

# FEDERAL REGISTER

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Pages 14361-14414

Agencies in this issue—

The President  
Agency for International Development  
Agricultural Stabilization and  
Conservation Service  
Civil Service Commission  
Consumer and Marketing Service  
Education Office  
Emergency Preparedness Office  
Federal Aviation Administration  
Federal Communications Commission  
Federal Highway Administration  
Federal Maritime Commission  
Federal Power Commission  
Federal Railroad Administration  
Fiscal Service  
Food and Drug Administration  
General Services Administration  
Health, Education, and  
Welfare Department  
Housing and Urban Development  
Department  
Internal Revenue Service  
Interstate Commerce Commission  
Land Management Bureau  
Securities and Exchange Commission  
Veterans Administration

Detailed list of Contents appears inside.



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# Presidential Documents

## Title 3—THE PRESIDENT

Proclamation 3928

LEIF ERIKSON DAY, 1969

By The President of the United States of America

### A Proclamation

Leif Erikson and his crew of adventurous Norse seafarers sailed across the northern seas nearly a thousand years ago and landed on the shores of North America. These resourceful explorers opened new horizons to the west—a truly courageous and historic achievement.

Born of vision, courage and determination, Leif Erikson's success became an inspiration for later accomplishments. The spirit of Leif Erikson has continued to inspire millions of people, particularly the ten million Americans whose ancestors came from the Viking lands.

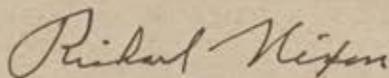
It is especially appropriate that we recognize Leif Erikson's explorations in 1969, the year in which a new kind of explorers landed on the moon and returned home to inspire all mankind from now on.

I am honored to comply with the request of the Congress of the United States, in a joint resolution approved September 2, 1964 (78 Stat. 849), that the President proclaim October 9 in each year as Leif Erikson Day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Thursday, October 9, 1969, as Leif Erikson Day; and I direct the appropriate government officials to display the flag of the United States on all government buildings on that day.

I also invite the people of the United States to honor the memory of Leif Erikson on that day by holding appropriate exercises and ceremonies in schools and churches, or other suitable places.

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



[F.R. Doc. 69-11004; Filed, Sept. 11, 1969; 3:16 p.m.]



**Proclamation 3929**  
**COLUMBUS DAY, 1969**

**By the President of the United States of America**

**A Proclamation**

On October 12 we again celebrate in honor of the great sea captain and explorer whose historic westward voyage across the Atlantic led to the permanent settlement of America.

Respect for the achievement of Christopher Columbus is especially appropriate this year when we have witnessed an epic journey of discovery, the journey to the moon. Both the voyages of Columbus and those of our modern astronauts are expressions of man's great ambition to confront the unknown, and to master the challenges of distance and space.

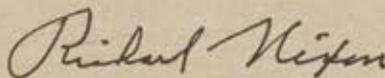
We remember also that Columbus was a man of Italy, a noble example for the many other men of Italy who have come to our country and to so many other lands of the new world. Sailing in the service of the Spanish crown, which had the vision to support his courage and initiative, Christopher Columbus opened America for all the people of the world.

In tribute to the memory of Columbus, the Congress of the United States, by a joint resolution approved April 30, 1934 (48 Stat. 657), requested the President to proclaim October 12 of each year as Columbus Day for the observance of the anniversary of the discovery of America.

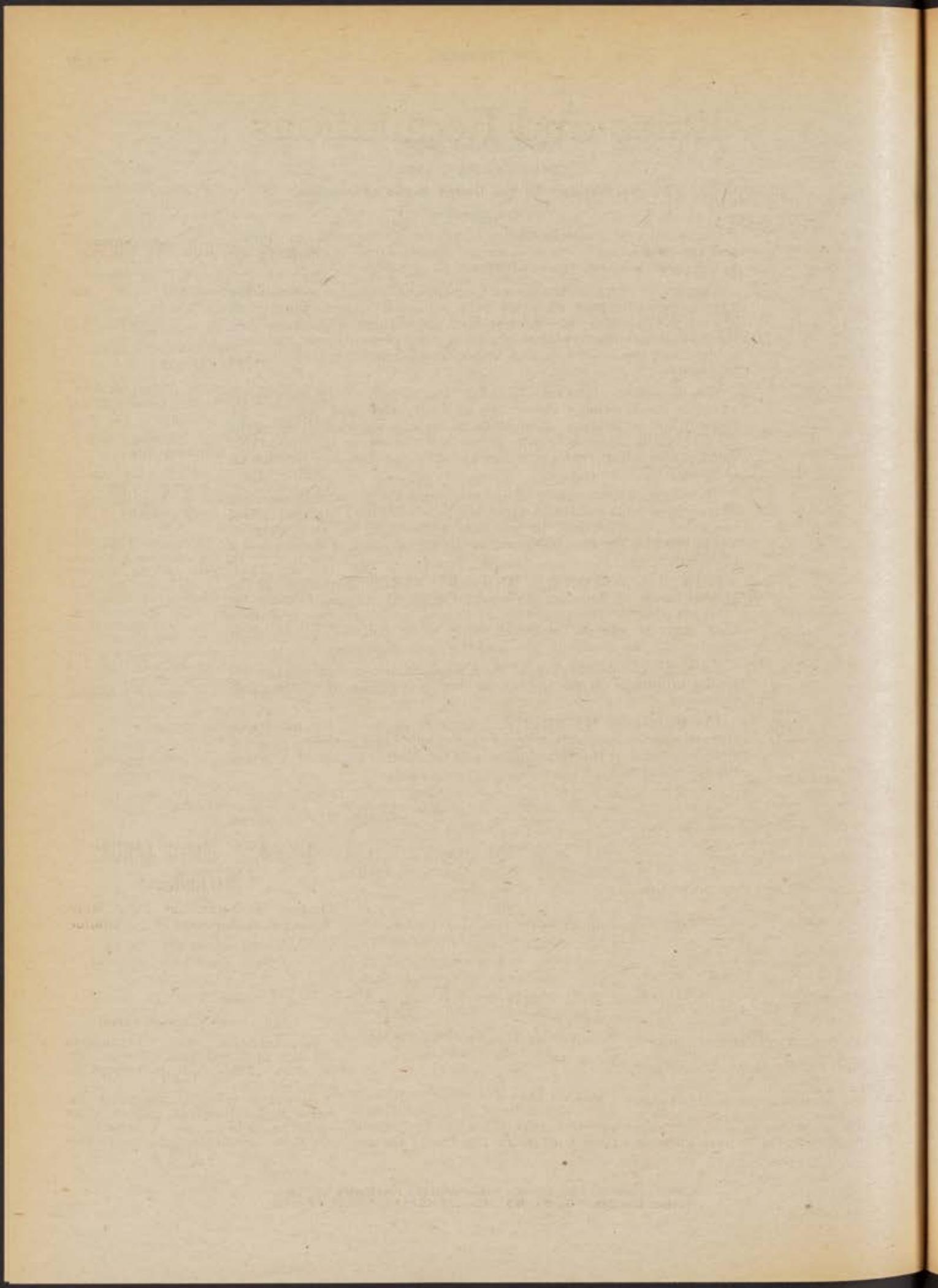
NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Sunday, October 12, 1969, as Columbus Day; and I invite the people of this nation to observe that day in schools, churches, and other suitable places with appropriate ceremonies in honor of the great explorer.

I also direct that the flag of the United States be displayed on all public buildings on the appointed day in memory of Christopher Columbus.

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



[F.R. Doc. 69-11029; Filed, Sept. 11, 1969; 4:33 p.m.]



# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 213—EXCEPTED SERVICE

##### Treasury Department

Section 213.3305 is amended to show that the position of Confidential Staff Assistant to the Assistant Secretary for International Affairs is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (43) is added to paragraph (a) of § 213.3305 as set out below.

##### § 213.3305 Treasury Department.

(a) *Office of the Secretary.* \* \* \*

(43) One Confidential Staff Assistant to the Assistant Secretary for International Affairs.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant to the Commissioners.*

[F.R. Doc. 69-10958; Filed, Sept. 12, 1969; 8:48 a.m.]

#### PART 213—EXCEPTED SERVICE

##### Department of Health, Education, and Welfare

Section 213.3316 is amended to show that four additional positions of Assistant to the Secretary are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (32) of paragraph (a) of § 213.3316 is amended as set out below.

##### § 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* \* \* \*

(32) Six Assistants to the Secretary.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant to the Commissioners.*

[F.R. Doc. 69-10955; Filed, Sept. 12, 1969; 8:47 a.m.]

#### PART 213—EXCEPTED SERVICE

##### Securities and Exchange Commission

Section 213.3330 is amended to show that one additional position of Confidential Assistant to the Chairman is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER,

paragraph (d) of § 213.3330 is amended as set out below.

##### § 213.3330 Securities and Exchange Commission.

(d) Two Confidential Assistants to the Chairman and one Confidential Assistant to each of the other four Members of the Commission.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant to the Commissioners.*

[F.R. Doc. 69-10956; Filed, Sept. 12, 1969; 8:47 a.m.]

#### PART 213—EXCEPTED SERVICE

##### Small Business Administration

Section 213.3332 is amended to show that one additional position of Congressional Relations Officer is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (e) of § 213.3332 is amended as set out below.

##### § 213.3332 Small Business Administration.

(e) Four Congressional Relations Officers.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
*Executive Assistant to the Commissioners.*

[F.R. Doc. 69-10957; Filed, Sept. 12, 1969; 8:47 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9325, Amdt. 127-11]

#### PART 127—CERTIFICATION AND OPERATIONS OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

##### Maintenance and Reestablishment of Pilot Qualifications

###### Correction

In F.R. Doc. 69-10602, appearing at page 14069 in the issue of Friday, September 5, 1969, the word "has" should be inserted in the 14th line of the first

column of page 14070, preceding the word "undertaken".

## Title 21—FOOD AND DRUGS

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

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS

##### PART 31—NONALCOHOLIC BEVERAGES

##### Soda Water, Identity Standard; Confirmation of Effective Date of Order Listing Enzyme-Modified Soy Protein in Carrier of Propylene Glycol As Optional Foaming Agent

In the matter of amending the identity standard for soda water (21 CFR 31.1) to list as an optional ingredient enzyme-modified soy protein in a carrier of propylene glycol:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of July 18, 1969 (34 F.R. 12087). Accordingly, the amendment promulgated by that order will become effective September 16, 1969.

Dated: September 5, 1969.

J. K. KIRK,  
*Associate Commissioner for Compliance.*

[F.R. Doc. 69-10927; Filed, Sept. 12, 1969; 8:45 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

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

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4683]

[New Mexico 9289]

##### NEW MEXICO

##### Addition to National Forest

By virtue of the authority contained in the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g-1), it is ordered as follows:

Subject to valid existing rights, the following described land, 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, is hereby added to and made a part of the Cibola National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

NEW MEXICO PRINCIPAL MERIDIAN

T. 11 N., R. 13 W.,  
Sec. 16.

The area described aggregates 640 acres in Valencia County.

HARRISON LOESCH,  
Assistant Secretary of the Interior.

SEPTEMBER 9, 1969.

[F.R. Doc. 69-10929; Filed, Sept. 12, 1969;  
8:46 a.m.]

[Public Land Order 4684]

[Colorado 0128263]

COLORADO

Withdrawal for National Forest  
Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

GRAND MESA—UNCOMPAGNE NATIONAL  
FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Alta Lakes Recreation Area

T. 42 N., R. 9 W.,  
Sec. 22, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 23, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  and W $\frac{1}{2}$ NW $\frac{1}{4}$   
SW $\frac{1}{4}$ ;  
Excluding patented mineral surveys.

The areas described aggregate approximately 148 acres in San Miguel County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,  
Assistant Secretary of the Interior.

SEPTEMBER 9, 1969.

[F.R. Doc. 69-10928; Filed, Sept. 12, 1969;  
8:45 a.m.]

[Public Land Order 4685]

[New Mexico 4769, 6908, 7690]

NEW MEXICO

Withdrawal of National Forest Administrative Site; Partial Revocation of National Forest Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

[NM-7690]

NEW MEXICO PRINCIPAL MERIDIAN

SANTA FE NATIONAL FOREST

Panchuela West Administrative Site

T. 19 N., R. 11 E.,  
Sec. 2, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  and S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 11, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and  
NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

The area described aggregates 120 acres in Santa Fe County.

The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

2. Public Land Order No. 1095 of March 15, 1955, withdrawing the Panchuela West Administrative Site from mineral location and entry, and described as unsurveyed land in sections 1 and 2, T. 19 N., R. 11 E., is hereby revoked:

[NM 7690]

NEW MEXICO PRINCIPAL MERIDIAN

SANTA FE NATIONAL FOREST

T. 19 N., R. 11 E.,  
Sec. 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$   
SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 2, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$   
NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

3. The Secretary's order of November 25, 1907, withdrawing the following described lands as an administrative site, is hereby revoked:

[NM 6908]

NEW MEXICO PRINCIPAL MERIDIAN

LINCOLN NATIONAL FOREST

T. 14 S., R. 11 E.,  
Sec. 20, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , and N $\frac{1}{2}$   
S $\frac{1}{2}$ SW $\frac{1}{4}$ .

