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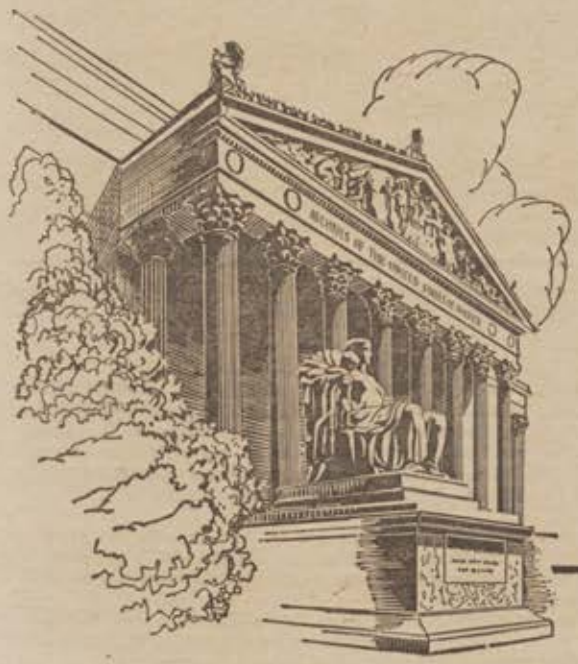

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1969, and specifies how they are affected.

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Title 7—AGRICULTURE

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

PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED DAIRY PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Subpart L—Spray Process

Subpart M—Roller Process

STANDARDS FOR GRADES OF NONFAT DRY MILK

A notice of proposed rule making covering the issuance of an amendment of U.S. Standards for Grades of Nonfat Dry Milk (Spray and Roller Process) (7 CFR Part 58, Subparts L and M) was published in the FEDERAL REGISTER of December 11, 1968 (33 F.R. 18379). It afforded interested persons the opportunity to submit within 60 days to the Hearing Clerk written data, views, or arguments in connection with the proposal. There were three comments received within the prescribed time.

Statement of consideration. Three comments were received regarding the proposal. All were favorable. However, the American Dry Milk Institute requested that a later effective date be set, than originally proposed, to allow dry milk plants more time in which to meet the new standards. In view of this request and to encourage compliance and more orderly marketing, the effective date will be October 1, 1969.

The amendments are as follows:

1. Change Subpart L, § 58.2529 *U.S. Grade not assignable,* to read as follows:

§ 58.2529 U.S. Grade not assignable.

Nonfat dry milk which fails to meet the requirements for U.S. Standard Grade and/or shows a direct microscopic clump count exceeding 150 million per gram shall not be assigned a U.S. Grade.

2. Change Subpart M, § 58.2554 *U.S. Grade not assignable,* to read as follows:

§ 58.2554 U.S. Grade not assignable.

Nonfat dry milk which fails to meet the requirements for U.S. Standard Grade and/or shows a direct microscopic clump count exceeding 150 million per gram shall not be assigned a U.S. Grade.

Effective date. This amendment shall become effective October 1, 1969.

Done at Washington, D.C., this 7th day of March.

JOHN E. TROMER,
Acting Deputy Administrator, Marketing Services.

[F.R. Doc. 69-2996; Filed, Mar. 11, 1969; 8:49 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 9]

PART 722—COTTON

Subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton

RELEASE AND REAPPORTIONMENT OF COTTON ALLOTMENTS

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to change the closing dates for release, request for reapportionment, and for reapportionment of released acreage for all counties in Louisiana.

Since planting of cotton is imminent, affected farmers need benefit of this amendment immediately. It is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall be effective upon filing with the Director, Office of the Federal Register.

The Subpart—Acreage Allotments for 1968 and Succeeding Crops of Upland Cotton of Part 722, Subchapter B of Chapter VII, Title 7 (33 F.R. 895, 4451, 5532, 6705, 7564, 17346, and 19823, and 34 F.R. 924 and 2351) are hereby amended by amending the table in § 722.412(b) (7) (iv) by changing the closing dates for Louisiana to read as follows:

§ 722.412 Release and reapportionment of cotton allotments.

* * * * * * *

(b) * * *

(7) *Closing dates.* * * *

(iv) * * *

State	Closing date for release	Closing date for requests for reapportionment	Final date for reapportionment
Louisiana	March 28	March 28	April 11.

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

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

Signed at Washington, D.C., on March 6, 1969.

CARROLL BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 69-2970; Filed, Mar. 11, 1969; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 68-SO-67]

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

Alteration of Transition Area

Correction

In F.R. Doc. 69-2515 appearing at page 3655 in the issue of Saturday, March 1, 1969, the third paragraph should read:

Since this amendment will impose no additional burden on the public and is required for reasons of safety, notice and public procedure hereon are unnecessary and action is taken herein to amend the FEDERAL REGISTER document accordingly.

[Airspace Docket No. 69-SO-2]

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

Alteration of Control Zone and Transition Area

On January 23, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1052), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fort Myers, Fla., control zone and transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

In § 71.171 (34 F.R. 4557), the Fort Myers, Fla., control zone is amended to read:

FORT MYERS, FLA.

Within a 5-mile radius of Page Field (lat. 26°35'10" N., long. 81°51'50" W.); within 2 miles each side of the 039° bearing from the Fort Myers RBN, extending from the 5-mile radius zone to the RBN; within 2 miles each side of the Fort Myers VORTAC 213° radial, extending from the 5-mile radius zone to 8 miles southwest of the VORTAC.

In § 71.181 (34 F.R. 4637), the Fort Myers, Fla., 700-foot transition area is amended to read:

FORT MYERS, FLA.

That airspace extending upward from 700 feet above the surface within an 8-mile

radius of Page Field (lat. 26°35'10" N., long. 81°51'50" W.); within 2 miles each side of the Fort Myers VORTAC 213° radial, extending from the 8-mile radius area to 9 miles southwest of the VORTAC; within 2 miles each side of the 219° bearing from Fort Myers RBN, extending from the 8-mile radius area to 8 miles southwest of the RBN.

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

Issued in East Point, Ga., on February 27, 1969.

HENRY S. CHANDLER,
Acting Director, Southern Region.

[F.R. Doc. 69-2953; Filed, Mar. 11, 1969; 8:46 a.m.]

[Airspace Docket No. 69-SO-1]

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

Alteration of Transition Area

On January 23, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 1052), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Lakeland, Fla., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 1, 1969, as hereinafter set forth.

In § 71.181 (34 F.R. 4637), the Lakeland, Fla., transition area is amended as follows:

"* * * extending from the 8-mile radius area to 8 miles southwest of the VORTAC * * *" is deleted and "* * * extending from the 8-mile radius area to 10 miles southwest of the VORTAC * * *" is substituted therefor.

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

Issued in East Point, Ga., on February 27, 1969.

HENRY S. CHANDLER,
Acting Director, Southern Region.

[F.R. Doc. 69-2954; Filed, Mar. 11, 1969; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Bitter Lake National Wildlife Refuge, N. Mex.

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Bitter Lake National Wildlife Refuge, N. Mex., is permitted from April 1 through October 15, 1969, inclusive, only on the areas designated by signs as open to fishing. These open areas, comprising 945 acres, are delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, N. Mex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The use of boats or floating devices is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 15, 1969.

DELBERT L. BOGGS,
Acting Refuge Manager, Bitter Lake National Wildlife Refuge, Roswell, N. Mex.

FEBRUARY 27, 1969.

[F.R. Doc. 69-2950; Filed, Mar. 11, 1969; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

CLOSURES WITH SEALING GASKETS FOR FOOD CONTAINERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2351) filed by W. R. Grace & Co., Dewey & Almy Chemical Division, 62 Whittemore Avenue, Cambridge, Mass. 02140, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of diisodecyl phthalate as an optional component of closure-sealing gaskets for food containers. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2550(b)(5) is amended by alphabetically inserting in the list of substances in table 1 a new item, as follows:

§ 121.2550 Closures with sealing gaskets for food containers.

* * * * *

(b) * * *

(5) * * *

TABLE 1

List of substances	*Limitations (expressed as percent by weight of closure-sealing gasket composition)*
* * *	* * *
Diisodecyl phthalate	No limitation on amount used but for use only in closure-sealing gasket compositions used in contact with nonfatty foods containing no more than 8 percent of alcohol.
* * *	* * *

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

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

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

Dated: March 5, 1969.

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

[F.R. Doc. 69-2942; Filed, Mar. 11, 1969; 8:45 a.m.]

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

Endosulfan

A petition (PP 8F0723) was filed with the Food and Drug Administration by

the FMC Corp., Middleport, N.Y. 14105, proposing the establishment of tolerances for residues of the insecticide endosulfan in or on the raw agricultural commodities lettuce and soybeans at 2 parts per million.

Subsequently, the petitioner amended the petition by withdrawing the request regarding soybeans and proposing a tolerance of 2 parts per million for residues of endosulfan and its metabolite endosulfan sulfate in or on lettuce.

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

Based on consideration given the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that the tolerance established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.182 is amended by revising the introductory text and the paragraph "2 parts per million * * *" to read as follows:

§ 120.182 Endosulfan; tolerances for residues.

Tolerances are established for the total residues of the insecticide endosulfan (6,7,8,9,10,10 - hexachloro - 1,5,5a,6,9,9a - hexahydro-6,9-methano - 2,4,3 - benzodioxathiepin-3-oxide) and its metabolite endosulfan sulfate (6,7,8,9,10,10-hexachloro - 1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3,3-dioxide) in or on raw agricultural commodities as follows:

2 parts per million in or on apples, apricots, artichokes, beans, broccoli, brussels sprouts, cabbage, cauliflower, celery, cherries, collards, cucumbers, eggplants, grapes, kale, lettuce, melons, mustard greens, nectarines, peaches, pears, peas (succulent type), peppers, pineapples, plums, prunes, pumpkins, spinach, strawberries, summer squash, sunflower seed, tomatoes, turnip greens, watercress, and winter squash.

* * * * *

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

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

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

Dated: March 5, 1969.

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

[F.R. Doc. 69-2943; Filed, Mar. 11, 1969; 8:45 a.m.]

PART 121—FOOD ADDITIVES

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

VINYL CHLORIDE-ETHYLENE COPOLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2275) filed by Union Carbide Corp., River Road, Bound Brook, N.J. 08805, and other relevant material, concludes that the food additive regulations should be amended to provide for safe use of certain vinyl chloride-ethylene copolymers as components of articles intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart F the following new section:

§ 121.2609 Vinyl chloride-ethylene copolymers.

The vinyl chloride-ethylene copolymers identified in paragraph (a) of this section may be safely used as components of articles intended for contact with food, under condition of use D, E, F, or G described in table 2 of § 121.2526(c), subject to the provisions of this section.

(a) For the purpose of this section, vinyl chloride-ethylene copolymers consist of basic copolymers produced by the copolymerization of vinyl chloride and ethylene such that the finished basic copolymers meet the specifications and extractives limitations prescribed in paragraph (c) of this section, when tested by the methods described in paragraph (d) of this section.

(b) The basic vinyl chloride-ethylene copolymers identified in paragraph (a) of this section may contain optional adjuvant substances required in the production of such basic copolymers. The optional adjuvant substances required in the production of the basic vinyl chloride-ethylene copolymers may include substances permitted for such use by regulations in this Part 121, substances generally recognized as safe in food, and substances used in accordance with a prior sanction or approval.

(c) The vinyl chloride-ethylene basic copolymers meet the following specifications and extractives limitations:

(1) *Specifications.* (i) Total chlorine content is in the range of 53 to 56 percent as determined by any suitable analytical procedure of generally accepted applicability.

(ii) Intrinsic viscosity in cyclohexanone at 30° C. is not less than 0.50 deciliter per gram as determined by ASTM Method D 1243–60.

(2) *Extractives limitations.* The following extractives limitations are determined by the methods described in paragraph (d) of this section:

(i) Total extractives do not exceed 0.10 weight-percent when extracted with *n*-heptane at 150° F. for 2 hours.

(ii) Total extractives do not exceed 0.03 weight-percent when extracted with water at 150° F. for 2 hours.

(iii) Total extractives obtained by extracting with water at 150° F. for 2 hours contain no more than 0.5 milligram of vinyl chloride-ethylene copolymer per 100 grams of sample tested as determined from the organic chlorine content. The organic chlorine content is determined as described in paragraph (d)(3) of this section.

(d) Analytical methods: The analytical methods for determining whether vinyl chloride-ethylene basic copolymers conform to the extractives limitations prescribed in paragraph (c) of this section are as follows and are applicable to the basic copolymers in powder form having a particle size such that 100 percent will pass through a U.S. Standard Sieve No. 40 and 80 percent will pass through a U.S. Standard Sieve No. 80:

(1) *Reagents*—(i) *Water.* All water used in these procedures shall be demineralized (deionized), freshly distilled water.

(ii) *n-Heptane.* Reagent grade, freshly distilled *n*-heptane shall be used.

(2) *Determination of total amount of extractives.* All determinations shall be done in duplicate using duplicate blanks. Approximately 400 grams of sample (accurately weighed) shall be placed in a 2-liter Erlenmeyer flask. Add 1,200 milliliters of solvent and cover the flask with aluminum foil. The covered flask and contents are suspended in a thermostated bath and are kept, with continual shaking at 150° F. for 2 hours. The solution is then filtered through a No. 42 Whatman filter paper, and the filtrate is collected in a graduated cylinder. The total amount of filtrate (without washing) is measured and called *A* milliliters. The filtrate is transferred to a Pyrex (or equivalent) beaker and evaporated on a steam bath under a stream of nitrogen to a small volume (approximately 50–60 milliliters). The concentrated filtrate is then quantitatively transferred to a tared 100-milliliter Pyrex beaker using small, fresh portions of solvent and a rubber policeman to effect the transfer. The concentrated filtrate is evaporated almost to dryness on a hotplate under nitrogen, and is then transferred to a drying oven at 230° F. in the case of the aqueous extract or to a vacuum oven at 150° F. in the case of the heptane extract. In the case of the aqueous extract, the evaporation to constant weight is completed in 15 minutes at 230° F.; and in

the case of heptane extract, it is overnight under vacuum at 150° F. The residue is weighed and corrected for the solvent blank. Calculation:

$$\frac{\text{Grams of corrected residue}}{\text{Grams of sample}} \times \frac{1{,}200 \text{ milliliters}}{\text{Volume of filtrate A in milliliters}} \times 100 = \text{Total extractives expressed as percent by weight of sample.}$$

(3) *Vinyl chloride-ethylene copolymer content of aqueous extract*—(i) *Principle.* The vinyl chloride-ethylene copolymer content of the aqueous extract can be determined by determining the organic chlorine content and calculating the amount of copolymer equivalent to the organic chlorine content.

(ii) *Total organic chlorine content.* A weighed sample of approximately 400 grams is extracted with 1,200 milliliters of water at 150° F. for 2 hours, filtered, and the volume of filtrate is measured (*A* milliliters) as described in subparagraph (2) of this paragraph.

(*a*) A slurry of Amberlite IRA–400, or equivalent, is made with distilled water in a 150-milliliter beaker. The slurry is added to a chromatographic column until it is filled to about half its length. This should give a volume of resin of 15–25 milliliters. The liquid must not be allowed to drain below the top of the packed column.

(*b*) The column is regenerated to the basic (OH) form by slowly passing through it (10–15 milliliters per minute) 10 grams of sodium hydroxide dissolved in 200 milliliters of water. The column is washed with distilled water until the effluent is neutral to phenolphthalein. One drop of methyl red indicator is added to the *A* milliliters of filtered aqueous extract and, if on the basic side (yellow), nitric acid is added drop by drop until the solution turns pink.

(*c*) The extract is deionized by passing it through the exchange column at a rate of 10–15 milliliters per minute. The column is washed with 200 milliliters of distilled water. The deionized extract and washings are collected in a 1,500-milliliter beaker. The solution is evaporated carefully on a steam plate to a volume of approximately 50 milliliters and then transferred quantitatively, a little at a time, to a clean 22-milliliter Parr cup, also on the steam plate. The solution is evaporated to dryness. Next 0.25 gram of sucrose and 0.5 gram of benzoic acid are added to the cup. One scoop (approximately 15 grams) of sodium peroxide is then added to the cup. The bomb is assembled and ignition is conducted in the usual fashion.

(*d*) After the bomb has cooled, it is rinsed thoroughly with distilled water and disassembled. The top of the bomb is rinsed into a 250-milliliter beaker with distilled water. The beaker is placed on the steam plate. The bomb cup is placed in the beaker and carefully tipped over to allow the water to leach out the combustion mixture. After the bubbling has stopped, the cup is removed from the beaker and rinsed thoroughly. The solution is cooled to room temperature and cautiously neutralized with concentrated nitric acid by slowly pouring the acid down a stirring rod until the bubbling ceases. The solution is cooled and an equal volume of acetone is added.

(*e*) The solution is titrated with 0.005 *H* silver nitrate using standard potentiometric titration techniques with a silver electrode as indicator and a potassium nitrate modified calomel electrode as a reference electrode. An expanded scale recording titrimeter, Metrohm Potentiograph 2336 or equivalent, should be used; a complete blank must be run in duplicate.

(iii) *Calculations.*

$$\text{Milligrams of aqueous extracted copolymer per 100-gram sample} = \frac{T \times F \times 64.3}{\text{Weight of sample in grams}} \times 100.$$

T = Milliliters of silver nitrate (sample minus blank) × normality of silver nitrate.

$$F = \frac{1{,}200}{A \text{ (as defined above)}}$$

(e) The vinyl chloride-ethylene copolymers identified in and complying with this section, when used as components of the food-contact surface of any article that is the subject of a regulation in this Subpart F, shall comply with any specifications and limitations prescribed by such regulation for the article in the finished form in which it is to contact food.

(f) The provisions of this section are not applicable to vinyl chloride-ethylene copolymers used as provided in §§ 121.2520 and 121.2571.

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

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

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

Dated: March 5, 1969.

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

[F.R. Doc. 69-2944; Filed, Mar. 11, 1969; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18305; FCC 69-209]

PART 1—PRACTICE AND PROCEDURE

Assignment and Transfer of Construction Permits for New Broadcast Stations

Report and order. In the matter of assignment and transfer of construction permits for new broadcast stations. (Section 1.597 of the Commission's rules); Docket No. 18305.

1. In a notice of proposed rule making, released September 4, 1968 (FCC 68–889), the Commission proposed to adopt rules containing limitations on assignments and transfers involving construction permits for new standard, FM and television broadcast stations which have not yet commenced broadcast operations.

2. Construction permits for new standard, FM and television broadcast stations are granted only to qualified applicants who have the capacity and bona fide intention to place the proposed station on the air and to render the proposed broadcast service. In making such grants, the Commission relies, among other things, upon the applicant's showings of such capacity and intention. If unforeseen circumstances later prevent the holder of a construction permit from putting the proposed station on the air, the Commission, if it finds that the public interest would be served thereby, may consent to the assignment of the construction permit or transfer of control of the permit holder to a new applicant which is prepared to build and operate the proposed station.

3. The new rules adopted herein seek to preclude trafficking in construction permits for unbuilt stations by barring the use of such permits as a means of obtaining financial gain from their transfer before the original grantee builds and operates the station. They in part codify existing policies, and supplement the provisions of paragraph (a) through (d) of § 1.597 of the rules (which generally require the permittee to provide at least 3 years of broadcast service, once station operation has started). Under the new rules the permittee of an unbuilt station may retain an equity interest, after the transfer, if he meets stated requirements for contributing that share of the station's capital which is proportionate to his equity.

4. No oppositions were filed. Storer Broadcasting Co., in the sole comment received, suggested that the requirement that assignors or transferors retaining a partial interest in the station make capital contributions proportionate to their equity be revised to make clear that the requirement applies to loan capital as well as to equity capital. The rules adopted herein so provide.

5. The new rules adopt the essence of the rules as proposed. Their text has been further developed to make clear the intent of the more generally worded proposed text, and to add procedural provisions.

6. New paragraph (e) of § 1.597 opens with definitions of the terms "unbuilt station" and "seller", which are applicable to those terms wherever they are used in the new paragraphs (e) and (f) of § 1.597. For the purposes of these rules, "unbuilt station" refers to any standard, FM, or television broadcast station for which a construction permit has been granted, but for which Program Test Authority has not been issued. The term thus includes reference to a station on which construction may have commenced, but which has not been authorized to commence operation under Program Test Authority. The term "seller" includes the assignor(s) of a construction permit for an unbuilt station, the transferor(s) of control of the holder of such construction permit, and any principal of such assignor(s) or transferor(s) who retains or later acquires an interest in the permittee. The use of these terms conveniently avoids the necessity for repetitious verbiage in the operative portions of the new rules.

7. New paragraph (e) of § 1.597 goes on to state that the Commission will not consent to the assignment of permit or transfer of control of an unbuilt station if the agreements or understandings between the parties provide for or permit payment to the seller of a sum in the excess of the aggregate amount clearly shown to have been legitimately and prudently expended, and to be expended, by the seller solely for preparing, filing, and advocating the grant of the construction permit for the station, for proceeding with construction of the station, and for other steps reasonably necessary toward placing the station in operation.

8. Paragraph (e) next provides, in subparagraph (3), that applicants for consent to the assignment of permit or transfer of control shall, in the case of unbuilt stations, file declarations that—except as clearly disclosed in detail in the applications—there are no agreements, arrangements, or understandings for reimbursement of the seller's expenses or for other payments to the seller, for the seller's retention of any interest in the station, or for options or for any other means by which the seller may acquire such an interest, or for any other actual or potential benefit to the seller in the form of loans, the subsequent purchase of the seller's retained interests, or otherwise. It is also required that, where the seller is to receive reimbursement of expenses, the applications shall include an itemized accounting of the expenses, together with factual information relied upon to show that they represent legitimate and prudent outlays made solely for the allowable purposes.

9. New paragraph (f) of § 1.597 declares that whenever the seller retains an interest in the station or enjoys any of the other kinds of benefits mentioned in the previous paragraph, the question is raised as to whether the transaction involves actual or potential gain to the seller over and above reimbursement of the expenses allowable under paragraph (e), and states that in such cases the Commission will designate the assignment or transfer for evidentiary hearing.

10. There are certain exceptions to the above-mentioned mandatory hearing requirement. Retained interests will not automatically require a hearing, if, during the period ending one year after the issuance of Program Test Authority, the seller with a retained interest participates in the provision of capital for the station to the full extent which is proportionate to the seller's equity share in the station. Equity capital, loan capital, or guarantees put up by the seller prior to the assignment or transfer may be taken into account in determining the seller's compliance with these conditions, which will be satisfied:

(i) In the case of equity capital: By paid-in cash capital contributions proportionate to the seller's equity share;

(ii) In cases where any person who has an equity interest in the permittee provides loan capital: By the seller's provision of that part of the total loan capital provided by equity holders which is proportionate to the seller's equity share; and

(iii) In cases where any person cosigns or otherwise guarantees payments under notes given for loan capital provided by nonequity holders: By similar guarantees by the seller covering that part of such payments as is proportionate to the seller's equity share: *Provided*, That this condition shall not be deemed to be met if the guarantees given by persons other than the seller cover, individually or collectively, a larger portion of such payments than the ratio of the combined equities of persons other than the seller to the total equity.

The proviso in subdivision (iii) is intended to insure observance of the principle that the seller participate—proportionately to his equity share—in the provision of loan guarantees. Without it, the intention of proportionate participation by the seller could be nullified by cosignatures or other forms of guarantees by other equity holders covering the entire amount of a loan of sums to be used for station capital, even if the seller additionally guaranteed a portion of the loan. The seller, while not obliged to match, proportionately, loan capital furnished by banks or other persons who are not equity holders, will be required to participate, in the proportion of his equity interest, in the furnishing of guarantees covering payments of interest or principal under loans obtained from such other sources.

11. Subparagraph (3) of new paragraph (f) of § 1.597 provides that the assignee's or transferee's application must include a showing of the anticipated capital needs of the station through the first year of its operation, and of the seller's financial capacity to comply with the foregoing requirements. It provides also that the Commission will determine, from its review of the applications, whether a hearing is necessary to insure compliance; states that compliance will be subject to review by the Commission at any time; and calls for reports to the Commission enabling it to ascertain compliance.

12. Subparagraph (4) of new paragraph (f) provides that evidentiary hearings will be held in all cases in which the seller of an unbuilt station has an option to acquire equity interest or to increase a retained equity interest, and wherever there is provision, under options or otherwise, for the subsequent acquisition of the seller's retained or subsequently acquired equity interests in the station.

13. For the reasons discussed and under authority conferred by section 4 (i) and (j), 303(r), and 310(b) of the Communications Act of 1934, as amended: *It is ordered*, That, effective April 14, 1969, § 1.597 of the Commission's rules is amended by the adoption of new paragraphs (e) and (f) as set out below.

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

(Secs. 4, 303, 310, 48 Stat., as amended, 1066, 1082, 1086; 47 U.S.C. 154, 303, 310)

Adopted: March 5, 1969.

Released: March 6, 1969.

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

Section 1.597 of the Commission's rules is amended by the addition of new paragraphs (e) and (f) reading as follows:

§ 1.597 Procedures on transfer and assignment applications.

* * * * *

(e) (1) As used in paragraphs (e) and (f) of this section:

(i) "Unbuilt station" refers to a standard, FM or television broadcast station for which a construction permit is outstanding, and, regardless of the stage of physical completion, for which Program Test Authority has not been issued.

(ii) "Seller" includes the assignor(s) of a construction permit for an unbuilt station, the transferor(s) of control of the holder of such construction permit, and any principal of such assignor(s) or transferor(s) who retains an interest in the permittee or acquires or reacquires such interest within 1 year after the issuance of Program Test Authority.

(2) The Commission will not consent to the assignment or transfer of control of the construction permit of an unbuilt station if the agreements or understandings between the parties provide for, or permit, payment to the seller of a sum in excess of the aggregate amount clearly shown to have been legitimately and prudently expended, and to be expended, by the seller solely for preparing, filing,

[1] Commissioner Bartley absent.

and advocating the grant of the construction permit for the station, and for other steps reasonably necessary toward placing the station in operation.

(3) (i) Applications for consent to the assignment of construction permit or transfer of control shall, in the case of unbuilt stations, be accompanied by declarations both by the assignor (or transferor) and by the assignee (or transferee) that—except as clearly disclosed in detail in the applications—there are no agreements, arrangements, or understandings for reimbursement of the seller's expenses or other payments to the seller, for the seller's retention of any interest in the station, for options or any other means by which the seller may acquire such an interest, or for any other actual or potential benefit to the seller in the form of loans, the subsequent repurchase of the seller's retained interest, or otherwise.

(ii) When the seller is to receive reimbursement of his expenses, the applications of the parties shall include an itemized accounting of such expenses, together with such factual information as the parties rely upon for the requisite showing that those expenses represent legitimate and prudent outlays made solely for the purposes allowable under subparagraph (2) of this paragraph.

(f) (1) Whenever an agreement for the assignment of the construction permit of an unbuilt station or for the transfer of control of the permittee of an unbuilt station, or any arrangement or understanding incidental thereto, provides for the retention by the seller of any interest in the station, or for any other actual or potential benefit to the seller in the form of loans or otherwise, the question is raised as to whether the transaction involves actual or potential gain to the seller over and above the legitimate and prudent out-of-pocket expenses allowable under paragraph (e)(2) of this section. In such cases the Commission will designate the assignment or transfer applications for evidentiary hearing: *Provided*, That a hearing is not mandatory in cases coming within subparagraph (2) of this paragraph.

(2) It is not intended to forbid the seller to retain an equity interest in an unbuilt station which he is transferring or assigning if the seller obligates himself, for the period ending 1 year after the issuance of Program Test Authority, to provide that part of the total capital made available to the station, up to the end of that period, which is proportionate to the seller's equity share in the permittee, taking into account equity capital, loan capital, and guarantees of interest and amortization payments for loan capital provided by the seller before the transfer or assignment. This condition will be satisfied:

(i) In the case of equity capital: By paid-in cash capital contributions proportionate to the seller's equity share;

(ii) In cases where any person who has an equity interest in the permittee provides loan capital: By the seller's provision of that part of the total loan capital provided by equity holders as which is proportionate to the seller's equity share; and

(iii) In cases where any person cosigns or otherwise guarantees payments under notes given for loan capital provided by nonequity holders: By similar guarantees by the seller covering that part of such payments as is proportionate to the seller's equity share: *Provided*, That this condition shall not be deemed to be met if the guarantees given by persons other than the seller cover, individually or collectively, a larger portion of such payments than the ratio of the combined equities of persons other than the seller to the total equity.

(3) In cases which are subject to the requirements of subparagraph (2) (i), (ii), and (iii) of this paragraph:

(i) The assignee's (or transferee's) application shall include a showing of the anticipated capital needs of the station through the first year of its operation and the seller's financial capacity to comply with the above requirements, in the light of such anticipated capital needs.

(ii) The Commission will determine from its review of the applications whether a hearing is necessary to ensure compliance with the above requirements.

(iii) Compliance with the above requirements will be subject to review by the Commission at any time, either when considering subsequently filed applications or whenever the Commission may otherwise find it desirable.

(iv) Within 30 days after any time when a seller is required to provide equity or loan capital or execute guarantees, the permittee shall furnish the Comission a written report containing sufficient details as to the sources and amounts of equity capital paid in, loan capital made available, or guarantees obtained as to enable the Commission to ascertain compliance with the above requirements.

(v) No steps shall be taken by the permittee to effectuate arrangements for the provision of equity or loan capital from sources not previously identified and disclosed to the Commission, until 30 days after the permittee has filed with the Commission a report of such arrangements and of provisions made for the seller's compliance with the above requirement.

(vi) Subdivisions (iv) and (v) of this subparagraph shall cease to apply 1 year after the issuance of Program Test Authority.

(4) Applications subject to this paragraph (f) will, in any event, be designated for evidentiary hearing in any case where the agreements, arrangements or understandings with the seller provide for the seller's option to acquire equity in the station or to increase equity interests he retains at the time of the assignment or transfer of control. An evidentiary hearing will similarly be held in any case in which the assignee(s), transferee(s) or any of their principals, or any person in privity therewith, has an option to purchase all or part of the seller's retained or subsequently acquired equity interests in the station.

[F.R. Doc. 69-2986; Filed, Mar. 11, 1969; 8:48 a.m.]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Call Signs and Other Forms of Identifying Radio Transmissions

Order. In the matter of editorial revision of Subpart D of Part 2, rules and regulations.

1. The revision of Subpart D of Part 2 of the rules and regulations set forth below to this order conforms the provisions of the subpart with international agreements, with other provisions of the rules and regulations, and with established practices relating to the assignment of call signs and the identification of stations. Primarily, the changes involve listing additional classes of stations and call sign blocks, and forms of identification which may be used in lieu of call signs by certain classes of stations.

2. Authority for the amendments set forth below is contained in sections 4(i), 5(d), 303(o), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(d), 303(o), and 303(r), and § 0.261(a) of the rules and regulations, 47 CFR 0.261(a). Because the amendments are editorial in nature, the notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, are inapplicable.

3. In view of the foregoing: *It is ordered*, Effective March 12, 1969, that Part 2 of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat. as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: March 3, 1969.

Released: March 6, 1969.

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

In Part 2 of Chapter I of Title 47 of the Code of Federal Regulations, Subpart D is revised to read as follows:

Subpart D—Call Signs and Other Forms of Identifying Radio Transmissions

Sec.
2.301 Station identification requirement.
2.302 Call signs.
2.303 Other forms of identification of stations.

