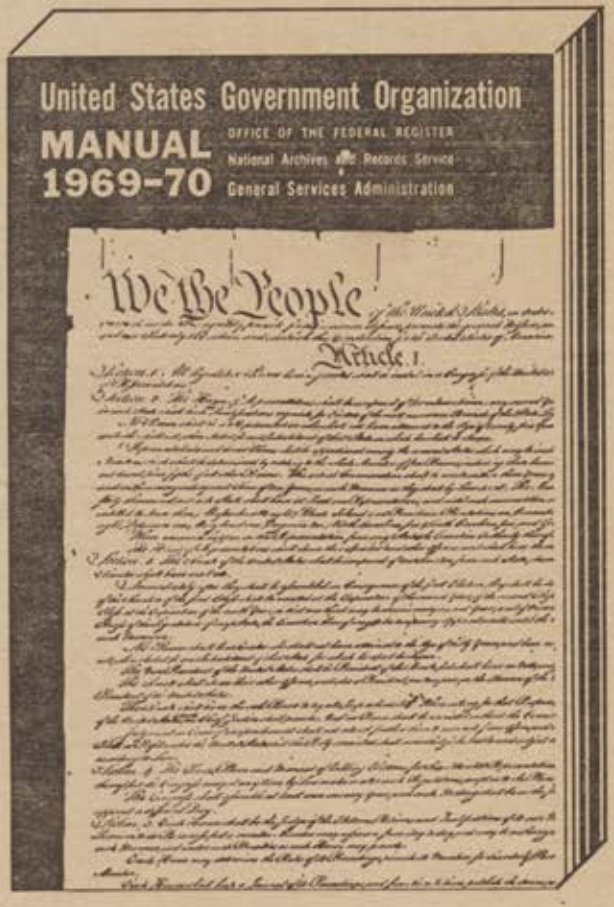

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