4. The Secretary's order of February 6, 1908, withdrawing the following described lands as an administrative site, is hereby revoked:

[NM 4769]

NEW MEXICO PRINCIPAL MERIDIAN

GILA NATIONAL FOREST

T. 5 S., R. 16 W.,  
Sec. 9, NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

The areas released from withdrawal by this order aggregate 360 acres.

5. At 10 a.m. on October 15, 1969, the national forest lands in the Santa Fe National Forest being released from withdrawal by this order shall be open to such forms of disposal as may by law be made of national forest lands. The remaining lands which are the subject of this order have been patented.

HARRISON LOESCH,  
Assistant Secretary of the Interior.

SEPTEMBER 9, 1969.

[F.R. Doc. 69-10972; Filed, Sept. 12, 1969;  
8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications  
Commission

[Docket No. 11279; FCC 69-950]

SUBSCRIPTION TELEVISION  
SERVICE

Miscellaneous Amendments to  
Chapter

In the matter of amendment of Part 73 of the Commission's rules and regulations (Radio Broadcast Services) to provide for subscription television service;<sup>1</sup> Docket No. 11279.

*Fifth report and order.* 1. In the fourth report and order in this proceeding, 15 F.C.C. 2d 466 (1968), an over-the-air subscription television (STV) broadcast service was established and rules, other than those concerning equipment and system performance capability, were adopted to govern the service. Those rules were made effective June 12, 1969—6 months after the date of their adoption—to afford time for congressional and judicial review.

2. In paragraphs 209-220 of that document we discussed the question of whether more than one STV technical system should be authorized or whether only a single technical system should be permitted for STV operations, and concluded that multiple systems should be permitted. Paragraphs 246-250 referred to a previously issued second further notice of proposed rule making, 32 F.R. 11285 (1967), which had invited comments on proposed rules that would permit the use of any system so long as it met the equipment and system performance standards set therein. Those paragraphs stated that the comments filed in response to the second further notice were then under study and that before June 12, 1969, the Commission would issue another report and order in this proceeding that would adopt rules establishing technical standards with which STV systems would have to comply. Paragraph 346 stated that those rules would become effective on June 12, 1969, the same date on which the other rules would take effect. However, a memorandum opinion and order adopted in this proceeding on May 21, 1969, 17 F.C.C. 2d 1001 (see par. 10, *infra*), announced that the Commission might not adopt the technical rules prior to June 12, 1969, but that they would be issued as soon as possible. They are being issued today, herein.

3. We have studied the written comments filed in response to the second further notice of proposed rule making<sup>2</sup> and other technical information submitted in this proceeding and believe it in the public interest to adopt the technical standards set forth below.

<sup>1</sup> Part 0, concerning Commission organization and delegation of authority, and Part 1, § 1.1111, concerning filing fees, are also amended herein.

<sup>2</sup> By International Telemeter Corp.; Motorola, Inc.; Teleglobe Pay-TV System, Inc.; Zenith Radio Corp., and Teco, Inc.

4. The comments of Teleglobe, Telemeter, and Zenith referred to the technical requirements for subscription TV systems set forth in proposed § 73.644(b) and expressed general support. Motorola commented in some detail on the proposed rules. As we understand Motorola's points, they are:

(a) With a subscription TV system, additional power transmitted for the encoding information will be one of the requirements necessary to assure that the signal supplied to the TV receiver will be identical to that supplied by a conventional TV system and, this being the case, the signal-to-interference ratio can be altered, making it difficult in a type acceptance action to conclude that there will be no increase in cochannel or adjacent channel interference.

(b) Because of reason 1, above, Motorola advocates that the Commission specify in its regulations the maximum value of additional power required for transmission of the encoding or "scrambling" signals, and also require the submission of information as to the nature of the signals and their transmission within the transmitted bandwidth.

(c) That relatively little is known about the actual performance characteristics of the systems advanced thus far and that Motorola believes it unlikely that use of some or all of these systems can achieve a complete duplication of the uncoded signal.

(d) Motorola believes it is impossible in a type acceptance action to determine whether an increased interference potential or susceptibility will result from operation of subscription TV systems.

(e) For the reasons stated above Motorola believes it would be premature to adopt type acceptance standards for a subscription TV system in advance of an adequate field testing program conducted by a competent technical body.

5. With respect to Motorola's point (b) above, we expect to ascertain the relative amount of extra power, if any, to be transmitted in the subscription TV systems for the encoding information. We anticipate that, in subscription TV stations, the authorized values of peak power for the visual signal, average power for the aural signal, and the effective radiated powers of each as based on these values will not be increased above values which would be authorized for conventional transmission. In any system to be approved, if higher average power is transmitted because of encoding or for other purposes, this will be considered in our evaluation of the system for approval. With respect to Motorola's points (c) and (d) above, we agree that it may not be practicable in all type acceptance actions to attempt exact judgments concerning the relative interference causing capability and interference susceptibility of subscription TV systems, and of the exact comparability of signals provided to receiver input terminals by conventional and subscription TV systems. Therefore, we have modified paragraph (b) (4), (7), and (8) of proposed § 73.644 to add the word "significantly" at appropriate places in

these paragraphs. We believe this will permit us to evaluate, on a practicable basis, the capabilities of proposed subscription TV systems in the light of their performance as it affects subscribers and other spectrum users. We feel that this also will afford recognition to Motorola's point (a), namely that any power added to the conventional TV transmitted signal for encoding or "scrambling" signals can have an effect on the signal-to-interference ratio and susceptibility to interference of the received signal. The type acceptance evaluation would, among other things, seek to determine whether, ultimately, such effect would significantly degrade the picture and sound as received by the subscriber, and whether the subscriber and other spectrum users would be exposed to significantly greater interference than with conventional TV signals having the same authorized transmitter power. As to Motorola's final point (e), above, we construe the type acceptance rules (and, therefore, the rules as adopted herein) as providing us authority to require field test information as one of the prerequisites to our approval.

6. Certain changes in § 73.644(b) of the rules as proposed, in addition to those mentioned above, have been made for editorial or clarifying purposes. Also, we are adopting amendments to §§ 73.682, 73.687, and 73.689 which will permit deviation from the requirements of these sections to the extent necessary to permit proper operation of approved subscription TV systems.

7. The fourth report and order in this proceeding, adopted December 12, 1968, included paragraph (a) of § 73.644, to become effective June 12, 1969. This paragraph established a requirement for "type acceptance" of subscription television systems in advance as a prerequisite for their being authorized for use, and invoked the type acceptance procedures in Subpart F of Part 2 of the rules. However, Subpart F of Part 2 is now the subject of two outstanding rule making proceedings (Dockets Nos. 17869 and 18426, the latter of which is concerned with implementation of Public Law 90-379 by establishment of regulations to govern sale or import or shipment of devices causing harmful interference to radio communications). In order that confusion and further complications to these outstanding rule making proceedings at the present time may be minimized, we are herein amending paragraph (a) of § 73.644 to delete reference to the type acceptance procedures of Part 2 and, instead, to include an interim procedure for applying for the required advance approval of subscription TV systems. This interim procedure will be effective until such time as rule making to provide for "system type acceptance" in Part 2 is completed. Inasmuch as this is not a substantive rule change insofar as it affects applicants for subscription TV authorizations or applicants for system approval, this change in § 73.644(a) is adopted without prior notice of proposed rule making. We wish to make clear here that the advance ap-

proval is to be required for subscription TV systems, i.e., the schemes for generating and decoding the subscription TV signals. The approval will not apply to specific items of encoding or decoding equipment. We will require that type accepted television broadcast transmitters be employed. We anticipate that in the usual cases, the only changes to be made will be in the input equipment for these transmitters. Just as we do not require type acceptance of conventional synchronizing signal generators or color input signal generating equipment at the present time, we are not, by adoption of these rules, requiring type acceptance of encoding or decoding subscription TV equipment. Where changes are made to the transmitter itself, prospective licensees will be subject to the rules concerning changes to type accepted equipment in Part 2, § 2.584.

8. We are also adopting, herein, amendments to Part 0 of our rules to add action on requests for advance approval of subscription TV technical systems, in consultation with the Chief, Broadcast Bureau, to (1) the authority delegated to the Chief Engineer, and to (2) the functions of the Technical Division of the Office of Chief Engineer.

Applications. 9. Section 73.642(b) of the rules adopted in the fourth report and order contains the following note:

NOTE: No applications [for STV authorizations] will be accepted for filing until such time as rules concerning equipment and system performance capability have been adopted in § 73.644. At that time, the manner of filing such applications, the form, and the content thereof with regard to equipment, technical, and all other matters will be announced. No grants will be made until June 12, 1969.

10. As previously stated (par. 1, supra), STV rules, other than those pertaining to equipment and system performance capability, were to become effective June 12, 1969. It was intended that the technical rules would be issued before that date and also become effective on June 12, 1969 (par. 2, supra). In a memorandum opinion and order adopted May 21, 1969, 17 F.C.C. 2d 1001, the Commission denied a request for stay of the effective date of the nontechnical rules. In the same document it stated that it would grant no authorization for STV operations until 60 days after the U.S. Court of Appeals for the District of Columbia Circuit issues its decision in Case No. 22,623 (National Association of Theatre Owners v. FCC).<sup>5</sup> It went on to say that in view of this, it would issue technical standards as soon as possible but not necessarily before June 12, 1969, and that at the time such standards were issued it would specify what information is to be supplied in applications filed for STV authorizations.

11. Inasmuch as we are today adopting rules governing equipment and system performance capability, we are,

<sup>5</sup> The action of the Commission in establishing STV service is being challenged in this case.

consistent with the foregoing, also announcing the manner in which applications for STV authorizations shall be filed, and their content and form. The requirements set forth in the following paragraphs are for applications for new STV authorizations. Generally, they will also apply to applications for renewal of STV authorizations as well. However, just as the required financial showings of applications for construction permits for new broadcast stations differ from those of applications for renewal of licenses, financial showings of applications for new STV authorizations may differ somewhat from those of applications for renewals thereof. In advance of the time that the first STV renewal applications are to be filed, the financial requirements to be met in such applications will be announced.

*Preliminary statement.* 12. Before setting forth the requirements for applications for STV authorizations, a preliminary matter will be mentioned to eliminate possible confusion. Zenith Broadcasting Co. and Teco, Inc., both of which companies were associated with the Hartford trial STV operation, are of the view that there are three functional organizations in the operation of STV service. As we stated in the fourth report and order (par. 134), they maintain that these three organizations are: "(1) A local franchise organization to scramble programs for stations; to provide for the installation, servicing and maintenance of unscrambling devices attached to television sets of subscribers; to provide information to subscribers so that they will know how to adjust the unscrambling device to obtain desired programs; and to collect and disburse revenues obtained from subscribers. (2) A TV station licensee over whose facilities the STV programs are broadcast. (3) Program sources which supply programs directly to broadcasters."

13. On the other hand, International Telemeter Corp., with considerable experience in cable STV operation in Canada, expressed the view quoted in paragraph 150 of the fourth report and order that:

The elements of a subscription television industry have not yet emerged in any clear-cut form \* \* \*. The Commission must therefore proceed with caution in adopting rules to regulate an industry whose essential character has not yet begun to emerge \* \* \*.

\* \* \* If a single firm is not allowed to start a total subscription television business including everything from the production of entertainment through its broadcasting, through its sale to the public, through installation of decoders, and through the collection of money, and every other aspect of the enterprise, subscription television is unlikely to come into existence.

14. Thus, two entities having substantial experience in STV operations would appear to have somewhat different views on the same subject. It should be noted, however, that if we accept the Zenith-Teco analysis the three functional organizations mentioned by them could conceivably be commonly owned or

merged so that a single person or entity would be in control as Telemeter thinks will be necessary. On the other hand, the three elements might be independently owned. Yet again, two or three of the functional elements might lie within a single firm. Thus, for example, a station licensee might also be the local franchise holder.

15. It should be borne in mind that § 73.642(a) of the rules which we adopted in the fourth report and order provides that STV authorizations will be granted only to licensees or permittees of television broadcast stations. Thus, if there is a franchise holder connected with the STV operation, and that franchise holder is a business entity separate and apart from the licensee or permittee (whether commonly owned or not), it is the licensee or permittee (or a party applying for a permit for a new TV station) that is to be the STV applicant and the party to whom the STV authorization runs when granted. We turn now to the filing requirements.

*General information.* 16. Applications for STV authorizations must be submitted in triplicate and shall contain the information specified below. (We do not presently contemplate adopting an FCC form for those wishing to apply.) Such applications will be separate and distinct from other applications. Therefore, if an applicant is simultaneously applying for a construction permit for a new station and for an authorization to conduct STV operations on that station, he must submit two applications (each in triplicate)—one for the construction permit on FCC Form 301, and one for the STV authorization. Similarly, if an STV authorization is requested in connection with an application for renewal of license of a television broadcast station, or assignment, or transfer of control, two applications must be filed—one for the STV authorization and the other for the renewal, assignment, or transfer of control.

17. In cases of such dual filings, the FCC Form shall be regarded as the fundamental application and shall be completely filled out. Information contained therein that is pertinent to the application for STV authorization may be incorporated by reference into the latter, as may material previously filed with the Commission. The instructions on FCC Forms 301, 303, 314, and 315 governing the manner in which material on file with the Commission shall be incorporated by reference into those forms shall also govern the manner in which incorporations into the STV application shall be made. Instructions D and F of FCC Form 301 concerning name and signature of the applicant shall govern applications for STV authorizations.