AUTHORITY: The provisions of this Subpart D issued under secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.

Subpart D—Call Signs and Other Forms of Identifying Radio Transmissions

§ 2.301 Station identification requirement.

Each station using radio frequencies shall identify its transmissions according to the procedures prescribed by the rules governing the class of station to which it belongs with a view to the elimination of harmful interference and the general enforcement of applicable radio treaties, conventions, regulations, arrangements, and agreements in force,

and the enforcement of the Communications Act of 1934, as amended, and the Commission's rules.

§ 2.302 Call signs.

The table which follows indicates the composition and blocks of international call signs available for assignment when such call signs are required to be transmitted for station identification by the rules pertaining to particular classes of stations. When stations operating in two or more classes are authorized to the same licensee for the same location, the Commission will assign a separate call sign to each station in a different class. (In addition to the U.S. call sign allocations listed below, call sign blocks AAA through AEZ and ALA through ALZ have been assigned to the Department of the Army; call sign block AFA through AKZ has been assigned to the Department of the Air Force; and call sign block NAA through NZZ has been assigned jointly to the Department of the Navy and the U.S. Coast Guard.)

Class of station	Composition of call sign	Call sign blocks
Coast (Classes I and II) except for coast telephone in Alaska.	3 letters	KAA through KZZ. WAA through WZZ.
Coast (Class III) and maritime radiodetermination.	3 letters, 3 digits	KAA200 through KZZ999. WAA200 through WZZ999.
Coast telephone in Alaska	3 letters, 2 digits	KAA20 through KZZ99. WAA20 through WZZ99.
Fixed	3 letters, 2 digits	KAA20 through KZZ99. WAA20 through WZZ99.
Marine receiver test	3 letters, 3 digits (plus general geographic location when required).	KAA200 through KZZ999. WAA200 through WZZ999.
Ship telegraph	4 letters [1]	KAAA through KZZZ. WAAA through WZZZ.
Do	2 letters, 4 digits, or 3 letters, 4 digits [1]	WA2000 through WZ9999, or descending from WZZ9999.
Ship telegraph plus telephone	4 letters	KAAA through KZZZ. WAAA through WZZZ.
Ship radar	Same as ship telephone and/or telegraph call sign, or, if ship has no telephone or telegraph: 2 letters, 4 digits, or 3 letters, 4 digits.	WA2000 through WZ9999, or descending from WZZ9999.
Ship survival craft	Call sign of the parent ship followed by 2 digits.	KAAA20 through KZZZ99.
Cable-repair ship marker buoy	Call sign of the parent ship followed by the letters "BT" and the identifying number of the buoy.	WAAA20 through WZZZ99.
Marine utility	2 letters, 4 digits	KA2000 through KZ9999.
Shipyard mobile	2 letters, 4 digits	KA2000 through KZ9999.
Aircraft telegraph	5 letters	KAAAA through KZZZZ. WAAAA through WZZZZ.
Aircraft telegraph and telephone	5 letters [2]	KAAAA through KZZZZ. WAAAA through WZZZZ.
Aircraft telephone	5 letters [2] (whenever a call sign is assigned).	KAAAA through KZZZZ. WAAAA through WZZZZ.
Aircraft survival craft	Whenever a call sign [2] is assigned, call sign of the parent aircraft followed by a single digit other than 0 or 1.	
Aeronautical	3 letters, 1 digit [3]	KAA2 through KZZ9. WAA2 through WZZ9.
Land mobile (base)	3 letters, 3 digits	KAA200 through KZZ999. WAA200 through WZZ999.
Land mobile (mobile telegraph)	4 letters, 1 digit	KAAA2 through KZZZ9. WAAA2 through WZZZ9.
Land mobile (mobile telephone)	2 letters, 4 digits	KA2000 through KZ9999. WA2000 through WZ9999.
Broadcasting (standard)	4 letters [3] (plus location of station)	KAAA through KZZZ. WAAA through WZZZ.
Broadcasting (FM)	4 letters (plus location of station)	KAAA through KZZZ. WAAA through WZZZ.
Broadcasting with suffix "FM"	6 letters [3] (plus location of station)	KAAA-FM through KZZZ-FM. WAAA-FM through WZZZ-FM.
Broadcasting (television)	4 letters (plus location of station)	KAAA through KZZZ. WAAA through WZZZ.
Broadcasting with suffix "TV"	6 letters [3] (plus location of station)	KAAA-TV through KZZZ-TV. WAAA-TV through WZZZ-TV.
Television broadcast translator	1 letter—output channel number—2 letters.	K02AA through K83ZZ. W02AA through W83ZZ.
Disaster station, except U.S. Government	4 letters, 1 digit	KAAA2 through KZZZ9. WAAA2 through WZZZ9.
Experimental (letter "X" follows the digit)	2 letters, 1 digit, 3 letters	KA2XAA through KZ9XZZ. WA2XAA through WZ9XZZ.
Amateur (letter "X" may not follow digit)	1 letter, 1 digit, 2 letters [4]	K1AA through K0ZZ. W1AA through W0ZZ.
Do	1 letter, 1 digit, 3 letters [4]	K1AAA through K0ZZZA. W1AAA through W0ZZZ.
Do	2 letters, 1 digit, 2 letters [4]	KA1AA through KZ0ZZ. WA1AA through WZ0ZZ.
Do	2 letters, 1 digit, 3 letters [4]	KA1AAA through KZ0ZZZ. WA1AAA through WZ0ZZZ.
Standard frequency		WWV, WWVB through WWVI, WWVL, WWVS.
Space station	2 letters, 2 digits	KA20 through KZ99. WA20 through WZ99.
Citizens radio	3 letters, 4 digits	KAA0001 through KZZ9999.
Citizens radio in trust territories	1 letter, 4 digits	K0001 through K9999.

NOTE: The symbol 0 indicates the digit zero.

[1] Ships with transmitter-equipped survival craft shall be assigned four letter call signs.
[2] See § 2.303.
[3] A 3 letter call sign now authorized for and in continuous use by a licensee of a standard broadcasting station may continue to be used by that station. The same exception applies also to frequency modulation and television broadcasting stations using 5 letter call signs consisting of 3 letters with the suffix "FM" or "TV".
[4] Plus other identifying data as may be specified.

§ 2.303 Other forms of identification of stations.

The following table indicates forms of identification which may be used in lieu of call signs by the specified classes of stations. Such recognized means of identification may be one or more of the following: name of station, location of station, operating agency, official registration number, characteristic signal, characteristic of emission, or other clearly distinguishing form of identification readily recognized internationally. Reference should be made to the appropriate part of the rules for complete information on identification procedures for each service.

Class of station	*Identification, other than assigned call sign*
Aircraft (U.S. registry) telephone.	Registration number preceded by the type of the aircraft, or the radiotelephony designator of the aircraft operating agency followed by the flight identification number.
Aircraft (foreign registry) telephone.	Foreign registry identification consisting of five characters. This may be preceded by the radiotelephony designator of the aircraft operating agency or it may be preceded by the type of the aircraft.
Aeronautical	Name of the city, area, or airdrome served together with such additional identification as may be required.
Aircraft survival craft	Appropriate reference to parent aircraft, e.g., the air carrier parent aircraft flight number or identification, the aircraft registration number, the name of the aircraft manufacturer, the name of the aircraft owner, or any other pertinent information.
Ship telephone	When an official call sign is not yet assigned: Complete name of the ship and name of licensee. On 156.65 Mc/s: Name of ship.
Public coast (radiotelephone)	The approximate geographic location in a format approved by the Commission.

Class of station	*Identification, other than assigned call sign*
Fixed	Geographic location. When an approved method of superimposed identification is used, QTT DE (abbreviated name of company or station).
Fixed: Rural subscriber service.	Assigned telephone number.
Land mobile: Public safety, forestry conservation, highway maintenance, local government, shipyard, land transportation, and aviation services.	Name of station licensee (in abbreviated form if practicable), or location of station, or name of city, area, or facility served. Individual stations may be identified by additional digits following the more general identification.
Land mobile: Industrial service.	Mobile unit cochannel with its base station: Unit identifier on file in the base station records. Mobile unit not cochannel with its base station: Unit identifier on file in the base station records and the assigned call sign of either the mobile or base station. Temporary base station: Unit designator in addition to base station identification.
Land mobile: Domestic public and rural radio.	Special mobile unit designation assigned by licensee or by assigned telephone number.
Land mobile: Railroad radio service.	Name of railroad, train number, caboose number, engine number, or name of fixed wayside station or such other number or name as may be specified for use of railroad employees to identify a specific fixed point or mobile unit. A railroad's abbreviated name or initial letters may be used where such are in general usage. Unit designators may be used in addition to the station identification to identify an individual unit or transmitter of a base station.
Land mobile: Broadcasting (remote pickup).	Identification of associated broadcasting station.
Broadcasting (Emergency Broadcast System).	State and operational area identification.
Broadcasting (aural STL and intercity relay).	Call sign of the broadcasting station with which it is associated.
Broadcasting (television auxiliary).	Call sign of the TV broadcasting station with which it is licensed as an auxiliary, or call sign of the TV broadcasting station whose signals are being relayed, or by network identification.
Broadcasting (television booster).	Retransmission of the call sign of the primary station.
Disaster station	By radiotelephony: Name, location, or other designation of station when same as that of an associated station in some other service. Two or more separate units of a station operated at different locations are separately identified by the addition of a unit name, number, or other designation at the end of its authorized means of identification.
Amateur (RACES)	Tactical call signs. When two or more separate units of a station authorized to operate in the Radio Amateur Civil Emergency Service are operated independently at different locations, each unit shall separately identify itself by the addition of a unit number at the end of its call sign.

[F.R. Doc. 69-2919; Filed, Mar. 11, 1969; 8:45 a.m.]

[FCC 69-210]

PART 73—RADIO BROADCAST SERVICES

Alignment of Emergency Action Notification Test Procedures With Current Industry Practices and Recommendations

Order. In the matter of amendment of Part 73 of the Commission's rules to align Emergency Action Notification (EAN) test procedures with current industry practices and recommendations.

1. The Commission has reviewed the First, Second, and Third Method EAN test procedures outlined in §§ 73.961 and 73.962 of the rules, in light of recent recommendations of the National Industry Advisory Committee (NIAC).

2. On the basis of this review, it has been determined that the word "random" should be substituted for the word "unscheduled" appearing in § 73.961(c) of the rules, thereby conforming that paragraph to changes in the Third Method EAN test procedures adopted December 18, 1968 (FCC 68-1221). Moreover, the schedule for testing program distribution and interconnecting systems and facilities, as set forth in § 73.962(a) of the rules, should be shifted from a monthly to a bimonthly basis in line with recommendations received from Working Group IV of the Broadcast Services Subcommittee (NIAC), in which the Commission has concurred. Finally, the same paragraph should be up-dated to refer to the New York control office of the UPI Audio Network in connection with closed circuit testing.

3. Authority for the adoption of the amendments herein ordered is contained in sections 1, 4(i), and 303(r) of the Communications Act of 1934, as amended, and Executive Order 11092.[1]

4. The rule revisions contained in this order are primarily editorial in nature, impose no new substantive requirements, and only reflect decisions already reached with affected users through industry consultation. Observance of the notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) would accordingly serve no useful purpose.

5. In view of the foregoing: *It is ordered*, That effective March 12, 1969, Part 73 of the Commission's rules and regulations are amended as set forth below.

(Secs. 1, 4, 303, 48 Stat., as amended, 1064, 1066, 1082, 47 U.S.C. 151, 154, 303; E.O. 11092 Feb. 26, 1963)

Adopted: March 5, 1969.

Released: March 6, 1969.

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

1. Section 73.961(c) is amended to read as follows:

§ 73.961 Tests of the Emergency Action Notification System.

* * * * *

(c) Test transmissions of the Third Method of the Emergency Action Notification System will be conducted by standard, FM, and television broadcast stations once each week on a random basis between the hours of 8:30 a.m. and local sunset. Noncommercial educational FM broadcast stations with a transmitter output of 10 watts or less are not required to conduct these tests. The Blue Card, identified as Third Method EAN Tests, which has been furnished to all standard, FM, and television broadcast stations, sets forth details of these test transmissions.

2. In § 73.962, paragraph (a) is amended to read as follows, paragraphs (b), (c), and (d) are renumbered (c), (d), and (e), respectively, and new paragraph (b) is added, reading as follows:

§ 73.962 Tests of approved interconnecting systems and facilities.

* * * * *

(a) National program distribution interconnecting systems and facilities (the total NIAC Order No. 1 program distribution facilities) will be tested on a scheduled basis. This test consists of a closed circuit transmission from 12:40 to 12:50 p.m., Washington, D.C., time on the first Wednesday of every odd-numbered month except when such a Wednesday is a national holiday, then the test is conducted on the following day. Due to varying program scheduling of the commercial radio broadcast networks involved, the individual network facilities shall remain as separate entities for these tests. The audio networks associated with the video networks of ABC-TV, CBS-TV, or NBC-TV shall not be utilized nor are the telephone companies authorized to add any of the unaffiliated stations participating in the Emergency Broadcast System (EBS). The American Telephone

[1] Commissioner Bartley absent; Commissioner Wadsworth abstaining from voting.

and Telegraph Co. is authorized to interconnect the facilities of the Intermountain (IMN) Radio Network and the New York control office of the UPI Audio Network to any one of the nationwide commercial radio broadcast networks for the duration of these closed circuit tests, then remove such interconnections.

(b) Closed circuit tests of technical program origination and distribution channels associated with NIAC Orders No. 2 through No. 63 will be conducted when considered desirable and when advance coordinated arrangements and voluntary agreement are accomplished among the White House Communications Agency, the nationwide commercial radio broadcast networks and the American Telephone and Telegraph Co.

* * * * *

[F.R. Doc. 69-2987; Filed, Mar. 11, 1969; 8:48 a.m.]

[Docket No. 18389; FCC 69-208]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; Bottineau, N. Dak., et al.

First report and order. In the matter of amendment of § 73.202 *Table of assignments*, FM Broadcast Stations (Porterville, Calif., Bottineau, N. Dak., Rhinelander, Wis., Scobey, Mont., and Humboldt, Iowa); Docket No. 18389, RM-1335, RM-1338, RM-1339, RM-1347, RM-1351.

1. The Commission has before it for consideration its notice of proposed rule making, issued in this proceeding on November 29, 1968 (FCC 68-1147), and published in the FEDERAL REGISTER on December 4, 1968 (33 F.R. 18048), proposing a number of changes in the FM Table of Assignments advanced by various interested parties. A number of comments were filed and considered in making the following determinations. Except as noted, the proposals were unopposed. All populations referred to are those reported in the 1960 U.S. Census. This decision disposes of all the above-listed petitions, except RM-1335, Porterville, Calif., and RM-1339, Rhinelander, Wis., which will be the subject of a future report and order.

2. *RM-1338 and RM-1347. Bottineau, N. Dak., and Scobey, Mont.* In response to two separate petitions, the notice invited comments on one filed on June 24, 1968, by Bottineau Broadcasting Corp., requesting assignment of Channel 270 to Bottineau, N. Dak., and a second filed by Larry C. Bowler on August 16, 1968, for assignment of Channel 239 to Scobey, Mont. Both communities are located within 16 miles of the United States-Canadian border and each is the largest community and county seat of its respective county. Bottineau has a population of 2,613 persons and Scobey a population of 1,726. There are no AM or FM assignments in the county of either community.

3. Both of the petitions were supported by engineering showings indicating that substantial "white areas" would be covered within the 1 mv/m contours provided by Class C facilities as compared with that obtainable from maximum allowable Class A facilities. The showings were based upon actual power and antenna height each petitioner anticipates applying for if the proposed channels are adopted. A number of comments were filed by interested parties in support of the Class C assignment to Bottineau. The Scobey petitioner filed comments stating that it would promptly file an application for the requested assignment if adopted. There were no oppositions.

4. As we stated in the notice to this proceeding, communities of the limited size under consideration here would ordinarily be limited to Class A channel assignments. However, in view of the sparsely populated areas that petitioners have shown would be provided with a first FM service ("white area"), we are of the opinion that it would serve the public interest to adopt the proposed Class C assignments. We are, therefore, amending the Table by adding Channel 270 at Bottineau, N. Dak., and Channel 239 at Scobey, Mont. It is expected that prospective applicants for either community will file for facilities at least equivalent to that on which the "white area" showings by petitioners were based.

5. *RM-1351. Humboldt, Iowa.* The notice invited comments on a petition filed on September 24, 1968, by Stephen Dunkel, Ames, Iowa, looking toward the assignment of a first FM channel, 249A, to Humboldt, Iowa. Humboldt, with a population of 4,301 persons, is the largest community of Humboldt County, population 13,156. There are no existing AM or FM assignments in Humboldt County. In our opinion, Humboldt warrants a first local FM outlet, and so we are assigning Channel 249A, as proposed.

6. 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.

7. In accordance with the determinations made above: *It is ordered*, That effective April 14, 1969, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, insofar as the communities named are concerned, as follows:

City	*Channel No.*
Iowa:	
Humboldt	249A
Montana:	
Scobey	239
North Dakota:	
Bottineau	270

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

Adopted: March 5, 1969.

Released: March 6, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-2988; Filed, Mar. 11, 1969; 8:49 a.m.]

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[1] Commissioner Bartley absent.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1071, 1104, 1106]

[Docket Nos. AO-227-A23, AO-238-A15, AO-210-A27]

MILK IN NEOSHO VALLEY, RED RIVER VALLEY, AND OKLAHOMA METROPOLITAN MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Tulsa, Okla., on January 9, 1969, pursuant to notice thereof issued on December 30, 1968 (34 F.R. 78).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on February 10, 1969 (34 F.R. 2115; F.R. Doc. 69-1856) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (34 F.R. 2115; F.R. Doc. 69-1856) are hereby approved, adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. Pooling standards for distributing plant under the Oklahoma Metropolitan order;

2. Pricing series to be used under the Oklahoma Metropolitan and Neosho Valley orders in lieu of a series to be discontinued; and

3. The exemption from regulation under the Oklahoma Metropolitan order of a plant operated by a governmental agency.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Oklahoma Metropolitan distributing plants.* The requirement that a distributing plant dispose of 50 percent or more of its Grade A receipts (or those otherwise qualified) of milk from dairy farmers and from other pool plants as Class I milk on routes should be modified to credit all Class I disposition of the plant toward meeting the 50 percent requirement. Performance requirements for pool status of both distributing and supply plants should be contained in the pool plant definition of the order rather than in the definitions of distributing plant and supply plant.

The Oklahoma Metropolitan order presently requires that a distributing plant dispose of 50 percent of its receipts of inspected milk from dairy farmers and of Grade A milk from other pool plants as Class I milk on routes if it is to be a pool plant. The principal producers' organization supplying the market proposed that the 50 percent requirement specify only disposition as Class I milk without requiring that such disposition be on routes. No testimony was offered in opposition to this proposal. Pending the opportunity to consider the proposal at this hearing the "on route" requirement has been suspended since December.

For the months of May through August 1968, a Tulsa plant which had been pooled since 1950 under the Oklahoma Metropolitan order or its predecessors operated as a partially regulated plant under the terms of the order. During this period this plant apparently failed to dispose of 50 percent of its receipts as Class I milk on routes. At the same time it moved bulk milk to plants operated under other orders by the same handler. Proponents believe that had the Class I use of these shipments been considered the plant would have been pooled in these months.

When the plant is not pooled under the Oklahoma Metropolitan order not only its sales in that marketing area but also the milk shipped to other order areas and there assigned to Class I milk becomes subject to only partial regulation. Proponents maintained that full regulation should apply whenever Class I utilization equaled 50 percent of receipts.

Under the circumstances prevailing in the Oklahoma Metropolitan area, use of total Class I disposition rather than only route disposition in combination (other pooling requirements) provides a practicable means of distinguishing the distribution plants to be fully regulated by the order. It is, therefore, concluded that the proposal for such change should be adopted.

The present order includes in the definitions of "distributing plant" and "supply plant" not only the functions of such plants but the performance requirements which result in pool status. Nonpool "partially regulated distributing plant" and "unregulated supply plant" are also defined despite the fact that they do not meet the respective definitions of "distributing plant" or "supply plant." To avoid this conflict the performance standards have been transferred to the "pool plant" definition. This will not change the requirements for pool status of any supply plant, and will affect the pool status of distributing plants only as set forth heretofore in this decision.

2. *Pricing series to be used in determining the Class II price of the Oklahoma Metropolitan and Neosho Valley orders.* In lieu of the "three-product" manufacturing price series, the Oklahoma Metropolitan Class II price should use the average price for milk for manufacturing purposes f.o.b. plants, United States adjusted to a 3.5 percent butterfat basis by the Class II butterfat differential of the order. No change should be made on the basis of this record in the seasonal 10-cent-per-hundredweight reduction applicable to milk, skim milk and cream used in the manufacture of American cheese, butter and nonfat dry milk. The Class II price of the Neosho Valley order should be the basic formula price for the month.

The Oklahoma Metropolitan and Neosho Valley orders each use as a Class II price determinant the average price reported by the Department for the current month for milk used in the manufacture of American cheese, evaporated milk and butter, and byproducts, f.o.b. plants, United States. The Class II price of the Red River Valley order is determined by that of the Oklahoma Metropolitan order. The Statistical Reporting Service of the Department has announced that the "three-product" price series will be discontinued after announcement of the price for March 1969.

Although the same price series is used in each of the orders the resulting price at the common 3.5 percent basic butterfat content of each order is not the same. The price is announced at the average test of manufacturing milk delivered, which varies seasonally, but on an annual average is close to 3.7 percent. The orders differ in the way in which this price at test is converted to a 3.5 percent basis. As a result the Neosho Valley price has exceeded the Oklahoma Metropolitan price by an average of about 8 cents per hundredweight over the past 3 years.

Milk Producers, Inc., which represents producers under both orders, proposed in the notice of hearing that the average price for milk for manufacturing purposes, f.o.b. plants, United States, be substituted for the "three-product" price series in both orders, to be adjusted to a 3.5 percent basis by the Class II butterfat differential, the method used under the Oklahoma Metropolitan order. At the hearing, however, they supported the testimony of Mid-America Dairymen, a cooperative representing producers under the Neosho Valley order, that the Class II price under that order be the basic formula price. This price is that paid for milk of manufacturing grade in the States of Minnesota and Wisconsin, adjusted to a 3.5 percent basis by a butterfat differential equal to 0.12 times the Chicago butter price. It was also proposed that the local plant pay prices used as an alternative price under the Neosho Valley

order be eliminated. No testimony in opposition to these proposals was offered at the hearing. By question and by brief one handler with plants subject to each order requested deletion of the Oklahoma Metropolitan provision which prices milk made in the manufacture of American cheese, butter and nonfat dry milk at 10 cents less than the Class II price during the months of March through August. Other handlers requested consideration of alignment of Class II prices with those of other orders not involved in the hearing.

Producer representatives testified that they are now studying proposals that might apply to pricing reserve milk under these and other orders in which they represent producers. While such studies are in progress they supported substitution of price series which would most nearly continue the level of prices that had resulted under the "three-product" price series.

For the years 1966–1968 inclusive, the Oklahoma Metropolitan Class II 3.5 percent price, as computed from the three-product series, averaged $3.92. The U.S. manufacturing price series averaged $3.93 for the same period. The Neosho Valley Class II price for the same period averaged $4 and the basic formula price averaged $4.03. It can thus be seen that the U.S. average manufacturing milk price corresponds very closely with the Oklahoma Metropolitan price, and that the basic formula price corresponds more closely with the Neosho Valley price than any of the other price series under consideration at the hearing.

The record of this hearing provides little opportunity to align Class II prices of these orders with those of other Southwestern orders. In view of the likelihood of further hearings resulting from the studies now being made by cooperative associations, action on this record should be restricted to carrying forward approximately the present price levels. This can be accomplished by use of the respective price series specified above. The Neosho Valley alternative local plant price (to which 20 cents per hundredweight is added) has been the effective price only 1 month (January 1966) of the past 3 years. Since it has not been an effective price-making factor, its use should be discontinued.

3. *Exemption of governmental agency plant.* A governmental agency which operates a plant that processes or packages milk distributed as fluid milk products in the area should be exempt from the Oklahoma Metropolitan order.

Fluid milk products transferred or diverted to such plants from a pool plant should be classified as Class I. Fluid milk products received at a pool plant from such exempt plants should be first allocated to Class II uses. These are the order terms that now apply to current movements of milk between pool plants and producer-handler plants, except that diversion would be permitted to exempt plants of governmental agencies.

The Oklahoma State University, now operating as a producer-handler, proposed that it be exempt from the provisions of the Oklahoma Metropolitan order. The University operates a processing plant and a dairy farm at Stillwater, Okla. Distribution of fluid milk products packaged in the plant is limited to the campus boundaries. Milk supplemental to the production of the dairy herd is obtained from a cooperative association acting in its capacity as a handler under the Oklahoma Metropolitan order. These purchases averaged approximately 47,000 pounds monthly in the September through December 1968 period. In some months milk excess to the fluid needs of the University is disposed of to pool plants operated by the cooperative.

The dairy farm and plant of the University are operated for the purposes of carrying out a recognized function of the State of Oklahoma. The production and processing facilities are used and deemed necessary for research and educational requirements of the University. The operations of the University are subject to the control of the public citizenry acting through the various levels of government. It would be inappropriate to regulate the University plant in the same manner as plants of other handlers. The Oklahoma State University plant and the plant of any other governmental agency similarly situated should be exempt from regulation.

There are other educational, mental, and penal institutions in the vicinity of the marketing area maintaining herds and bottling facilities to furnish milk to their residents. Detailed information on receipts and sales of milk at these agencies was not presented on the record. However, it is not the practice of these agencies to sell milk in commercial channels in competition with handlers or with producers. Should any such plants dispose of milk in the marketing area they should likewise be exempt.

Prior to September 1968, the Oklahoma State University plant received supplemental milk from a pool plant located at Stillwater, Okla., operated by the principal cooperative association. This plant was closed in August requiring that supplemental receipts be transferred from cooperative association pool plants at either Enid or Oklahoma City, both of which are approximately 70 miles from the University plant.

Exempting the University plant from the Oklahoma Metropolitan order would permit the cooperative association to deliver to such plant from nearby dairy farms, thus reducing transportation costs. This could be either by diversion from a pool plant to the University plant, or by delivery from farms of milk not regulated by the order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Rulings on Exceptions. No exceptions were filed.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in Certain Specified Marketing Areas", and "Order Amending the Orders Regulating the Handling of Milk in Certain Specified Marketing Areas", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the orders as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of January 1969 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the certain specified marketing areas, is approved or favored by producers, as defined under the terms of each of the orders as amended and as hereby proposed to be amended, and who, during such representative period, were

engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., March 7, 1969.

J. PHIL CAMPBELL,
Under Secretary.

ORDER[1] AMENDING THE ORDERS REGULATING HANDLING OF MILK IN CERTAIN SPECIFIED MARKETING AREAS

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the aforesaid marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the respectively designated marketing areas shall be in conformity to and in compliance with the terms and conditions of the orders, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, on February 10, 1969, and published in the FEDERAL REGISTER on February 13, 1969 (34 F.R. 2115; F.R. Doc. 69-1856), shall be and are the terms and provisions of this order, and are set forth in full herein:

1. In § 1106.7, paragraph (c) is revised to read as follows:

§ 1106.7 Distributing plant.

* * * * *

(c) Which receives milk from dairy farmers who would be producers if such plant qualified as a pool plant, or Grade A milk in bulk from other pool plants, and disposes of fluid milk products on routes in the marketing area.

2. Section 1106.8 is revised to read as follows:

§ 1106.8 Supply plant.

"Supply plant" means a plant that receives milk from dairy farmers who would be producers if such plant qualified as a pool plant and from which fluid milk products are shipped to a distributing plant.

3. In § 1106.9, paragraphs (a) and (b) are revised to read as follows:

§ 1106.9 Pool plant.

* * * * *

(a) A distributing plant (other than that of a producer-handler or one which is exempt pursuant to § 1106.61) from which the following percentages of the receipts described in § 1106.7(c) are disposed of during the month as follows:

(1) 50 percent as Class I milk in the form of fluid milk products; and

(2) 5 percent as fluid milk products on routes in the marketing area.

(b) A supply plant from which an amount equal to 50 percent of the receipts described in § 1106.8 is shipped during the month as fluid milk products to a plant described in paragraph (a) of this section. Any supply plant that qualifies as a pool plant during each of the months of September through December shall be a pool plant for the following months of January through August except that, if the operator of such plant so requests the market administrator in writing, its pool plant status shall be terminated the first day of the month following receipt of such notification.

* * * * *

4. In § 1106.51(b), the introductory text preceding the proviso therein is revised to read as follows:

§ 1106.51 Class prices.

* * * * *

(b) *Class II price.* The Class II price shall be the average price for milk for manufacturing purposes, f.o.b. plants, United States as reported by the Department on a preliminary basis for the month, adjusted to 3.5 percent butterfat by the Class II butterfat differential specified in § 1106.52(b): * * *

5. A new § 1106.63 is added to read as follows:

§ 1106.63 Governmental agencies.

A plant owned and operated by a governmental agency or establishment which processes or packages milk distributed in the marketing area, shall be exempt from all provisions of this part. Fluid milk products received at a pool plant from such agencies shall be treated on the same basis as though received from a producer-handler. Fluid milk products (including diverted milk) disposed of by a handler to such agencies shall be classified as Class I milk.

In § 1071.51, paragraph (b) is revised to read as follows:

§ 1071.51 Class prices.

* * * * *

(b) *Class II price.* The Class II price shall be the basic formula price for the month.

[F.R. Doc. 69-2971; Filed, Mar. 11, 1969; 8:47 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 9467]

AIRWORTHINESS DIRECTIVE

Godfrey Cabin Superchargers Type 15, Marks 6, 9, and 14

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to Godfrey Cabin Superchargers Type 15, Marks 6, 9, and 14. Oil leaks have been found on certain Godfrey Cabin Superchargers due to distortion of the banjo adapter in the oil filter assembly. This condition could result in an inflight fire. Since this condition is likely to exist or develop in other superchargers of the same design, the proposed airworthiness directive would require replacement of the banjo adapter with a new adapter.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before April 11, 1969, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date

for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

GODFREY. Applies to Godfrey Cabin Superchargers Type 15, Marks 6, 9, and 14, installed on, but not necessarily limited to British Aircraft Corp., Viscount Models 744, 745D, and 810; Armstrong Whitworth Argosy AW-650; Fokker F-27, Marks, 100 and 300; Fairchild Hiller F-27 and FH-227 all series; Gruman Model G-159; Nihon YS-11 all series; Convair Model 240 modified per STC SA1054WE; and Convair Models 340 and 440 Modified per STC SA1096WE.

Compliance required as indicated.

To prevent loss of oil from Godfrey cabin compressor due to distortion of the banjo adapter in the oil filter assembly, accomplish the following, unless already accomplished:

(a) For British Aircraft Corp. Viscount Models 744, 745D, and 810 airplanes, at the next overhaul of the Supercharger or within the next 750 hours' time in service, whichever occurs first, after the effective date of this AD, replace Godfrey banjo adapter P/N V8653 as specified in paragraph (c) of this AD.

(b) For all other applicable airplanes, at the next overhaul of the Supercharger or within the next 1,500 hours' time in service, whichever occurs first, after the effective date of this AD, replace Godfrey banjo adapter P/N V8653 as specified in paragraph (c) of this AD.