18. A separate filing fee of \$150 will be required for STV applications. Thus, for example, if such an application is filed simultaneously with an application for a construction permit for a new station the fee would be \$150 for the former and \$150 for the latter—a total of \$300. Section 1.1111 of the rules is

being amended today by adding the new fee for applications for STV authorizations.

19. Public notice of acceptance for filing will be given by the Commission, and no grants will be made earlier than 30 days after the issuance of the notice. Applicants for STV authorizations shall comply with the provisions of §§ 1.580 and 1.594 of the rules governing local notice of filing or designation for hearing of their STV applications. If the STV application is filed together with an application for a construction permit for a new station, or renewal of license, or assignment, or transfer of control, the required notice for both applications may be combined.

20. The application shall describe in detail how the STV operation will be conducted. The description shall include, among other things, (1) the methods for disseminating any decoding information needed by subscribers, and for billing and collecting charges, including installation charges, monthly charges, per program charges, or any other charges payable by subscribers; (2) the terms and conditions under which contracts will be entered into with subscribers; and (3) the approximate number of subscribers it is estimated will be served during the period of authorization. It shall also state whether a franchise holder, which is a separate business entity from the applicant, is to be involved in the proposed operation and, if so, whether and to what extent the franchise holder and applicant are commonly owned. If a separate entity is a franchise holder, the application shall show exactly what the responsibilities and functions of the applicant and the franchise holder will be: E.g., who will install the scrambling equipment; who will install the unscrambling equipment attached to sets of subscribers; who will service and maintain that equipment; who will provide information to subscribers so that they will know how to adjust the unscrambling equipment to obtain desired programs; who will collect and disburse revenues obtained from subscribers; who will be charged with the responsibility of obtaining programming; and who will be responsible for promotion and soliciting subscribers. An executed copy of any agreement, arrangement, or understanding between the applicant and the franchise holder concerning their respective functions shall be submitted with the application.

21. Full details shall be provided in the STV application concerning all of the matters mentioned in § 73.642(g) of the rules. If agreements and arrangements that the applicant has or intends to have with other parties concerning programming have been reduced to writing, copies of the contracts, agreements, or understandings shall accompany the application. The application shall contain a statement that the applicant has no contract, arrangement, or understanding, express or implied, contrary to the provisions of § 73.642 (e) and (f). Where necessary, the showing mentioned in the

provisos of § 73.642(e) (2) and (3) shall be made in the application.

**Non-STV programming.** 22. Section 73.643(c) of the rules requires stations engaged in STV operations to broadcast, in addition to STV programs, at least the minimum number of hours of conventional (non-STV) programming required by § 73.651. With regard to non-STV programming of an applicant simultaneously applying for an STV authorization and a construction permit for a new TV station, or renewal of license of an existing station, or assignment, or transfer of control, section IV-B of FCC Form 301, 303, 314, or 315, respectively, shall be completed.<sup>4</sup> Generally, the answers to be furnished in completing section IV-B shall refer to non-STV programming only. However, in Part III, Proposed Programming, Question 11, the applicant shall give the proposed total number of hours of non-STV programming, followed by a number in parentheses giving the proposed total number of hours of STV programming, followed by another number in parentheses giving the sum of STV and non-STV hours. In Question 12, although the information to be supplied in the first two columns refers only to non-STV programming, the third column shall show two figures—the first shall give the percentage calculated on the basis of total non-STV air time, and the second, in parentheses, shall be the percentage calculated on the basis of total STV and non-STV hours combined.

23. In cases where applications for STV authorizations are filed by existing stations but not in connection with a renewal, assignment, or transfer, there must be attached to the STV application a completed section IV-B to provide the Commission with information as to non-STV programming. (Questions 11 and 12 in Part III will be answered in the manner mentioned in paragraph 22, above.) However, it will not be necessary for the applicant to respond to section IV-B, Part I, Ascertainment of Community Needs, unless it proposes to reduce in a substantial degree its non-STV programming other than entertainment and sports.

24. Finally, with regard to non-STV programming of STV stations, we repeat here what was stated in the fourth report and order (par. 338):

We shall not consider that the STV applicant has met the standard with regard to conventional programming if it carries entirely, or almost entirely, industrial and other available free film programming. We shall expect STV stations to develop a staff—for programming, sales, news, engineering, etc.—which will perform the same functions as the staffs of conventional TV stations.

**STV programming.** 25. Insofar as the STV programming of a new or existing station is concerned, the STV application shall state the methods used to ascertain the needs and interests of the community with regard to STV programming. It shall also show how the proposed

STV programming will fulfill those needs and interests. The fourth report and order (pars. 306-308) indicated that a substantial amount of STV programming may consist of feature films and sports with lesser amounts of STV programming consisting of other offerings, such as opera, ballet, or theater. In other words, the programming of STV which the Commission has found will be a beneficial supplement to conventional TV is expected to be largely of a sports and entertainment nature. Thus, although as to non-STV programming, a search for a "community's needs, problems and issues"<sup>5</sup> must be made and programming responsive thereto proposed, for STV programming the search initially will no doubt be directed principally at the sports and entertainment needs and interests of the community.<sup>6</sup>

26. In addition to the foregoing, the STV application shall show what percentage of STV broadcast time per year it proposes to devote to each kind of STV programming (e.g., feature films, sports, opera, ballet, theater, instructional) that it proposes. Moreover, it shall indicate, by kind of programming, the amount of time between 8 a.m.-6 p.m., between 6 p.m.-11 p.m., and in all other hours it plans to devote to STV programming in a typical week.

27. Sufficient records shall be kept on file at the station, open for inspection by the Commission, for a period of 3 years from the date of filing of this statement (unless requested to be kept longer by the Commission) to support the representations about proposed STV programming mentioned above. These records should not be submitted with the application and need not be available for public inspection.

**Financial showing.** 28. In the fourth report and order (pars. 271, 273) we stated that the Ultravision test<sup>7</sup> would be applied to STV applicants. We also said that this requirement would run to the applicant and not to a franchise holder, although if the two were commonly owned inquiry into the financial status of the latter might be made to make sure that its financial status was such as not to impair the ability of the station to operate for a specified period. In arriving at this position, we were influenced by the Zenith-Teco argument that the relation of an STV applicant to a franchise holder is analogous to that of an applicant for a conventional station to a supplier of equipment in which the Commission would apply the Ultravision test to the applicant, but not to General Electric if the applicant is proposing to use General Electric transmitting equipment.

29. On further consideration, we are of the opinion that the situations are not analogous. In the case of a conventional television station, it is a practical certainty that, if the applicant has the wherewithal to pay for it, a transmitter

will be forthcoming and we look to see if, after arrangements for the purchase have been covered in the financial showing, the applicant has the financial ability to carry on its operation for a year. In the case of STV, the "carrying on" may in a real sense be done by a franchise holder, for in the pattern of events envisaged by Zenith-Teco it is possible that it may be a franchise holder that will install the encoder, scramble the signals, install the decoders attached to sets of subscribers, perform required maintenance on the decoders, provide information to subscribers so that they will know how to adjust the decoders to obtain desired programs, and collect and disburse revenues. Should such a situation exist, it is clear that although the station licensee or permittee has made a survey of STV needs and decided on programming to serve those needs, and although it has the responsibility for operating the station pursuant to Commission rules in the public interest and providing air time for subscription programs, a fundamental part of the STV operation would be carried on by the franchise holder.

30. In developing the Ultravision standard, we stated that a continuing operation is a vital public interest factor. Since the role of a franchise holder may loom large in the STV operation, we are of the view that if a franchise holder and the applicant are separate entities that are not commonly owned, a financial showing concerning the franchise holder, as well as the applicant, should be made to assure continuing operation. If the applicant and franchise holder are separate but commonly owned entities, we have already indicated that the financial situation of the franchise holder is relevant to a showing that the operation can be constructed and continue operations. Therefore, the application for an STV authorization must contain information sufficient to permit the Commission to make a judgment that the applicant and franchise holder (whether commonly owned, or not commonly owned) have the capacity to continue operations for a period of 1 year after construction of the STV transmission facilities. Of course, if the applicant and franchise holder are one and the same entity and not separate but commonly owned entities, a showing must be made that the single entity has the financial capacity to construct and carry on for a year. If, as International Telemeter Corp. envisages the development of STV, a single entity should undertake all aspects of an STV operation (par. 13, supra), then whether that entity is, among other things, a franchise holder or has the right to use a specified STV system without necessity of franchise, the requirement of the preceding sentence shall apply.

31. We have stated (par. 20, supra) that the application must show the functions of the applicant and of the franchise holder if the two are separate entities (whether or not they are commonly owned). The following paragraphs set forth in detail the financial showing that

<sup>4</sup> See City of Camden, supra, at par. 22.

<sup>5</sup> See City of Camden, supra, at par. 26.

<sup>7</sup> Ultravision Broadcasting Co. et al., 1 F.C.C. 2d 544, 5 Pike & Fischer, R.R. 2d 343 (1965).

<sup>6</sup> In this connection, see Ascertainment of Community Needs by Broadcast Applicants, Public Notice, FCC 68-847, Aug. 22, 1968; and City of Camden, 18 FCC 2d 412 (1969).

the application must contain. Although financial matters are generally lumped together in the following discussion, the application must separate the functions of the applicant and a noncommonly owned franchise holder and submit two financial showings—one for the functions of the applicant and one for those of the franchise holder. If the applicant and franchise holder are separate entities but commonly owned, separate financial showings may be submitted, or a single joint showing may be made in which case a combined balance sheet may be submitted. If the applicant and franchise holder are the same entity, or if the applicant intends to carry on all functions of the operation without franchise, a single showing will of course be made and a single balance sheet submitted.

32. Consistent with the foregoing, the following financial showing must be made. The application for an STV authorization must contain an estimate of the costs of making the installation of STV transmitting facilities, in place and ready for service. This estimate should include costs of labor, supervision, materials, supplies, freight, and miscellaneous items. It must also contain a separate estimate of costs, incurred up to the time that STV transmitting facilities are ready for service, with regard to items not pertaining to transmission facilities, such as cost of installation of unscrambling devices in homes of subscribers (including, e.g., costs of labor, supervision, materials), advertising and promotion, soliciting, and miscellaneous items. This latter estimate—concerning items not pertaining to transmission facilities—should be broken down on a month-by-month basis, and, insofar as installation of unscrambling devices is concerned, must include an estimate of the number of installations per month.

33. The application shall also contain an estimated cost of operation on a month-by-month basis during the first year after completion of construction of STV transmission facilities. It should include cost of programing, installation of unscrambling devices (including e.g., cost of labor, supervision, materials), advertising and promotion, soliciting, equipment maintenance, utilities, administration, and miscellaneous items. Wages estimated to be paid in each category must be stated as well as necessary fees, such as contract costs.

34. The applicant for STV authorization must show that it has enough cash and/or liquid assets in excess of current liabilities for any construction with regard to STV transmitting equipment for which it may be responsible, for other expenses for which it may be responsible up to the time that STV transmitting facilities are ready for service (see par. 32, supra), and for operation for a year after installation of the STV transmitting equipment. Concerning operation for a year after construction, the principles set forth in paragraphs 6-9 of the Ultravision decision will apply. The foregoing standards shall apply to all STV applications, whether they are submitted

in conjunction with other applications (e.g., with FCC Forms 301, 314, 315) or not.

35. If the proposed STV operation involves a franchise holder (whether under common ownership with the applicant or not), the franchise holder must also make a showing like that mentioned in the preceding paragraph. If the franchise holder and the applicant are under common ownership, the showing may be either separate for each or joint. If the applicant and franchise holder are one and the same entity, or if the applicant intends to carry on all functions of the operation without franchise, the showing will, of course, be a single one.

36. If the applicant has an agreement with a franchise holder (whether under common ownership with the applicant or not) under the terms of which the latter must pay the former a specified sum of money during the year after installation of the STV transmitting equipment, the applicant may use such revenues in its financial showing if the showing of the franchise holder supports a judgment that it will be in a position to make the specified payment to the applicant.

37. The applicant, a commonly owned franchise holder (or the applicant and a commonly owned franchise holder in a joint showing), or a noncommonly owned franchise holder shall file a balance sheet dated not more than 90 days prior to the filing of the STV application indicating the availability of the funds in question, over and above current liabilities. In the absence of all the required funds being available, the source of additional funds should be indicated and proved as required by section III, page 2, paragraphs 4 (a) through (e) of FCC Form 301 (314, 315).

38. In any case where the STV application is submitted in conjunction with another application such as FCC Form 301, 314, or 315, a single balance sheet and a single showing with regard to the aforementioned questions 4 (a) through (e) may be submitted by an applicant to cover both applications. Aside from that information, however, if the STV application is submitted in conjunction with an FCC Form 301 or FCC Form 314 or 315 filed for assignment or transfer of control of a construction permit (as contrasted with a license) the applicant shall present a showing in the STV application that pertains only to STV operations (e.g., STV installation costs, STV personnel salaries, utilities, etc.), and a showing in the FCC Form that pertains to other than the STV operation. In other words, in such cases it will be necessary for the applicant to separate STV information and non-STV information and make a separate presentation of each.

39. Financial showings of noncommonly owned franchise holders which accompany applications for STV authorizations shall be signed by parties having knowledge of the contents thereof, as must joint showings of the applicant and a commonly owned franchise holder.

*Engineering showing.* 40. Applications shall identify the STV system that is proposed to be used and that has been approved by the Commission pursuant to the provisions of § 73.644 of the rules. If the system proposed to be used has not been previously approved by the Commission, information necessary for approval under the provisions of § 73.644 shall be submitted.

41. Applications shall also specify by manufacturer and type number the STV equipment (encoders and decoders) which it is proposed to use.

*Acceptance of applications.* 42. Applications for STV authorizations will be accepted for filing after today. No application will be granted until 60 days after the decision of the Court of Appeals issues its decision as previously mentioned. Since the last sentence of the note to § 73.642(b) is inconsistent with the provisions of this paragraph, and since the remainder of the note is no longer necessary, the note is being deleted (see par. 9, supra).

*Order.* 43. Authority for adoption of the rules herein is contained in sections 4 (i) and (j), 5(d)(1), and 303 (e), (f), (g), and (r) of the Communications Act of 1934, as amended.

44. In view of the foregoing: *It is ordered.* That the rules set forth below are adopted, effective October 17, 1969.

45. *It is further ordered.* That since we have under study the comments filed in response to the third further notice of proposed rule making issued in this proceeding, 15 F.C.C. 2d 601 (1968), pertaining to carriage of STV signals by community antenna television systems, this proceeding is not terminated.

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

Adopted: September 4, 1969.

Released: September 11, 1969.

FEDERAL COMMUNICATIONS  
COMMISSION,\*

[SEAL] BEN F. WAPLE,  
Secretary.

Part 0, Subpart B, Part 1, Subpart G, and Part 73, Subpart E, of the Commission's rules and regulations are amended as follows:

#### PART 0—COMMISSION ORGANIZATION

1. Section 0.35 is revised to read as follows:

##### § 0.35 Technical Division.

The Technical Division develops practical applications for results of research, including research conducted by the Research Division; develops technical rules and standards for the various radio services in consultation with the bureaus concerned; conducts technical studies of equipment design and performance; acts on applications for type acceptance of equipment and issues lists of type accepted and type approved equipment; in consultation with the Chief, Broadcast Bureau, acts on applications for advance

\* Commissioner Johnson absent.

approval of subscription television technical systems and issues lists of approved subscription television technical systems; administers Part 5 of this chapter of the Commission's rules regulating the Experimental Radio Services; performs engineering and management functions with respect to formulating rules, technical standards, and general policy for Parts 15 and 18 of this chapter of the Commission's rules; performs rule making for that portion of Part 2 of this chapter of the Commission's rules relative to equipment; provides Commission representation at national and international conferences; and reviews patents as they are issued by the Patent Office to determine which patents may dominate radio services regulated by the Commission and notifies the General Counsel as to such findings.

2. In § 0.241(a), a new subparagraph (3) is added to read as follows:

**§ 0.241 Authority delegated to the Chief Engineer.**

(a) \* \* \*

(3) Examination of all applications for certification (approval) of subscription television technical systems as acceptable for use under a subscription television authorization as provided for in this chapter; notification of the applicant that an examination of the certified technical information and data submitted in accordance with the provisions of this chapter indicates that the system does or does not appear to be acceptable for authorization as a subscription television system; and issuance of a list of subscription television systems certified as acceptable for authorization. The delegation granted in this subparagraph shall be exercised in consultation with the Chief, Broadcast Bureau.

**PART 1—PRACTICE AND PROCEDURE**

**§ 1.1111 [Amended]**

3. Section 1.1111 is amended by adding to the first column of the table therein a new category, "Application for Subscription Television Authorization", and by adding to the fourth column therein (the TV column) a corresponding fee of "\$150."

**PART 73—RADIO BROADCAST SERVICES**

**§ 73.642 [Amended]**

4. The note to § 73.642(b) is deleted.  
5. Section 73.644 is revised to read as follows:

**§ 73.644 Equipment and technical system performance requirements.**

(a) No subscription television authorization will be granted unless the technical system to be used has been approved in advance by the Commission. Such advance approval may be applied for and granted in accordance with the following procedure, subject to the conditions and limitations set forth:

(1) A separate request for each different technical system shall be made by the applicant in writing.

(2) The applicant shall certify that the application was prepared by him or at his direction and that the facts set forth are true and correct to the best of his knowledge and belief.

(3) The applicant shall identify the technical system by a name or type number and shall define the system in terms of its technical characteristics; a functional block diagram shall be included. In addition, a complete description of the encoded transmitted signal and the encoding and decoding equipment used by the applicant shall be supplied. The description of this equipment shall include circuit diagrams and photographs.

(4) Preliminary test data shall be submitted to show system capability with regard to compliance with the criteria set forth in paragraph (b) of this section.

(5) The applicant shall supply any additional information and test data requested by the Commission, to show to its satisfaction that the criteria set forth in paragraph (b) of this section are met.

(6) The information submitted by the applicant may be subject to check by field tests conducted without expense to the Commission or by tests by Commission personnel, if deemed necessary by the Commission.

(7) No technical system will be deemed approved unless and until the Commission has notified the applicant in writing of the approval. Such notification of approval will be by letter to the applicant.

(8) Approval by the Commission is limited to a determination that the particular technical system (the scheme for encoding and decoding the subscription television signal) is capable of meeting the criteria set forth in paragraph (b) of this section.

(9) The Commission shall maintain a listing of approved technical systems.

(10) Files containing information about subscription television systems submitted by applicants for approval of these technical systems pursuant to the rules in this part will not be open to the public.

**NOTE:** The procedure for advance approval of technical systems contained in this paragraph is effective in the interim pending amendment of Part 2 of this chapter to provide for "system type acceptance."

(b) The criteria for approval of subscription television technical systems by the Commission are as follows:

(1) The technical system shall be capable of operating by delivering a suitable signal to the antenna input terminals of receivers designed for reception of signals meeting the technical standards for color or monochrome television transmission and accompanying aural signal as set forth in this part. For the purpose of this requirement, a "suitable signal" shall be one which, except for distortion or attenuation occurring in the transmitting antenna, receiving

antenna or the propagation medium, complies with all technical standards for color or monochrome transmission and accompanying aural signal set forth in this part.

(2) Spectral energy in transmission shall not exceed limitations set forth in § 73.687(i).

(3) No increase in width of the television broadcast channel (6 Mc/s) shall be required.

(4) The technical system shall enable stations transmitting subscription television programs to produce visual and aural signal coverage and received program quality not significantly inferior, in the judgment of the Commission, to that produced by stations using the normal monochrome or color transmission standards set forth in this part without employing additional effective radiated power for either the visual or aural signals.

(5) The encoded visual and aural programs shall be recoverable without perceptible degradation as compared to the same programs transmitted in accordance with Commission monochrome and color standards.

(6) Internal modifications to subscribers' receivers shall not be required.

(7) Interference to reception of conventional television and subscription television programs, cochannel and adjacent channel, monochrome and color shall not significantly, in the judgment of the Commission, exceed that occurring from conventional television broadcasting conducted in compliance with the technical standards set forth in this part.

(8) Reception of subscription television programs shall not be, in the judgment of the Commission, significantly more susceptible to interference of any kind than reception of conventional television programs transmitted in accordance with the technical standards set forth in this part.

6. In § 73.682, a new paragraph (c) is added to read as follows:

**§ 73.682 Transmission standards and changes.**

(c) *Subscription television technical systems.* The Commission may specify deviation from the transmission standards set forth in paragraph (a) of this section to the extent it deems necessary to permit proper operation of an approved subscription television technical system. Any decision to specify such deviation shall be solely at the discretion of the Commission.

7. In § 73.687, a new paragraph (k) is added to read as follows:

**§ 73.687 Transmitters and associated equipment.**

(k) *Subscription television technical systems.* The Commission may specify deviation from the transmitter and associated equipment requirements set forth in this section to the extent it deems necessary to permit proper operation of an approved subscription television technical system. Any decision to

specify such deviation shall be solely at the discretion of the Commission.

8. In § 73.689, a new paragraph (c) is added to read as follows:

**§ 73.689 Operating power.**

(c) *Subscription television technical systems.* The Commission may specify deviation from the power determination and maintenance methods set forth in this section to the extent it deems necessary to permit proper operation of an approved subscription television technical system. Any decision to specify such deviation shall be solely at the discretion of the Commission.

[F.R. Doc. 69-10944; Filed, Sept. 12, 1969; 8:46 a.m.]

[FCC 69-961]

**PART 1—PRACTICE AND PROCEDURE**

**Processing of Standard Broadcast Applications**

*Order.* 1. The Commission has today adopted a notice of proposed rule making and memorandum opinion and order proposing new rules to govern the acceptance and consideration of standard broadcast applications for new stations and major changes in facilities. During the consideration leading to this notice, it was determined that in two respects the present partial "freeze" on acceptance of AM applications instituted July 19, 1968, serves no useful purpose, and that the requirements for acceptance of such applications should be relaxed immediately. The two categories of applications are: (1) Applications by existing Class IV stations for power increases; and (2) all applications for new or changed facilities in Alaska, provided the proposed facilities would not be sources of objectionable interference to any existing station and would meet certain standards as to interference received necessary to insure reasonable efficiency of operation.

2. The reasons for the decisions as to these two applications are set forth in paragraphs 32-34 and 40 of the notice of proposed rule making and memorandum opinion and order referred to above (FCC 69-960). The rule changes involved are in part procedural (relating to the acceptance and handling of applications); they relax existing restrictions; they do not adversely affect any party since interference to existing stations is either prevented by the acceptance standards adopted (for Alaskan applications) or can if required be the subject of adjudication under section 316 (Class IV power increases); and are clearly in the public interest in the development and improvement of AM service under section 303(g) of the Communications Act of 1934, as amended. Therefore the prior notice, rule making proceedings and publication normally required by the Administrative Procedure Act (5 U.S.C. sec. 553) are not required and would not serve the public interest, and it is appropriate to make these changes in § 1.571 effective immediately.

3. In view of the foregoing: *It is ordered.* That, effective September 17, 1969, and pursuant to authority contained in sections 4(i), 303 (g) and (r) of the Communications Act of 1934, as amended, paragraph (a) of Note 2 to § 1.571 is amended, by the amendment of subparagraph (4) of, and the addition of new subparagraph (5) to, said paragraph, as follows:

**§ 1.571 Processing of standard broadcast applications.**

Note 2. . . .

(a) . . . .

(4) Applications by existing Class IV stations to increase daytime power, or to increase nighttime power to 250 watts, subject to the provisions of section 316 of the Communications Act of 1934, as amended, to existing international understandings to which the United States is a party, and to the restriction on successive applications contained in § 73.37(d).

(5) Applications for new or changed facilities in the State of Alaska, where the proposed operation: (i) Would not involve overlap of groundwave signal-intensity contours with any existing station prohibited by § 73.37; (ii) If for nighttime facilities, would not cause objectionable skywave interference to any existing station under the provisions of § 73.182(o); and (iii) if for nighttime facilities, not more than 10 percent of the population within the normally protected nighttime contour of the proposed operation would suffer interference, or, if it would, that the proposed operation would be the first nighttime standard broadcast facility in the community or would bring a first nighttime primary standard broadcast service to at least 25 percent of the proposed nighttime primary service area or at least 25 percent of the population within that area.

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

Adopted: September 4, 1969.

Released: September 11, 1969.

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

[SEAL] BEN F. WAPLE,

Secretary.

[F.R. Doc. 69-10943; Filed, Sept. 12, 1969; 8:46 a.m.]

**Title 49—TRANSPORTATION**

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

**SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS**

[Docket No. 69-30; Notice No. 1]

**PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS**

**Motor Vehicle Safety Standard No. 109, New Pneumatic Tires—Passenger Cars, and No. 110, Tire Selection and Rims—Passenger Cars**

On October 5, 1968, the Federal Highway Administration published guidelines

<sup>1</sup> Commissioner Johnson absent.

in the FEDERAL REGISTER (33 F.R. 14964) by which routine additions could be added to Appendix A of Standard No. 109 and the Appendix A of Standard No. 110. These guidelines provided an abbreviated rule making procedure for adding tire sizes to Standard No. 109 and alternative rim sizes to Standard No. 110, whereby the addition becomes effective 30 days from date of publication in the FEDERAL REGISTER if no objections to the proposed additions are received. If comments objecting to the amendment warrant, rule making pursuant to the rule making procedures for motor vehicle safety standards (49 CFR 353) will be followed.

The European Tire and Rim Technical Organisation has petitioned for the addition of the new "Millimeter 70 Series" radial ply tires and the new "Low Section" radial ply tires to Table I of Appendix A of Standard No. 109 and the appropriate test and alternative rims to Table I of Appendix A of Standard No. 110. Also, the Toyota Motor Co., Ltd., has petitioned for the addition of the 5-K alternative rim size for the 165R15 tire size designation to Table I of Appendix A of Standard No. 110.