(c) Replace Godfrey banjo adapter P/N V8653 with Godfrey banjo adapter P/N 139313 in accordance with Godfrey Precision Products, Ltd., Service Bulletin No. 21-120-1196, dated July 1968, or later ARB-approved revision or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East.

Issued in Washington, D.C., on March 5, 1969.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 69-2957; Filed, Mar. 11, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-6]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V-492 north alternate from La Belle, Fla., to Palm Beach, Fla., 1,200 feet above the surface via the intersection to La Belle 043° T (042° M) and Palm Beach 298° T (298° M) radials. This action will improve the flow of air traffic in the Palm Beach and Miami areas, and retain required lateral separation from established holding patterns and departure routes in the Palm Beach area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

(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 March 5, 1969.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 69-2955; Filed, Mar. 11, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-19]

TRANSITION AREAS

Proposed Designation and Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Alabaster, Ala., transition area and alter the Birmingham and Montgomery, Ala., transition areas.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Memphis Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 18097, Memphis, Tenn. 38118. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

The Alabaster transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby County Airport.

The Birmingham transition area described in § 71.181 (34 F.R. 4637) would be altered by deleting "* * * thence west along the south boundary of V-66 * * *" and substituting "* * * thence west along the south boundary of V-66 to and south along the west boundary of V-7, to and west along a line 5 miles south of and parallel to the Brookwood VOR 099° radial * * *" therefor.

The Montgomery transition area described in § 71.181 (34 F.R. 4637) would be altered by deleting "* * * thence northeast along this line to the south boundary of V-66; thence east along the south boundary of V-66 to the west boundary of V-7 * * *" and substituting "* * * thence northeast along this line to a line 5 miles south of and parallel to the Brookwood VOR 099° radial; thence east along this line to the west boundary of V-7 * * *" therefor.

The proposed designation and alteration of transition areas are required for the protection of IFR operations in climb from 700 to 1,200 feet above the surface and in descent to 1,000 feet above the surface. A prescribed instrument approach procedure to Shelby County Airport, utilizing the Brookwood VOR, is proposed in conjunction with the designation and alteration of these transition areas.

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

Issued in East Point, Ga., on March 3, 1969.

HENRY S. CHANDLER,
Acting Director, Southern Region.

[F.R. Doc. 69-2956; Filed, Mar. 11, 1969; 8:46 a.m.]

[14 CFR Part 151]

[Docket No. 9466; Notice 69-8]

LAND ACQUISITION COSTS FOR APPROACH LIGHTING SYSTEMS

U.S. Share

The Federal Aviation Administration is considering amending Part 151 of the Federal Aviation Regulations to provide, for projects under the Federal-aid Airport Program, that the U.S. share of the acquisition costs of land needed for the installation of approach lighting systems is 75 percent regardless of the intensity of the lights involved.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and

be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before April 11, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 151.43(d) provides that the U.S. share of the costs of an approved project, representing the costs of acquiring land needed for installing, operating, and maintaining an approach lighting system (as described in § 151.13), is 75 percent. Section 151.13(a) defines an approach lighting system as a "standard configuration of high intensity aeronautical ground lights in the approach area to a runway * * *", for the purpose of project approval as a landing aid. When this definition was adopted, only high intensity approach lighting systems were approved. Since then, medium intensity approach lighting systems, and medium intensity approach lighting systems with runway alignment indicator lights have been incorporated into the National Airspace System. However, the U.S. share of the costs for land for these recently developed systems is limited to 50 percent by virtue of § 151.43(d).

It is proposed to strike out the term "high intensity" from the definition of approach lighting system in § 151.13(a), and thereby include other recently developed systems. This would allow the U.S. share for the costs of land for approved approach lighting systems to be 75 percent regardless of the intensity of the lights. This action would be consistent with the Federal Airport Act, which in section 9(d)(1) requires the sponsor of an airport development project to hold or assure acquisition of title to the land needed for an approved project, without any specific limitation of approach lighting systems to those with high intensity lights. Also, section 10(d) of that Act imposes no such limitation in providing up to 75 percent participation by the United States in approved project costs for land required for the installation of approach light systems.

In consideration of the foregoing, it is proposed to amend the flush sentence at the end of paragraph (a) of § 151.13 of the Federal Aviation Regulations by striking out the words "high intensity."

This amendment is proposed under the authority of sections 9 and 10 of the Federal Airport Act (49 U.S.C. 1108, 1109), section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)), and § 1.4(b)(2) of the Regulations of the Office of the Secretary of Transportation.

Issued in Washington, D.C., on March 4, 1969.

CHESTER G. BOWERS,
Director, Airports Service, AS-1.

[F.R. Doc. 69-2958; Filed, Mar. 11, 1969; 8:46 a.m.]

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-15; Notice No. 69-3]

TRANSPORTATION OF HAZARDOUS MATERIALS

Notice of Proposed Rule Making

The purpose of this notice is to request public comment on a proposed amendment to § 173.306 of the Hazardous Materials Regulations (49 CFR 170-189) to eliminate § 173.306(a)(3)(iv). This subparagraph now provides that the flammable contents of inside nonrefillable metal cans charged with solutions of compressed gas or gases must not have a flash point of less than 20° F. in order to be eligible for shipment under the exemption provisions of this section. A petitioner, Chemical Specialties Manufacturing Association, has indicated that the deletion of the subparagraph would have the effect of allowing the "exempt shipment" of aerosol products which are flammable without regard to flash point, but still under all of the other restrictions, such as use of metal cans only, 50-cubic-inch size limit, pressure limit of contents in relation to can strength, adequate head space, and a test to 130° F. of each complete can filled for shipment. In support of its petition, the Association states that * * *, "a test of flash point is not a proper test to be applied to a compressed gas including aerosol products, which are formulated products under pressure, usually with a liquefied gas in solution with the other ingredients."

Petitioner further points out that over a period of time numerous special permits have been issued by the Department authorizing the shipment of large quantities of aerosol products having flash points lower than 20° F. and that these shipments have been entirely successful. In requesting a change in the regulations, petitioner stated that in view of the remaining requirements in the regulations as listed above, it saw no need for incorporating either specification container requirements or weight limitations such as were included in the experimental special permits.

The Board believes that there is merit in the petitioner's proposal and that adoption of this change would not adversely affect safety.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before April 15, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831-835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657) and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 and 1472(h)).

Issued in Washington, D.C., on March 7, 1969.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

J. B. MCCARTY, Jr.,
Capt. U.S.C.G., by direction of Commandant, U.S. Coast Guard

JOHN R. JAMIESON,
Administrator, Federal Highway Administration.

JAMES H. MACANANNY,
Acting Administrator, Federal Railroad Administration.

[F.R. Doc. 69-2998; Filed, Mar. 11, 1969; 8:49 a.m.]

[49 CFR Parts 172, 173]

[Docket No. HM-16; Notice No. 69-4]

TRANSPORTATION OF HAZARDOUS MATERIALS

Notice of Proposed Rule Making

The purpose of this notice is to request public comment on proposed amendments to the Hazardous Materials Regulations (49 CFR 170-189) to authorize the shipment of certain corrosive liquids in tank motor vehicles and tank cars where the regulations do not presently authorize their being shipped in such transport vehicles.

A petitioner, Stauffer Chemical Co., has requested that the regulations be amended to authorize shipment of benzene phosphorus dichloride and benzene phosphorus thiodichloride in certain tank motor vehicles and tank cars.

The petitioner has been shipping the two commodities covered by this proposal under the provisions of special permits issued by the Department. There have been no reports of adverse experience.

In consideration of the foregoing, it is proposed to amend the Hazardous Materials Regulations as set forth below:

I. Part 172 would be amended as follows:

(A) By amending § 172.5(a) Commodity List as follows:

§ 172.5 List of explosives and other dangerous articles.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in one outside container by rail express
Add				
Benzene phosphorus dichloride	Cor. L	173.244, 173.250a	White	5 pints.
Benzene phosphorus thiodichloride	Cor. L	173.244, 173.250a	do	Do.
* * *	* * *	* * *	* * *	* * *

II. Part 173 would be amended as follows:

(A) The table of contents would be amended by adding § 173.250a to read as follows:

Sec.
173.250a Benzene phosphorus dichloride and benzene phosphorus thiodichloride.

(B) Section 173.250a would be added to read as follows:

§ 173.250a Benzene phosphorus dichloride and benzene phosphorus thiodichloride.

(a) Benzene phosphorus dichloride and benzene phosphorus thiodichloride must be packaged as follows:

(1) In packagings prescribed in § 173.245.

(2) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this chapter) cargo tanks.

(3) Specification 103AW (§§ 179.200 and 179.201 of this chapter) tank cars. Tanks must be lined.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before April 15, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on March 6, 1969.

W. J. SMITH,
Commandant,
U.S. Coast Guard.

JOHN R. JAMIESON,
Administrator,
Federal Highway Administration.

JAMES H. MACANANNY,
Acting Administrator,
Federal Railroad Administration.

[F.R. Doc. 69-2999; Filed, Mar. 11, 1969; 8:49 a.m.]

[49 CFR Part 173]

[Docket No. HM-17; Notice No. 69-5]

TRANSPORTATION OF HAZARDOUS MATERIALS

Notice of Proposed Rule Making

The purpose of this notice is to request public comment on a proposed amendment to § 173.354 of the Hazardous Materials Regulations (49 CFR 170–189) to authorize the transportation of storage tanks containing the solid or semisolid residue of motor fuel antiknock compound which is classed as a poisonous solid, class B. The authorization would be for transportation by rail and highway only.

Over a number of years, the Department has issued special permits to authorize transportation of this type and has received no reports of adverse experience. Therefore, the Board believes that this rule change is justified.

Part 173 would be amended by adding a new paragraph (c) to § 173.354 as follows:

§ 173.354 Motor fuel antiknock compound or tetraethyl lead.

* * * * *

(c) Tanks built to ASME specifications, which contain only solid or semisolid residual motor fuel antiknock compound, may be shipped by rail freight or highway. All openings must be closed with gasketed blank flanges or vapor tight threaded closures. Each tank must be secured and braced to prevent movement under conditions incident to transportation.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before April 15, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of Title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on March 6, 1969.

JAMES H. MACANANNY,
Acting Administrator,
Federal Railroad Administration.

JOHN R. JAMIESON,
Administrator,
Federal Highway Administration.

[F.R. Doc. 69-3000; Filed, Mar. 11, 1969; 8:49 a.m.]

[Docket No. HM-18; Notice No. 69-6]

[49 CFR Part 173]

TRANSPORTATION OF HAZARDOUS MATERIALS

Notice of Proposed Rule Making

The purpose of this notice is to request public comment on a proposed amendment to § 173.157(a)(3) of the Hazardous Materials Regulations (49 CFR 170–189) to authorize shipment of benzoyl peroxide, wet with not less than 30 percent water, in DOT 12B fiberboard boxes having inside polyethylene bags at least 0.004 inch thick which are securely closed and which have a capacity of not more than 10 pounds. The other packaging requirements of the subparagraph would also apply. A petitioner, Chemetron-Noury Corp., has reported no adverse experience in the shipping of a significant number of packages of this type under the provisions of a special permit from the Department.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before April 15, 1969, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657) and title VI and section

902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on March 6, 1969.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

J. B. MCCARTY, Jr.,
Capt. U.S.C.G., by direction of Commandant, U.S. Coast Guard.

JOHN R. JAMIESON,
Administrator, Federal Highway Administration.

JAMES H. MACANANNY,
Acting Administrator, Federal Railroad Administration.

[F.R. Doc. 69-3001; Filed, Mar. 11, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 31]

[Docket No. 18477; FCC 69-216]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

Notice of Proposed Rule Making

In the matter of amendment of Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies of the rules to provide for an all-inclusive income statement and to revise the accounting for taxes, Docket No. 18477.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In December 1966 the Accounting Principles Board (APB) of the American Institute of Certified Public Accountants (AICPA) issued APB Opinion No. 9, "Reporting the Results of Operations." This opinion was the result of a general review of reporting practices in which it was concluded that, beginning in 1967, net income should reflect all items of profit and loss recognized during the accounting period with the exception of prior period adjustments, with large extraordinary items to be shown separately as an element of net income of the period. Prior to the issuance of this opinion most companies followed the practice (which is currently required for telephone companies subject to the Commission's accounting rules) of including large delayed and extraordinary items in earned surplus. The Commission's systems of accounts for telegraph carriers currently provide for an all-inclusive income statement somewhat similar to that which is now being proposed for telephone companies.

3. The proposed amendments to Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, that occasion this notice of proposed rule making relate primarily to the adoption of an all-inclusive income statement. However, certain other amendments are also proposed herein. The objectives of the proposed amendments may be summarized as follows: (a) To transfer from the earned surplus accounts to the income accounts delayed, extraordinary and other items now includible as entries to earned surplus except those pertaining to capital stock, the transfer of net income to earned surplus and appropriations of earned surplus; (b) to change all references to "earned surplus" and "capital surplus" to read "retained earnings" and "other capital," respectively; (c) to provide for intraperiod allocation of income taxes by charging separate accounts for such taxes pertaining to operating income, "below-the-line" income, extraordinary and delayed income, and retained earnings entries; (d) to delete the accounts for reservations of income and to provide in lieu of the two surplus accounts currently prescribed, a single account for all reservations of retained earnings; and (e) to make other changes occasioned by the foregoing such as account number and title references.

4. As proposed in this notice of proposed rule making the term delayed items is defined to include all items relating to a prior accounting period, including all adjustments of estimated amounts included in the accounts in prior years. However, under the accounting proposed for delayed items, only those delayed items considered to be large enough to distort the current accounts, which were previously includible in surplus, would be included in the proposed new accounts for delayed items. All other delayed items would be includible in the accounts in which they would have been included had the items not been delayed.

5. No criteria, other than the judgment of the company, is now included in Part 31 for the measurement of what size of delayed item would result in distortion of the accounts and none is included in the proposed amendments. However, it is to be noted that Annual Report Form M, starting with the report form for 1968, contains a new schedule 44, Delayed Items, in which are to be reported all delayed items included in the regular accounts that amount to $100,000 or to 1 percent or more of net operating income, whichever is smaller. It is believed that the accounting proposed herein for delayed items, together with the data to be reported in schedule 44, will provide adequate information with respect to all significant delayed items.

6. Most of the nonrecurring items which are currently includible in the surplus accounts are proposed to be included in new extraordinary and delayed income accounts. Those items that pertain to capital stock transactions are proposed to be included in the retained earnings accounts and a few items of a recurring nature, now includible in the surplus accounts, are proposed for inclusion in "below-the-line" income accounts. APB Opinion No. 9 provides that only extraordinary items of material size should be excluded from ordinary income and shown separately. However, it seems appropriate for regulatory purposes that the nature of the items rather than their size should determine whether they are extraordinary and that alternate accounting for the smaller extraordinary items specified in the APL opinion is not justified. For regulatory purposes it is considered appropriate that the profit or loss realized on a transaction of a type which occurs infrequently and is of a nature that is not normally incurred in the day-to-day operations of a telephone company should be considered to be an extraordinary item regardless of size and so excluded from normal net income.

7. Certain other criteria indicated in Opinion No. 9 for determining whether items are delayed or extraordinary have also been omitted from this proposal. It is believed that the differences between the accounting set forth below and that to be reported under Opinion No. 9 are desirable from a regulatory view point.

8. The new accounts proposed below for inclusion in Part 31 for delayed and extraordinary items are as follows: account 360, "Extraordinary income credits," account 365, "Delayed income credits," account 370, "Extraordinary income charges," account 375, "Delayed income charges," and account 380, "Income tax effect of extraordinary and delayed items—Net."

9. It is proposed to amend Part 31 in each instance where the term "earned surplus" appears by substituting therefor the term "retained earnings" and where the term "capital surplus" appears substituting the term "other capital." The AICPA has for some years advocated the discontinuance of the term "surplus" and the substitution therefor, where appropriate, of "retained earnings" and "other capital" or similar terms. Most systems of accounts and unregulated business firms have now adopted the AICPA recommended terminology and it is believed that this is an appropriate occasion to do likewise.

10. It is proposed to amend the provisions of Part 31 pertaining to taxes. Federal income taxes, all of which are currently includible in account 305, "Operating taxes," are proposed to be allocated among tax accounts applicable to operating income, "below-the-line" income, extraordinary and delayed income, and retained earnings entries. The portion of Federal income taxes proposed to be allocated to operations is to be computed on the amount of operating income less the tax effect of interest costs. Account 305 is proposed to be deleted and new account 306 included for Federal income taxes applicable to operations and account 307 for inclusion of all other operating taxes. All States do not levy income taxes. Some States and also local jurisdictions substitute other types of tax levies in lieu of income taxes. It is therefore believed appropriate, in order to maintain comparability between companies, to include income taxes other than Federal in proposed account 307

and thus include all State and local operating taxes in a single account. Income taxes included in account 307 should also be computed on the basis of operating income less the effect of any applicable interest costs. Account 322, "Miscellaneous taxes," is proposed to be deleted and accounts 326, "Federal income taxes—Nonoperating," and 327, "Other nonoperating taxes," substituted therefor. It is also proposed to add new account 380, "Income tax effect of extraordinary and delayed items—Net." Income taxes applicable to credits to retained earnings are proposed to be included in account 413, "Miscellaneous debits to retained earnings," and the income tax effect of debits to retained earnings are proposed to be included in account 402, "Miscellaneous credits to retained earnings." It is believed that the proposed accounting for Federal income taxes will furnish data which is much more informative and more readily available for rate making and other purposes than the currently prescribed tax accounting.

11. It is proposed to delete Cases 2 and 13 of Appendix A of Part 31. The provisions of Case 2 dealing with the accounting for Social Security taxes are proposed to be incorporated in the appropriate sections of Part 31 relating to taxes. The accounting indicated in Case 13 with respect to tax savings in connection with refinancing will no longer be appropriate if the proposed amendments are adopted and it is proposed to provide in account 380 for the inclusion therein of such tax savings.

12. It is also proposed to delete account 341, "Contingent interest on funded debt," account 342, "Contractual reservations of income," and account 343, "Miscellaneous reservations of income." These accounts are seldom, if ever, used and are not believed to be in accord with generally accepted accounting principles. Income cannot be reserved. Only after it is included in retained earnings can it be reserved for a specific purpose. Contingent interest on funded debt is an interest cost when it is accrued and it is proposed that any such interest that is paid be included in account 336, "Other interest deductions."

13. If the foregoing amendments to Part 31 are adopted it is proposed that they be made effective January 1, 1970. If adopted as proposed, some changes in Annual Report Form M will be necessary due to accounts added and deleted and changes in account titles and numbers. However, it is contemplated that such changes in Form M will be proposed in separate rule making after this proceeding is completed.

14. In view of the foregoing, it is proposed to amend Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, of the rules as set forth in the attached Appendix.

15. This notice of proposed rule making is issued under authority of sections 4(i) and 220 of the Communications Act of 1934, as amended.

16. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 15, 1969, and reply comments on or before April 25, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

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

Adopted: March 5, 1969.

Released: March 7, 1969.

FEDERAL COMMUNICATIONS COMMISSION [1]

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

Part 31—Uniform System of Accounts for Class A and Class B Telephone Companies is amended as follows:

1. Section 31.01–4 is amended to read as follows:

§ 31.01–4 Unaudited items.

When the amount of any known item affecting these accounts cannot be accurately determined in time for inclusion in the accounts of the calendar year in which the transaction occurs, the amount of the item shall be estimated and included in the proper accounts. When the item is audited, the necessary adjustments shall be handled as a delayed item as provided in § 31.01–5(b). If during the interval between the date of inclusion of the item in the accounts and the date on which it is audited, a substantial difference from the initial estimate is determined, appropriate adjustments shall be made in the current accounts to cover such difference. The company is not required to anticipate minor items which would not appreciably affect these accounts.

2. Section 31.01–5 is amended to read as follows:

§ 31.01–5 Delayed items.

(a) The term "delayed items" means items accounted for in the current accounts with respect to transactions which occurred before the current calendar year. It includes adjustments of errors and additional entries with respect to items in the operating revenue, operating expense and other income accounts of prior years.

(b) Unless the inclusion of a delayed item in the current accounts would distort those accounts, it shall be included in the same account in the current year that would have been credited or charged if the item had not been delayed. If the delayed item would distort the current accounts, it shall be credited to account 365, "Delayed income credits," or charged to account 375, "Delayed income charges," as appropriate.

(c) The company shall keep such records as are necessary in order to show the full particulars with respect to all delayed items included in accounts 365 and 375 and also with respect to such other delayed items included in the ordinary accounts as are required to be reported in its annual report to the Commission.

3. In § 31.01–7, paragraph (a) is amended to read as follows:

§ 31.01–7 Profits and losses from foreign exchange.

(a) Profits and losses from premiums and discounts on foreign exchange shall be included, so far as practicable, in the accounts appropriate for the transactions in connection with which such items arise. For example, profits realized and losses suffered due to the difference in rates of exchange between the date that money is borrowed or loaned and the date of payment or collection shall be included in account 360, "Extraordinary income credits," or account 370, "Extraordinary income charges," as may be appropriate.

* * * * *

4. In § 31.1–11, paragraph (b) is amended to read as follows:

§ 31.1–11 Current assets.

* * * * *

(b) The amount of any current asset written off shall be included in account 323, "Miscellaneous income charges," account 530, "Uncollectible operating revenues—Dr.," or other appropriate account.

5. In § 31.1–12, paragraph (b) is amended to read as follows:

§ 31.1–12 Book cost of securities owned.

* * * * *

(b) The company is allowed the option of writing down such book cost in recognition of the decline in value of the securities. It shall write down to a nominal amount or write off the book cost if there is no reasonable prospect of future substantial value. The amount of such adjustment shall be charged to account 370, "Extraordinary income charges."

6. In § 31.1–13, paragraphs (b), (c), (d), (e), (f), and (g) are amended to read as follows:

§ 31.1–13 Company securities owned.

* * * * *

(b) The necessary adjustments for the difference between (1) the face amount of bonds and other evidences of debt that have been reacquired and (2) the amounts actually paid therefor plus the expenses incurred in connection with their reacquisition shall be included, when a credit, in account 360, "Extraordinary income credits," and when a debit, in account 370, "Extraordinary income charges." (See also § 31.1–15(f).) In the case of refinancing, amounts that ordinarily would thus be credited to account 360 or charged to account 370 may be made subject to amortization upon specific approval by the Commission in each instance.

[1] Commissioner Bartley absent.

(c) The necessary adjustments for the difference between (1) the face amount of bonds and other evidences of debt previously reacquired that are resold and (2) the amounts actually received therefor less the expense incurred in connection with their resale shall be included, when a credit, in account 360, "Extraordinary income credits," and when a debit, in account 370, "Extraordinary income charges."

(d) The necessary adjustments for the difference between (1) the book amount of capital stock that has been reacquired and (2) the amount actually paid for it plus the amount of expense incurred in connection with its reacquisition shall be included in account 179, "Other capital," except that the excess of a debit adjustment over the balance in account 179, applicable to capital stock of the same class, shall be charged to account 413, "Miscellaneous debits to retained earnings": *And, provided further,* That a credit adjustment shall be included in account 402, "Miscellaneous credits to retained earnings," to the extent that any previous charges to retained earnings on account of transactions in the same class of stock have not been offset by previous credits to retained earnings on account of such transactions.

(e) The necessary adjustments for the difference between (1) the book amount of capital stock that previously has been reacquired and is resold, and (2) the amount actually received for it less the amounts of expense incurred in connection with its resale shall be included in account 179, "Other capital," except that the excess of a debit adjustment over the balance in account 179 applicable to capital stock of the same class shall be charged to account 413, "Miscellaneous debits to retained earnings": *And, provided further,* That a credit adjustment shall be credited to account 402, "Miscellaneous credits to retained earnings," to the extent that any previous charges to retained earnings on account of transactions in capital stock of the same class have not been offset by previous credits to retained earnings on account of such transactions.

(f) The company's records shall be so maintained that in reports to the Commission there may be shown the extent to which the retained earnings accounts have been charged and credited in connection with transactions in each class of capital stock.

(g) The book amount for nonpar stock reacquired shall be obtained by first ascertaining the amount in account 150, "Capital stock," for the particular class of stock before the reacquirement. In this amount shall be included the proceeds realized at the sale, the amount of any assessments against stockholders, the amounts transferred to account 150 from retained earnings less any amount which has been distributed from account 150 to the stockholders in liquidation. The amount thus ascertained shall be prorated to the shares reacquired on the basis of the proportion that the reacquired shares bear to the total number of shares actually outstanding immediately prior to their reacquirement. (Note also accounts 104, 105, 136, and 137.)

7. In § 31.1–14, paragraph (e) is amended to read as follows:

§ 31.1–14 Discount and premium on capital stock.

* * * * *

(e) When capital stock which has been actually issued or assumed by the company is reacquired the proportion (based upon the relation of the amount of stock reacquired to the total amount of that particular class or series of stock outstanding before its reacquirement) of the balance in the discount and premium account with respect to the stock reacquired shall be cleared to account 179, "Other capital," except that any excess of a debit amount over the balance in account 179 applicable to capital stock of the same class shall be charged to account 413, "Miscellaneous debits to retained earnings": *And, provided further,* That a credit amount shall be credited to account 402, "Miscellaneous credits to retained earnings," to the extent that any previous charges to account 413 on account of transactions in capital stock of the same class have not been offset by previous credits to account 402 on account of such transactions.

* * * * *

8. In § 31.1–15, paragraphs (c) and (f) are amended to read as follows:

§ 31.1–15 Discount, premium, and expense on long-term debt.

* * * * *

(c) The company may extinguish at any time through charges to account 370, "Extraordinary income charges," all or any part of the debit balance remaining in any particular discount, premium, and debt expense account.

* * * * *

(f) Except as provided in paragraphs (c), (d), and (e) of this section, the balance in each of these accounts shall be carried until the reacquirement of the securities to which it relates at which time the proportion (based upon the relation of the amount of long-term debt reacquired to the total amount of that particular class or series of long-term debt outstanding before its reacquirement) of the balance in the discount, premium and debt expense account with respect to the long-term debt reacquired shall be cleared to account 360, "Extraordinary income credits," or account 370, "Extraordinary income charges," as appropriate. In the case of refinancing, amounts that ordinarily would thus be charged or credited to the extraordinary income accounts may be made subject to amortization upon specific approval of the Commission in each instance. (See also § 31.1–13(b).)

* * * * *

§ 31.1–18 [Revoked]

9. Section 31.1–18 is revoked.

10. In § 31.100:4, paragraph (c)(1) and Note A are amended to read as follows:

§ 31.100:4 Telephone plant acquisition adjustment.

* * * * *

(c) * * *

(1) Debit amounts may be charged to account 370, "Extraordinary income charges," in whole or in part, or amortized over a reasonable period through charges to account 323, "Miscellaneous income charges," without further direction or approval by this Commission. Should a carrier desire the disposition of debit amounts in any manner other than as herein provided, it shall request that the Commission (i) approve recommended disposition or (ii) direct appropriate disposition according to the circumstances involved in each transaction.

* * * * *

NOTE A: Disposition as herein provided is for accounting purposes only and shall not be construed as determining or controlling the amount or disposition of the items in a rate or other proceeding, nor shall anything contained in paragraph (c) of this section be construed as precluding the Commission from subsequently requiring disposition of such amounts in a different manner or from altering a previously determined amortization period.

* * * * *

11. Section 31.130 is amended to read as follows:

§ 31.130 Prepaid taxes.

This account shall include the amounts of taxes paid in advance, except minor amounts which may be charged direct to the final accounts. As the term expires for which the taxes are paid, this account shall be credited at monthly intervals and the appropriate account charged. (Note also §§ 31.2–22(b)(6), 31.304, 31.306, 31.307, 31.326, and 31.327.)

12. In § 31.134:2, paragraphs (b) and (c) are amended to read as follows:

§ 31.134:2 Capital stock expense.

* * * * *

(b) When any issue of capital stock, or a portion thereof, is reacquired, there shall be credited to this account and charged to account 179, "Other capital," the amount herein with respect to such stock, except that any excess of such amount over the balance in account 179 applicable to capital stock of the same class, shall be charged to account 413, "Miscellaneous debits to retained earnings."

(c) The company may amortize or write off the balance carried in this account by credits hereto and concurrent charges to account 179, "Other capital," or to account 413, "Miscellaneous debits to retained earnings," in case the amount exceeds the balance in account 179 applicable to the same class of stock.

* * * * *

13. Section 31.139 is amended to read as follows:

§ 31.139 Other deferred charges.

This account shall include all deferred charges not provided for elsewhere, such as unaudited amounts and other debit balances in suspense that cannot be cleared and disposed of until additional

information is received; debit balances in clearing accounts; the amount, pending determination of loss, of funds on deposit with banks which have failed; assets of current character but of doubtful value (note also § 31.1–11); revenue, expense, and income items held in suspense (note also § 31.01–6); amounts paid for options pending final disposition; the cost of preliminary surveys, plans, investigations, etc., made for determining the feasibility of construction projects under contemplation. If the contemplated projects are carried out, the preliminary costs shall be included in the cost of the plant constructed. If the contemplated projects are abandoned, the preliminary costs shall be charged to account 323, "Miscellaneous income charges." This account shall include also the cost of valuations, inventories, and appraisals taken in connection with the contemplated acquisition or sale of property. If the property is subsequently acquired, the preliminary costs shall be accounted for as a part of the cost of acquisition, or if it is sold, such costs shall be deducted from the sale price in accounting for the property sold. If contemplated purchases or sales are abandoned, the preliminary costs included herein (including options paid, if any) shall be charged to account 370, "Extraordinary income charges."

14. In § 31.159:2, paragraph (a) is amended to read as follows:

§ 31.159:2 Other accounts payable.

(a) This account shall include amounts currently due to nonaffiliated companies and individuals, and not provided for in other accounts, such as those for wages, traffic settlements, material and supplies, repairs to telephone plant, matured rents, and interest payable under monthly settlements on short-term loans, advances, and open accounts. It shall also include amounts of taxes payable that have been withheld from employees' salaries.

* * * * *

15. Section 31.166 is amended to read as follows:

§ 31.166 Taxes accrued.

This account shall include the amount of unpaid taxes accrued. (Note also §§ 31.2–22(b)(8), 31.159:2, 31.304, 31.306, 31.307, 31.326, 31.327, and 31.380.)

NOTE: Taxes paid in advance shall be included in account 130.

16. In § 31.169, paragraph (a) is amended to read as follows:

§ 31.169 Insurance reserve.

(a) To this account shall be credited appropriations of retained earnings specifically made to cover self-carried risks for losses through accident, fire, flood, or other causes.

* * * * *

17. In § 31.170, paragraph (a) is amended to read as follows:

§ 31.170 Provident reserve.

(a) This account shall include specific appropriations of retained earnings and the amounts contributed by employees or others (whether carried in special trust funds or in the general funds of the company) for pensions, accident and death benefits, savings, relief, hospital, and other provident purposes, when administered by trustees or managers acting for the company.

* * * * *

18. In § 31.171, paragraph (a) is amended to read as follows:

§ 31.171 Depreciation reserve.

(a) This account shall be credited with amounts concurrently charged to account 608, "Depreciation," and to clearing accounts for currently accruing depreciation of telephone plant. (Note also §§ 31.02–80 to 31.02–82.) It shall also be credited with any amounts which the company may elect to charge to account 370, "Extraordinary income charges," and include in this account with respect to past accrued depreciation not provided for. (Note also §§ 31.174(b), 31.2–20(b), 31.2–21, and 31.315.)