On the basis of the data submitted by the European Tyre and Rim Technical Organisation and the Toyota Motor Co., Ltd., indicating compliance with the requirements of Federal Motor Vehicle Safety Standard No. 109 and No. 110 and other information submitted in accordance with the procedural guidelines set forth, Appendix A of Federal Motor Vehicle Safety Standard No. 109 is being amended and Table I of Appendix A of Standard No. 110 is being amended.

In consideration of the foregoing, § 371.21 of Part 371 Federal Motor Vehicle Safety Standards, Appendix A of Standard No. 109 (33 F.R. 14964) and Appendix A of Standard No. 110 (34 F.R. 16102) are being amended as set forth below effective 30 days from date of publication in the FEDERAL REGISTER.

These amendments are issued under authority of Sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407), and delegation from the Secretary of Transportation contained in § 1.4(c) of Part I of the Regulations of the Office of the Secretary (49 CFR 1.4(c)), and the delegation from the Federal Highway Administrator of October 5, 1968 (33 F.R. 14964).

H. M. JACKLIN, JR.,  
Acting Director, Motor Vehicle  
Safety Performance Service.

1. The following new Table I-N is added to Appendix A listing a new category of tire size designation.

RULES AND REGULATIONS

14377

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 109

TABLE I-N

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR MILLIMETER "70 SERIES" RADIAL PLY TIRES

Tire size designation <sup>1</sup>	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)										Test rim width (inches)	Minimum size factor (inches)	Section width <sup>2</sup> (inches)	
	20	22	24	26	28	30	32	34	36	38				40
165/70 R 13.....	750	770	795	815	835	860	880	900	920	940	960	4 1/2	28.45	6.50
175/70 R 13.....	845	865	890	910	935	955	980	1,000	1,025	1,045	1,070	5	29.31	6.92
185/70 R 13.....	940	965	990	1,015	1,040	1,065	1,090	1,115	1,140	1,165	1,190	5	30.39	7.31
185/70 R 14.....	700	720	740	760	780	795	815	835	850	870	890	4	28.15	6.93
175/70 R 15.....	940	965	990	1,015	1,040	1,065	1,090	1,115	1,140	1,165	1,190	5	31.30	6.92

<sup>1</sup> The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to the "R".  
<sup>2</sup> Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

2. The following new Table I-O is added to Appendix A listing a new category of tire size designation.

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 109

TABLE I-O

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR "LOW SECTION" TYPE "R" RADIAL PLY TIRES

Tire size designation <sup>1</sup>	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)										Test rim width (inches)	Minimum size factor (inches)	Section width <sup>2</sup> (inches)	
	20	22	24	26	28	30	32	34	36	38				40
150 R 13.....	600	640	680	720	760	780	810	840	870	900	940	4	28.17	5.75
160 R 13.....	670	700	740	780	820	860	900	940	980	1,010	1,040	4 1/2	29.23	6.25
170 R 13.....	720	760	800	840	880	920	960	1,000	1,040	1,080	1,110	5	30.08	6.60

<sup>1</sup> The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to the "R".  
<sup>2</sup> Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

3. Delete Table I of Appendix A and insert the following new Table I of Appendix A.

FMVSS No. 110

APPENDIX A—TABLE I

(Alternative Rims)

Tire size	Rim <sup>2</sup>
4.80-10.....	3.50D.
6.40-15.....	4-JJ, 4 1/2-JJ, 4 1/2-K, 4.50E, 5.00E, 5-JJ, 5-K, 5 1/2-JJ.
7.00-15.....	5.00F, 5-K.
8.25-15.....	5 1/2-JJ, 6-JJ, 6-K, 6-L.
8.55-15.....	5 1/2-JJ, 6-JJ, 6-K, 6-L.
8.90-15.....	6-JJ, 6 1/2-L, 7-L.
9.15-15.....	5 1/2-JJ.
E50C-10.....	3 1/2.
F50C-16.....	3 1/2.
H50C-17.....	3 1/2.
E60-15.....	6-JJ, 7-JJ.
F60-15.....	6 1/2-JJ, 7-JJ.
G60-15.....	7-JJ.
D70-13.....	5 1/2-JJ, 5 1/2-K.
E70-14.....	7-JJ.
F70-14.....	7-JJ.
G70-14.....	7-JJ.
C70-15.....	5 1/2-JJ.
E70-15.....	7-JJ.
F70-15.....	8-JJ.
G70-15.....	7-JJ.
165/70 R 13.....	4 1/2-JJ.
175/70 R 13.....	5-JJ, 5 1/2-JJ.
185/70 R 13.....	4 1/2-JJ, 5-JJ, 5 1/2-JJ.
155/70 R 14.....	4-JJ.
175/70 R 15.....	5-JJ.
5.0-15.....	3.50B, 3.50D, 3 1/2-JJ, 4-JJ, 4.00C.
5.5-15.....	3.50D, 3 1/2-JJ, 4-JJ, 4 1/2-JJ.
145-10.....	3.50B.
145-13.....	3 1/2-JJ, 4 1/2-JJ.
165-13.....	4 1/2-JJ.
185-15.....	4 1/2-JJ.
5.20-13.....	4 1/2-JJ.
5.60-13.....	3 1/2-JJ, 4-JJ.
6.00-13.....	4-JJ.
5.60-15.....	5-K.
150 R 13.....	3 1/2-JJ, 4.00B, 4 1/2-JJ, 5-JJ.
155 R 13.....	5-JJ.
160 R 13.....	4.00B, 4 1/2-JJ, 5-JJ, 5 1/2-JJ.
170 R 13.....	4 1/2-JJ, 5-JJ, 5 1/2-JJ, 6-JJ.

Tire size	Rim <sup>2</sup>
165 R 15.....	5-K.
155-13/6.15-13.....	5-JJ.
C78-13.....	5 1/2-JJ.
B78-14.....	4 1/2-JJ, 4 1/2-K, 5-JJ, 5-K.
C78-14.....	4 1/2-JJ, 5-JJ, 5-K, 5 1/2-JJ, 6-JJ.
D78-14.....	5-JJ, 5-K, 5 1/2-JJ, 6-JJ.
E78-14.....	4 1/2-JJ, 5-JJ, 5-K, 5 1/2-JJ, 5 1/2-K, 6-JJ, 6 1/2-JJ.
F78-14.....	5-JJ, 5-K, 5 1/2-JJ, 5 1/2-K, 6-JJ, 6-K, 6 1/2-JJ.
G78-14.....	5-JJ, 5 1/2-JJ, 5 1/2-K, 6-JJ, 6-K, 7-JJ.
H78-14.....	5 1/2-JJ, 6-JJ, 6-K, 6 1/2-JJ, 6 1/2-K.
J78-14.....	6-JJ, 6-K, 6 1/2-JJ.
C78-15.....	4 1/2-JJ, 4 1/2-K, 5-JJ, 5-K.
D78-15.....	5-JJ, 5-K.
E78-15.....	4 1/2-K, 5-JJ, 5-K, 5 1/2-JJ, 5 1/2-K, 6-JJ.
F78-15.....	4 1/2-K, 5-JJ, 5-K, 5 1/2-JJ, 5 1/2-K, 6-JJ.
G78-15.....	5-JJ, 5-K, 5 1/2-JJ, 5 1/2-K, 6-JJ, 6-K, 6-L.
H78-15.....	5 1/2-JJ, 5 1/2-K, 6-JJ, 6-K, 6-L, 6 1/2-K.
J78-15.....	6-JJ, 6-K, 6-L, 6 1/2-JJ.
L78-15.....	6-JJ, 6-K, 6-L, 6 1/2-JJ.
BR78-13.....	4 1/2-JJ.
CR78-14.....	5-JJ.
DR78-14.....	5-JJ.
FR78-14.....	5 1/2-JJ.
GR78-14.....	6-JJ.
HR78-14.....	6-JJ.
JR78-14.....	6 1/2-JJ.
FR78-15.....	5 1/2-JJ.
GR78-15.....	6-JJ.
HR78-15.....	6-JJ.
JR78-15.....	6 1/2-JJ.
LR78-15.....	6 1/2-JJ.

<sup>2</sup> Italicized designations denote Test Rims.

Note: Where JJ rims are specified in the above Table, J and JK rim contours are permissible.

[F.R. Doc. 69-10903; Filed, Sept. 12, 1969; 8:45 a.m.]

Chapter II—Federal Railroad Administration, Department of Transportation

[Docket No. FRA-SA-1]

PART 231—RAILROAD SAFETY APPLIANCE STANDARDS

Interim Order

Following an informal conference with the parties, and with the concurrence of the parties, it is hereby ordered that a waiver of the requirements of §§ 231.10 and 231.11 of the Railroad Safety Appliance Standards be, and it is hereby granted to the extent that caboose cars of Canadian origin, and in compliance with the requirements for such cars as set forth by the Board of Transport Commissioners for Canada, be permitted to move in through train service in the United States without complying with the roof running board requirements and directly related requirements of §§ 231.10 and 231.11 of the Railroad Safety Appliance Standards of the United States. This order shall remain in force and effect until further notice.

The effective date of this order shall be September 30, 1969.

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

ROBERT R. BOYD,  
Hearing Examiner.

Notice to the parties. Pursuant to § 211.1(b) of the rule making procedures of the Federal Railroad Administration, the examiner was delegated authority to

decide the matters presented in this proceeding by delegation of authority from the Administrator dated August 21, 1969.

The rule making procedures of the Federal Railroad Administration provide that an appeal may be made to any decision, under the indicated delegation of authority, in the following manner:

§ 211.35 *Petitions for rehearing or reconsideration of a rule.* (a) Any interested person may petition the Administrator for reconsideration of any rule issued under this part. Such a petition must be transmitted, in triplicate, to the Docket Clerk, Office of Hearings and Proceedings, Federal Railroad Administration, Washington, D.C. 20591, at least 10 days before the effective date of the rule. Petitions not timely filed will be considered as petitions for rule making filed under § 211.11. The petition must contain a brief statement of the complaint and an explanation as to why compliance with the rule is not possible, is not practicable, is unreasonable, or is not in the public interest.

(b) If the petitioner requests consideration of additional facts, he must state the reason they were not presented to the Administrator within the allotted time.

(c) The Administrator does not consider repetitious petitions.

(d) Unless the Administrator specifically provides otherwise, and publishes notice thereof in the FEDERAL REGISTER, the filing of a petition under this section does not stay the effectiveness of a rule.

[F.R. Doc. 69-10936; Filed, Sept. 12, 1969; 8:46 a.m.]

## Title 7—AGRICULTURE

### Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

#### SUBCHAPTER K—GENERAL CONDITIONAL PAYMENTS PROVISIONS

[Amdt. 5]

### PART 891—DOMESTIC BEET SUGAR AREA

#### Miscellaneous Amendments

Pursuant to the provisions of the Sugar Act of 1948, as amended, § 891.1 (32 F.R. 7837, 33 F.R. 62, 402; 34 F.R. 12657) is amended by adding the following sentence to paragraph (s):

§ 891.1 Regulations, as effective, and definitions.

(s) \* \* \* In a personal history area the conditions for crediting accredited acreage history to a farm and the amount thereof shall be as determined by the State committee by giving recognition to all or a portion of the operator's personal production record and all, part, or none of the production record of the farm in conformity with the rules determined by the State committee for establishing proportionate shares in the State subject to review and approval by DASCO and publication in the FEDERAL REGISTER.

*Statement of bases and considerations.* An amendment published in the FEDERAL REGISTER of August 5, 1969 (34 F.R. 12657), incorporated the definition of "accredited acreage" into Part 891.

This amendment sets forth the authority of State committees to determine the extent to which acreage records of farms and of farm operators in a personal history area may be considered in establishing farm proportionate shares.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the Act.

(Secs. 301, 302, 403, 61 Stat. 929, 930, as amended, 932; 7 U.S.C. 1131, 1132, 1153)

Effective date: Date of publication.

Signed at Washington, D.C., on September 8, 1969.

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

[F.R. Doc. 69-10939; Filed, Sept. 12, 1969; 8:46 a.m.]

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

[Export Reg. 17]

### PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

#### Limitation of Export Shipments

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905; 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of exports of oranges, including Temple and Murcott Honey oranges, grapefruit, and tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The Growers Administrative Committee has recommended size and grade requirements, as specified herein, for oranges, grapefruit, and tangelos so as to assure the exportation of good quality fruit and thereby aid the expansion of export markets.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions

hereof effective as hereinafter set forth. Shipments, including those in export other than to Canada or Mexico, of oranges, including Temple and Murcott Honey oranges, grapefruit, and tangelos, grown in the production area, are in progress or will begin in the near future and, insofar as possible, all such export shipments should be subject to regulation in order to prevent the shipment of undesirable fruit; the recommendation and supporting information for the grade and size limitation hereinafter prescribed for exports of oranges, including Temple and Murcott Honey oranges, grapefruit, and tangelos, other than to Canada or Mexico, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 9, 1969; such meeting was held to consider recommendations for regulation on exports, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such fruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

#### § 905.517 Export Regulation 17.

(a) *Order.* (1) During the period September 15, 1969, through September 13, 1970, no handler shall ship to any destination outside the continental United States, other than to Canada or Mexico:

(i) Any oranges, including Temple and Murcott Honey oranges, grapefruit, or tangelos, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any oranges, including Murcott Honey oranges but not including Temple oranges, grown in the production area, which are of a size smaller than 2 $\frac{1}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of oranges, except Temple oranges, smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the amended United States Standards for Florida Oranges and Tangelos;

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than 2 $\frac{1}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the aforesaid U.S. Standards for Florida Oranges and Tangelos;

(iv) Any grapefruit, grown in the production area, which are of a size smaller than 3 $\frac{1}{16}$  inches in diameter, except that

a tolerance of 10 percent, by count, of grapefruit smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised U.S. Standards for Florida Grapefruit; or

(v) Any tangelos, grown in the production area, which are of a size smaller than  $2\frac{1}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said amended U.S. Standards for Florida Oranges and Tangelos.