* * * * *

19. In § 31.172, paragraphs (b) and (c) are amended to read as follows:

§ 31.172 Amortization reserve.

* * * * *

(b) This account shall be credited with any amounts concurrently charged to account 323, "Miscellaneous income charges," to provide a reserve for the retirement of amounts carried in account 201, "Organization." It shall also be credited with any amounts of amortization which this Commission may authorize under a plan to amortize the balance in account 100:4, "Telephone plant acquisition adjustment."

(c) When any leasehold carried in account 211, "Land," or any franchise or patent expires, is sold, is relinquished, or is otherwise retired from service, or when the amortization of an amount in account 201 is completed, this account shall be charged with the amount included herein with respect to the property going out of service. The original cost of the property so retired less the amount chargeable to this account and less any proceeds realized at retirement shall be included in account 360, "Extraordinary income credits," or in account 370, "Extraordinary income charges," as appropriate. (Note also § 31.2–25(f).)

20. In § 31.174, paragraph (b) is amended to read as follows:

§ 31.174 Other deferred credits.

* * * * *

(b) When miscellaneous physical property not previously used in telephone service is disposed of, this account shall be charged with the amount previously credited hereto with respect to such property and the book cost of the property so retired less the amount chargeable to this account and less the value of the salvage recovered or the proceeds from the sale of the property shall be included in account 360, "Extraordinary income credits," or in account 370, "Extraordinary income charges," as appropriate. In case the property had been used in telephone service previous to its inclusion in account 103, "Miscellaneous physical property," the amount accrued for depreciation thereon after its retirement from telephone service shall be charged to this account and credited to account 171, "Depreciation reserve," and the accounting for its retirement from account 103 shall be in accordance with that applicable to telephone plant retired. (Note also § 31.2–25.)

21. Section 31.179 is amended to read as follows:

§ 31.179 Other capital.

(a) Among the amounts includible in this account are credits arising from the reacquisition and resale, from the retirement and cancellation, from a reduction of a stated value, and from the donation by stockholders of the company's capital stock; capital arising from the forgiveness of debt of the company; capital recorded upon the reorganization or recapitalization of the company; and amounts that become the property of the company as a result of a forfeiture by others of deposits on subscriptions to capital stock and of installments paid on capital stock.

(b) All items included in this account shall be entered herein net of income tax effect, if any.

NOTE: When the circumstances under which debt is forgiven indicate that its forgiveness is an adjustment of retained earnings it may be treated as such upon the approval by this Commission in the specific instance.

22. Section 31.180 is amended to read as follows:

§ 31.180 Retained earnings reserved.

(a) This account shall include the amount of retained earnings reserved or otherwise set aside for any purpose not provided for elsewhere. (Note § 31.3–31.)

(b) Separate subaccounts shall be maintained under such titles as will designate the purpose for which each reserve recorded hereunder was created.

23. Section 31.181 is amended to read as follows:

§ 31.181 Unappropriated retained earnings.

(a) This account shall include the undistributed balance of retained earnings derived from the operations of the company and from all other transactions not includible in the other accounts appropriate for inclusion of stockholders equity.

(b) The retained earnings analysis accounts, wherein are recorded all entries to retained earnings during the year (400 to 416, inclusive), shall be closed into this account as at the end of the year.

24. In § 31.2–22, paragraph (b)(8) is amended to read as follows:

§ 31.2–22 Cost of construction.

* * * * *

(b) * * *

(8) "Taxes" includes social security and similar taxes on wages applicable to plant construction and taxes on physical property during construction and before the facilities are completed ready for service which are assessed separately

from taxes on operating property or under conditions which permit separate identification or allocation of the amount chargeable to construction.

* * * * *

25. In § 31.2–25, paragraphs (d), (f), and (g) are amended to read as follows:

§ 31.2–25 Telephone plant retired.

* * * * *

(d) Land: The original cost of land retired shall be credited to account 211, "Land." If the land is sold, the difference between such original cost and the sale price (less commissions and other expenses of making the sale) of the land shall be credited to account 360, "Extraordinary income credits," or debited to account 370, "Extraordinary income charges," as appropriate. If the land is retained by the company and held for sale, its cost shall be charged to account 103, "Miscellaneous physical property."

* * * * *

(f) The accounting for the retirement of organization, franchises, patent rights, and other intangible property shall be as provided for in the texts of account 100:4, "Telephone plant acquisition adjustment," account 172, "Amortization reserve," and account 370, "Extraordinary income charges."

(g) When telephone plant is sold together with the telephone traffic associated therewith, the original cost of the property shall be credited to the appropriate plant accounts and the estimated amounts carried with respect thereto in the depreciation and amortization reserve accounts shall be charged to such reserve accounts. The difference, if any, between (1) the net amount of such debit and credit items and (2) the consideration received (less commissions and other expenses of making the sale) for the property shall be included, if a credit, in account 360, "Extraordinary income credits," and if a debit, in account 370, "Extraordinary income charges." The accounting for depreciable telephone plant sold without the traffic associated therewith shall be in accordance with the accounting provided in § 31.171(b).

26. In § 31.202, Note B is amended to read as follows:

§ 31.202 Franchises.

* * * * *

NOTE B: Franchise taxes payable annually or more frequently shall be charged to account 307, "Other operating taxes."

* * * * *

27. Section 31.3–30 is amended to read as follows:

§ 31.3–30 Purpose of income accounts.

The income accounts (300 to 380, inclusive) are designed to show as nearly as practicable for each calendar year the total operating revenues; operating expenses; income and other operating taxes of the company; the income from securities owned; the net income from property not used in the company's communication operations; amounts accrued for interest costs; credits from interest charged to construction; miscellaneous income, expenses, and taxes; rents from and for operating property; and extraordinary and delayed income credits and charges. The net balance in the income accounts shall be cleared to account 400, "Balance transferred from income accounts."

28. Section 31.3–31 is amended to read as follows:

§ 31.3–31 Income from sinking and other funds.

When interest and other income arising from funds carried in account 104, "Sinking funds," account 136, "Provident funds," or account 137, "Insurance and other funds," (note also account 314) are required by the mortgage or other provisions to be held in the funds, they shall be charged to those accounts. If such funds are represented by a reserve established through reservations of retained earnings, amounts so set aside shall be charged to account 415, "Reservations of retained earnings," and credited to account 169, "Insurance reserve," account 170, "Provident reserve," account 173, "Employment stabilization reserve," or account 180, "Retained earnings reserved," as may be appropriate.

§ 31.305 [Revoked]

29. Section 31.305 is revoked.

30. New § 31.306 is added as follows:

§ 31.306 Federal income taxes—operating.

(a) This account shall include the amount of Federal incomes taxes relating to telephone operations for the accounting period including the income tax effect of all items included in accounts 300, 301, 302, 303, 307, 335, 336, 338, 339, and 340. It shall also include any income tax effects of dividends on preferred stock charged to account 416. Taxes accrued through this account prior to their payment shall be credited to account 166, "Taxes accrued." (See also §§ 31.304, 31.307, 31.326, 31.327, 31.380, 31.402, and 31.413.)

(b) Taxes should be accrued each month on an estimated basis and adjustments made as later data become available. Amounts so accrued shall be credited to account 166, "Taxes accrued."

NOTE A: No entries shall be made in this account to reflect interperiod allocation of taxes except as provided in Case 26.

NOTE B: Taxes not includible in this account shall be accounted for as provided in §§ 31.2–22(b)(8), 31.179, 31.304, 31.307, 31.326, 31.327, 31.380, 31.402, or 31.413, as appropriate.

31. New § 31.307 is added as follows:

§ 31.307 Other operating taxes.

(a) This account shall include all taxes, other than Federal income taxes, relating to telephone operations. Among the taxes includible in this account are property, gross receipts, franchise, capital stock, Social Security (see Note B), unemployment and the tax effect of State and local income taxes on items included in accounts 300, 301, 302, 303, 306, 335, 336, 338, 339, 340, and from items included in this account.

(b) Taxes on telephone plant leased to others shall be included in this account by the owner. (See also Note H.)

NOTE A: Taxes which are not includible in this account shall be accounted for as provided in § 31.2–22(b)(8), 31.179, 31.304, 31.306, 31.326, 31.327, 31.380, 31.402, or 31.413, as appropriate.

NOTE B: Social Security taxes are higher in the earlier months than in the later months of the year as a result of taxes ceasing with respect to an employee once he has reached the established maximum of taxable wages. This frequently results in spreading such taxes in a manner inconsistent with the occurrence of labor charges during the year. In order to spread such taxes in a more equitable manner, the taxes applicable to the monthly payroll may be charged initially to a clearing account under account 139, "Other deferred charges," and credited to account 166, "Taxes accrued." The clearing account shall then be credited each month and this account, plant under construction and other appropriate accounts shall be charged with such amounts as will properly allocate the total estimated annual Social Security taxes on the basis of the relationship of the labor charges to operations, construction and other accounts during the month to the estimated total annual payroll.

NOTE C: Special assessments for street and other improvements and special benefit taxes, such as water taxes and the like, shall be included in the operating expense accounts or investment accounts, as may be appropriate.

NOTE D: Discounts allowed for prompt payments of taxes shall be credited to the account to which the taxes are chargeable.

NOTE E: Interest on tax assessments which are not paid when due shall be included in account 336, "Other interest deductions."

NOTE F: Taxes paid by the company under tax-free covenants on indebtedness shall be charged to account 340, "Other fixed charges."

NOTE G: Sales and use taxes shall be accounted for, so far as practicable, as a part of the cost of the items to which the taxes relate.

NOTE H: Taxes on rented telephone plant which are borne by the lessee shall be credited by the owner to account 524, "Rent revenues," or to account 302, "Rent from lease of operating property," as appropriate, and shall be charged by the lessee to account 671, "Operating rents," or to account 303, "Rent for lease of operating property," as appropriate.

32. In § 31.313, paragraph (d) is amended to read as follows:

§ 31.313 Interest income.

* * * * *

(d) There may be included in this account for each month the applicable amount requisite to extinguish, during the interval between the date of acquisition and date of maturity, the difference between the purchase price and the par value of securities owned, the income from which is includible in this account. Amounts thus credited or charged shall be concurrently included in the accounts in which the securities are carried. Any such difference remaining unextinguished at the sale or upon the maturity and satisfaction of such securities shall be cleared to account 360, "Extraordinary income credits," or to account 370, "Extraordinary income charges," as appropriate.

* * * * *

33. In § 31.314, paragraph (b) is amended to read as follows:

§ 31.314 Income from sinking and other funds.

* * * * *

(b) There may be included in this account for each month the applicable amount requisite to extinguish, during the interval between the date of acquisition and the date of maturity, the difference between the purchase price and the par value of securities held in sinking or other funds. Amounts thus credited or charged shall be concurrently included in the accounts in which the securities are carried. Any such difference remaining unextinguished upon the maturity and satisfaction of such securities shall be cleared to account 360, "Extraordinary income credits," or to account 370, "Extraordinary income charges," as appropriate.

* * * * *

34. Section 31.316 is amended to read as follows:

§ 31.316 Miscellaneous income.

This account shall include all items, not provided for elsewhere, properly creditable to income.

ITEMS TO BE CREDITED

(Note § 31.01–8)

Fees collected in connection with the exchange of coupon bonds for registered bonds.

Profits from the telephone operations of other companies realized by the company under contracts.

Profits realized from custom work performed for others not incident to the company's telephone operations.

Profits realized on sale of temporary cash investments.

§ 31.322 [Revoked]

35. Section 31.322 is revoked.

36. Section 31.323 is amended to read as follows:

§ 31.323 Miscellaneous income charges.

This account shall include all items not provided for elsewhere properly chargeable to income.

ITEMS TO BE CHARGED

(Note § 31.01–8)

Amortization of amounts included in account 201, "Organization."

Contributions for charitable or social or community welfare purposes.

Cost of abandoned projects.

Current expenses of trustees in maintaining and administering trusts incident to outstanding debt of the company.

Losses realized on sale of temporary cash investments.

Uncollectible amounts previously credited to accounts 312 to 316, inclusive. (See also § 31.1–11 and note to account 530.)

37. New § 31.326 is added as follows:

§ 31.326 Federal income taxes—nonoperating.

This account shall include the amount of Federal income taxes and the reductions in such income taxes that are applicable to items included in accounts 312, 313, 314, 315, 316, 323, and 327.

38. New § 31.327 is added as follows:

§ 31.327 Other nonoperating taxes.

(a) This account shall include the amount of state and local income, gross receipts and similar taxes and any reductions in such taxes that are applicable to items includible in accounts 312, 313, 314, 315, 316, 323, and 326. (See particularly Note B to § 31.307.)

(b) This account shall also include taxes on miscellaneous physical property, taxes on wages not applicable to operations or construction, and all other taxes not provided for elsewhere. (See §§ 31.2–22(b)(8), 31.179, 31.304, 31.306, 31.307, 31.326, 31.380, 31.402, and 31.413.)

NOTE A: Special assessments for street and other improvements and special benefit taxes, such as water taxes and the like, shall be included in the operating expense accounts or investment accounts, as may be appropriate.

NOTE B: Discounts allowed for prompt payment of taxes shall be credited to the account to which the taxes are chargeable.

NOTE C: Interest on tax assessments which are not paid when due shall be included in account 336, "Other interest deductions."

§ 31.341 [Revoked]

39. Section 31.341 is revoked.

§ 31.342 [Revoked]

40. Section 31.342 is revoked.

§ 31.343 [Revoked]

41. Section 31.343 is revoked.

42. New § 31.360 is added as follows:

§ 31.360 Extraordinary income credits.

This account shall include credits to income resulting from nonrecurring transactions that are not customary business activities of the company.

ITEMS

(Note § 31.01–8)

Amounts to extinguish the credit balance in the discount, premium and debt-expense accounts relating to long-term debt reacquired. (Note § 31.1–15.)

Amounts received for abrogation of contracts by others.

Credits from adjustments in connection with the reacquisition of company bonds and other evidences of debt.

Forfeitures by others of deposits under options relating to the sale or lease of property.

Profits derived from the resale of interest-bearing company securities.

Profits derived from disposal of securities of others, except temporary cash investments. (See § 31.316.)

Profits derived from the sale of unexpired leases.

Profits derived from the sale of land used in telephone service and from telephone plant sold with traffic. (Note § 31.2–25 (d) and (g).)

Profits derived from the sale of land carried in account 103 and from the sale of depreciable property in account 103 that had not previously been used in telephone service. (Note § 31.174.)

43. New § 31.365 is added as follows:

§ 31.365 Delayed income credits.

This account shall include the amount of delayed credits relating to operating revenue, operating expense, and other income accounts that are excluded from normal income for the current year by the provisions of § 31.01–5.

44. New § 31.370 is added as follows:

§ 31.370 Extraordinary income charges.

This account shall include charges to income resulting from nonrecurring transactions that are not customary business activities of the company.

ITEMS

(Note § 31.01–8)

Debits from adjustments in connection with the reacquisition of company bonds and other evidences of debt. (Note §§ 31.1–13(b) and 31.1–15.)

Losses of funds due to bank failures.

Losses resulting from the resale of interest-bearing company securities.

Losses resulting from the sale of land used in telephone service and from telephone plant sold with traffic. (Note § 31.2–25 (d) and (g).)

Losses resulting from sale of land carried in account 103 and from sale, destruction or retirement of depreciable property in account 103 that had not previously been used in telephone service. (Note § 31.174.)

Losses resulting from disposal of securities of others, except temporary cash investments. (See § 31.323.)

Lump sum disposition of debit balances in account 100:4, "Telephone plant acquisition adjustment," and in account 201, "Organization."

Payments for abrogation of contracts.

Penalties and fines paid on account of violations of statutes.

Provision for past unprovided for depreciation. (Note § 31.171.)

Write down or write off of securities owned in recognition of a decline in value. (Note §§ 31.1–11 and 31.1–12.)

45. New § 31.375 is added as follows:

§ 31.375 Delayed income charges.

This account shall include the amount of delayed charges applicable to operating revenue, operating expense and other income accounts that are excluded as deductions from normal income for the current year by the provisions of § 31.01–5.

46. New § 31.380 is added as follows:

§ 31.380 Income tax effect of extraordinary and delayed items—net.

This account shall include all income tax effects of items included in accounts 360, "Extraordinary income credits," 365, "Delayed income credits," 370, "Extraordinary income charges," and 375, "Delayed income charges." This account shall also include the income tax effect of profits and losses from nonrecurring transactions recognized for income tax purposes but for which no profit or loss is recorded in the accounts. The records supporting the entries in this account shall be maintained with sufficient particularity to identify each amount included herein with the extraordinary or delayed item to which it is attributable.

47. Section 31.4–40 is amended to read as follows:

§ 31.4–40 Purpose of retained earnings accounts.

The retained earnings accounts (400 to 416, inclusive) are designed to provide an analysis of all increases and decreases in the company's retained earnings or deficit during each calendar year resulting from (a) the operations and other transactions during the year

reflected in net income after extraordinary and delayed items, (b) appropriations or other reservations of retained earnings for specific purposes, (c) dividends declared and (d) entries relating to capital stock of the company which increase or decrease retained earnings. No entries shall be made directly to account 181, "Unappropriated retained earnings." The balance of accounts 400 to 416, inclusive shall be closed into account 181 at the end of each calendar year.

48. Section 31.400 is amended to read as follows:

§ 31.400 Balance transferred from income accounts.

This account shall include the net income for the year after extraordinary and delayed income credits and charges that is transferred to retained earnings. As at the end of the year the balance of all income primary accounts (300 to 380, inclusive) shall be closed into this account.

§ 31.401 [Revoked]

49. Section 31.401 is revoked.

50. Section 31.402 is amended to read as follows:

§ 31.402 Miscellaneous credits to retained earnings.

This account shall include credits to retained earnings arising from the reacquisition and resale of the company's capital stock which are not includible in account 179 (note § 31.1–13 (d), (e), and (f)); the amount of unclaimed dividends; restorations to retained earnings of amounts previously appropriated therefrom; any income tax effect of items included in accounts 413 and 416; and any other amounts which the Commission may approve or direct to be included herein.

§ 31.410 [Revoked]

51. Section 31.410 is revoked.

52. Section 31.413 is amended to read as follows:

§ 31.413 Miscellaneous debits to retained earnings.

This account shall include amounts arising from the reacquisition and resale of the company's capital stock which are not chargeable to account 179 (note § 31.1–13 (d), (e), and (f)); the amounts of capital-stock expense written off which are not chargeable to account 179 (note § 31.134:2); appropriations to nonpar stock accounts; any income tax effect of items included in account 402; and any other amounts the Commission may approve or direct to be included herein.

§ 31.414 [Revoked]

53. Section 31.414 is revoked.

54. Section 31.415 is amended to read as follows:

§ 31.415 Reservations of retained earnings.

This account shall include all reservations of retained earnings required under the terms of mortgages, deeds of trust, orders of courts, or regulatory authorities, contracts, or other agreements, and retained earnings reserved at the company's discretion.

NOTE: Amounts charged to this account shall be concurrently credited to the appropriate reserve accounts.

55. In § 31.416, the head note and paragraph (a) are amended to read as follows:

§ 31.416 Dividends declared.

(a) This account shall include dividends declared on capital stock actually outstanding.

* * * * *

56. In § 31.530, the Note is amended to read as follows:

§ 31.530 Uncollectible operating revenues—Dr.

* * * * *

NOTE: Uncollectible amounts which have not been treated as operating revenues shall be charged to account 323, "Miscellaneous income charges," 370, "Extraordinary income charges," or other appropriate account.

57. In § 31.673, Note B is amended to read as follows:

§ 31.673 Telephone franchise requirements.

* * * * *

NOTE B: Franchise taxes paid annually or more frequently shall be charged to account 307, "Other operating taxes."

58. In § 31.705, the Note is amended to read as follows:

§ 31.705 Engineering expense.

* * * * *

NOTE: Expenses included in this account incurred in connection with projects which are abandoned shall be cleared to account 323, "Miscellaneous income charges." (Note also § 31.139.)

59. In Appendix A to Part 31 Cases 2 and 13 are deleted and Cases 10 and 11 are amended as follows:

APPENDIX A

INTERPRETATIONS OF THE ACCOUNTING REQUIREMENTS CONTAINED IN THIS SYSTEM OF ACCOUNTS

a. Case 2 of Appendix A is deleted.

b. Case 10 of Appendix A is amended to read as follows:

Case 10–R–1 (Cancels Case 10)

STATEMENT OF FACTS

Amounts included in account 100:4, "Telephone plant acquisition adjustment," subdivided as provided in the text of the account, may include the following:

(a) Debit amounts with respect to one or more transactions which in the opinion of the carrier should be charged to account 370, "Extraordinary income charges."

(b) Credit amounts with respect to transactions other than those reflected in the debit amounts mentioned in the preceding subparagraph, or of a different character, which have not been submitted to the Commission for its consideration.

Question: May all or any of such credit amounts be netted with all or any of such debit amounts and the resulting debit amount charged to account 370 or amortized, without further direction or approval, as provided in § 31.100:4(c)(1).

Answer: No. Only amounts referred to in subparagraph (a), aforementioned, may be treated as provided in § 31.100:4(c)(1). Amounts of the character referred to in subparagraph (b) of the "statement of facts" shall be submitted to the Commission as required by § 31.100:4(c)(2).

c. In Case 11 of Appendix A, question and answer (a) and question and answer (b) are amended to read as follows:

Case 11–R–1 (Cancels Case 11)

* * * * *

Question (a): May the cost to the merging company (A), at the time of the merger, of the total net assets taken over be determined by adding to the amount which the A Company paid for the B and C Companies' common stocks the amounts of the now outstanding investment advances made by it to these subsidiaries, and deducting from this total the decrease in retained earnings suffered by Companies B and C since 1933?

Answer (a): Yes, for B Company, C Company's retained earnings should be adjusted to reflect its retained earnings at date of acquisition of C Company by B Company.

Question (b): Should the decrease in retained earnings of the two subsidiary companies since the respective dates of acquisition be charged directly against the retained earnings account of the A Company?

Answer (b): Yes.

* * * * *

d. Case 13 of Appendix A is deleted.

[F.R. Doc. 69–2989; Filed, Mar. 11, 1969; 8:49 a.m.]

[47 CFR Part 73]

[Docket No. 18476; FCC 69–207]

FM BROADCAST STATIONS

Table of Assignments, Doniphan, Mo., et al.

In the matter of amendment of § 73.202 *Table of assignments,* FM Broadcast Stations. (Doniphan, Mo., Princeton, W. Va., Auburn, Nebr., Cayce, S.C., Sallisaw, Okla., Heber Springs, Ark., Preston, Minn., Barnstable, Nantucket, and Falmouth, Mass., Mineral Wells, Tex., Fayette, Hartselle, and Talladega, Ala., Mariposa, Calif., Greenville, Hartford, Cadiz, Elizabethtown, Burnside, and Greensburg, Ky., Flora, Ill.), Docket No. 18476, RM–1356, RM–1359, RM–1360, RM–1364, RM–1368, RM–1373, RM–1374, RM–1376, RM–1377, RM–1378, RM–1379, RM–1382, RM–1383, RM–1389, RM–1390, RM–1391, RM–1414.

1. Notice is hereby given of proposed rule making in the above-entitled matter concerning amendments of the FM Table of Assignments in § 73.202 of the rules. All population figures are from the 1960 U.S. Census, except as otherwise noted.

2. *RM–1356, Doniphan, Mo. (Jack G. Hunt); RM–1360, Princeton, W. Va. (Mountain Broadcasting Co.); RM–1374, Auburn, Nebr. (Stereo Broadcasting, Inc.); RM–1376, Cayce, S.C. (Lexington County Broadcasters, Inc.); RM–1379, Sallisaw, Okla. (Big Basin Broadcasters, Inc.); RM–1383, Heber Springs, Ark. (Newport Broadcasting Co.); RM–1391, Preston, Minn. (Obed S. Borgen).* In the above cases, interested parties are seeking the assignment of a first Class A channel in a community without requiring any other changes in the Table. All proposed assignments are alleged and appear to meet the minimum separation

requirements of the rules. The communities range in size from 1,421 persons for Doniphan, Mo., to 8,517 for Cayce, S.C. They all appear to warrant the requested assignments and so comments are invited on the following additions to the table:

City	Channel No.
Doniphan, Mo	249A
Princeton, W. Va	240A
Auburn, Nebr	288A
Cayce, S.C	244A
Sallisaw, Okla	240A
Heber Springs, Ark	244A
Preston, Minn	276A

3. *RM–1359. Barnstable and Nantucket, Mass.* On October 15, 1968, Cape Cod Broadcasting Co., prospective applicant for a new FM station at Barnstable, Mass., filed a petition (supplemented on Oct. 31, 1968) requesting the assignment of Class B Channel 260 to Barnstable by deleting it from Nantucket, where it is neither occupied nor applied for, and substituting 228A or 284 therefor, as follows:

City	Channel No.	
	Present	Proposed
Barnstable, Mass		260
Nantucket, Mass	260	228A or 284

Barnstable, with a population of 13,465 persons, is located in Barnstable County on Cape Cod, Mass.[1] Barnstable County has a population of 70,286 and includes, essentially, all the land area generally referred to as Cape Cod. There are presently three aural facilities operating on Cape Cod (Barnstable County): WCOD–FM, a Class B FM station at Hyannis (population 5,139), and WOCB–AM/FM, a Class IV AM and Class B FM commonly-owned combination at West Yarmouth (population 1,365).[2]

4. The engineering statement accompanying Cape Cod's petition states that no Class B channel is available to Barnstable without making other changes in the Table. The engineering study shows that Channel 260, if shifted from Nantucket, will meet the spacing requirements in Barnstable. Similarly, it is shown that either Channel 228A or 284 could be used satisfactorily at Nantucket as a replacement. It is further shown that, because of existing assignments in the area, no preclusion impact would result to any community on any of the pertinent adjacent channels (257A through 263) if the proposed shift of Channel 260 were adopted, nor would any land area or additional communities be precluded from Channel 260 over that presently caused by its assignment at Nantucket. Regarding the choice of a replacement channel for Nantucket, petitioner points out that the community has a population of 2,804 persons, that the entire island has an area of only 46 square miles containing a total population of 3,484 persons, and that it has no AM or FM assignment, other than the unused Channel 260. Cape Cod suggests that, in view of Nantucket's limited area and population, a maximum Class A facility appropriately situated could provide a 1 mv/m contour over the entire island, and that, although a Class B and several Class A channels are available for assignment to Nantucket, it is shown that Channel 228A could be assigned there without causing preclusion on Channels 225 through 231 to any other land area, thus providing the ultimate in allocation efficiency.

5. The petitioner submits numerous statistical data on population growth, employment, industry, social, religious, civic and educational activities to support its contention that the town of Barnstable is the geographic, political, social, and economic center of the entire Cape Cod area. It is urged that Barnstable's status as the major political subdivision and site of its county seat serve to support the community's need for its own local outlet.

6. We are of the view that petitioner has made sufficient showing to warrant institution of rule making proceeding on the proposal to assign Channel 260 to Barnstable. We are, therefore, inviting interested parties to file pertinent comments and data on the proposal. Since no interest has been shown in activating the Class B channel at Nantucket since its assignment there (Docket 15256, FCC 64–515), and further since it appears that a Class A channel would adequately serve the Island, if the Barnstable assignment is adopted, we propose to replace the Nantucket assignment with Channel 228A in absence of convincing comments and showings that a Class B channel should be reassigned.

7. *RM–1364. Mineral Wells, Tex.* On October 31, 1968, E. H. Hall, B. L. Hall, and R. E. Harbus filed a joint petition looking toward the assignment of FM Channel 221A to Mineral Wells, Tex. Mineral Wells has a population of 11,053 persons, and is the largest community of Palo Pinto County, located about 45 miles west of Fort Worth, Tex. The community has one AM daytime station but no FM assignment.

8. An opposition to the assignment of Channel 221A at Mineral Wells was filed by A. H. Bello Corp., licensee of TV Station WFAA–TV, Channel 8, Dallas, Tex., on the alleged possibility that interference may result to the reception of WFAA–TV in the Mineral Wells area due to second harmonic interference. Bello contends that WFAA–TV includes Mineral Wells within its Grade B contour and is viewed in the area, and that the second harmonic of Channel 221A (2×92.1 mc/s=184.2 mc/s) would fall within Channel 8 assigned to WFAA–TV (180–186 mc/s). Bello submits that such interference could be caused by (1) the generation of a second harmonic within TV receivers themselves when in the presence of a strong fundamental FM signal and (2) by direct radiation of the second harmonic from a nearby FM station. The opposition states that it does not oppose assignment of any other FM channel at Mineral Wells that does not offer potential interference to the reception of WFAA–TV in the area. Accordingly, a counterproposal is submitted by Bello to assign Channel 240A to Mineral Wells by the following means:

City	Channel No.	
	Present	Proposed
Abilene, Tex	239	290 or 300
Mineral Wells, Tex		240A

A supporting engineering study to the counterproposal indicates that all suggested changes will meet the separation requirements of the rules. Channel 239 to be deleted at Abilene, is neither occupied nor has an application pending. In a statement of conciliation, the Mineral Wells proponent states that the counterproposal offered by Bello is acceptable so long as a Class A channel can be assigned to Mineral Wells.

9. While second harmonic interference to TV reception is basically a problem of transmitter and receiver design and is not ordinarily a factor in the assignment of FM channels, we have, on occasions, made changes in proposals on this basis, where a simple solution acceptable to all parties concerned is available. We note, moreover, that assignment of Channel 221A at Mineral Wells could possibly have an impact on potential assignments on educational Channels 218, 219, and 220 in the area in connection with a nationwide educational table of assignments presently under consideration (Docket 14185), and an alternate for Channel 221A is desirable for this reason also. Accordingly, we are inviting comments on the counterproposal to assign Channel 240A to Mineral Wells and to substitute either Channel 290 or 300 at Abilene.

10. *RM–1368. Fayette, Hartselle, and Talladega, Ala.* In a petition filed November 7, 1968, and supplemented November 27, 1968, Talladega Broadcasting Co., Inc., Talladega, Ala., requests modification of the Table of Assignments so as to assign Channel 224A to each of Fayette, Hartselle, and Talladega, Ala., by deleting Class C Channel 225 from Fayette, as follows:

City	Channel No.	
	Present	Proposed
Fayette, Ala	225	224A
Hartselle, Ala		224A
Talladega, Ala		224A

Fayette, with a population of 4,227, is the largest community and county seat of Fayette County, which has a population of 16,148. Fayette has one daytime AM station; the single FM Channel 225 presently assigned there is unoccupied and unapplied for. Hartselle, having a

[1] The place Barnstable referred to herein, unless otherwise indicated, is intended to mean the town of Barnstable, a political subdivision of Barnstable County, which includes the following unincorporated places within the town limits: Hyannis (5,139), Osterville (1,094), Hyannis Port, West Hyannis Port, Craigville, Centerville, Cotuit, Barnstable, and West Barnstable.

[2] See RM–1377 and RM–1389 proposing to also add a first FM channel to Falmouth in Barnstable County in this proceeding.

population of 5,000 and located in Morgan County, population 60,454, has one AM daytime station, but no FM assignments. Talladega, where petitioner is licensee of Station WEVY (AM daytime-only), has a population of 17,742 and is the county seat of its county (population 65,495) and has one fulltime and one daytime AM station, but no FM assignment. None of the named communities are included within a metropolitan or urbanized area. Because of the spacing requirements of the rules, assignment of Channel 224A to each of the communities is contingent upon deletion of Channel 225 from Fayette.

11. The petitioner submits that its proposed changes would permit the establishment of a first FM outlet in three communities, provide a second and first fulltime aural outlet for the largest community, Hartselle, and still retain a channel at Fayette to meet its needs. The petition is accompanied by an engineering study representing that all the proposed assignments would conform to spacing and technical requirements of the rules, providing a site for the Talladega assignment is located about 3 miles southwest of that community so as to meet the adjacent channel spacing requirement with Station WGKA-FM, Channel 225, Atlanta, Ga.

12. It appears that each of the communities named is large enough to warrant a first FM assignment. We are of the view; therefore, that rule making should be instituted in this case in order that all interested parties may submit their views with supporting data. Accordingly, comments are invited on the proposal as outlined above.

13. *RM–1373, Mariposa, Calif.* In a petition received October 21, 1968, and supplemented on November 27, 1968, Northern California Stereocasters, licensee of KVFS(FM), Vacaville, Calif., seeks assignment of Class B Channel 284 to Mariposa, Calif. Mariposa has a population of 550 persons (Rand McNally & Co., Commercial Atlas (1962)), and is the county seat of Mariposa County, which has a population of 5,064. There are presently no AM or FM assignments in Mariposa County. A large portion of the county lies within the boundaries of Yosemite National Park.

14. The petitioner submits that Mariposa has a current population of 1,750 persons, a 125 percent increase over the 1960 census report. In support of the proposal for a Class B in lieu of a Class A channel, petitioner urges that a Class B facility is necessary in order to better penetrate and to provide FM service to a wide unserved area ("white area") in the rough and mountainous terrain common to the Mariposa-Yosemite National Park area. A showing is provided indicating that substantially greater "white and grey" areas, located generally to the east of Mariposa, would be served by an anticipated 25 kw. Class B operation over that obtainable from a maximum Class A facility. The showing is represented as being based upon assuming reasonable facilities for both all unoccupied and operation FM assignments in the area. We do not agree with the petitioner's calculated contours used in making the "white area" showing; however, it does appear that a first FM service would become available to a significant area if based on 1 mv/m contours properly determined. Although petitioner indicates that it would provide a 25 kw. facility, the antenna height above average terrain is not stated.

15. The proposed assignment appears to satisfy the spacing requirements of the rules and a study is furnished from which petitioner concludes that assignment of Channel 284 to Mariposa would not adversely affect assignment of the proposed or six adjacent channels in the general area.

16. Ordinarily, a community having the limited size of Mariposa would only be considered for a Class A channel assignment. However, in view of the relatively isolated location of the community in a sparsely populated mountainous area, the facilities planned and the "white area" that it appears will be served, we are inviting comments by all interested parties on petitioner's proposal to assign Channel 284 to Mariposa, Calif. Since our decision in this case will be largely influenced by the gain in areas that may be expected to receive a first FM service, the minimum facilities (effective radiated power and antenna height above average terrain) that proponents anticipate applying for, if the proposal is adopted, should be furnished in appropriate comments.

17. *RM–1377 and RM–1389. Falmouth, Mass.* Separate petitions were received from two prospective FM applicants at Falmouth, Mass., each requesting rule making to assign a different FM channel to Falmouth. The first petition, filed November 22, 1968, by Paul A. Christo proposes assignment of Class B Channel 270. The second petition, filed December 31, 1968, by Falmouth Broadcasting Co., Inc., requests assignment of Class A Channel 240A. Falmouth is located in the extreme southwest area of Cape Cod in Barnstable County.[3] Falmouth, with a population of 13,037, is located in Barnstable County, which has a population of 70,286. The community has neither FM channels nor AM stations assigned.

18. Both petitioners submit that their respective channel proposals will meet the spacing requirements of the rules, to which we concur. Christo's petition contains a preclusion study for Channel 270 and the pertinent six adjacent channels, from which it is determined that Channels 269A, 270, and 272A would be precluded from assignment to limited land areas if the channel were assigned as proposed. However, the areas so involved would not include any community with a population greater than 2,100 that does not already have an FM assignment, petition for a new assignment pending, or that would not be eligible to make application for Channel 270 under the "15-mile" rule (73.203(b)).

19. In support of its petition, Christo submits that the community and its county are increasing in population at a significant rate over and above increasing tourism in the area and that, although there are AM and FM stations operating at West Yarmouth and Hyannis, as well as a pending petition to assign an FM channel to Barnstable[4] (all located on Cape Cod), the Cape Cod area surrounding Falmouth still has a need for a locally oriented facility of the type its proposal would provide. The petitioner also claims that the assignment would permit a local service to nearby Martha's Vineyard. It is finally urged by Christo that, since the land area to which Channel 270 may be utilized is limited to the immediate area of Falmouth, the channel would likely lie fallow if its assignment to Falmouth is not adopted. Falmouth's brief petition does not acknowledge Christo's earlier proposal for a Class B assignment, nor is any data submitted supporting its Class A proposal, except for the mere statement that the spacing requirements are met.

20. In view of the data submitted by Christo, we are of the opinion that Falmouth is of sufficient size and importance to merit institution of a rule making proceeding looking toward the assignment of a first local FM outlet to the community. However, based upon the petitions and data before us, we are not of the opinion that Falmouth warrants assignment of two FM channels, particularly since the channels proposed, if adopted, would involve intermixture of Classes A and B channels in the same community, a result we have attempted to avoid where possible. Accordingly, our decision in this case will be limited to considering either a Class A or B channel for Falmouth, but not both. We are, therefore, inviting comments and pertinent data on petitioners' proposals to assign either Channel 240A or 270 to Falmouth, Mass.

21. *RM–1378. Greenville, Hartford, Cadiz, and Elizabethtown, Ky.* In a joint petition filed November 29, 1968, Hayward F. Spinks and Barkley Lake Broadcasting Co., Inc., request rule making so as to design a first Class A channel to each of Hartford and Cadiz, Ky., by concomitant changes in other communities as follows:

City (all in Kentucky)	Channel No.	
	Present	Proposed
Greenville	292A	----
Hartford	----	292A
Cadiz	----	272A*
Elizabethtown	292A	261A

*A site for this assignment would need to be located about 1 mile northeast of Cadiz in order to meet spacing requirements of the rules.

Hartford, population 1,618, is the county seat and second largest city of Ohio County, population 17,725. Ohio County presently has no FM or AM stations

[3] The place Falmouth, as referred to herein, unless otherwise indicated, is intended to mean the town of Falmouth, a political subdivision of Barnstable County, which includes the following unincorporated places within the town limits: East Falmouth (1,655) and Falmouth (3,308).

[4] See RM–1359 proposing assignment of Channel 260 to Barnstable in this proceeding.

operating; however, a daytime AM station was recently authorized for Hartford to Mr. Spinks, one of the petitioners herein. Cadiz, population 1,980 persons, is the county seat and largest community of Trigg County, population 8,870. The only aural outlet in Trigg County is a daytime-only station operated by the other petitioner (Barkley).

22. The first FM channel assignments sought for Hartford and Cadiz would require deletion of Channel 292A from Greenville (population 3,198) and substitution of Channel 261A for 292A at Elizabethtown. The Greenville assignment is unoccupied.[5] A construction permit was recently authorized for Channel 292A at Elizabethtown (BPH-6072). The petition includes a letter from the permittee, Hardin County Broadcasting Co., that it has no objection to a change in its channel assignment, providing it does not need to incur any expense in filing an application or other data for the changes, the expense of which the petitioners have agreed to bear. As regards to deletion of Channel 292A from Greenville, the petitions submit that the community would not be left without a local service, since it is located but 4 miles from Station WNES-FM, Central City, a Class C station operating on Channel 270 with 50 kw. effective radiated power, which includes all of Greenville within its 3.16 mv/m contour (city grade). In addition, petitioners point out that there are two daytime stations at Central City, which provide an excellent signal at Greenville. Greenville also has its own daytime AM station.

23. The petitioners support their proposals for a first FM channel at Hartford and Cadiz with data concerning the social, industrial and production characteristics of their communities and respective counties and urge that the proposed changes will not disturb or deprive other communities of local service, and that if the channels are assigned, they are prepared to file applications for their use.

24. We are of the view that the petitioners' proposals—providing a first assignment to two communities—warrant rule making. We are, therefore, inviting comments and supporting data from all interested parties on the proposals as outlined above. However, we are also reluctant to remove the only channel assigned to a community, here Greenville, particularly where a demand has been shown for it in the past. Commenting parties should discuss this aspect of the matter.[6]

25. *RM-1382. Flora, Ill.* On December 20, 1968, a petition was received from Thomas S. Land and Bryan Davidson, doing business as Salem Broadcasting Co., Salem, Ill., seeking amendment of the table to assign either Class A Channel 265A or 280A, or both, to Flora, Ill.

26. Petitioner is an applicant (BPH-6321) for a new station at Salem, specifying the sole Channel, 249A, assigned to Salem. Two other competitive applications are pending (BPH-6200 and BPH-6278) for use of the same channel at Flora. The latter applications were filed under the former "25-mile" rule (73.203(b)), since Flora and Salem are 25 miles apart. The three applications, being mutually exclusive, have been designated for hearing in a consolidated proceeding, Dockets 18288-90.

27. Flora has a population of 5,331 and is the largest community of Clay County, which has a population of 15,815. There are presently no AM or FM assignments in Clay County, although an application is pending for a new daytime AM station at Flora by one of Flora FM applicants. Salem is a community of 6,165 persons and is the county seat of Marion County, population 39,349. The single AM station (daytime) at Salem is licensed to petitioner.

28. The petitioner submits that allocation of one or both of the channels available to Flora would meet the demands for the service at Flora, as evidenced by two pending applications there, and that it would permit use of the channel originally assigned to Salem by the Salem applicant (petitioner). It is further urged that adoption of the proposal would simplify the pending hearing proceeding referred to above and foster the purposes of 307(b) of the Act. The petition is supported by an engineering study demonstrating that Channels 265A and 280A will satisfy all spacing requirements at Flora. In addition, a preclusion study for each channel is furnished, from which it is shown that there would be involvement of the two sets of six adjacent channels pertinent to Channels 265A and 280A. The preclusion area for Channel 280A does not contain any community of comparable or greater size than Flora or Salem that does not also have an FM or AM assignment. Assignment of Channel 265A would preclude use of the channel at Pana, population 5,432, which is larger than either Flora or Salem and has no local aural outlet.

29. Ordinarily, both Salem and Flora are of sufficient size to be considered for a first Class A FM assignment, notwithstanding their current involvement in a competitive hearing proceeding. Because of the limited size of Flora, however, we are of the opinion that our consideration should be limited to one assignment. From the data presently before us, Channel 280A appears to offer less preclusion impact than Channel 265A, and is therefore to be preferred. Accordingly, we are inviting comments on petitioner's proposal as outlined above in order that all interested parties may submit their views and relevant data. Any provisions for amending or removing applications from hearing will be determined after the decision is reached as to whether an assignment should be made to Flora.

30. *RM-1390. Burnside, Ky.* Leon Jasper filed a petition on Januray 2, 1969, requesting assignment of Class A Channel 285A to Burnside, Ky. Burnside is a community of 575 persons located in Pulaski County, population 34,403. The community is located less than 7 miles from Somerset, which has a population of 7,112 and is the county seat of Pulaski County. Burnside has no AM or FM asignments, but there are three stations operating in Pulaski County, all in Somerset: One Class A FM, an unlimited-time AM and a daytime-only AM.

31. It appears that Channel 285, if assigned to Burnside, would be precluded from use in a number of larger Kentucky communities without an FM or AM assignment, including the following: East Somerset (3,645), Albany (1,887), Manchester (1,868), Burkesville (1,688), and Mount Vernon (1,177). All the communities listed, except East Somerset, are county seats of their respective counties.

32. Although we are not convinced by petitioner's showing that sufficient need has been demonstrated for an assignment to Burnside in view of its very limited size and the other services which appear to be available to it, we are nevertheless inviting comments on the proposal so that all interested parties may have an opportunity to file comments and relevant data. Also, because of the small size of Burnside, we are inviting counterproposals and comments from parties interested in having the channel assigned to one of the larger communities mentioned above.

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

34. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before April 14, 1969, and reply comments on or before April 24, 1969. All submissions by parties to this proceeding or persons acting in behalf

[5] Station WKYF-FM, Greenville, was originally constructed in 1962 on Channel 266. The station's facilities were destroyed by fire in 1966 and subsequent to the loss of the station, its license was modified in July 1967 to specify operation on Channel 292 (Docket 17282, 10 RR. 2d 1573). The station never returned to the air and the WKYF renewal of license application was dismissed and call letters deleted on Aug. 26, 1968. No application is pending for use of Channel 292A at Greenville.

[6] A conflicting petition, RM-1414, requesting the assignment of Channel 261A to Greensburg, Ky., a community of 2,334, as its first FM assignment without requiring any other changes in the table, was filed Feb. 24, 1969, by Virgil A. Price and E. J. Milby. Since the Greensburg petition conflicts with the proposed substitution of Channel 261A for 292A at Elizabethtown, Ky., it will be considered in this proceeding along with the proposed changes for the various Kentucky communities described above (RM-1378). Comments are therefore invited on the Greensburg proposal also.

of such parties must be made in written comments, reply comments, or other appropriate pleadings.

35. 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: March 5, 1969.

Released: March 6, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-2990; Filed, Mar. 11, 1969; 8:49 a.m.]

[1] Commissioner Bartley absent; Commissioner Cox dissenting to proposal for Burnside, Kentucky.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A-58]

ARIZONA

Notice of Partial Termination of Classification

MARCH 5, 1969.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), classification published December 24, 1966 (31 F.R. 16502) classifying public lands for disposal in satisfaction of valid scrip rights pursuant to section 3 of the Act of August 31, 1964 (78 Stat. 751) is terminated effective upon publication of this notice, as to the lands described below:

For satisfaction of Valid Soldiers' Additional Homestead, Isaac Crow, Merritt W. Blair, and Forest Lieu Claims.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 15 S., R. 10 E.,
Sec. 25, NE¼;
Sec. 35, NE¼SW¼, S½SW¼, and SE¼.
T. 16 S., R. 10 E.,
Sec. 10, lots 1 and 2, N½NE¼, and SE¼NE¼;
Sec. 11, N½.
T. 15 S., R. 11 E.,
Sec. 31, lots 1, 2, 3, 4, and 5, E½NW¼ and NE¼SW¼.

The areas described aggregate 1,254.94 acres.

Subject to valid existing rights, any petition-application filed for the lands will be considered on its merits in accordance with existing laws and regulations. The lands will not be subject to occupancy or disposition until they have been classified.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, 3022 Federal Building, Phoenix, Ariz. 85025.

RILEY E. FOREMAN,
Acting State Director.

[F.R. Doc. 69-2948; Filed, Mar. 11, 1969; 8:45 a.m.]

[A 3590]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Land

The Forest Service, U.S. Department of Agriculture has filed an application, Serial No. A 3590, for the withdrawal of lands under the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g-1).

Subject to valid existing rights the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g) as amended, would be added to and made a part of the Sitgreaves National Forest and would be subject to all laws and regulations applicable to said national forest:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 13 N., R. 12 E.,
Sec. 1, lots 1, 2, 3, 4, and S½N½;
Secs. 11, 13, and 21.

The areas described aggregate approximately 2,242 acres in Coconino County.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

Dated: March 5, 1969.

RILEY E. FOREMAN,
Acting State Director.

[F.R. Doc. 69-2949; Filed, Mar. 11, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FLAMING GORGE NATIONAL RECREATION AREA, UTAH AND WYO.

Description of Exterior Boundary

Pursuant to the requirements of section 3 of Public Law 90-540 (82 Stat. 904 a detailed description of the boundary of the Flaming Gorge National Recreation Area is that boundary which encompasses the following described lands:

UTAH

SALT LAKE MERIDIAN

T. 2 N., R. 19 E.,
Sec. 1, S½;
Sec. 12, N½;
Sec. 24, SE¼NE¼, E½SE¼.
T. 1 N., R. 20 E.,
Secs. 1 to 5, inclusive, 9, and 10 (unsurveyed), those parts lying north of a line 400 feet south of and paralleling the surveyed centerline of existing Greendale Junction—Manila Forest Highway Project No. 37 (State Route No. 44).
T. 2 N., R. 20 E.,
Secs. 1 to 4, inclusive;
Sec. 5, E½, S½SW¼;
Sec. 6, S½;
Secs. 7 to 17, inclusive;
Secs. 19 to 29, inclusive;
Sec. 30, NE¼, E½NW¼;
Secs. 32 to 36, inclusive.
T. 3 N., R. 20 E.,
Secs. 13 and 14;
Sec. 15, lot 1 and lot 2, except the west 330 feet of the south 330 feet; also, that part of lot 3 described as beginning at the north quarter corner sec. 15, which is the northeast corner of said lot 3; thence west 330 feet; thence south 330 feet; thence east 330 feet; thence north 330 feet to point of beginning; also, E½SE¼, E½W½SE¼, E½W½W½SE¼, SW¼NW¼SW¼SE¼, W½SW¼SW¼SE¼;
Sec. 22, parts of the NW¼NE¼ and NE¼NW¼ described as beginning at a point 2,070 feet west of the northeast corner of said sec. 22; thence south 440 feet; thence west 710 feet; thence north 440 feet; thence east 710 feet along the north section line of said sec. 22 to the point of beginning;
Secs. 22 and 23, that part of NE¼NE¼, sec. 22, and N½N½, sec. 23, described as beginning at the northeast corner sec. 23; thence south 1,320 feet along east section line; thence west 3,186.70 feet; thence north 200 feet; thence N. 72°12' W., 2,191.62 feet; thence N. 55°47' W., 800.18 feet; thence east 5,935.05 feet to place of beginning;
Sec. 23, S½NE¼, SE¼NW¼, S½S½, NE¼SE¼;
Secs. 24 to 26, inclusive;
Secs. 34 to 36, inclusive.
T. 1 N., R. 21 E.,
Secs. 4, 5, and 6 (unsurveyed), those parts lying north of a line 400 feet south of and paralleling the surveyed centerline of existing Greendale Junction—Manila Forest Highway Project No. 37 (State Route No. 44).
T. 2 N., R. 21 E.,
Secs. 1 to 36, inclusive, except those parts of secs. 33 to 36, inclusive, south of a line 400 feet south of and parallel to the surveyed centerline of Greendale Junction—Manila Forest Highway Project No. 37 (State Route No. 44).
T. 3 N., R. 21 E.,
Secs. 13 to 36, inclusive.
T. 1 N., R. 22 E.,
Sec. 5, W½NE½, E½NW¼.
T. 2 N., R. 22 E.,
Secs. 1 to 21, inclusive;
Sec. 22, N½, W½SW¼;
Secs. 23, and 24;
Sec. 27, W½NW¼;
Sec. 28, N½, W½SW¼;
Secs. 29 and 30;
Sec. 31, N½, N½S½, N½SW¼SE¼, SE¼SE¼;
Sec. 32, W½.
T. 3 N., R. 22 E.,
Secs. 18 and 19;
Sec. 29, SW¼;
Secs. 30, and 31;
Sec. 32, W½, SE¼;
Sec. 33, S½;
Sec. 34, S½.
T. 2 N., R. 23 E.,
Sec. 6, S½SW¼;
Secs. 7, and 8;
Sec. 9, S½;
Sec. 10, S½;
Sec. 11, S½;
Sec. 12, S½;
Secs. 13 to 16, inclusive, those parts lying north of the South meander line of the Green River;
Secs. 17 to 20, inclusive.

T. 2 N., R. 24 E.,
Sec. 7, S½;
Secs. 18, and 19, those parts lying north of the south meander line of the Green River.

WYOMING

SIXTH PRINCIPAL MERIDIAN

T. 17 N., R. 106 W.,
Sec. 4, W½SW¼;
Sec. 5, S½;
Sec. 6;
Sec. 7, NE¼NE¼, N½NW¼NE¼;
Sec. 8;
Sec. 9, W½;
Sec. 16, W½W½;
Sec. 17, 18, and 19;
Sec. 20, N½, SW¼;
Sec. 21, W½NW¼;
Sec. 29, W½;
Secs. 30, and 31;
Sec. 32, W½.

T. 18 N., R. 106 W.,
Sec. 31, that part lying south of the north meander line of the Green River.

T. 12 N., R. 107 W.,
Secs. 18, and 19.

T. 13 N., R. 107 W.,
Secs. 6, 7, 18, 19, 30, and 31.

T. 14 N., R. 107 W.,
Sec. 6, W½;
Sec. 7, W½;
Secs. 18, 19, 30, and 31.

T. 15 N., R. 107 W.,
Secs. 4 to 8, inclusive;
Sec. 9, W½;
Sec. 18;
Sec. 19, N½.

T. 16 N., R. 107 W.,
Secs. 1 to 3, inclusive;
Secs. 10 to 14, inclusive;
Sec. 15, N½NE¼;
Secs. 22 to 24, inclusive;
Sec. 26, N½;
Secs. 27, and 28;
Sec. 29, S½;
Sec. 30, S½;
Secs. 31 to 34, inclusive.

T. 17 N., R. 107 W.,
Sec. 1, that part lying north of the south meander line of the Green River;
Sec. 24, E½E½;
Secs. 35, and 36.

T. 18 N., R. 107 W.,
Sec. 36, SW¼, S½SE¼.

T. 12 N., R. 108 W.,
Secs. 1 to 4, inclusive;
Sec. 5, NE¼;
Secs. 9 to 16, inclusive;
Secs. 19 to 30, inclusive.

T. 13 N., R. 108 W.,
Secs. 1, 2, and 3;
Sec. 4, N½ sec. 9, those parts lying east of the monumented right-of-way line which is 100 feet east of and paralleling the surveyed centerline for Wyoming Highway 530;
Secs. 10 to 15, inclusive;
Secs. 21 to 28, inclusive;
Secs. 31 and 32, those parts lying east of the monumented right-of-wny line which is 100 feet east of and paralleling the surveyed centerline for Wyoming Highway 530;
Secs. 33 to 36, inclusive.

T. 14 N., R. 108 W.,
Secs. 1 to 5, inclusive;
Sec. 6, N½;
Secs. 8 to 17, inclusive;
Secs. 21 to 28, inclusive;
Secs. 29, 32, and 33, those parts lying east of the monumented right-of-way line which is 100 feet east of and paralleling the surveyed centerline for Wyoming Highway 530;
Secs. 34 to 36, inclusive.

T. 15 N., R. 108 W.,
Secs. 1 to 4, inclusive;
Secs. 10 to 15, inclusive;
Sec. 16, SE¼;
Secs. 21 to 35, inclusive.

T. 16 N., R. 108 W.,
Sec. 5, W½NE¼, W½, NW¼SE¼;
Secs. 6 to 8, inclusive;
Sec. 15, S½SW¼, W½SW¼SE¼;
Secs. 16, and 17;
Sec. 18, N½N½;
Secs. 20, and 21;
Sec. 22, W½, W½E½, S½SE¼SE¼;
Sec. 23, S½SW¼SW¼, SW¼SE¼SW¼, W½SE¼SE¼SW¼;
Sec. 26, W½;
Secs. 27, and 28;
Sec. 33, E½;
Secs. 34 to 36, inclusive.

T. 17 N., R. 108 W.,
Sec. 32;
Sec. 33, S½SW¼, SW¼SE¼.

T. 12 N., R. 109 W.,
Secs. 23, and 26, those parts lying east of the line described as beginning at corner No. 4 of tract No. 38 in sec. 25 on the State line between Utah and Wyoming; thence S. 89°41' W., 30.50 chains along said State line to a point on the south boundary of said tract No. 38; thence north 5 chains; thence S. 89°41' W., 20 chains; thence north 5 chains; thence S. 89°41' W., 10 chains to a point on the west boundary line of said tract No. 38 which is 10 chains north of corner No. 5; thence north along west boundary line of said tract No. 38, 5.33 chains to a point on the west line of said tract No. 38 which is 8 chains south of corner No. 6, also common to corner No. 1, tract No. 39; thence S. 89°41' W., 10 chains; thence north 8 chains to a point on the north boundary line of tract No. 39, said point lies 10 chains N. 89°48' W. of corner No. 1 of said tract No. 39; thence N. 89°48' W., 5.16 chains to a point on the north boundary of said tract No. 39 which is common to the south boundary of tract No. 42, said point lies 35.33 chains N. 89°48' W. of corner No. 4 of said tract No. 42; thence north 5 chains; thence west 5 chains; thence north 15 chains to corner No. 7 of said tract No. 42; thence east 20.16 chains to corner No. 2 of said tract No. 42 which is common to the southwest corner of lot 7; thence north 20 chains along west line of lot 7; thence west along south line of lot 5 to southwest corner of said lot 5; thence north 19.60 chains along west line of said lot 5 to north section line of sec. 23 end of line; secs. 24, and 25.

T. 16 N., R. 109 W.,
Sec. 12, S½S½SE¼;
Sec. 13, N½N½NE¼, N½S½N½NE¼.

Dated: March 6, 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-2997; Filed, Mar. 11, 1969; 8:49 a.m.]

Packers and Stockyards Administration

CANAAN SALES STABLES

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting

CONNECTICUT

Canaan Sales Stables, East Canaan, Jan. 14, 1969.

FLORIDA

South Florida Horse Auction, Hialeah, Feb. 6, 1969.

MICHIGAN

Hillsdale County Sales Pavilion, Jonesville, Jan. 24, 1969.

PENNSYLVANIA

Hickory Auction and Sales, Inc., Hickory, Jan. 25, 1969.

SOUTH CAROLINA

Central Carolina Livestock Market, Inc., Lugoff, Feb. 24, 1969.

Done at Washington, D.C., this 5th day of March 1969.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[F.R. Doc. 69-2972; Filed, Mar. 11, 1969; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 69-66]

"HORSEFEATHERS"

Classification

Correction

In F.R. Doc. 69-2702 appearing at page 4898 of the issue for Thursday, March 6, 1969, in the first line of the last paragraph the reference to "D.C. 3530" should read "C.D. 3530".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CALCIUM GLUCEPTATE INJECTION

Drugs for Human Use—Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following drug: Calcium gluceptate injection; each 5 milliliters represent 0.09 gram calcium (4.5 mEq.); marketed by Eli Lilly & Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 6-470).

The drug continues to be regarded as a new drug (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to

update "deemed approved" applications providing for such drug. A new-drug application is required from any person marketing such drug without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved applications under the conditions described in this announcement.

A. *Effectiveness classification.* 1. The Food and Drug Administration has considered a report of the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, and concludes that calcium gluceptate is effective for the treatment of hypocalcemia and in the prevention of hypocalcemia during exchange transfusions and that the parenteral administration of calcium is indicated in those conditions requiring a prompt increase in blood plasma calcium levels.

2. The drug is regarded as possibly effective for the following indications in its labeling: Its antispasmodic action in the treatment of intestinal, ureteral, and biliary colic, as well as for the abdominal pain, diarrhea, and tenesmus of intestinal tuberculosis; and its intravenous use in activating uterine contractions when the uterus is insensitive to oxytocic drugs post partum because of a relative calcium deficit.

B. *Form of drug.* Calcium gluceptate preparations are in injectable form suitable for parenteral administration and contain per dosage unit an amount appropriate for administration in the dosage range described in the labeling conditions in this announcement.

C. *Labeling conditions.* 1. The label bears the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Federal Food, Drug, and Cosmetic Act and regulations promulgated thereunder and those parts of its labeling indicated below are substantially as follows (optional additional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below):

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

Calcium is the fifth most abundant element in the body and the major fraction is in the bony structure. Calcium plays important physiological roles, many of which are poorly understood. It is essential for the functional integrity of the nervous and muscular systems. It is necessary for normal cardiac function and is one of the factors that operates in the mechanisms involved in the coagulation of blood.

INDICATIONS

For the treatment of hypocalcemia: The parenteral administration of calcium is indicated in those conditions requiring a prompt increase in blood plasma calcium levels, such as neonatal tetany and tetany due to parathyroid deficiency, vitamin D deficiency, and alkalosis. For the prevention of hypocalcemia during exchange transfusions.

PRECAUTIONS

Because of its additive effect, calcium should be administered very cautiously to a patient who is digitalized or who is taking effective doses of digitalis or digitalis-like preparations.

Although calcium gluceptate given intramuscularly appears to be well tolerated, this route of administration should be used for very young patients only in emergencies when technical difficulty makes intravenous injection impossible.

ADVERSE REACTIONS

Following intramuscular administration, mild local reactions may occur; severe inflammatory reactions have not been observed.

Rapid intravenous administration may cause the patient to complain of tingling sensations, a calcium taste, a sense of oppression or "heat waves."

ADMINISTRATION AND DOSAGE

The following dosages are based on calcium gluceptate injection containing 0.09 gram calcium (4.5 mEq.) per 5 cubic centimeters (equivalent to 10 cubic centimeters of 10 percent calcium gluconate):

Calcium gluceptate may be given intramuscularly in 2- to 5-cubic centimeter doses. When 5 cubic centimeters are administered, the dose should be injected in the gluteal region or, in infants, in the lateral thigh.

The usual intravenous dose of calcium gluceptate is from 5 to 20 cubic centimeters. The usual precautions for intravenous therapy should be observed. The solution should be warmed to body temperature and administered slowly (2 cubic centimeters per minute). The injection should be halted if the patient complains of any discomfort; it may be resumed when symptoms disappear. Following injection, the patient should remain recumbent for a short time. Repeated injections may be required because of rapid excretion of calcium.

During exchange transfusions in newborns, the usual dose is 0.5 cubic centimeter after each 100 cubic centimeters of blood exchanged.

D. *Labeling claims permitted during extended period for obtaining substantial evidence.* Those claims for which the drug is described in paragraph A above as possibly effective (not included in the labeling conditions in paragraph C above) may continue to be used for 6 months following the date of publication of this announcement in the FEDERAL REGISTER to allow additional time for holders of previously approved applications or persons marketing the drug without approval to obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

E. *Previously approved application.* 1. Each holder of a "deemed approved" new-drug application (that is, an application that became effective on the basis of safety prior to Oct. 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting:

a. A supplement containing revised labeling as needed to conform with the labeling conditions described for the drug; however, the claims referenced in paragraph D above may be included in the labeling at this time.

b. A supplement containing updating information as needed to make the application current in regard to items 6 (components) and 7 (composition) of new-drug application form FD–356H and, to the extent described below for new applications, item 8 (methods, facilities, and controls) of form FD–356H.

2. Such supplements should be submitted within the following time periods after the date of publication of this announcement in the FEDERAL REGISTER.

a. 60 days for revised labeling—the supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs 1 and 2 are acted upon, provided that within 60 days after the date of publication of this announcement in the FEDERAL REGISTER the labeling of the preparation shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act is in accord with the labeling conditions described in this announcement.

F. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under paragraph A above, should submit a new-drug application meeting the conditions specified in this announcement.