(2) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter as used herein, shall have the same meaning as is given to the respective terms in the revised U.S. Standards for Florida Grapefruit (7 CFR 51.750-51.783), or the U.S. Standards for Florida Oranges and Tangelos (7 CFR 51.1140-51.1178).

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

Dated: September 12, 1969.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and  
Vegetable Division, Con-  
sumer and Marketing Service.

[P.R. Doc. 69-11036; Filed, Sept. 12, 1969;  
10:37 a.m.]

[Orange Reg. 63]

**PART 905—ORANGES, GRAPEFRUIT,  
TANGERINES, AND TANGELOS  
GROWN IN FLORIDA**

**Limitation of Shipments**

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905; 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Growers Administrative Committee reflect its appraisal of the Florida orange crop and the current and prospective market conditions. Shipments of oranges, except Temple and Murcott Honey oranges, are expected to begin on or after September 15, 1969. The size and grade requirements specified herein

are necessary to prevent the handling, on and after September 15, 1969, of oranges of the named varieties that are of a lower grade or smaller size so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple and Murcott Honey oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 9, 1969, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple and Murcott Honey oranges, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

**§ 905.513 Orange Regulation 63.**

(a) *Order.* (1) During the period September 15, 1969, through September 13, 1970, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Navel, Temple, and Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1;

(ii) Any oranges, except Navel, Temple, and Murcott Honey oranges, grown in the production area, which are of a size smaller than  $2\frac{1}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such

minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos; *Provided*, That in determining the percentage of oranges in any lot which are smaller than  $2\frac{1}{16}$  inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size  $2\frac{1}{16}$  inches in diameter or smaller;

(iii) Any Navel oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden; or

(iv) Any Navel oranges, grown in the production area, which are of a size smaller than  $2\frac{3}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Oranges and Tangelos; *Provided*, That in determining the percentage of oranges in any lot which are smaller than  $2\frac{3}{16}$  inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size  $2\frac{1}{16}$  inches in diameter or smaller.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the applicable meaning given to the respective term in the U.S. Standards for Florida Oranges and Tangelos (7 CFR 51.1140-51.1178).

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

Dated: September 12, 1969.

PAUL A. NICHOLSON,  
Deputy Director, Fruit and Veg-  
etable Division, Consumer and  
Marketing Service.

[P.R. Doc. 69-11037; Filed, Sept. 12, 1969;  
10:37 a.m.]

[Tangerine Reg. 37]

**PART 905—ORANGES, GRAPEFRUIT,  
TANGERINES, AND TANGELOS  
GROWN IN FLORIDA**

**Limitation of Shipments**

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905; 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Growers Administrative Committee reflect its appraisal of the Florida tangerine crop and the current and prospective market conditions. Shipments of tangerines are expected to begin on or after September 15, 1969. The size and grade requirements specified herein are necessary to prevent the handling, on and after September 15, 1969, of tangerines that are of a lower grade or smaller size so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 15, 1969. The Growers Administrative Committee held an open meeting on September 9, 1969, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committees has been disseminated among shippers of tangerines grown in the production area, and this regulation, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangerines grown in the production area at the start of this marketing season; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

#### § 905.515 Tangerine Regulation 37.

(a) *Order.* (1) During the period beginning September 15, 1969, through September 13, 1970, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 2; or

(ii) Any tangerines, grown in the production area, which are of a size smaller than  $2\frac{1}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tol-

erance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Tangerines.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (7 CFR 51.1810-51.1834).

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

Dated: September 12, 1969.

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

[F.R. Doc. 69-11038; Filed, Sept. 12, 1969; 10:37 a.m.]

[Grapefruit Reg. 68]

### PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

#### Limitation of Shipments

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905; 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Growers Administrative Committee reflect its appraisal of the Florida grapefruit crop and the current and prospective market conditions. Shipments of grapefruit, in volume, are expected to begin on or after September 15, 1969. The size and grade requirements specified herein are necessary to prevent the handling, on and after September 15, 1969, of grapefruit that are of a lower grade or smaller size so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became

available, and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 9, 1969, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

#### § 905.514 Grapefruit Regulation 68.

(a) *Order.* (1) During the period beginning September 15, 1969, through September 13, 1970, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than  $3\frac{1}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Grapefruit;

(iii) Any seedless grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 1;

(iv) Any seedless grapefruit, grown in Regulation Area II, which do not grade at least Improved No. 2; or

(v) Any seedless grapefruit, grown in the production area, which are smaller than  $3\frac{1}{16}$  inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said U.S. Standards for Florida Grapefruit.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Grapefruit (7 CFR 51.750-51.783).

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

Dated: September 11, 1969.

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

[F.R. Doc. 69-11039; Filed, Sept. 12, 1969; 10:37 a.m.]

[Tangelo Reg. 37]

**PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA**

**Limitation of Shipments**

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905; 34 F.R. 12426), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Growers Administrative Committee reflect its appraisal of the Florida tangelo crop and the current and prospective market conditions. Shipments of tangelos are expected to begin on or after September 15, 1969. The size and grade requirements specified herein are necessary to prevent the handling, on and after September 15, 1969, of tangelos that are of a lower grade or smaller size so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act

is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than September 15, 1969. The committee held an open meeting on September 9, 1969, to consider recommendations for a regulation, in accordance with the said amended marketing agreement and order, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of tangelos, grown in the production area, and this regulation, including the effective time thereof, is identical with the recommendation of the committee; volume movement is expected to begin on or about the effective time hereof, and it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective on such date, so as to provide so far as practicable for the regulation of the handling of all such tangelos; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

**§ 905.516 Tangelo Regulation 37.**

(a) *Order.* (1) During the period beginning September 15, 1969, through September 13, 1970, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2<sup>5</sup>/<sub>16</sub> inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the amended U.S. Standards for Florida Oranges and Tangelos (7 CFR 51.1140-51.1178).

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

Dated: September 11, 1969.

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

[F.R. Doc. 69-11040; Filed, Sept. 12, 1969; 10:37 a.m.]

[Orange Reg. 21]

**PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS**

**Limitation of Shipments**

On August 30, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 13928) that consideration was being given to the following proposal, as hereinafter set forth, which would limit the handling of oranges by establishing minimum grades and sizes, pursuant to § 906.40 *Issuance of regulations*, which were recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Texas Valley Citrus Committee (established pursuant to the amended marketing agreement and order), and other available information, it is hereby found and determined that § 906.344 *Orange Regulation 21*, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rule making concerning this regulation, with an effective date of September 15, 1969, was published in the FEDERAL REGISTER on August 30, 1969 (34 F.R. 13928), and no objection to this regulation or such effective date was received; (2) the recommendation and supporting information for regulation during the period specified herein were submitted to the Department after an open meeting of the Texas Valley Citrus Committee on August 5, 1969, which was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; (3) the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee; (4) information concerning such provisions and effective time has been disseminated among handlers of such oranges; (5)

compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; (6) shipments of the current crop of such oranges are expected to begin on or about the effective date hereof, and this regulation should be applicable, insofar as practicable, to all shipments of such oranges in order to effectuate the declared policy of the act.

The recommendations by the Texas Valley Citrus Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of oranges from the production area are expected to begin on or about September 15, 1969. The grade and size requirements provided herein are necessary to prevent the handling on and after September 15, 1969, of any oranges of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act. In addition, such oranges must be inspected and certified not more than 48 hours prior to shipment.

#### § 906.344 Orange Regulation 21.

(a) *Order.* (1) During the period September 15, 1969, through September 13, 1970, no handler shall handle:

(i) Any oranges of any variety, grown in the production area, unless such oranges grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination, with not less than 60 percent, by count, of the oranges in each container thereof grading at least U.S. No. 1 grade and the remainder grading U.S. No. 2; or U.S. No. 2;

(ii) Any oranges of any variety, grown as aforesaid, which are of a size smaller than  $2\frac{1}{16}$  inches in diameter, except that not more than 10 percent, by count, of such oranges in any lot of containers, and not more than 15 percent, by count, of such oranges in any individual container in such lot may be of a size smaller than  $2\frac{1}{16}$  inches in diameter; or

(iii) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(b) All oranges of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, have the same meaning as is given to the respective term in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 51.680-51.712).

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

Dated: September 11, 1969.

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

[F.R. Doc. 69-11025; Filed, Sept. 12, 1969;  
8:49 a.m.]

[Grapefruit Reg. 21]

### PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

#### Limitation of Shipments

On August 30, 1969, notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 13928) that consideration was being given to the following proposal, as hereinafter set forth, which would limit the handling of grapefruit by establishing minimum grades and sizes, pursuant to § 906.40 *Issuance of regulations*, which were recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Texas Valley Citrus Committee (established pursuant to the amended marketing agreement and order), and other available information, it is hereby found and determined that § 906.345 *Grapefruit Regulation 21*, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rule making concerning this regulation, with an effective date of September 15, 1969, was published in the FEDERAL REGISTER on August 30, 1969 (34 F.R. 13928), and no objection to this regulation or such effective date was received; (2) the recommendation and supporting information for regulation during the period specified herein were submitted to the Department after an open meeting of the Texas Valley Citrus Committee on August 5, 1969, which was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; (3) the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee; (4) information concerning

such provisions and effective time has been disseminated among handlers of such grapefruit; (5) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; (6) shipments of the current crop of such grapefruit are expected to begin on or about the effective date hereof, and this regulation should be applicable, insofar as practicable, to all shipments of such grapefruit in order to effectuate the declared policy of the act.

The recommendations by the Texas Valley Citrus Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of grapefruit from the production area are expected to begin on or about September 15, 1969. The grade and size requirements provided herein are necessary to prevent the handling on and after September 15, 1969, of any grapefruit of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act. In addition, grapefruit must be inspected and certified not more than 48 hours prior to shipment.

#### § 906.345 Grapefruit Regulation 21.

(a) *Order.* (1) During the period September 15, 1969, through September 13, 1970, no handler shall handle:

(i) Any grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy; U.S. No. 1 Bright; U.S. No. 1; U.S. No. 1 Bronze; or U.S. No. 2;

(ii) Any grapefruit of any variety, grown in the production area, which are of a size smaller than  $3\frac{1}{16}$  inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than  $3\frac{1}{16}$  inches in diameter; or

(iii) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment.

(b) All grapefruit of any variety, grown as aforesaid, handled during the period specified in this section are subject to all applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during such period.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Grapefruit (Texas and States other than Florida,

California, and Arizona) (7 CFR 51.620-51.658).

Dated: September 11, 1969.

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

[F.R. Doc. 69-11026; Filed, Sept. 12, 1969; 8:49 a.m.]

[Lemon Reg. 391]

**PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA**

**Limitation of Handling**

**§ 910.691 Lemon Regulation 391.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meet-

ing during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 9, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period September 14, 1969, through September 20, 1969, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
  - (ii) District 2: 209,250 cartons;
  - (iii) District 3: 5,584 cartons.
- (2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: September 11, 1969.

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

[F.R. Doc. 69-11027; Filed, Sept. 12, 1969; 8:49 a.m.]

[Grapefruit Reg. 10, Amdt. 4]

**PART 944—FRUIT; IMPORT REGULATIONS**

**Grapefruit**

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the provisions of paragraph (a) of Grapefruit Regulation 10 (§ 944.106, 33 F.R. 14365, 17895; 34 F.R. 7898, 11135) are hereby amended to read as follows:

**§ 944.106 Grapefruit Regulation 10.**

(a) On and after September 22, 1969, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than 3½ inches in diameter except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit;

(2) Seedless grapefruit shall grade at least Improved No. 2 and be of a size not smaller than 3¼ inches in diameter except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit.

It is hereby found that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under Grapefruit Regulations 68 (§ 905.514); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time thereof; and (d) notice hereof in excess of 3 days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

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

Dated, September 11, 1969, to become effective September 22, 1969.

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

[F.R. Doc. 69-11041; Filed, Sept. 12, 1969; 10:37 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

Internal Revenue Service

[ 26 CFR Part 301 ]

### SHORTENING PERIOD THE UNITED STATES IS REQUIRED TO HOLD REAL PROPERTY PURCHASED FOR IT AT A SALE UNDER LEVY

#### Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

In order to conform the Regulations on Procedure and Administration (26 CFR Part 301) to the change made in section 6337(b) of the Internal Revenue Code of 1954 by section 104(e) of the Federal Tax Lien Act of 1966 (80 Stat. 1137), paragraph (b) (1) of § 301.7506-1 of such regulations is amended to read as follows:

§ 301.7506-1 Administration of real estate acquired by the United States.

(b) Sale. . . .