2. Such applications should include:

a. Proposed labeling in accord with the labeling conditions herein.

b. Satisfactory information of the kinds described in items 1 (table of contents), 4 (label and all other labeling), 5 (R_x or OTC statement), 6 (components), and 7 (composition) of new-drug application form FD–356H and, in lieu of full information described under item 8 (methods, facilities, and controls) of that form, brief statements that:

i. Identify the place where the drug will be manufactured, processed, packaged, and labeled.

ii. Identify any person other than the applicant who performs a part of those operations and designate the part.

iii. Include certification from the applicant and from any person identified in ii above that the methods used in, and the facilities and controls used for, the manufacture, processing, packing, and holding of the drug are in conformity with current good manufacturing practice as described in Part 133 (21 CFR Part 133).

iv. Assure that the drug dosage form and components will comply with the specifications and tests described in an official compendium, if such article is recognized therein, or if not listed, or if the article differs from the compendium drug, that the specifications and tests applied to the drug and its components are adequate to assure their identity, strength, quality, and purity;

v. Outline the methods used in, and the facilities and controls used for, the

manufacture, processing, and packing of the drug.

3. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

a. Within 60 days from the publication date of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein.

b. Within 60 days from the publication date of this announcement, the manufacturer, packer, or distributor of such drug submits a new-drug application to the Food and Drug Administration.

c. The applicant submits within a reasonable time additional information that may be required for approval of the application as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

G. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) of the new-drug regulations (21 CFR 130.35(e), 130.13(b)(4)) are waived in regard to applications approved for this drug for the conditions of use described herein.

H. *Unapproved use or form of drug.* 1. If the article is labeled or advertised for use in any condition other than those provided for in this announcement, it will be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application, or is otherwise in accord with this announcement.

2. If the article is proposed for marketing in another form or for a use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the new-drug regulations may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth in this announcement. Requests for such meetings should be made to the Special Assistant for Drug Efficacy Study Implementation, at the address given below, within 30 days after publication hereof in the FEDERAL REGISTER.

A copy of the NAS-NRC report has been furnished to the firm referred to above. Any other manufacturer, packer, or distributor of a drug of similar composition and labeling to the subject drug or any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be directed to the attention of the following appropriate office and addressed to the Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204:

Requests for NAS-NRC report: Press Relations Office (CE-300).

Supplements: Bureau of Medicine.

Original new-drug application: Bureau of Medicine.

Comments on this announcement: Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 5, 1969.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-2945; Filed, Mar. 11, 1969; 8:45 a.m.]

SHELL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0804) has been filed by Shell Chemical Co., A Division of Shell Oil Co., 1700 K Street NW., Washington, D.C. 20006, proposing the establishment of tolerances (21 CFR Part 120) for residues of the insecticide 2-chloro-1-(2,4,5-trichlorophenyl)vinyl dimethyl phosphate in or on the raw agricultural commodities: Corn forage (including field corn, popcorn, and sweet corn) at 110 parts per million; corn grain (including field corn, popcorn, and sweet corn (kernels plus cob with husks removed)) at 10 parts per million; and in kidney and liver at 2 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure using a phosphorous-sensitive thermionic emission detector.

Dated: March 5, 1969.

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

[F.R. Doc. 69-2946; Filed, Mar. 11, 1969; 8:45 a.m.]

UNIROYAL, INC.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 9F0803) has been filed by UniRoyal Chemical Division, UniRoyal Inc., Bethany, Conn. 06525, proposing the establishment of a tolerance (21 CFR Part 120) of 0.1 part per million for negligible residues of the insecticide 2-(*p-tert*-butylphenoxy) cyclohexyl 2-propynl sulfite in or on the raw agricultural commodity walnuts (meats).

The analytical method proposed in the petition for determining residues of the insecticide is a microcoulometric gas chromatographic procedure with a sulfur titration cell.

Dated: March 5, 1969.

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

[F.R. Doc. 69-2947; Filed, Mar. 11, 1969; 8:45 a.m.]

Office of Education

APPLICATION FOR FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Notice of Acceptance for Filing

Notice is hereby given that the following described applications for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing under the provisions of Title I of the Public Broadcasting Act of 1967 (76 Stat. 64, 47 (U.S.C. 390) and in accordance with 45 CFR 60.8:

Chicago Educational Television Association, 5400 North St. Louis Avenue, Chicago, Ill. 60625, File No. 211, to improve the facilities of noncommercial educational television stations WTTW and WXXW on Channels 11 and 20, Chicago, Ill., as of September 5, 1967. Total estimated project cost: $1,150,000.

State Board of Directors for Educational Television, University of South Dakota, Vermillion, S. Dak. 57069, File No. 212, for the establishment of a new noncommercial educational television station on Channel 10, Pierre, S. Dak., as of September 13, 1967. Total estimated project cost: $695,164.

Board of Control of Northern Michigan University, Marquette, Mich. 49885, File No. 213, for the establishment of a new noncommercial educational television station on Channel 13, Marquette, Mich., as of September 15, 1967. Total estimated project cost: $588,300.

San Diego State College Foundation, 5402 College Avenue, San Diego, Calif. 92115, File No. 214, to improve the facilities of noncommercial educational television station KEBS, on Channel 15, San Diego, Calif., as of October 6, 1967. Total estimated project cost: $765,599.

Community Television of Southern California, 1313 North Vine Street, Los Angeles, Calif. 90028, File No. 215, to improve the facilities of noncommercial educational television station KCET, Channel 28, Los Angeles, Calif., as of October 12, 1967. Total estimated project cost: $1,061,000.

Redwood Empire Educational Television, Post Office Box 13, Eureka, Calif. 95001, File No. 216, for the establishment of a new noncommercial educational television station on Channel 13, Eureka, Calif., as of October 13, 1967. Total estimated project cost: $229,007.

The Office of Education, a department of the county of Santa Clara, Calif., County Office of Education, 70 West Hedding Street, San Jose, Calif. 95110, File No. 217, to improve the facilities of noncommercial educational television station KTEH, on Channel 54, San Jose, Calif., as of October 13, 1967. Total estimated project cost: $300,000.

Los Angeles Unified School District, 450 North Grand Avenue, Los Angeles, Calif. 90012, File No. 218, for the establishment of a new noncommercial educational television station on Channel 58, Los Angeles, Calif., as of October 24, 1967. Total estimated project cost: $1,280,599.

Shenandoah Valley Educational Television Corp., 2 South Main Street, Harrisonburg, Va. 22630, File No. 219, for the establishment of a new noncommercial educational television station on Channel 42, Front Royal, Va. 22630, File No. 219, for the establishment project cost: $395,000.

Central California Educational Television, Post Office Box 6, Sacramento, Calif. 95801, File No. 220, to expand the facilities of noncommercial educational television station KVIE on Channel 6, Sacramento, Calif., as of November 11, 1967. Total estimated project cost: $1,029,264.

Nebraska Educational Television Commission, 1600 R Street, Lincoln, Nebr. 68508, File No. 221, for the establishment of a new noncommercial educational television station on Channel 29, Hastings, Nebr., as of December 22, 1967. Total estimated project cost: $534,650.

The University of Utah, Salt Lake City, Utah 84112, File No. 222, to improve the facilities of noncommercial educational television station KUED on Channel 7, Salt Lake City, Utah, as of January 6, 1968. Total estimated project cost: $257,284.

Educational Broadcasting Corp., 304 West 58th Street, New York, N.Y. 10019, File No. 223, to improve the facilities of noncommercial educational television station on Channel 13, Newark, N.J., as of January 15, 1968. Total estimated project cost: $1,121,000.

Board of Education of Jefferson County, Ky., 3332 Newburg Road, Louisville, Ky. 40214, File No. 224, to expand the facilities of noncommercial educational television station WFPK, on Channel 15, Louisville, Ky., as of January 24, 1968. Total estimated project cost: $1,411,158.

Nebraska Educational Television Commission, 1600 R Street, Lincoln, Nebr. 68058, File No. 225, for the establishment of a new noncommercial educational television station on Channel 12, Merriman, Nebr., as of January 30, 1968. Total estimated project cost: $237,652.

Blue Ridge Educational Television Association, Post Office Box 15, 3077 Colonial Avenue SW., Roanoke, Va. 24015, File No. 226, for the establishment of a new noncommercial educational television station on Channel 47, Norton, Va., as of February 7, 1968. Total estimated project cost: $638,160.

Alabama Educational Television Commission, 2101 Magnolia Avenue, Suite 512, Birmingham, Ala. 35205, File No. 227, for the establishment of a new noncommercial educational television station on Channel 41, Demopolis, Ala., as of February 7, 1968. Total estimated project cost: $555,552.

Greater New Orleans Educational Television Foundation, 916 Navarre Avenue, New Orleans, La. 70124, File No. 228, to improve the facilities of noncommercial educational television station WYES on Channel 8, New Orleans, La., as of February 15, 1968. Total estimated project cost: $400,044.

Pennsylvania State University, University Park, Pa. 16802, File No. 229, to improve the facilities of noncommercial educational television station WPSX on Channel 3, Clearfield, Pa., as of March 15, 1968. Total estimated project cost: $719,710.

Colby-Bates-Bowdoin Educational Telecasting Corp., Bates College, Lewiston, Maine 04240, File No. 230, to improve the facilities of noncommercial educational television station WCBB on Channel 10, Augusta, Maine, as of March 25, 1968. Total estimated project cost: $543,107.

Maryland Educational-Cultural Commission, 1101 St. Paul at Chase, Baltimore, Md. 21202, File No. 231, for the establishment of a new noncommercial educational television station on Channel 28, Salisbury, Md., as of April 3, 1968. Total estimated project cost: $673,900.

School District No. 1 in the city and county of Denver and State of Colorado, 414 14th Street, Denver, Colo. 80202, File No. 232, to improve the facilities of noncommercial educational television station KRMA on Channel 6, Denver, Colo., as of April 23, 1968. Total estimated project cost: $383,198.

Alabama Educational Television Commission, 2101 Magnolia Avenue, Suite 512, Birmingham, Ala. 35205, File No. 233, to improve the facilities of the State network by establishing a new production center at Tuscaloosa, Ala., as of May 3, 1968. Total estimated project cost: $538,435.

Alabama Educational Television Commission, 2101 Magnolia Avenue, Suite 512, Birmingham, Ala. 35205, File No. 234, to improve the facilities of the State network by establishing a new production center at Auburn, Ala., as of May 3, 1968. Total estimated project cost: $538,435.

Viewer Sponsored Television Foundation, 7333 Trask Avenue, Playa Del Rey, Calif. 90291, File No. 235, for the establishment of a new noncommercial educational television station on Channel 58, Los Angeles, Calif., as of May 28, 1968. Total estimated project cost: $403,015.

Mississippi Authority for Educational Television, Post Office Drawer 2470, Jackson, Miss. 39205, File No. 236, for the establishment of a new noncommercial educational television station on Channel 2, State College, Miss., as of June 20, 1968. Total estimated project cost: $1,297,225.

State Educational Radio and Television Facility Board, 1800 Grand Avenue, Des Moines, Iowa 50307, File No. 237, for the establishment of a new noncommercial educational television station on Channel 12, Iowa City, Iowa, as of August 14, 1968. Total estimated project cost: $512,768.

Duluth-Superior Area Educational Television Corp., 403 Bradley Building, Duluth, Minn. 55802, File No. 238, to improve the facilities of noncommercial educational television station WDSE, on Channel 8, Duluth, Minn., as of October 21, 1968. Total estimated project cost: $47,101.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above applications with the Director, Educational Broadcasting Facilities Program, U.S. Office of Education, Washington, D.C. 20202.

Dated: March 7, 1969.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

[F.R. Doc. 69-2984; Filed, Mar. 11, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-310]

COMMONWEALTH OF PENNSYLVANIA AND NUCLEAR MATERIALS AND EQUIPMENT CORP.

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission has issued Amendment No. 5, set forth below, to Facility License No. R-72. The license authorizes the Commonwealth of Pennsylvania and the Nuclear Materials and Equipment Corp. (NUMEC) to possess, but not to operate, the reactor facility located near Quehanna, Pa. This amendment, effective as of the date of issuance, authorizes NUMEC to remove the fuel elements now in storage and transfer them to the Brookhaven National Laboratory (BNL).

By teletype dated February 25, 1969, NUMEC requested authorization to transfer 5.2 kilograms of U^{235} in the form of unirradiated fuel elements to BNL and outlined the procedures for transferring the fuel elements from storage to shipping containers, loading and labeling of the containers. The handling and loading, procedures have been reviewed and the Commission has found that the health and safety of the public will not be endangered by this transfer.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicants may file requests for a hearing, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR, Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this amendment, see the application dated February 25, 1969, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 5th day of March 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License No. R-72; Amdt. 5]

The Atomic Energy Commission having found that:

A. The application for license amendment dated February 25, 1969, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

B. There is reasonable assurance that the transfer of the fuel elements in the manner proposed will not be inimical to the common defense and security or to the health and safety of the public; and

C. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

Facility License No. R-72, as amended, is hereby further amended in the following manner:

Delete paragraph 3.B. and substitute therefor:

B. Authority is granted to transfer 5.2 kilograms of U^{235} in the form of unirradiated fuel elements to Brookhaven National Laboratory in accordance with your telegraphic application for amendment dated February 25, 1969.

This amendment is effective as of the date of issuance.

Date of issuance: March 5, 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 69-2961; Filed, Mar. 11, 1969; 8:46 a.m.]

[Docket No. 50-59]

TEXAS A & M UNIVERSITY

Notice of Issuance of Amended Facility License

The Atomic Energy Commission ("the Commission") has issued Amendment No. 8, as set forth below, to Facility License No. R-23. The license authorizes the Texas A & M University to possess and operate its Model AGN-201, Serial No. 106, nuclear research reactor facility on its campus in College Station, Tex. The amendment, effective as of the date of issuance, incorporates Technical Specifications for operation of the facility, including the performance of critical experiments dealing with core disassembly and critical loading, in accordance with the University's application for amendment dated May 15, 1968. The amendment also revises the license in its entirety to (1) consolidate the provisions of Amendments 1 through 7 to the license and the order dated March 16, 1961, (2) restate the reporting requirements, and (3) expand the record keeping section.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amended license may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated May 15, 1968, (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, and (3) the Technical Specifications, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 26th day of February 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License No. R-23; Amdt. 8]

The Atomic Energy Commission ("the Commission") has found that:

1. The application for license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter, "the Act"), and the Commission's regulations set forth in Title 10, CFR, Chapter 1;

2. The reactor will be operated in conformity with the (a) application and (b) rules and regulations of the Commission;

3. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

4. Texas A & M University is technically and financially qualified to operate the reactor and to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

5. The issuance of this license, as amended, for possession, use and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed by Texas A & M University in its application will not be inimical to the common defense and security or to the health and safety of the public;

6. Texas A & M University is a nonprofit educational institution and will use the reactor for the conduct of educational activities and is therefore exempt from the financial protection requirement of subsection 170a of the Act. The University has executed an indemnity agreement pursuant to 10 CFR Part 140; and

7. Prior public notice of proposed issuance of this license amendment is not required since the operation of the reactor in accordance with the terms of the license, as amended, does not involve significant hazard considerations different from those previously evaluated.

Facility License No. R-23, as amended, is hereby amended in its entirety to read:

1. This license applies to the Model AGN-201, Serial No. 106, nuclear reactor (herein, "the reactor") which is owned by the Texas A & M University (hereinafter, "the licensee" or "the University") and located on its campus at College Station, Tex., and is described in the licensee's application for license dated June 13, 1957, and subsequent amendments thereto, including the amendment dated May 15, 1968 (herein referred to as "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the University:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", to possess, use and operate the reactor as a utilization facility at the designated location in College Station, Tex., in accordance with the procedures and limitations described in the application and in this license.

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to receive, possess and use up to 700 grams of contained U^{235} in connection with operation of the reactor.

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Rules of General Applicability to Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in Part 20, section 30.34 of Part 30, sections 50.54 and 50.59 of Part 50, and section 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. *Maximum power level.* The University may operate the reactor:

(1) at steady-state power levels up to a maximum of 100 milliwatts (thermal), and

(2) at up to 200 milliwatts (thermal) using short-term increases of power for the sole purpose of calibrating the safety channels.

B. *Technical specifications.* The Technical Specifications contained in Appendix A to this license (hereinafter, "the Technical Specifications") are hereby incorporated in this license. The licensee shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in 10 CFR section 50.59.

C. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) The licensee shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications or in the Hazards Summary Report, as amended (hereinafter, "safety analysis report"). For each such occurrence, the licensee shall promptly notify by telephone or telegraph the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter, "the Director, DRL"), with a copy to the Regional Compliance Office.

(2) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the safety analysis report or the Technical Specifications.

(3) The licensee shall report to the Commission in writing within thirty (30) days of its occurrence any significant change in transient or accident analysis as described in the safety analysis report.

D. *Records.* In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels and periods of operation at each power level.

(2) Records of experiments installed including description, reactivity worths, locations, exposure time, total irradiation and any unusual events involved in their performance and in their handling.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee

as measured at or prior to the point of such release or discharge.

(4) Records of emergency shutdowns and inadvertent scrams, including reasons therefor.

(5) Records of maintenance operations involving substitution or replacement of reactor equipment or components.

(6) Records of tests and measurements performed pursuant to the Technical Specifications.

4. This license, as amended, is effective as of the date of issuance and shall expire at midnight, August 26, 1977, unless sooner terminated.

Date of issuance: February 26, 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

Appendix A—Technical Specifications.[1]

[F.R. Doc. 69-2965; Filed, Mar. 11, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19401]

AUSTIN-WEST SERVICE INVESTIGATION

Reassignment of Date for Prehearing Conference

Notice is hereby given that the Prehearing Conference in the above-entitled matter now assigned for March 26, 1969, is reassigned to be held on March 25, 1969, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. This change is necessitated by reason of the fact that counsel for certain of the parties are scheduled to appear before the Board, on the date originally established, for oral argument in another proceeding.

There will be no change in the present date, i.e., March 17, 1969, for the submission of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., March 6, 1969.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[F.R. Doc. 69-2979; Filed, Mar. 11, 1969; 8:47 a.m.]

[Docket No. 19856]

MIAMI-LONDON ROUTE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on April 23, 1969, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 7, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-2980; Filed, Mar. 11, 1969; 8:47 a.m.]

[Docket No. 19201]

SERVICE TO WHITE PLAINS, N.Y.

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled investigation will be held at 10 a.m., e.d.t., beginning on April 30, 1969, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 7, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-2981; Filed, Mar. 11, 1969; 8:47 a.m.]

[Docket No. 18610]

SOUTHERN AIRWAYS, INC., ROUTE REALIGNMENT INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled investigation is assigned to be held on May 7, 1969, at 10:00 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 7, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-2982; Filed, Mar. 11, 1969; 8:48 a.m.]

[Docket No. 18257]

SOUTHERN TIER COMPETITIVE NONSTOP INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled investigation will be held at 10 a.m., e.s.t., beginning on April 16, 1969, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., March 7, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-2983; Filed, Mar. 11, 1969; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-225]

EL PASO NATURAL GAS CO.

Notice of Application

MARCH 3, 1969.

Take notice that on February 24, 1969, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed an application for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act authorizing the construction and operation of facilities on the California Mainline of its Southern Division System, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to add 8,500 horsepower at its El Paso Compressor Station, and 1,500 horsepower at its Pecos River Compressor Station; a loop of approximately 20.9 miles of 30-inch O.D. pipeline before its Afton Compressor Station, a loop of approximately 6.6 miles of 30-inch O.D. pipeline before its Florida Compressor Station, and a loop of approximately 8 miles of 30-inch O.D. pipeline before its Deming Compressor Station; and metering facilities at the Casa Grande Compressor Station.

Applicant estimates the cost of these facilities at $13,751,647, which would be financed by working funds or short-term loans.

Applicant represents that the proposed facilities will add 180,000 Mcf to its daily capacity, of which 80,000 Mcf will be used to meet the needs of its customers east of California and 100,000 Mcf will replace natural gas from its Canadian-Sumas supply, which Applicant states it will lose in the divestiture of its Northwest Division System.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 31, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-2937; Filed, Mar. 11, 1969; 8:45 a.m.]

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the Public Document Room of the Atomic Energy Commission.

[Docket No. R169-320]

GULF OIL CORP.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filing

MARCH 3, 1969.

On November 26, 1968, Gulf Oil Corp. (Gulf) filed with the Commission a proposed change in rate from 15.77 cents to 16.83 cents per Mcf, designated as Supplement No. 2 to Gulf's FPC Gas Rate Schedule No. 389, which pertains to Gulf's jurisdictional sales of natural gas from the West Rojo Cabellos Field, Pecos and Reeves Counties, Tex. (Railroad District No. 8—Permian Basin Area), to Transwestern Pipeline Co. The Commission by order issued December 20, 1968, in Docket No. RI69-320, suspended for 5 months Gulf's rate filing until May 27, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On February 5, 1969, Gulf submitted a revised rate increase to correct the presently suspended rate increase, designated as Supplement No. 1 to Supplement No. 2 to Gulf's FPC Gas Rate Schedule No. 389, amending the supplement to the aforementioned rate schedule to provide for a rate increase to 16.73 cents instead of the 16.83 cents per Mcf rate filed on November 26, 1968. Gulf states that it inadvertently omitted a 0.10 cent treating charge from the previously reported rate of 16.83 cents per Mcf which was suspended in Docket No. RI69-378 until May 27, 1969, and has submitted a revised rate change to reflect such treating charge. The proposed substitute rate filing is set forth in Appendix A hereof.

Gulf's proposed 16.73 cents per Mcf rate exceeds the 15.77 cents just and reasonable area ceiling rate established by the Commission in its Opinion No. 468, as amended, as did the previously suspended rate in said docket. Since Gulf's revised rate filing involves a 0.10 cent treating charge, we believe that it would be in the public interest to accept Gulf's corrective rate filing subject to the suspension proceeding in Docket No. RI69-320, with the suspension period of such corrective rate filing to terminate concurrently with the suspension period (May 27, 1969) of the original rate filling in said docket.

The Commission orders:

(A) The suspension order issued December 20, 1968, in Docket No. RI69-320, is amended only so far as to permit the 16.73 cents per Mcf rate provided in Supplement No. 1 to Supplement No. 2 to Gulf's FPC Gas Rate Schedule No. 389 to supersede Supplement No. 2 to Gulf's aforementioned rate schedule, subject to the suspension proceeding in Docket No. RI69-320. The suspension period for such substitute filing shall terminate concurrently with the suspension period (May 27, 1969) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on December 20, 1968, in Docket No. RI69-320, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-320..	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	389	[1] 1 to 2	Transwestern Pipeline Co. (West Rojo Caballos Field, Pecos and Reeves Counties, Tex.) (Permian Basin Area) (R.R. District No. 8).	$2,400	2-5-69	[2] 12-27-68	[3] 5-27-69	[4] 15.77	[5] [6] 16.73	

[1] Filed as a correction to proposed increase filed Nov. 26, 1968, designated as Supplement No. 2.
[2] The stated effective date is the effective date requested by Respondent.
[3] Suspended until May 27, 1969, the expiration date of the prior increase suspended in Docket No. RI69-320.
[4] Previously reported as an increase from 15.77 cents to 16.83 cents. Gulf omitted a 0.10-cent treating charge from prior filing.
[5] Proposed increase to 16.83 cents suspended in Docket No. RI69-320 until May 27, 1969.
[6] Pressure base is 14.65 p.s.i.a.

[F.R. Doc. 69-2938; Filed, Mar. 11, 1969; 8:45 a.m.]

[Docket No. CP69-226]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Application

MARCH 3, 1969.

Take notice that South Texas Natural Gas Gathering Co. (Applicant), Post Office Drawer 521, Corpus Christi, Tex. 77703, on February 24, 1969, filed in Docket No. CP69-226 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the Commission's regulations thereunder, for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing April 1, 1969, and the operation of unspecified gas purchase facilities for the purpose of enabling Applicant to take into its pipeline system natural gas which it may purchase from producers and other similar sellers in the general area adjacent to its pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to construct and operate, as the exigencies of its business make appropriate, various facilities to connect additional supplies of gas in new and existing gas fields in the States of Texas and Louisiana.

Applicant requests that the Commission waive the dollar limits of § 2.58(a)(1) of the Commission's General Policy and Interpretations to grant authority to expend up to $1 million during the year in question, with no single project exceeding $250,000.

Applicant states that the facilities for which authorization is requested will not provide increased gas sales volumes under jurisdictional rate schedules, and that no outside financing will be required.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 28, 1969.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69-2941; Filed, Mar. 11, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS

Issuance

MARCH 4, 1969.

Pursuant to Docket No. HM–1, Rule-Making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR 170, following is a list of DOT Special Permits upon which Board action was completed during February 1969:

Special permit No.	Issued to—Subject	Mode or modes of transportation
5800	U.S. Atomic Energy Commission and its contractors and licensees and licensees of "agreement states" and the Department of Defense and its contractors (upon specific registration with the Board), for the shipment of not exceeding Type B quantities of any nonfissile radioactive material using a pending specification DOT–20WC wooden protective jacket with a DOT 55, 2R, or 7A inner container.	Cargo—air, highway, rail, and water.
5845	County Welding Supplies Co. for the shipment of oxygen in DOT–3A and 3AA cylinders having a 10-year retest period.	Highway and rail.
5850	Kankakee Welding & Supply Co. for the shipment of oxygen, nitrogen, argon, helium, compressed air, and mixtures thereof in DOT–3A and 3AA cylinders having a 10-year retest period.	Do.
5851	Oxygen Sales & Service, Inc., for the shipment of oxygen, nitrogen, argon, hydrogen, helium, neon, krypton, xenon, compressed air, and mixtures thereof in DOT–3A and 3AA cylinders having a 10-year retest period.	Do.
5877	Oak Ridge National Laboratory for the shipment of not over Type B quantities of any nonfissile special form radioactive material in the Model GB/0902A container.	Cargo and passenger—air, highway, rail, and water.
5894	U.S. Atomic Energy Commission and its contractors and licensees and the Department of Defense and its contractors (upon specific registration with the Board), for the shipment of unirradiated nuclear reactor fuel cores in the Model 2.7 New Fuel Shipping and Storage Container No. R/I 603A.	Cargo—air, highway, and rail.
5898	Stauffer Chemical Co. for the shipment of corrosive liquids, n.o.s. in DOT–5B tight-head steel drums to be used as single-trip containers.	Highway, rail, and water.
5901	Nuclear Fuel Services, Inc., the Consumers Power Co., and the Pacific Gas and Electric Co. for the shipment of irradiated nuclear reactor fuel assemblies in the NFS Multifacility Shipping Cask, Model 100.	Rail.
5902	U.S. Atomic Energy Commission for the shipment of large quantities of encapsulated cobalt-60 in the Model 1 MF Cask.	Highway and rail.
5903	J. T. Baker Co. and its distributors for shipment of up to 70 percent concentration hydrofluoric acid in 55-gallon, 20-gauge steel, DOT–37M/28L nonreussable containers.	Do.
5904	Weyerhaeuser Co. and their agents, distributors, and customers (upon specific registration with the Board), for the shipment of electrolyte in not over 5-gallon capacity, fiberboard boxes having inner double polyethylene bags.	Do.
5906	National Aeronautics and Space Administration for the shipment of irradiated uranium-235 in the Model No. KM–F–2088 Shipping Cask.	Highway.
5907	U.S. Atomic Energy Commission and its contractors (upon specific registration with the Board), for the shipment of solid irradiated reactor fuel test specimens in the Model ORNL In-Pile Shipping Cask.	Highway and rail.
5908	U.S. Atomic Energy Commission and its contractors and licensees and the Department of Defense and its contractors (upon specific registration with the Board), for the shipment of Fissile Class II packages under Fissile Class III conditions, under specially prescribed terms.	Cargo—air, highway, and rail.
5909	Mitsui and Co. (U.S.A.), Inc., for the shipment of unirradiated reactor test specimens in the Unirradiated UO_2-PuO_2 Fuel Pin Shipping Container.	Cargo and passenger—air, and highway.
5910	U.S. Atomic Energy Commission and its contractors and licensees and the Department of Defense and its contractors (upon specific registration with the Board), for the shipment of unirradiated enriched uranium fuel materials in the Model No. BE 1270 Birdcage Shipping Container.	Cargo—air, highway, and rail.
5911	U.S. Atomic Energy Commission and its contractors and licensees and the Department of Defense and its contractors (upon specific registration with the Board), for the shipment of unirradiated enriched uranium fuel materials in the Model BE 1885 Birdcage Shipping Container.	Do.
5912	United States Lines, Inc., for the shipment of vinyl acetate and alcohol, n.o.s. in DOT–MC–306 type tanks which are detachable from a highway chassis.	Highway and water.
5913	Warner-Lambert Pharmaceutical Co. for the shipment of nonpoisonous, nonflammable aerosol formulations having an absolute pressure not exceeding 60 p.s.i. at 70° F. in inside plastic-coated glass bottles of not over 6.1 fluid ounces.	Highway and rail.
5914	U.S. Atomic Energy Commission and its contractors and licensees and the Department of Defense and its contractors (upon specific registration with the Board), for the shipment of unirradiated nuclear reactor fuel cores in the Model No. 57½ by 108 New Core Shipping and Installation Container.	Do.
5915	U.S. Atomic Energy Commission and its contractors and licensees and licensees of "agreement states" and the Department of Defense and its contractors (upon specific registration with the Board), for the shipment of fissile and large quantity radioactive materials in the Model 55/30 or 83/55 shipping containers.	Do.
5917	Vulcan Materials Co. for the shipment of anhydrous hydrogen chloride in cylinders complying with DOT–3AAX, except that a different type steel is authorized.	Highway.
5920	Department of the Interior for the escorted shipment of an incubator incorporating a DOT–3E1800 oxygen cylinder.	Passenger air.
5923	Union Carbide Corp. for the shipment of nonflammable compressed gas mixtures consisting of not more than 12 percent ethylene oxide mixed with dichlorodifluoromethane, or with any mixture of trichlorofluoromethane and dichlorodifluoromethane in DOT–106A500X and 110A500W tanks.	Highway and rail.
5924	Moreland Chemical Co., Inc., the Paul Carroll Oxygen Co. and other shippers upon specific registration with the Board, for the shipment of chlorine in DOT MC 331 cargo tanks, modified with respect to excess-flow valves and use of self-extinguishing polyurethane foam insulation.	Highway.
5925	FMC Corp. for the one-time shipment of chlorine in three tank-car tanks, DOT–105A500W, having tanks overdue for retest.	Rail.

WILLIAM C. JENNINGS,
Chairman, Hazardous Materials Regulations Board.

[F.R. Doc. 69–2906; Filed, Mar. 11, 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

Correction

In F.R. Doc. 69–2636 appearing at page 3766 of the issue for Tuesday, March 4, 1969, in the table, column 1, the entry now reading "61" should read "62" and in the third column, the entry reading "162,062" should read "162,068".

SECURITIES AND EXCHANGE COMMISSION

COMSTOCK-KEYSTONE MINING CO.

[File No. 1–2250]

Order Suspending Trading

MARCH 6, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Comstock-Keystone Mining Co., now known as Memory Magnetics International, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to Section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 7, 1969, through March 16, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69–2962; Filed, Mar. 11, 1969; 8:46 a.m.]

DYNA RAY CORP.

Order Suspending Trading

MARCH 6, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Dyna Ray Corp., New York, N.Y., and all other securities of Dyna Ray Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period

March 7, 1969, through March 16, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-2963; Filed, Mar. 11, 1969; 8:46 a.m.]

MOONEY AIRCRAFT, INC.