(1) Property purchased at sale under levy. If the property was acquired as a result of being declared purchased for the United States at a sale under section 6335, relating to sale of seized property, the property shall not be sold until after the expiration of 120 days (or 1 year in the case of such sale under levy before

November 3, 1966) after such sale under levy.

[P.R. Doc. 69-10954; Filed, Sept. 12, 1969; 8:47 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 73 ]

[Docket Nos. 18651, 18138; FCC 69-960]

### RELATIONSHIPS BETWEEN AM AND FM BROADCAST SERVICES; PROHIBITED OVERLAP OF CONTOURS OF CLASS IV AM STATIONS

#### Notice of Proposed Rule Making and Memorandum Opinion and Order

In the matter of amendment of Part 73 of the Commission's rules, regarding AM Station Assignment Standards and the relationship between the AM and FM Broadcast Services, Docket No. 18651; amendment of § 73.37 of the rules governing prohibited overlap of pertinent contours of Class IV AM Stations, Docket No. 18138 (Terminated); petitions of Noroeste Broadcasting Corp., Community Broadcasters Association, Inc., for modification of the interim criteria to govern acceptance of standard broadcast applications.

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

2. On July 17, 1968, the Commission amended its procedural rules to bring a limited halt to the acceptance of standard broadcast applications pending rule making.<sup>1</sup> As we noted at that time, the continuing proliferation of new standard broadcast stations, as well as the flood of requests for major changes in existing facilities, was fast depleting the relatively little AM spectrum space still available in many areas of the country. Meanwhile, the demand for and authorization of new FM facilities was proceeding at an accelerated pace. We had become increasingly aware that the maturing pattern of assignments for the standard broadcast band, especially when considered in light of the fast developing FM service, necessitated fundamental reevaluation of our AM allocation policies. Thus, we concluded that a study was required to determine whether (i) a significant national need for new AM stations or major changes in existing stations which would not serve underserved areas still exists; (ii) presently available frequency space should be conserved for future use in developing areas and to eradicate what "white" area remains;

<sup>1</sup> Report and Order, FCC 68-739, 13 RR 2d 1667, 33 P.R. 10343.

(iii) any future allocation system should view AM and FM as a single aural service; and (iv) further AM assignments on a demand basis constitute unwise use of valuable spectrum space.<sup>2</sup> To avoid a large number of applications under the present rules, which might conflict with ultimate decisions as to the best use of the limited remaining AM spectrum space, we imposed the current limited "freeze" on AM applications while we studied this matter.

3. This notice of proposed rule making begins the rule making proceeding looking toward revision of the AM assignment rules which was envisaged by the "freeze" order. It represents our tentative views as to the appropriate rules in this area for the near future. The text of the proposed rules is set forth in the appendix hereto, and they are discussed in the remainder of this notice. To summarize briefly, in addition to present standards designed to prevent interference (§§ 73.37 and 73.182(o)), applications for new daytime stations, and for major changes in daytime or nighttime facilities (other than Class IV) would have to meet the same type of test now required for applications for new nighttime facilities: That they would provide a first service to 25 percent of the proposed service area or 25 percent of the population within that area. Existing FM service of 1 mv/m or greater intensity would be taken into account in determining whether particular area or population is now without service, and applicants for new facilities (though not major changes) would have to show that there is no FM channel available and unoccupied which could be used by an FM station which would serve substantially the same "white area" proposed to be served by the AM station.<sup>3</sup> Applications for new Class IV stations would have to meet the same criteria; existing Class IV stations operating with less than maximum permissible facilities would be given 1 year (from today, with the "freeze" lifted accordingly) to apply for increases regardless of interference, to the extent international arrangements permit and subject to the provisions of section 316 of the Communications Act, and would thereafter be subject to the same rules. More liberal rules are proposed for Alaska. The restrictions in this paragraph would not apply to applications timely filed and mutually exclusive with pending renewal applications.

<sup>2</sup> Id. at paragraph 6.

<sup>3</sup> As under present §§ 73.24(b) and 73.37, applications by existing daytime or full-time stations for changes in frequency would be treated as applications for new stations, since they involve a whole new set of interference and protection considerations in the area involved.

4. As indicated in the above summary, the proposed rules governing the acceptance and consideration of standard broadcast applications would be substantially more restrictive than the present rules, in four principal respects:

(a) Applications for daytime-only facilities (new and major changes) would be accepted only if they will provide a substantial "first primary service" benefit.

(b) Applications for major changes in authorized nighttime facilities would be subjected to the same "first primary service" standard as present applications for new nighttime facilities.

(c) In determining whether a substantial area or population would receive a first primary service, existing FM as well as AM service would be taken into account.

(d) Applications for new stations would not be accepted if there is an available FM channel which the applicant could use and provide the same substantial service benefit. In the following paragraphs we discuss the reasons for these limitations.

5. The importance and value of FM, and desirability of further stimulating its development: In taking into account FM service, and proposing not to accept applications for new AM stations where an FM channel is available and would provide the same needed service, we are obviously emphasizing the present importance of this medium, and the desirability of stimulating its further development by taking steps to channel into it the interest and capital available to aural broadcasting. We point out in this connection the tremendous growth of FM in recent years, after 20 years of relative dormancy. At the end of fiscal 1968 there were 2,094 commercial FM stations authorized, an increase of nearly 75 percent over the 1,207 authorized only 5 years earlier (June 1963). Radios with FM receiving capability have also increased rapidly in numbers recently; according to Television Digest (Mar. 24, 1969), in 1968 for the first time 50 percent of radios sold in the United States other than auto radios included FM (18,136,000 of 35,512,000 sets). FM sales rose in 1968 as compared to 1967 while AM-only sales declined, and in 1968 more than 1,300,000 FM auto radios were sold.\*

6. In view of these developments, we have expressed on several occasions in recent years the view that FM and AM should both be regarded as integral parts of a total aural service, rather than FM continuing as an adjunct or supplement to AM.<sup>5</sup> We are still of the same view. Therefore, and taking into account the rapidly increasing extent of FM receiver availability, in our judgment it is appropriate to take existing FM service into account in the determination as to

whether a proposed AM service would provide a first aural service to a particular area or population. The proposed rules do so, in connection with applications for both new stations and major changes in facilities.

7. The FM service thus taken into account would be only that rendered by stations operating on "commercial" FM channels, i.e., those on Channels 221-300, using assignments specified in § 73.202(b) of the rules (except where those channels are designated as reserved for educational use). Noncommercial educational FM service, such as that rendered by stations on Channels 201-220 reserved for that purpose are not required to operate any minimum number of hours and often do not operate during substantial portions of the day or during the vacation periods of the educational institutions with which many of them are associated. Therefore, while comments on the matter are invited, the rule proposed herein would take into account existing FM service only from stations operating on channels available for commercial use.<sup>6</sup>

8. We also propose not to accept AM applications for new stations or new nighttime facilities if there is available to the applicant an FM channel in the community, with which he could serve substantially the same "white area" as that shown as justification for his AM proposal. This is designed to channel the capital and interest which is available to improving aural service into FM, and thereby to further the development of that service and take advantage of the superiorities over AM which it has in some respects. While FM still often does not enjoy the near-universal reception capability of AM, and sometimes does not have the range of a daytime AM facility operating under favorable conditions of frequency and ground conductivity, FM stations can provide a more desirable service in a number of respects which we believe warrant preferential treatment as compared to new AM stations. These elements of superiority include the following:

(a) As compared to daytime only AM stations—which 80 percent of pending AM applications seek—FM stations have the obvious advantage of providing the opportunity for unlimited-time service, day and night.<sup>7</sup>

(b) As compared to new nighttime AM proposals (new fulltime stations or daytimers seeking nighttime facilities),

\*Probably the inclusion or exclusion of noncommercial educational FM stations would make little difference in any event. About half of them are 10-watt stations, with extremely limited service areas. The remainder often have relatively small facilities and number only about 40 percent of the number of commercial stations, and therefore would not usually affect substantially the picture of FM service availability.

<sup>7</sup>Of more than 500 pending AM applications (those accepted for filing and those tendered and under study) less than 100 request new or changed nighttime facilities. The majority of pending applications, about 320, are for new daytime-only stations.

FM usually provides a wider and more reliable service. The assignment of FM stations is not complicated by the problem of skywave interference, which limits AM service areas at night to high signal-intensity contours and short distances. For the same reason, a new FM station avoids the degradation of existing service which is inherent in nearly all new nighttime operations (see par. 17, below).

(c) FM provides in many respects a superior technical service, with a more reliable and interference-free signal and the potential for stereophonic or SCA subcarrier broadcasting.

(d) The authorization of new FM stations is, for the Commission, much easier, more orderly and cheaper than that of new AM stations, and, except as to Class IV AM stations, FM stations are cheaper to propose and construct. FM stations can be assigned pursuant to a preplanned Table of Assignments, without individual interference consideration which is extremely detailed and time-consuming in AM, and without the necessity for devising elaborate directional proposals required for AM for nighttime facilities and often for daytime proposals, on other than the Class IV channels. Such directional facilities are expensive to design and evaluate, and expensive to install and "prove out" once authorized.

9. Therefore, as mentioned in paragraph 3, above, an applicant for a new AM station, or a daytimer seeking new nighttime service,<sup>8</sup> in order for his application to be acceptable will have to show that there is no commercial FM channel on which he could operate a station and serve substantially the same "white area" he proposes to serve with his new AM station. This includes, of course, any unoccupied channel assigned to the community sought in the FM Table of Assignments, § 73.202(b) of the rules. It also includes any unoccupied channel assigned to a nearby community and available for use in the community sought, under the "10-mile" or "15-mile" provisions of § 73.203(b) of the rules. While comments are invited on any problems which may be presented, we are also of the view that it should also include any channel which could be assigned to the community, through rule making to amend the FM Table, in circumstances where a petition for rule making would normally be put out for comment and (in the absence of competing demand) ultimately granted and the Table amended so as to add the channel to the community in question.

10. This last criterion is advanced because of the fact that in substantial areas of the country the FM Table is not "saturated", containing all possible assignments. It may well be in the public interest, if an AM application for a new

<sup>8</sup>The Commission's proposal in Docket 18110, concerning common ownership of full-time stations in the same city in different services, would not prohibit acquisition by a daytime AM licensee of an FM station in the same city.

\*This development was cited in an NAB release of Apr. 1969, which also noted developments at the March NAB and NAFMB conventions.

<sup>5</sup>See, for example, the notice of proposed rule making in Docket 15084, May 15, 1963, 25 R.R. 1615, pars. 15-17, 25 R.R. 1622-1623.

station is presented, to ascertain whether the same public need could not be met more advantageously by an FM station in the community sought, through adding a channel to that community.

11. However, we are aware that this concept may involve certain practical problems. Accordingly, we propose to limit it to those situations where an FM channel could be provided for the community in the Table without requiring undue consideration of the various factors involved in FM assignment decisions and without distorting the Table, and where rule making decisions in the absence of competing demand are thus more or less automatic.

12. Therefore, the only showing of FM nonavailability required would be as to: (1) Unoccupied channels assigned to the community in the Table or available under § 73.203(b); and (2) as to the possibility of assigning (without making any other changes in the Table) a first Class A channel to a community which is not part of a U.S. census urbanized area, or a first Class A or B/C channel to a community not part of an urbanized area and having a census population of 10,000 or more. The showing would have to be that no FM channel is available (in these circumstances) at a reasonably feasible site meeting mileage separations with respect to existing assignments and stations and from which principal-city coverage of the community could be provided. Applicants for communities already having an FM channel assigned and in use, or communities in an urbanized area, would thus not have to make a showing as to the absence of "unassigned but available" FM channels, and applicants for other places of under 10,000 could confine their showing to Class A channels.

13. If the last-mentioned criterion—a showing of the absence of "unassigned but available" channels—is to be required, it will be appropriate to adopt certain procedures for insuring that such a channel will likely be available as an alternative for the AM facilities being sought and the application for which is not accepted for this reason. If an application is tendered and is found unacceptable technically solely for this reason, it appears probable that public notice of this fact should be given, and the applicant given an opportunity to seek the FM channel through rule-making. Comments on the appropriate procedures to be adopted—which will be set forth as part of the rule—are invited.

14. Also, bearing in mind the limited extent of some FM station coverage as compared to some AM operations (on the lower frequencies and where ground conductivity is favorable), we propose to specify FM channel availability as a bar

\* Comments are invited on whether the criteria of existing FM service and FM channel availability should be applied to applications for Class II-A stations, or to showings in petitions for waiver of § 1.569 involving possible future II-A assignments on clear channels where they are not now provided for in the rules.

to an AM application only if the available FM channel will permit coverage of the same "white area" which would otherwise warrant the AM assignment. In order to achieve this, the proposed rule sets forth certain assumptions on which FM channel availability will be evaluated: that it is capable of serving substantially the same "white area" as would the AM station assuming maximum Class A FM facilities if it is a Class A assignment (which most of those available in areas of AM "white area" are), or, if it is a Class B or Class C assignment, facilities of 30 kw. E.R.P. and 300 ft. antenna height above average terrain for Class B or 75 kw. E.R.P. and 500 ft. A.A.T. for Class C. These are the same assumed facilities used in evaluating FM "white area" in connection with proposals for new FM channel assignments. See the third report and order in Docket 17095, FCC 67-948, 10 R.R. 2d 1777. In applying this concept, an FM station on an available channel would be regarded as serving "substantially all" of the "white area" in question if, using the above facilities, it would include 75 percent of it within its predicted 1 mv/m contour. While this would not mean an FM service of that intensity to all of the population within that area, the population not receiving such service would normally be too small to justify consideration of an AM application designed to serve it. This will avoid controversies as to whether a given FM station would serve every last person or square mile within a given existing "white area".