Order Suspending Trading

MARCH 6, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Mooney Aircraft, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 16(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 7, 1969, through March 16, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-2964; Filed, Mar. 11, 1969; 8:46 a.m.]

[70-4720]

SOUTHWESTERN ELECTRIC POWER CO.

Notice of Proposed Acquisition of Municipal Electric Distribution System

MARCH 6, 1969.

Notice is hereby given that the Southwestern Electric Power Co. ("Southwestern"), 428 Travis Street, Shreveport, La. 71101, an electric utility company, a registered holding company, and a subsidiary company of Central and South West Corp., also a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) (1) and (10) of the Act as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Southwestern and the city of Wake Village, Tex. ("City") have entered into an agreement dated December 13, 1968, pursuant to which Southwestern proposes to acquire the electric distribution system owned by the City for $460,000 in cash. An election by the qualified voters residing in the City was held on December 3, 1968, in which election a majority of said voters cast their ballots in favor of the sale of the City's electric distribution system to Southwestern. The filing states that the consideration was determined as a result of arm's-length bargaining between the parties. The agreement also provides for a proration and allocation of certain of the City's electric revenues between the parties, to be effected at the closing of the transaction.

In 1968, the distribution system owned by the City had 522 customers and gross revenues were $107,131. The City's utility plant is carried on in its books at original cost of $100,128 less $37,998 accumulated depreciation. Southwestern estimates that the City's distribution system will have utility operating income of $22,936 in 1969.

Southwestern cites among its reasons for the proposed acquisition the favorable growth potential of the City's electric distribution system, including good prospects for the attachment of new customers. The City's distribution system is completely surrounded by areas which are served by Southwestern's distribution system. Southwestern now serves the City's distribution system with power at wholesale and states that the takeover can be effected through the company's existing facilities with no rearrangement of facilities and at a minimum of expense. Southwestern already owns and operates dstribution facilities within the corporate limits of the City and has a franchise authorizing it to serve certain areas therein. The filing further states that the anticipated effects of the proposed transactions include lower rates and more reliable service to electric consumers of the City.

The application states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions and that expenses in connection therewith are estimated to be $17,000, including $15,000 for legal services.

Notice is further given that any interested person may, not later than March 27, 1969, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-2965; Filed, Mar. 11, 1969; 8:47 a.m.]

UNITED AUSTRALIAN OIL, INC.

Order Suspending Trading

MARCH 6, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of United Australian Oil, Inc., Dallas, Tex., and all other securities of United Australian Oil, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 7, 1969, through March 16, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-2966; Filed, Mar. 11, 1969; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Rev. 12) Amdt. 5]

AREA ADMINISTRATORS

Delegation of Authority To Conduct Program Activities in Field Offices

Delegation of Authority No. 30 (Revision 12) (32 F.R. 179), as amended (32 F.R. 8113, 33 F.R. 8793, 33 F.R. 17217, and 33 F.R. 19097) is hereby further amended by revising Items I.B.4, I.B.5, and I.C.1, and adding thereto a new Item I.B.6, to read as follows:

* * * * *

I. *Area Administrators.*

B. *Development Company Assistance Program.*

* * * * *

4. To execute sections 501 and 502 loan authorizations for Central Office approved loans and for loans approved under delegated authority, said execution to read, as follows:

(Name), Administrator

By: ----------
(Name)
Area Administrator.

5. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans.

6. To take all necessary actions in connection with the administration, servicing, and collection; and to do and

perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing.

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

d. Except: (a) To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and (b) to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the ascertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement.

C. *Procurement and Management Assistance Program.*

**1. To approve applications for Certificates of Competency up to but not exceeding $250,000 bid value received from small business concerns which are located within the geographical jurisdiction of his area office, with the exception of rereferred cases.

* * * * *

Effective date: December 31, 1968.

HOWARD GREENBERG,
Acting Administrator.

[F.R. Doc. 69-2967; Filed, Mar. 11, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1275]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 7, 1969.

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

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

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC-28478 (Sub-No. 24) (Republication), filed March 1, 1965, published in the FEDERAL REGISTER issue of April 7, 1965, as a matter directly related to No. MC-F-8866, and republished after report and order embraced in No. MC-F-8866, effective July 25, 1965, and consummated August 6, 1965, issuance of certificate No. MC-28478 (Sub-No. 10), dated December 9, 1965, and petition for revision, this issue. Applicant: GREAT LAKES EXPRESS CO., a corporation, 172 Davenport Street, Saginaw, Mich. 48602. Applicant's attorney, Rex Eames, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier* by motor vehicle over 36 described routes or any combination thereof (through conversion of certain irregular-route authorities), transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Adrian, Ann Arbor, Ypsilanti, Holly, Flint, Pontiac, Monroe, Mount Clemens, Port Huron, and Detroit, Mich., on the one hand, and, on the other, Cleveland, Youngstown, Akron, and Canton, Ohio, serving no intermediate points, but serving points within 5 miles of Ann Arbor, Ypsilanti, Holly, Flint, Pontiac, Monroe, Mount Clemens, and Port Huron, and points within 10 miles of Detroit in connection with each of said routes, and serving all points in the following described area in Ohio as off-route points in connection with said routes: Points in that part of Ohio bounded by a line beginning at Cleveland, Ohio, and extending over U.S. Highway 21 to junction U.S. Highway 62 near Massillon, Ohio, thence over U.S. Highway 62 to Salem, Ohio, thence over Ohio Highway 14A to junction of Ohio Highway 14, thence over Ohio Highway 14 to the Ohio-Pennsylvania State line to junction U.S. Highway 422, thence over U.S. Highway 422 to junction of Ohio Highway 534, thence over Ohio Highway 534 to Southington, Ohio, thence over Ohio Highway 305 to junction U.S. Highway 422, and thence over U.S. Highway 422 to point of origin, including points on the indicated portions of the highways specified. In addition, service is authorized at the off-route point of Gibralter, Mich., the site of the Ford Motor Co. Plant located at the intersection of Michigan Highway 218 (Wixon Road) and unnumbered Highway (West Lake Drive) north of U.S. Highway 16, in Novi Township, Oakland County, Mich., the site of the Ford Willow Run Plant located approximately 4 miles east of Ypsilanti, Mich., the site of the Ford Motor Co. Plant located near the unincorporated village of Rawsonville, Mich., at the southwest intersection of Textile and McKean Roads, in Washtenaw County, Mich.

A report and recommended order, embraced in No. MC-F-8866, served June 24, 1965, effective July 25, 1965, found that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a motor common carrier of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over regular routes set forth in Appendix F to the said report, subject to condition that applicant request that all irregular-route authority between points in Michigan, on the one hand, and, on the other, points in Ohio as described on sheets 9, 10, 11, 12, and 13 of its certificate in No. MC-28478 (Sub-No. 10), issued February 3, 1960, be canceled.

Upon consideration of the record in the proceeding, including an order of April 24, 1968, on petition of certain interveners, which required applicant to show cause, if any there be, why the findings in No. MC-28478 (Sub-No. 24) should not be modified by limiting the grant of regular-route authority and cancellation of irregular-route authority so as not to exceed that actually sought and published in the FEDERAL REGISTER, and a petition of applicant, assented to by all interveners, filed January 9, 1969, for revision of the said certificate, conditioned upon acceptance by the Commission of the revision in settlement of the issues involved, an order of February 20, 1969, by the Commission, Division 3, approves and accepts the proposal for modification of the findings in No. MC-28478 (Sub-No. 24) and revision of certificate No. MC-28478 (Sub-No. 10), subject to publication in the FEDERAL REGISTER, to read as follows: In connection with carrier's regular route operations described hereinbelow, service is authorized to and from the off-route points in that part of Ohio bounded by a line beginning at Cleveland, Ohio, and extending along Interstate Highway 77 to junction U.S. Highway 62, at or north of Canton, Ohio, thence along U.S. Highway 62 to junction of Ohio Highway 14A, thence along Ohio Highway 14A via Salem, Ohio, to junction of Ohio Highway 14, thence along Ohio Highway 14 to the Ohio-Pennsylvania State line, thence north along the Ohio-Pennsylvania State line to U.S. Highway 422, thence along U.S. Highway 422 to junction Ohio Highway 534, thence along Ohio Highway 534 to Southington, Ohio, thence along Ohio Highway 305 to junction U.S. Highway 422, thence along U.S. Highway 422 to Cleveland, including the points on the indicated portions of the highways specified, except Akron, Canton, and Youngstown, Ohio.

(1) Between Adrian, Mich., and Toledo, Ohio, serving no intermediate points, from Adrian over Michigan Highway 52 to the Michigan-Ohio State line, thence over Ohio Highway 109 to junction U.S. Highway 20, thence over U.S.

Highway 20 to Toledo, and return over the same route; (2) between Ypsilanti, Mich., and junction U.S. Highway 12 and U.S. Highway 23, serving no intermediate points and serving junction U.S. Highways 12 and 23 for purposes of joinder only; and serving the off-route points of Gibraltar, Mich., the Ford Motor Co. Plant located at the intersection unnumbered highway (Wixom Road) and unnumbered highway (West Lake Drive) north of Interstate Highway 96 in Novi Township, Oakland County, Mich., the Ford Motor Co. Willow Run Plant approximately 4 miles east of Ypsilanti, and the Ford Motor Co. Plant located near the village of Rawsonville, Mich., at the southeast intersection of Textile and McKean Roads, in Washtenaw County, Mich., from Ypsilanti over U.S. Highway 12 to junction U.S. Highway 23, and return over the same route; (3) between Holly, Mich., and Ann Arbor, Mich., serving no intermediate points, from Holly over unnumbered Michigan highways via Fenton, Mich., to junction U.S. Highway 23, thence over U.S. Highway 23 to junction, Business Route U.S. Highway 23, thence over Business Route U.S. Highway 23 to Ann Arbor, and return over the same route; (4) between Flint, Mich., and Ann Arbor, Mich., serving no intermediate points, from Flint over U.S. Highway 23 to junction Business Route U.S. Highway 23, thence over Business Route U.S. Highway 23 to Ann Arbor, and return over the same route; (5) between Flint, Mich., and Detroit, Mich., serving no intermediate points, from Flint over Michigan Highway 54 to junction Interstate Highway 75, thence over Interstate Highway 75 to Detroit, and return over the same route;

(6) Between Pontiac, Mich., and Toledo, Ohio, serving no intermediate points, from Pontiac over U.S. Highway 24 to junction U.S. Highway 25, thence over U.S. Highway 25 to Toledo, and return over the same route; (7) between Pontiac, Mich., and Detroit, Mich., serving no intermediate points, from Pontiac over U.S. Highway 10 to Detroit, and return over the same route; (8) between Pontiac, Mich., and Ann Arbor, Mich., serving no intermediate points, from Pontiac over Michigan Highway 59 to junction U.S. Highway 23, thence over U.S. Highway 23 to junction, Business Route U.S. Highway 23, thence over Business Route U.S. Highway 23 to Ann Arbor, and return over the same route; (9) between Port Huron, Mich., and Detroit, Mich., serving the intermediate point of Mount Clemens, Mich., from Port Huron over Interstate Highway 94 to junction U.S. Highway 25, thence over U.S. Highway 25 to Detroit, and return over the same route; (10) between Port Huron, Mich., and Detroit, Mich., serving the intermediate or off-route point of Mount Clemens, Mich., from Port Huron over Interstate Highway 94 to Detroit, and return over the same route;

(11) Between Detroit, Mich., and Toledo, Ohio, serving the intermediate or off-route point of Monroe, Mich., and the intermediate or off-route points in Michigan within 10 miles of Detroit, from Detroit over Michigan Highway 85 to junction Interstate Highway 75, thence over Interstate Highway 75 to Toledo, and return over the same route; (12) between Detroit, Mich., and Toledo, Ohio, serving the intermediate or off-route point of Monroe, Mich., from Detroit over U.S. Highway 25 to Toledo (also from Detroit over U.S. Highway 25 to junction U.S. Highway 24, thence over U.S. Highway 24 to Toledo), and return over the same routes; (13) between Toledo, Ohio, and Cleveland, Ohio, serving the intermediate points of Norwalk and Elyria, Ohio, for delivery only, and the off-route points within 10 miles of Cleveland unrestricted, from Toledo over Ohio Highway 51 to junction U.S. Highway 20, thence over U.S. Highway 20 to Cleveland, and return over the same route; (14) between Toledo, Ohio, and Cleveland, Ohio, serving the intermediate points of Sandusky and Lorain, Ohio, for delivery only, from Toledo over Ohio Highway 2 via Sandusky, Ohio, to Huron, Ohio, thence over U.S. Highway 6 to Cleveland, and return over the same route; (15) between Toledo, Ohio, and Cleveland, Ohio, serving no intermediate points, from Toledo over U.S. Highway 25 to Bowling Green, Ohio, thence over U.S. Highway 6 via Huron, Ohio, to Cleveland, and return over the same route;

(16) Between Toledo, Ohio, and Cleveland, Ohio, serving no intermediate points, (a) from Toledo over Interstate Highway 280 to junction Interstate Highway 80 (Ohio Turnpike), thence over Interstate Highway 80 to junction U.S. Highway 42, thence over U.S. Highway 42 to Cleveland, (b) from Toledo over Ohio Highway 65 to Perrysburg, Ohio, thence over U.S. Highway 20 to Cleveland, (c) from Toledo over Ohio Highway 51 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction of Ohio Highway 113 at or near Bellevue, Ohio, thence over Ohio Highway 113 to Elyria, Ohio, thence over U.S. Highway 20 to Cleveland, and (d) from Toledo over Interstate Highway 280 to junction, Interstate Highway 80, thence over Interstate Highway 80 to junction Ohio Highway 10, thence over Ohio Highway 10 to Cleveland, and return over the same routes; (17) between Toledo, Ohio, and Akron, Ohio, serving no intermediate points, except as otherwise indicated, (a) from Toledo over U.S. Highway 25 or Interstate Highway 75 to Findlay, Ohio, thence over U.S. Highway 224 to Akron, (b) from Toledo over Interstate Highway 280 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 250, thence over U.S. Highway 250 to Norwalk, Ohio, thence over U.S. Highway 20 to junction Ohio Highway 18, thence over Ohio Highway 18 to Akron, serving the intermediate point of Wellington, Ohio, for delivery only, in connection with the route described immediately above, (c) from Toledo over Ohio Highway 65 to Perrysburg, Ohio, thence over U.S. Highway 23 to Fostoria, Ohio, thence over U.S. Highway 224 to Akron, serving the intermediate point of Fostoria, Ohio, and the off-route point of Tiffin, Ohio, in connection with the route described immediately above, for delivery only, and (d) from Toledo to Norwalk, Ohio, as specified above, thence U.S. Highway 250 to junction U.S. Highway 224, thence over U.S. Highway 224 to Akron, and return over the same routes; (18) between Toledo, Ohio, and Canton, Ohio, serving no intermediate points, except as otherwise indicated;

(a) from Toledo over Interstate Highway 280 and U.S. Highway 20 as specified to Norwalk, Ohio, thence over U.S. Highway 250 to junction U.S. Highway 30, at or near Jefferson, Ohio, thence over U.S. Highway 30 to Canton, serving the intermediate points of Wooster and Ashland, Ohio, and the off route point of Mansfield, Ohio, for delivery only, and the intermediate point of Massillon, Ohio, unrestricted, in connection with the route described immediately above, and (b) from Toledo over Ohio Highway 65 to Perrysburg, Ohio, thence over U.S. Highway 23 to Fostoria, Ohio, thence over Ohio Highway 18 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction U.S. Highway 224 or Interstate Highway 80S and U.S. Highway 21, thence over U.S. Highway 21 to Massillon, Ohio, thence over U.S. Highway 30 to Canton, and return over the same routes, serving the off-route points of Rittman and Dover, Ohio, for delivery only, in connection with the route described immediately above; and (19) between Cleveland, Ohio, and Youngstown, Ohio, serving intermediate and off-route points within 10 miles of Youngstown, from Cleveland over U.S. Highway 422 to Youngstown, and return over the same route. Irregular-route authority shown on sheet 15 of certificate No. MC-28478 (Sub-No. 10), issued December 9, 1965, modified to read as follows: Iron and steel, iron and steel products, automobile parts, machinery, burlap, and paper, from Dover and Fostoria, Ohio, Ellwood City, New Castle, Pittsburgh, and Sharon, Pa., and points within 10 miles of Sharon, to Adrian, Ann Arbor, Ypsilanti, Jackson, Albion, Battle Creek, Lansing, Holly, Flint, Pontiac, Monroe, Mount Clemens, and Detroit, Mich., and points within 10 miles of Detroit, with no transportation for compensation on return except as otherwise authorized. Because it is possible that other persons, who have relied upon the notice of the Sub-24 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 the order of July 25, 1965, as modified by the order of February 20, 1969, a notice of the authority actually granted is being published in the FEDERAL REGISTER and issuance of a revised certificate in the Sub-10 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 52964 (Sub-No. 10) (Republication), filed March 1, 1965, published FEDERAL REGISTER issue of September 22, 1965, and republished this issue. Applicant: EUGENE PIKOVSKY, doing business as FREIGHT TRANSIT CO., 2690 Prior Avenue North, St. Paul, Minn. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. By application filed March 1, 1965, pursuant to the provisions of Special Rules of Procedure Governing Conversion of Irregular-Route Motor Carrier Operations, formerly 49 CFR 102a, applicant seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities, with exceptions, between certain specified points. By report and order of December 8, 1966, by the Commission, Operating Rights Review Board No. 1, the application was partially granted, but as yet, no certificate has been issued. By petition filed October 25, 1968, applicant seeks waiver of Rule 101(e) of the general rules of practice and leave to file tendered petition for reconsideration, pointing out that in view of the sale of certain of its operating rights, it does not now have access to some of its authorized points, and applicant requests access over a route between Minneapolis, Minn., and Mount Pleasant, Iowa, which amounts to a request for alternate-route authority over this route; and that no one opposes the relief sought. An order of the Commission, Division 1, acting as an Appellate Division, dated February 11, 1969, and served February 20, 1969, finds that Rule 101(e) of the general rules of practice be, and is hereby, waived, and the tendered petition for reconsideration be accepted for filing, and the above-entitled proceeding be reopened on the present record, solely for the purpose of considering:

(A) That the report and order of December 8, 1966, be modified: (a) by deleting part (1) of the grant of authority, appearing on Lines 20–25 of Sheet 8, and substituting in lieu thereof "(1) between Charles City, Iowa, and the Iowa-Minnesota State Line, over U.S. Highway 218,"; (b) by deleting the figure "(2)" on Line 9 of Sheet 10 of said report, and substituting in lieu thereof the figure "(1)"; and (c) by adding the word "Owatonna," after the word "Mankato," on Line 9 of Sheet 10 of said report; (B) That the report and order of December 8, 1966, be further modified by adding the following after "Minneapolis-St. Paul, Minn.;" on Line 13 of Sheet 10 of said report: and (14)(a) Between Minneapolis and Owatonna, Minn., from Minneapolis over Minnesota Highway 55 to junction Minnesota Highway 13, thence over Minnesota Highway 13 to junction U.S. Highway 65, and thence over U.S. Highway 65 to Owatonna; (b) between Owatonna, Minn., and the Minnesota-Iowa State line, over U.S. Highway 218; (c) between Charles City, Iowa, and Waverly, Iowa, over U.S. Highway 218; (d) between Waverly, Iowa, and Waterloo, Iowa, over U.S. Highway 218; (e) between Waterloo, Iowa, and Iowa City, Iowa, over U.S. Highway 218; (f) between Iowa City, Iowa, and Mount Pleasant, Iowa, over U.S. Highway 218, and return over the same routes, in (a) through (f) above, as alternate routes for operating convenience only, in connection with applicant's authorized regular-route operations, including those granted in this proceeding, serving no intermediate points, and serving the termini for the purpose of joinder only (except Charles City, Iowa); and

(C) That the report and order of December 8, 1966, be further modified; (1) by making the grant of authority subject to the condition that the authority granted herein shall not be severable by sale or otherwise from the underlying irregular-route authority in No. MC–52964; and (2) by imposing the condition that a certificate shall not be issued in this proceeding until after applicant has filed a written request for the insertion in its certificate No. MC–52964 of a restriction providing that it shall not, pursuant to the irregular-route general-commodity authority contained therein, transport shipments moving between any points authorized herein to be served by it in regular-route operations. 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 this order, a notice of this authority will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced, within 30 days of the date of publication in the FEDERAL REGISTER.

No. MC 129905 (Republication), filed May 13, 1968, published in FEDERAL REGISTER issue of May 30, 1968, and republished this issue. Applicant: ALL STATES MOVING AND STORAGE CO., INC., 2800 Navy Boulevard, Pensacola, Fla. Applicant's representative: Sol H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. By application filed May 13, 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, as defined by the Commission, restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air, and moving on through bills of lading of forwarders, between points in Florida. A report of the Commission, Review Board No. 1, decided February 18, 1969, and served February 24, 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* between points in Escambia, Santa Rosa, and Okaloosa Counties, Fla., 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; 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 report, 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 130050 (Republication), filed January 15, 1968, published in the FEDERAL REGISTER issue of January 25, 1968, and republished this issue. Applicant: TOWN & COUNTRY TRAVEL SERVICE, INC., 2821 Lee Street, Greenville, Tex. 75402. Applicant's representative: Roland Boyd, 218 East Louisiana Street, McKinney, Tex. 75069. By application filed January 15, 1968, applicant seeks a license (BMC 5) authorizing operation, in interstate or foreign commerce, as a broker at Greenville and Sulphur Springs, Tex., in arranging for the transportation of passengers and their baggage, both as individuals and in groups, in all-expense tours beginning and ending at points in Texas, and extending to points in the United States, including Alaska and Hawaii. By report and order dated July 29, 1968, Review Board No. 3 denied the application. By petition filed August 23, 1968, applicant sought leave to present additional evidence in support of the application. By order dated October 21, 1968, Division 1, acting as an Appellate Division, reopened the proceeding for further processing under modified procedure upon the receipt of additional evidence. By report and order of the Commission, Review Board No. 1, decided February 25, 1969, and served February 28, 1969, finds that operation by applicant at Greenville, Paris, and Sulphur Springs, Tex., as a *broker* in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, as individuals and in groups, in round-trip, all-expense tours beginning and ending at points in that part of Texas on and north of U.S. Highway 84, via Waco, Brownwood, Abilene, and Lubbock, Tex., and extending to points in the United States, including Alaska and Hawaii, will be consistent with the public interest and the national transportation policy; 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 license authorizing such operation should be granted, subject to the right of the Commission, which is hereby expressly reserved, to impose, after final determination of the proceeding in Ex Parte No. MC–29 (Sub-No. 2), *Operations of Brokers of Passenger Transportation*, such terms and conditions, if any, as may be deemed necessary to insure that the operations of applicant are limited to bona fide service as a broker in arranging round-trip, all-expense tours; 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 report and order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a license in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 1515 (Sub-No. 129), filed February 12, 1969. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, Ohio 44113. Applicant's representative: L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers; (1) between Washington, D.C., and Rockville, Md., from Washington, D.C., over Maryland Highway 190 to junction with Interstate Highway 495, thence over Interstate Highway 495 to junction with Interstate Highway 270, thence over Interstate Highway 270 to junction with U.S. Highway 240 and Interstate Highway 70S, thence over U.S. Highway 240 and Interstate Highway 70S to Rockville, Md., and return over the same route, serving no intermediate points and serving Rockville, Md., for the purposes of joinder only. (2) Between the junction of Maryland Highways 806 and 355 and Frederick, Md., from the junction of Maryland Highways 806 and 355 over Maryland Highway 355 to Frederick, Md., and return over the same route, serving no intermediate points. Restriction: Use of both of the above-described routes is restricted against the transportation of any traffic originating at Washington, D.C., and destined to Frederick, Md., or vice versa. (3) Between Washington, D.C., and College Park, Md: From Washington, D.C., over Alternate U.S. Highway 1 to its junction with U.S. Highway 1, thence over U.S. Highway 1 to its junction with Maryland Highway 193 in College Park, Md., and return over the same route, serving no intermediate points.

Restriction: Use of the above-described route is restricted against the transportation of any traffic originating at College Park, Md., and destined to either Washington, D.C., or Baltimore, Md., or vice versa. (4) In Docket No. MC–1501 (Sub-No. 92), Sheet No. 17, third paragraph (now assigned No. MC–1515, but unissued) reading as follows: (a) "Between Laurel, Md., and the junction of Maryland Highway 602 and the Baltimore-Washington Expressway, serving all intermediate points: From Laurel over Maryland Highway 602 to junction Baltimore-Washington Expressway, and return over the same route." *And the fourth paragraph reading as follows:* (b) "Between Laurel, Md., and the junction of Maryland Highway 197 and the Baltimore-Washington Expressway, serving all intermediate points: From Laurel over Maryland Highway 197 to junction Baltimore-Washington Expressway, and return over the same route." Should both be restricted, subject to the approval and consummation of the related BMC–44 application, as follows: Restriction: Restricted against the transportation of traffic originating at Washington, D.C., or Baltimore, Md., on the one hand, and destined to Laurel, Md., on the other, or vice versa. (5) In Docket No. MC–1501 (Sub-No. 211), Sheet No. 2, last paragraph (now assigned Docket No. MC–1515, but unissued) reading as follows: "Between Washington, D.C., and Leonardtown, Md., serving all intermediate points: From Washington over city streets to the District of Columbia-Maryland State line, thence over Maryland Highway 5 to Leonardtown, Md., and return over the same route." Should read, and be restricted, subject to the approval and consummation of the related BMC–44 application, as follows:

Between Washington, D.C., and Waldorf, Md., serving no intermediate points: From Washington over city streets to the District of Columbia-Maryland State line, thence over Maryland Highway 5 to Waldorf, Md., and return over the same route. Restriction: Restricted against the transportation of traffic originating at Washington, D.C., and destined to Waldorf, Md., and all intermediate points thereto, or vice versa. NOTE: Applicant states that the route description in (4) above was changed by letter notice of redesignation to the Interstate Commerce Commission under date of September 29, 1967, to read as follows: "From Laurel over Maryland Highway 198 to junction Baltimore-Washington Expressway, and return over the same route". Applicant further states that by the instant application, it seeks to have imposed on certain of its existing route authority restrictions as detailed in (4) and (5) above for the protection of Atwood's Transport Lines, Inc. This application is a matter directly related to Docket No. MC–F–10395, published FEDERAL REGISTER issue of February 19, 1969. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 35320 (Sub-No. 105) (Correction), filed January 27, 1969, published FEDERAL REGISTER issue of February 26, 1969, corrected and republished, this issue. Applicant: T. I. M. E.–DC, INC., Post Office Box 2550, also 2598 74th Street, Lubbock, Tex. 79408. Applicant's representatives: Thomas F. Kilroy, 1341 G Street NW., Washington, D.C., and Frank M. Garrison, Post Office Box 2550, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities;* (1) between Kansas City, Mo., and Harrison, Ark.: From Kansas City over U.S. Highway 50 over Lees Summit, Mo., to Warrensburg, Mo., thence over Missouri Highway 13 through Clinton, Mo., to Springfield, Mo., thence over U.S. Highway 65 to Harrison (also from Lees Summit, Mo., over Bypass U.S. Highway 71 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction U.S. Highway 35, thence over U.S. Highway 35 to Clinton, and thence to Harrison as specified above), and return over the some route, serving no intermediate points but serving Springfield, Mo., for purposes of joinder only; and (2) between St. Louis, Mo., and Tulsa, Okla., over U.S. Highway 66 serving no intermediate points but serving Springfield, Mo., for the purpose of joinder only; and (3) between Kansas City, Mo., and Tulsa, Okla.: From Kansas City, Mo., over U.S. Highway 71 to Carthage, Mo., and thence over U.S. Highway 66 to Tulsa, and return over the same route, serving no intermediate points. NOTE: This is a matter directly related to MC–F–10385, published in the FEDERAL REGISTER issue of February 5, 1969. The purpose of this republication is to include routes (2) and (3), which were inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or St. Louis, Mo.

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–10397. (Correction) (ARROW FREIGHTWAYS, INC.—Purchase (Portion)—SPRINGER CORP.), published in the February 26, 1969, issue of the FEDERAL REGISTER, on page 2637. This correction to show operating rights sought to be transferred to read: *Commodities* which because of size or weight, require the use of special equipment (heavy hauling authority), as a *common carrier*, over irregular routes, between points in that part of New Mexico, Colorado, and Arizona, within 200 miles of Albuquerque, N. Mex., etc., in

lieu of 20 miles of Albuquerque, N. Mex. NOTE: This notice does not alter the due date for filing protest.

No. MC–F–10398. (Correction) (ARIZONA TANK LINES, INC.—Purchase (Portion)—SPRINGER CORP.), published in the February 26, 1969, issue of the FEDERAL REGISTER, on page 2637. This correction to show operating rights sought to be transferred to read: *Commodities* in bulk, as a *common carrier*, over irregular routes, between points in that part of New Mexico, Colorado, and Arizona, within 200 miles of Albuquerque; in lieu of 20 miles of Albuquerque. NOTE: This notice does not alter the due date for filing protest.

No. MC–F–10407. Authority sought for purchase by BEND PORTLAND TRUCK SERVICE, INC., doing business as TRANS WESTERN EXPRESS, 5940 North Basin Avenue, Portland, Oreg. 97217, of the operating rights of PACIFIC TRANSFER AND STORAGE COMPANY, 2350 Northwest York, Portland, Oreg. 97210, and for acquisition by WILFRED E. JOSSY, also of 5940 North Basin Avenue, Portland, Oreg., of control of such rights through the purchase. Applicants' attorney: Owen M. Panner, 1026 Bond Street, Bend, Oreg. 97701. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading as a *common carrier*, over irregular routes, between points within 3 miles of Portland, Oreg., including Portland. Vendee is authorized to operate as a *common carrier* in California, Oregon, Idaho, Nevada, and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10408. Authority sought for control by T. BRAGG McLEOD, 3027 North Tryon Avenue, Charlotte, N.C. 28208, of CUSTOM TRANSPORT, INC., Box 522, Lincolnton, N.C. Applicants' attorney: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Operating rights sought to be controlled: *Textile waste materials and used bagging, and textile waste materials and cotton* which are within the exemption of section 203(b)(6) of the Interstate Commerce Act, when transported in the same vehicle with the commodities specified herein, as a *common carrier*, over irregular routes, between points in North Carolina, Virginia, Tennessee, South Carolina, Georgia, Alabama, Arkansas, and Mississippi. T. BRAGG McLEOD holds no authority from this Commission. However, he controls MOSS TRUCKING COMPANY, INC., 3027 North Tryon Avenue, Post Office Box 8409, Charlotte, N.C., which is authorized to operate as a *common carrier* in Georgia, Alabama, Arkansas, Kentucky, Illinois, Indiana, Louisiana, Mississippi, Missouri, Tennessee, Florida, North Carolina, South Carolina, Pennsylvania, Rhode Island, Vermont, West Virginia, Virginia, Connecticut, Delaware, Maine, Maryland, Massachusetts, Ohio, Michigan, New Hampshire, New York, New Jersey, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10409. Authority sought for purchase by LARAMEE'S TRANSIT, INC., 299 First Avenue, Woonsocket, R.I. 02895, of a portion of the operating rights of PAULINE E. RICHARDSON, doing business as RICH'S SOUTH SHORE EXPRESS, 732 Nantasket Avenue, Hull, Mass. 02045, and for acquisition by GASPER AMATO, 3 Jacques Street, Somerville, Mass., of control of such rights through the purchase. Applicants' attorneys: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109, and Francis P. Barrett, 60 Adams Street, Milton, Mass. 02187. Operating rights sought to be transferred: *General commodities*, except lumber, those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment as a *common carrier*, over irregular routes between points within 25 miles of the city hall, Boston, Mass. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, and Connecticut. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10410. Authority sought for purchase by OHIO EASTERN EXPRESS, INC., 300 West Perkins Avenue, Post Office Box 2297, Sandusky, Ohio 44870, of the operating rights of THE HIRT TRUCKING COMPANY, 771 Walnut Street, Fremont, Ohio 43420, and for acquisition by THOMAS FEICK, 1230 Wayne Street, Sandusky, Ohio 44870, and KENNETH TONE, 333 East Washington Street, Sandusky, Ohio 44870, of control of such rights through the purchase. Applicants' representative: M. A. Taylor, Post Office Box 2297, Sandusky, Ohio 44870. Operating rights sought to be transferred: *Prepared foods*, in containers, and *empty barrels and kegs*, as a *common carrier*, over irregular routes, between Fremont and Green Springs, Ohio, Jonesville, Mich., and Pittsburgh, Pa.; *steel, steel stampings, enamelware, and enamelware products, and electric refrigerator parts*, between Clyde, Ohio, and Connersville, Ind., from Connersville, Ind., to Cincinnati, Ohio; *cabbage*, from certain specified points in Ohio, to Jonesville, Mich.; *agricultural implements and farm machinery*, from Battle Creek, Mich., to Green Springs, Ohio, from Mount Sterling, Ky., to Fremont, Ohio; *scrap metal*, from Clyde and Bellevue, Ohio, to Detroit, Mich.; *sauerkraut and pickles*, in containers, and *canned fruit, vegetables, and vegetable juices*, from certain specified points in Ohio, to points in Illinois, Indiana, Pennsylvania, and the Lower Peninsula of Michigan; *glass containers*, from Alton, Ill., and Gas City, Ind., to Oak Harbor, Ohio; *cans*, from Chicago, Ill., to Oak Harbor, Ohio; *salt*, from points in the Lower Peninsula of Michigan, to Oak Harbor, Ohio; *coal, salt, sugar, fresh fruits and vegetables, packed vegetables*, in cans and barrels, *empty containers, and canning machinery and supplies*, in truckloads, between certain specified points in Ohio, on the one hand, and, on the other, points in Pennsylvania west of U.S. Highway 219; *advertising matter*, from Buffalo, N.Y., and Detroit, Mich., to Pittsburgh, Pa.; *bottle caps*, from New Kensington, Pa., to Bowling Green and Fremont, Ohio, and Medina, N.Y.; *can lids and empty tin cans*, from Pittsburgh, Pa., to Medina, N.Y.; *fresh tomatoes*, from Bowling Green, Ohio, to Pittsburgh, Pa.; *machinery, equipment, and supplies*, used in processing and packing of food products, between Bowling Green, Ohio, Medina, N.Y., and Pittsburgh, Pa., between Fremont, Ohio, Medina, N.Y., and Pittsburgh, Pa.; *food products, advertising materials, office supplies, and raw materials*, used in the processing, packing, and sale of food products, between Bowling Green, Ohio, and Pittsburgh and Ambridge, Pa., between Medina, N.Y., Toledo, Ohio, and Pittsburgh and Ambridge, Pa., between Pittsburgh, Pa., on the one hand, and, on the other, Buffalo and Syracuse, N.Y., certain specified points in Ohio, and Detroit, Mich., and *tomato pulp, tomato juice, and ketchup*, from Fremont, Ohio, to Pittsburgh, Pa.; with restriction. Vendee is authorized to operate as a *common carrier* in Ohio, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Vermont, Illinois, Connecticut, Delaware, Florida, Massachusetts, Rhode Island, Virginia, North Carolina, South Carolina, Maine, West Virginia, New Hampshire, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–2974; Filed, Mar. 11, 1969; 8:48 a.m.]

[Notice 541]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 7, 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 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

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

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Deviation No. 39), PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612, filed February 24, 1969. Carrier's representative: Alfred G. Krebs, Post Office Box 958, Oakland, Calif. 94604. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over Interstate Highway 80 to junction Interstate Highway 94, thence over Interstate Highway 94 to Detroit, Mich., 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 Omaha, Nebr., over U.S. Highway 75 to Missouri Valley, Iowa, thence over U.S. Highway 30 to junction Iowa Highway 212, thence over Iowa Highway 212 to Belle Plaine, Iowa, thence over Iowa Highway 131 to junction U.S. Highway 30, thence over U.S. Highway 30 to Clinton, Ill., thence over Alternate U.S. Highway 30 via Fulton, Ill., to junction U.S. Highway 30, thence over U.S. Highway 30 to junction unnumbered highway about 4 miles east of Round Grove, Ill., thence over unnumbered highway via Emberson, Ill., to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to junction unnumbered highway east of Sterling, Ill., thence over unnumbered highway via Prairieville and Palmyra, Ill., to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Chicago, Ill.; (2) from junction Iowa Highway 212 and U.S. Highway 30 over U.S. Highway 30 to junction Iowa Highway 131; (3) from Chicago, Ill., over U.S. Highway 20 to junction Ohio Highway 120, thence over Ohio Highway 120 to Toledo, Ohio; and (4) from Toledo, Ohio, over U.S. Highway 24 to junction U.S. Highway 25 near Monroe, Mich., thence over U.S. Highway 25 to Detroit, Mich., and return over the same route.

No. MC 2401 (Deviation No. 26), MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind. 47802, filed February 24, 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 Lexington, Ky., over U.S. Highway 25 (an access road) to junction Interstate Highway 75, thence over Interstate Highway 75 to junction Interstate Highway 64, thence over Interstate Highway 64 to junction Interstate Highway 264 (Louisville, Ky., Bypass), thence over Interstate Highway 264 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction Interstate Highway 65, thence over Interstate Highway 65 to Indianapolis, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Lexington, Ky., over U.S. Highway 25 to Cincinnati, Ohio, thence over U.S. Highway 52 to Indianapolis, Ind., and return over the same route.

No. MC 2401 (Deviation No. 27), MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind. 47802, filed February 24, 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 Columbus, Ohio, over Interstate Highway 70 to junction Interstate Highway 465 (Indianapolis, Ind., Bypass), thence over Interstate Highway 465 to junction Interstate Highway 74, thence over Interstate Highway 74 to junction Interstate Highway 80, thence over Interstate Highway 80 to Omaha, Nebr., 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 Columbus, Ohio, over U.S. Highway 40 to junction Ohio Highway 142, thence over Ohio Highway 142 to junction U.S. Highway 42, thence over U.S. Highway 42 to junction U.S. Highway 35, thence over U.S. Highway 35 to junction U.S. Highway 40, thence over U.S. Highway 40 to Indianapolis, Ind., thence over U.S. Highway 52 to Montmorenci, Ind., thence over Indiana Highway 53 to junction U.S. Highway 30, thence over U.S. Highway 30 to Chicago Heights, Ill., thence over U.S. Highway 54 to Chicago, Ill., thence over Alternate U.S. Highway 30 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Iowa Highway 131, thence over Iowa Highway 131 to junction Iowa Highway 131 to junction Iowa Highway 212, thence over Iowa Highway 212 to junction U.S. Highway 30, thence over U.S. Highway 30 to Missouri Valley, Iowa, thence over Alternate U.S. Highway 30 to Council Bluffs, Iowa, thence over city streets to Omaha, Nebr., and return over the same route.

No. MC 87523 (Deviation No. 1), STEWART TRANSPORT, INC., 476 Valley Street, Manchester, N.H. 03103, filed February 28, 1969. Carrier's representative: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Boston, Mass., over city streets to junction Interstate Highway 93, thence over Interstate Highway 93 to junction Interstate Highway 193 at Manchester, N.H., thence over Interstate Highway 193 to junction Interstate Highway 93, thence over Interstate Highway 93 to junction U.S. Highway 3, thence over U.S. Highway 3 to junction Interstate Highway 93, near Franconia Notch, N.H., thence over Interstate Highway 93 to junction New Hampshire Highway 18, at Littleton, N.H., thence over New Hampshire Highway 18 to the New Hampshire-Vermont State line, thence over Vermont Highway 18 to junction U.S. Highway 2, thence over U.S. Highway 2 to junction U.S. Highway 5 at St. Johnsbury, Vt., 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 Boston, Mass., over Massachusetts Highway 28 to the Massachusetts-New Hampshire State line, thence over New Hampshire Highway 28 to Manchester, N.H., thence over U.S. Highway 3 to junction New Hampshire Highway 3A near Franklin, N.H., thence over New Hampshire Highway 3A to junction New Hampshire Highway 3A to junction New Hampshire Highway 25, thence over New Hampshire Highway 25 to junction New Hampshire Highway 10, thence over New Hampshire Highway 10 to junction U.S. Highway 302, thence over U.S. Highway 302 to Wells River, Vt., thence over U.S. Highway 5 to St. Johnsbury, Vt., and return over the same route.

No. MC 104004 (Deviation No. 34), ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y. 10017, filed February 25, 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 Fayetteville, N.C., over U.S. Highway 301 to junction Interstate Highway 95, thence over Interstate Highway 95 (portions of U.S. Highway 301 where not completed) to junction Interstate Highway 26, thence over Interstate Highway 26 to Charleston, S.C., 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 Fayetteville, N.C., over U.S. Highway 301 to junction North Carolina Highway 71, thence over North Carolina Highway 71 to Red Springs, N.C., thence over North Carolina Highway 211 to Aberdeen, N.C. (also from Fayetteville over North Carolina Highway 87 to Jonesboro, N.C., thence over North Carolina Highway 78 to junction U.S. Highways 15 and 501, thence over U.S. Highways 15 and 501 to Aberdeen), thence over U.S. Highways 15 and 501 to junction U.S. Highway 15, thence over U.S. Highway 15 to McColl, S.C., thence over U.S. Highway 15 to Bennettsville, S.C., thence over South Carolina Highway 9 to Cheraw, S.C., thence over U.S. Highway 52 via Florence, S.C., to Charleston, S.C. (also from Bennettsville, S.C., over South Carolina Highway 9 to Dillon, S.C., thence over U.S. Highway 501 to Marion, S.C. (or via South Carolina Highway 57 to Mullins and thence U.S. Highway 76 to Marion), thence over U.S. Highways 76 and 301 to Florence, S.C., thence over U.S. Highway 52 to Charleston, S.C.), and return over the same route.

No. MC 112713 (Deviation No. 13), YELLOW FREIGHT SYSTEM, INC., 92d at State Line, Post Office Box 8462, Kansas City, Mo. 64114, filed February 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 Nashville, Tenn., over U.S. Highway 31W to junction Interstate Highway 65, thence over Interstate Highway 65 to junction Interstate Highway 465, south of Indianapolis, Ind., thence over Interstate Highway 465 to junction Interstate Highway 69, thence over Interstate Highway 69 to Marshall, Mich., 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 Nashville, Tenn., over U.S. Highway 41 via Hopkinsville, Ky., to junction Kentucky Highway 56, thence over Kentucky Highway 56 to the Kentucky-Illinois State line, thence over Illinois Highway 13 to junction Illinois Highway 1, thence over Illinois Highway 1 to Crossville, Ill., thence over U.S. Highway 460 to Evansville, Ind., thence over U.S. Highway 41 to Chicago, Ill. (also from Nashville to junction U.S. Highway 41 and Kentucky Highway 56 as specified, thence over U.S. Highway 41 to Evansville, Ind., thence to Chicago as specified); and (2) from Chicago, Ill., over U.S. Highway 12 to Gary, Ind., thence over U.S. Highway 20 to junction Indiana Highway 212, thence over Indiana Highway 212 to junction U.S. Highway 12, thence over U.S. Highway 12 to junction unnumbered highway (formerly portion U.S. Highway 12) near New Buffalo, Mich., thence over unnumbered highway to junction Interstate Highway 94 (formerly portion U.S. Highway 12), thence over Interstate Highway 94 to junction unnumbered highway (formerly portion U.S. Highway 12), thence over unnumbered highway to Kalamazoo, Mich., thence over Interstate Highway B.L. 94 (formerly portion U.S. Highway 12) to junction unnumbered highway, thence over unnumbered highway (formerly portion U.S. Highway 12) via Battle Creek, Mich., to Marshall, Mich., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 510), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed February 24, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 68 and Interstate Highway 75 at Findlay, Ohio, over U.S. Highway 68 to junction Ohio Highway 15, thence over Ohio Highway 15 to junction U.S. Highway 23, south of Carey, Ohio, thence over U.S. Highway 23 to junction Ohio Highway 199 near Little Sandusky, Ohio, and (2) from Carey, Ohio, over U.S. Highway 23 to junction Ohio Highway 15, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Carey, Ohio, over Ohio Highway 199 (formerly portion U.S. Highway 23) to junction U.S. Highway 23, approximately 5 miles south of Upper Sandusky, Ohio, thence over U.S. Highway 23 to junction Ohio Highway 423 (formerly portion U.S. Highway 23), thence over Ohio Highway 423 via Marion, Ohio, to junction U.S. Highway 23 at Waldo, Ohio, thence over U.S. Highway 23 via Delaware to Columbus, Ohio, and return over the same route.

No. MC 1515 (Deviation No. 511), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed February 28, 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: From Columbus, Ohio, over Interstate Highway 71 to junction Interstate Highway 270, thence over Interstate Highway 270 to junction Ohio Highway 3, and return over the same route, 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: Between Wooster, Ohio, and Columbus, Ohio, over Ohio Highway 3.

No. MC 109598 (Deviation No. 12), CAROLINA SCENIC STAGES, Post Office Box 2387, Charlotte, N.C. 28201, filed February 24, 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: From Charlotte, N.C., over Interstate Highway 77 to junction U.S. Highway 21 (just west of Pineville, N.C.), thence over U.S. Highway 21 (an access road) to junction South Carolina Highway 160, and return over the same route, 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 Winnsboro, S.C., over South Carolina Highway 200 to junction U.S. Highway 21, thence over U.S. Highway 21 to Fort Lawn, S.C., thence over South Carolina Highway 9 to junction South Carolina Highway 901, thence over South Carolina Highway 901 to junction U.S. Highway 21, thence over U.S. Highway 21 via Rock Hill, S.C., to junction unnumbered highway, thence over unnumbered highway to Fort Mill, S.C., thence over South Carolina Highway 160 to the South Carolina-North Carolina State line, thence over Mecklenburg County, N.C., Highway 18 to junction Mecklenburg County Highway 200, thence over Mecklenburg County Highway 200 to junction Mecklenburg County Highway 201 (also from junction Mecklenburg County Highways 18 and 200 over Mecklenburg County Highways 18 and 201 to junction Mecklenburg County Highway 200), thence over Mecklenburg County Highway 200 to junction Mecklenburg County Highway 189, thence over Mecklenburg County Highway 189 to junction Mecklenburg County Highway 196, thence over Mecklenburg County Highway 196 to Charlotte, N.C., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-2975; Filed, Mar. 11, 1969; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 7, 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 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, 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. 3825-M, filed February 14, 1969. Applicant: BENTON TRANSPORTATION CORPORATION, Post Office Box 6358, Station C, Savannah, Ga. 31405. Applicant's representative: Ariel V. Conlin, 626 Fulton National Bank Building, Atlanta, Ga. 30303. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of (1) *iron or steel products*, viz: plant, sheet, and coils, galvanized, coated or not coated; structural; pipe; nails and spikes, coated or not coated; and (2) *aluminum products*, viz: plate, sheet, blanks, circles, stampings, and shapes; between Savannah, Ga., Port Wentworth, Ga., and Garden City, Ga., on the one hand, and all points in Georgia on the other hand, over no fixed route. Both intrastate and interstate authority sought.

HEARING: Tuesday, April 8, 1969, at 10 a.m., 177 State Office Building, 244 Washington Street SW., Atlanta, Ga. 30334. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Georgia Public Service Commission, 244 Washington Street, SW., Atlanta, Ga. 30334, and should not be directed to the Interstate Commerce Commission.

State Docket No. 3836-M, filed February 26, 1969. Applicant: COASTAL TRANSPORT & TRADING CO., Post Office Box 7177, Savannah, Ga. Applicant's representative: Robert W. Gerson, 1201 Commerce Building, Atlanta, Ga. 30303. Certificate of public convenience and necessity sought to operate

a freight service as follows: Transportation of *iron or steel articles* as follows: *Iron or steel angles, bars or plate; iron or steel axles, railway car, locomotive, or wheels,* without bearings, gears, knuckles, tongue tubes, or other steering power attachments; *steel piling; iron or steel pipe; steel plate or sheet,* galvanized, aluminum coated, painted or plain, corrugated or not corrugated, loose or in packages; *steel rails and railway track; iron or steel reinforcements,* for concrete or plaster, *wire, wire mesh, bar mesh, or expanded metal,* in packages or coils and/or reels; *steel sheets,* corrugated, aluminum coated, galvanized, leaded, planished, packed in metal or wood cases and/or coils; *iron or steel tubing,* in the rough or seamless; *steel beams,* coated or uncoated, between Savannah, Garden City, and Port Wentworth, Ga., on the one hand, and, all points in Georgia, on the other hand, over no fixed route. Both intrastate and interstate authority sought.

HEARING: Tuseday, April 22, 1969, at 10 a.m., 177 State Office Building, 244 Washington Street SW., Atlanta, Ga. 30334. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, Ga. 30334, and should not be directed to the Interstate Commerce Commission.

State Docket No. 26300-Extension, filed February 3, 1969. Applicant: RICHARD H. ESHE AND LOIS MAE ESHE, copartners, doing business as SOUTH PARK MOTOR LINES, 48 East 56th Avenue, Denver, Colo. 80216. Applicant's representative: John P. Thompson, 450 Capitol Life Building, Denver, Colo. 80203. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities,* in scheduled service over regular routes, between Denver, Colo., and points within 5 miles thereof, on the one hand, and, on the other hand, the east portal of Straight Creek Tunnel (located in Clear Creek County, Colo.), and the west portal of Straight Creek Tunnel (located in Clear Creek County, Colo.), and the west portal of Straight Creek (located in Summit County, Colo.) over U.S. Highway 6, Interstate Highway 70, and Colorado Highway 9, serving no intermediate points. Both intrastate and interstate authority sought.

HEARING: Thursday, April 3, 1969, at 10 a.m., in the hearing room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Colorado Public Utilities Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colo. 80203, and should not be directed to the Interstate Commerce Commission.

State Docket No. A50826, filed January 20, 1969. Applicant: 20TH CENTURY TRUCKING COMPANY, 35th and Broadway Streets, Los Angeles, Calif. 90015. Applicant's representative: Franklin L. Knox, Jr., 210 West Seventh Street, Room 1035, Los Angeles, Calif. 90014. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except livestock, fresh fruits and vegetables, property transferred by dump truck, household goods, and property transported in tank trucks and tank trailers) as authority under its present operating rights, authorizing it to extend such operations so as to additionally include services from, to, and between all points as follows: (a) The city of Los Angeles as defined under its present authority; (b) Los Angeles basin territory as defined under its present authority; (c) San Diego territory as defined under its present authority; (d) all points and places within 5 miles of either side of U.S. Highway 101 between Santa Ana and San Diego as defined under its present authority; (e) Santa Barbara as defined under its present authority; (f) all points and places within 5 miles on either side of U.S. Highway 101 and U.S. Highway 101A Alternate between Los Angeles and Santa Barbara as defined under its present authority; (g) Goleta; (h) all points and places within 5 miles of either side of U.S. Highway 101 between Santa Barbara and Goleta; (i) beginning at a point on Highway 399 laterally 5 miles distant north of Highway 101 along Highway 399 northerly to Highway 150; thence easterly on Highway 150 to the city of Santa Paula including all points and places within 5 miles on either side of these described portions of Highways 399 and 150;

(j) Beginning at a point on Highway 126 laterally 5 miles distant (northerly) from Highway 101 along Highway 126 northeasterly to the city of Fillmore; thence southerly along Highway 23 to Moorpark; thence easterly along Highway 118 to a point easterly from Santa Susana distant 5 miles, including all points and places within 5 miles on either side of the above-described portion of Highways 126, 23, and 118; (k) all points and places on Highway 395 which Applicant is presently permitted to traverse, beginning at a point south of Temecula being the boundary line of the Los Angeles basin territory, southerly along said highway to Miramar being the northerly boundary of the San Diego territory, including all points and places within 5 miles on either side of this described portion of Highway 395 and including the points of San Marcos, Vista, Bonsall, Fall Brook, Valley Center, which points may be within said 5 miles lateral line although in perhaps one or two instances, the boundary lines of these points might be distant slightly beyond a 5-mile lateral line. Applicant proposes to serve all points and places within each of the territories hereinabove described, and to, and from, and between, all points and places within these described areas, and to use all available routes, streets, and highways within or convenient to use, within, or between these areas, to provide service at all points in all incorporated cities, any part of which lies within the boundary of Applicant's present proposed serviced territories. 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 California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

State Docket No. 69085-CCT, filed February 21, 1969. Applicant: SMITH TERMINAL WAREHOUSE COMPANY, 3510 Northwest 60th Street, Miami, Fla. Applicant's representative: John T. Bond, 1955 Northwest 17th Avenue, Miami, Fla. 33125. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *new crated furniture,* over irregular routes and on irregular schedules, to, from, and between points and places in Dade, Broward, and Palm Beach Counties, Fla.; all such items or merchandise having an origin or a destination at applicant's storage warehouse, located in the city of Miami, Fla. 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 Florida Public Service Commission, Tallahassee, Fla. 32304, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-2976; Filed, Mar. 11, 1969; 8:48 a.m.]

[Notice 793]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 7, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 104881 (Sub-No. 5 TA), filed March 5, 1969. Applicant: ROSS C. GAY, doing business as GAY TRUCK LINE, Post Office Box 54, Falkner, Miss. 38629. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reclaimed rubber, rubber compounds, and rubber compounding chemicals*, from Ripley, Miss., to Hohenwald, Tenn., and *pallets* on return, for 180 days. Supporting shipper: American Biltrite Rubber Co., Inc., Post Office Box 1071, Boston, Mass. 02103. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 108207 (Sub-No. 256 TA), filed March 3, 1969. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, 75207, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A, B, and C, of appendix I, to the report in *Descriptions in Motor Carrier Certificates* 61, M.C.C. 209 and 766 (except hides and commodities in bulk and tank vehicles), from points in the Minneapolis-St. Paul, Minn., commercial zone, to Kansas City, Mo.; Kansas City, Kans.; St. Joseph, Mo.; Phoenix, Tucson, and Yuma, Ariz.; Fort Smith and Little Rock, Ark.; Biloxi, Miss.; Roswell, N. Mex.; Memphis, Tenn.; Oklahoma City and Tulsa, Okla.; and to points in Texas and Louisiana; (2) *candy*, from points in the Minneapolis-St. Paul, Minn., commercial zone, to Phoenix, Ariz.; Houston and Nacogdoches, Tex.; (3) *pickles and pickle products*, from points in the Minneapolis-St. Paul, Minn., commercial zone, to Houston, Tex.; (4) *pizza sticks*, from points in the Minneapolis-St. Paul, Minn., commercial zone, to Dallas, Tex., for 150 days. NOTE: Applicant intends to tack with existing authority. Supporting shippers: Crown Meat & Provisions Co., Inc., 443 Hoover Street NE., Minneapolis, Minn. 55413; Feinberg Distributing Co., 1114 Zane Avenue North, Minneapolis, Minn. 55422; Flavo Food Products, 116 West Broadway, Minneapolis, Minn. 55411; Fanny Farmer, 900 North Third Street, Minneapolis, Minn.; Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604; Armour & Co., 401 North Wabash Avenue, Chicago, Ill. 60609; King Foods, Inc., Post Office Box 26, South St. Paul, Minn. 55075. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 116325 (Sub-No. 60 TA) (Correction), filed February 13, 1969, published FEDERAL REGISTER, issue of February 26, 1969, and republished as corrected this issue. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, Post Office Box 8, Lutesville, Mo. 63762. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Caruthersville, Mo., to Paragould, Ark., for 150 days. NOTE: The purpose of this republication is to correct the commodities proposed to be transported, inadvertently shown in previous publication as only iron and steel. Supporting shipper: Inland Steel Co., 30 West Monroe Street, Chicago, Ill. 60603. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3248, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 120536 (Sub-No. 5 TA), filed March 4, 1969. Applicant: PIKE TRANSFER COMPANY, INC., Carrollton Highway, Post Office Box 799, Newnan, Ga. 30263. Applicant's representative: Archie B. Culbreth, 1273 West Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Aluminum billets*, between Newnan, Ga., and the plantsite of Franklin Aluminum Co. at or near Franklin, Ga., over Georgia Highway 34, for 180 days. Supporting shippers: Sales Division of Pechiney Enterprises, Inc., 220 East 42d Street, New York, N.Y. 10017; Franklin Aluminum Co., Franklin, Ga. 30217. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 124078 (Sub-No. 363 TA), filed March 4, 1969. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, from Fostoria, Ohio, to points in Indiana and Michigan, for 150 days. Supporting shipper: Central Farmers Fertilizer Co., 100 South Wacker Drive, Chicago, Ill. 60606 (A. J. Skul, Manager, Rail-Truck Traffic). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 128375 (Sub-No. 27 TA), filed March 4, 1969. Applicant: CRETE CARRIER CORP., 15th and Main, Post Office Box 249, Crete, Nebr. 68333. Applicant's representative: Richard A. Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, and supplies used in the manufacture of automobile parts;* (1) from points in Colorado to Marianna, Ark., Red Oak and Humboldt, Iowa, and Columbus, Nebr.; and (2) from points in Pennsylvania, Ohio, Michigan, Illinois, and Indiana to Humboldt, Iowa, under continuing contract with Douglas & Lomason Co., Detroit, Mich., for 180 days. Supporting shipper: Douglas & Lomason Co., Detroit, Mich. Send protests to: District Supervisor Max H. Johnston, Interstate Commerce Commission, Bureau of Operations, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 133366 (Sub-No. 1 TA) (Correction), filed February 19, 1969, published FEDERAL REGISTER, issue of February 28, 1969, and republished as corrected this issue. Applicant: MILLER TRUCKING, INC., 11318 Pressburg Street, New Orleans, La. 70128. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs, margerine, mayonnaise, cooking oils, shortening, coffee, and matches*, from New Orleans, La., to points in Louisiana, Mississippi, Alabama, Arkansas, Florida, and Texas, and Memphis, Tenn., and *equipment, materials, and ingredients* used in the production of foodstuffs, from the above area to New Orleans, La., for 180 days. NOTE: The purpose of this republication is to include the return movement, inadvertently omitted from previous publication. Supporting shipper: Hunt-Wesson Foods, Inc., Post Office Box 61770, New Orleans, La. 70160. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-40009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 133424 (Sub-No. 1 TA) (Correction), filed February 17, 1969, published FEDERAL REGISTER, issue of February 26, 1969, and republished as corrected this issue. Applicant: AARON COPE, doing business as AARON COPE TRUCKING COMPANY, 101 North Oakhill Drive, McMinnville, Tenn. 37110. Applicant's representative: Walter Harwood, Suite 1822, Parkway Towers, 404 James Robertson Parkway, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lightweight aggregate*, in bulk, in dump trailers, from Greenbrier, Tenn., to points in Kentucky, Indiana, and Illinois, on and south of U.S. Highway 40, and *coal*, in bulk, in dump vehicles, on return from Madisonville, Ky., to Greenbrier, Tenn., for 150 days. NOTE: The purpose of this republication is to add the return movement of coal inadvertently omitted from previous publication. Supporting shipper: Michael L. McNally, Secretary-Treasurer, Tennlite, Inc., 1022 Nashville Trust Building, Nashville, Tenn. 37201. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 133482 TA (Correction) filed February 17, 1969, published FEDERAL REGISTER issue of February 26, 1969, and republished as corrected this issue. Applicant: CAMPANELLA TRUCKING

CORP., 161–163 Dikeman Street, Brooklyn, N.Y. 11231. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by an importer of housewares, for the account of Imperial International Corp., between points in the New York, N.Y., commercial zone, as defined by the Commission in 49 CFR 1048.1, on the one hand, and, on the other, Hauppauge, N.Y., for 180 days. NOTE: The purpose of this republication is to add the District Supervisor's name below, inadvertently omitted from previous publication. Supporting shipper: Imperial International Corp., 1776 Broadway, New York, N.Y. 10019. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-2977; Filed, Mar. 11, 1969; 8:48 a.m.]

[Notice 309]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 7, 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-70812. By order of February 28, 1969, the Motor Carrier Board approved the transfer to Bloxom Bailey, doing business as Blue Ridge Tours, Blue Ridge, Ga., of the license in No. MC-12620 issued April 5, 1956, to Stowe Ray Scism, doing business as Blue Ridge Tour Service, Blue Ridge, Ga., authorizing operations as a broker in the transportation of passengers and their baggage, in round-trip all-expense tours, beginning and ending at Blue Ridge, Ga., and points within 50 miles thereof, and extending to all points in the United States. John F. Ray, Post Office Box 2387, Charlotte, N.C. 28201, attorney for applicants.

No. MC-FC-71069. By order of March 3, 1969, the Motor Carrier Board approved the transfer to Masson Moving Co., Inc., Fall River, Mass., of certificate No. MC-95783, issued May 12, 1959, to Aquilas J. Masson, doing business as A. Masson Moving, 930 Plymouth Avenue, Fall River, Mass., authorizing the transportation of household goods, as defined by the Commission, between Fall River, Mass., and points in Massachusetts and Rhode Island within 20 miles of Fall River. Antonio R. Luongo, Jr., 515 Stafford Road, Fall River, Mass. 02721, attorney for transferee.

No. MC-FC-71139. By order of March 5, 1969, the Motor Carrier Board approved the transfer to Bivin Transfer Co., Inc., Indianapolis, Ind., of the operating rights in certificate No. MC-82080 issued June 28, 1968, to Cecil Keller Frazier, doing business as Bivin Transfer Co., Indianapolis, Ind., authorizing the transportation of household goods as defined by the Commission, between Indianapolis, Ind., on the one hand, and, on the other, points in Ohio, Kentucky, Illinois, and Michigan; and, household goods as defined by the Commission, office furniture and equipment, and store fixtures, between Indianapolis, Ind., on the one hand, and, on the other, points in West Virginia, Wisconsin, and Pennsylvania. Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-2978; Filed, Mar. 11, 1969; 8:48 a.m.]

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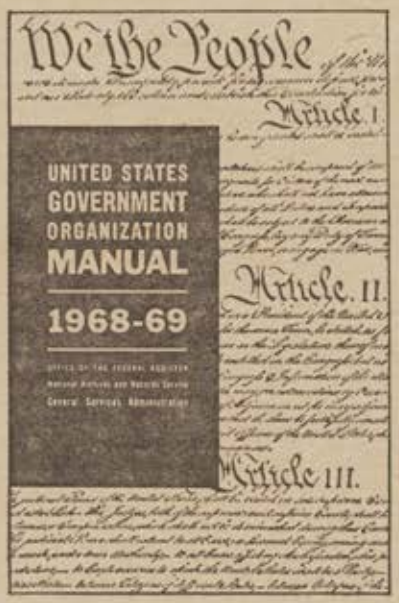

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