15. FM availability and applications for increased facilities: As mentioned above, while existing FM service would be taken into account in evaluating aural "white area" in connection with applications both for new stations and for major changes in authorized facilities, the unavailability of an unused FM channel would not be a requirement in connection with applications for facility changes. We make this distinction for two reasons: First, an increase in AM facilities (on the same frequency) does not necessarily have the same interference effect on existing service, or the same preclusionary effect on later uses of this and other channels, as does the authorization of a completely new facility in a particular location. Second, and perhaps more important, if "FM availability" were to be taken into account in such cases, it would imply that the applicant should look to FM instead of seeking to expand his AM facility, and therefore amount to a Commission blessing on combined ownership of AM and FM facilities in the same place. While we have not acted to prohibit such common ownership, and do not do so now except insofar as the matter is at issue in Docket 18110, nonetheless we do not believe it should be encouraged by such a policy.

16. Restrictions on nighttime facilities: The rules adopted in 1964 required applicants for new nighttime facilities to show service to 25 percent "white area", a test later relaxed in 1968 to permit acceptance also if 25 percent of the popula-

tion within the proposed service area would receive a first nighttime primary AM service. This restriction was to avoid the interference entailed by new nighttime operations generally, even those not involving "objectionable interference" under the technical rules, and to provide for new nighttime operations only where they would provide the demonstrable high public benefit mentioned.<sup>16</sup>

17. While it has sometimes been urged that such a requirement is too restrictive, we are of the view that it should be retained, with the addition of the FM service and availability tests mentioned.<sup>17</sup> We are also of the view that, similarly, major changes in authorized nighttime facilities should be subject to the same "25 percent first aural service" test (although not the FM channel-availability test). The same general considerations concerning the preservation of existing nighttime service against degradation apply to these proposals as well as to applications for new facilities, and therefore in our view they should be considered only if they will bring the same type of service benefit to needful areas.

18. Accordingly, the proposed rule would provide for acceptance of such applications only if they would bring a first primary aural service to 25 percent of the area within the interference-free contour of the operation as proposed, or 25 percent of the population within that area. We are adding an additional test: that the area or population thus provided with its first aural nighttime service must be larger than that served with present facilities. Thus, in order to justify the change, there must be a gain in service to needful area or population, even though the rule would not specify that the area of increase must be "25 percent first service."

19. One of the most common arguments for permitting increased nighttime facilities is to provide coverage of

<sup>16</sup> Interference may exist but not be cognizable under the rules primarily because under the "R.S.S." computation method employed, signals are excluded if they are less than 50 percent of the R.S.S. of the stronger interfering signals which have previously been figured into the R.S.S. limit. See § 73.182(e) of the rules.

<sup>17</sup> One argument is that if the objective is to avoid the erosion of existing service which may occur even in the absence of "objectionable interference" under the rules, a better way would be to tighten up the interference rules to the point that they would effectively prevent such erosion, and then accept any application meeting them. As we mentioned in the Memorandum Opinion and Order in Docket 15084 (FCC 65-195, Mar. 10, 1965, 4 R.R. 2d 1567, par. 7), any such tightening to remove the potential for erosive interference might well mean rules so restrictive that very few, if any, nighttime proposals would meet them; and we believed it preferable to leave the interference rules as they are and act to further restrict filing for nighttime facilities by imposing an additional requirement that they show a really substantial contribution to the improvement of nighttime AM service. We are still of that view. Certain other arguments are discussed below.

the entire city, or as much of it as possible. In view of the high nighttime interference levels on most channels, this has long been a problem for many full-time stations, and the problem has been compounded in recent years by the expansion of cities through annexation in many cases. However, it has been our experience that improvement of coverage of the principal city is often largely an excuse to propose facilities primarily designed to increase coverage in areas well removed from that city. It is also apparent that, as long as interference levels are as high as they are, many stations will always be unable to meet the city-coverage criterion set forth in the rules as desirable, particularly where the city has expanded. Therefore, while comments are invited on the matter of permitting nighttime increases where necessary to provide coverage of the entire city of assignment or as much of it as possible (and only to the extent reasonably necessary for that purpose), our tentative view is that, in view of the interference considerations mentioned, applications for major changes in authorized nighttime facilities should have to meet the same service-benefit tests as applications for new nighttime facilities (except for FM channel availability).

20. Applications for new daytime facilities: The rules set forth below, summarized in paragraph 3, above, will probably be chiefly restrictive with respect to applications for new daytime facilities—in fact, this is one of the conscious purposes behind the proposal—and therefore it is appropriate to discuss at some length the basic AM assignment developments and concepts which have led us to advance the rules set forth herein.

21. The years since World War II have seen a tremendous increase in the number of AM stations, the number of authorized facilities increasing from 882 in 1942 to 4,289 at the end of fiscal 1968. There has been particularly a striking proliferation of daytime-only stations, from some 60 in 1942 to about 2,200 at the present time, or about half of all authorized stations and about two-thirds of all stations other than those on local (Class IV) channels where stations are generally authorized on the basis of unlimited-time operation and not on a daytime-only basis. The somewhat more restrictive rules adopted in 1964 have diminished this incremental process only slightly; more than 300 new stations have been authorized since the adoption of the present rules in July 1964.

22. This process, entirely on an application "demand" basis, has greatly increased the number of stations, and also the number of communities in the nation which have their own local outlet, which has long been an important consideration in the making of AM and other broadcast assignments. The majority of cities of over 10,000 persons in the nation (1960 Census), and a great majority of communities of that size which are outside of urbanized or standard metropolitan statistical areas and thus are themselves important population centers, have their own AM outlets, and a

number of those which do not have AM have local FM stations. Smaller communities have similarly benefitted, including a substantial portion of the nation's communities with as little as 2,500 population and many communities even smaller.<sup>22</sup> Daytime "white area" has been substantially reduced except in certain parts of the country, notably far northern New England and New York State and the intermountain West, and some small interstitial areas in the East and Southeast where ground conductivity is low.

23. Nevertheless, a look at this assignment process, in light of its current operation and tendencies, reveals some shortcomings which we believe are of great importance in light of the limited AM spectrum space still available. The following considerations are pertinent:

(a) The great majority of applications recently granted, and pending applications, are for new or increased daytime facilities, which do not provide nighttime service to any of the areas they propose to serve, and preclude use of this and adjacent frequencies in the community and area by full-time stations which would make such a contribution and likely operate to diminish the extensive nighttime "white areas" of the nation. As mentioned above, over 80 percent of pending applications are for new or changed daytime facilities.

(b) Even in terms of improved daytime service applications recently granted and pending do not appear, for the most part, to be making a really significant contribution to the overall improvement of AM service. Of 173 applications pending in 1968, shortly before the "freeze" was instituted, which proposed to provide a first local outlet to their communities, only 5—or less than 3 percent—were for communities not receiving primary service from elsewhere and thus proposing to serve appreciable "white area." While a similar study was not made as to additional service to "gray" area now receiving only one primary service, it appears likely that the same general situation would prevail.

(c) Even in terms of providing a first or second local outlet—one of the allocations objectives traditionally important in the Commission's consideration of applications<sup>23</sup>—the present system does not seem optimum. While a majority of the 320 applications for new daytime-only stations specify communities now with-

out a local AM outlet, because of mutual exclusivity between applications only about 150 such places can receive stations. Many of these communities are very small; of the applications for communities which are larger, a large number will require considerations as to whether they are really applications for the community specified or for stations in fact primarily serving a larger nearby city.<sup>24</sup> Of the applications for places which have AM stations, many are for places with two or more existing stations, and thus do not provide a second local outlet or "choice of local service."

(d) The recent rapid growth and development of FM, with its generally inherent advantages over AM, and the desirability of channeling capital and interest into that service in those areas where channels are available. See pars. 5 to 9, above.

(e) The continuing large-scale acceptance and grant of applications for new daytime facilities on a "demand" basis—each of them precluding use of the same and adjacent channels by other assignments in the future at least to some extent—appears likely to result in substantial depletion of the limited AM spectrum space still available, on a basis considerably less than optimum in terms of the most desirable uses of this space in light of present and future needs.<sup>25</sup>

24. Therefore, we propose to place on applications for new daytime facilities for the near future the same types of acceptance conditions previously placed, and imposed herein, on applications for new fulltime facilities: That the proposal represents a first primary aural service to at least 25 percent of the area within the proposed interference-free contour, or 25 percent of the popula-

<sup>22</sup> Of the communities specified in pending applications for new daytime facilities, 80 are under 2,500 population (1960 U.S. Census). A study of the 144 communities specified in the 173 applications for new facilities which were pending early in 1968 and which would provide a first local outlet (par. 23(b) above) showed that the average size of 124 of them was 3,843, and the remaining 20 were specified in applications which fell within the "suburban community" principle, requiring analysis to see whether they were in fact applications for stations designed to serve larger communities. See Suburban Policy Statement, 2 FCC 2d 190, 6 R.R. 2d 1901 (1965).

<sup>23</sup> While not among the chief factors prompting proposal of these restrictions, certain other considerations might be noted: (1) Daytime stations regard as very important, and will doubtless continue to seek, authority to operate presunrise (see § 73.99 of the rules), a period during which nighttime propagation and interference conditions prevail at least to some extent; (2) even as to operation during strictly daytime hours, grant of a new facility may result in some loss of actual existing service even though it does not cause "objectionable interference" under § 73.37, since the location of a particular contour is not an exact measure of the extent of service or interference to all listeners at all receiver locations. See the Report and Order in Docket 15084, FCC 64-609 (July 1964), pars. 7-15, 4 R.R. 2d 1658, 1663-1667.

<sup>24</sup> For example, in the State of Alabama, there are 29 communities with more than 10,000 population, and 81 others with 2,500 or more (1960 U.S. Census). Of the former, all but three have AM stations; the three are in the Birmingham or Mobile urbanized areas. Of the 81 with populations between 2,500 and 10,000, 43 have AM stations, and 15 of the others are in urbanized areas or standard metropolitan statistical areas. 12 communities of less than 2,500 have stations.

<sup>25</sup> See, for example, *Lawton-Ft. Sill Broadcasting Co.*, 12 R.R. 1216 (1952); *Northwestern Ohio Broadcasting Company*, 12 FCC 727, 3 R.R. 1945(b) (1948), affirmed per curiam *Sky Way Broadcasting Corp. v. FCC*, 176 F. 2d 951 (1949).

tion within that contour, taking into account both existing primary AM service (0.5 mv/m or 2.0 mv/m as the case may be) and existing 1 mv/m commercial FM service and that no FM channel is available which will serve substantially the same "white area". We recognize that this rule will doubtless mean a sharp curtailment in the tender of applications for daytime facilities; for example, it is likely that none, and certainly very few, pending daytime applications would have been accepted if the rule had previously been in effect. This is one of the purposes of the rule. In our view, it will have the following beneficial effects:

(1) It will permit acceptance, consideration and grant of only applications which will make a really substantial contribution to improving aural radio service, grant of which will not have any significant overall impact on future use of the limited AM spectrum space remaining on a more orderly and more nearly optimum basis. Continued authorization of facilities on the present basis, on the other hand, would have such an impact. The smaller number of applications will also enable the Commission and its staff to devote more time to consideration and study of possible approaches to allocation of the remaining AM spectrum space on a more orderly and more nearly optimum basis. The concepts are discussed in the next few paragraphs.

(2) It will encourage the channeling of the interest and capital available for aural broadcasting into FM applications, thus making fuller utilization of the spectrum space available and avoiding the limitations and problems inherent in daytime-only operation.

25. Impact and preclusion from AM grants: We have mentioned above the desirability of conserving the limited AM spectrum space for use on a more nearly optimum, more orderly and planned basis, without the preclusionary impact which the "demand" system and large-scale authorizations under it appear to have. Admittedly, this is a difficult concept to evaluate accurately in this service. It is readily apparent that a given authorization precludes some uses of the same and adjacent channels, in the same community and to some extent the general area;<sup>18</sup> either to serve other communities and areas perhaps more needful of service or, if the authorization is for a daytime-only station (as the great majority are), to provide full-time

<sup>18</sup>The preclusionary impact of any given new daytime AM assignment varies widely with frequency, power and ground conductivity. Assuming nondirectional operation, the 0.025 mv/m (cochannel interference) contour of a 5 kw station on 540 kc/s, in an area of 30 mmhos/m conductivity, extends more than 500 miles; that of a 500-watt station on 1600 kc/s in an area of 1 mmho/m conductivity extends only 42 miles. A very roughly average situation would be a 1 kw station on 1250 kc/s in an area of 4 mmhos/m conductivity, whose 0.025 mv/m contour extends about 94 miles. Use of the same frequency by another station is precluded for slightly greater distances than those shown.

service which is often much more lacking. But, with 82 channels available generally for authorizations,<sup>19</sup> the tremendous variations in AM service and interference ranges arising from differences in frequency and ground conductivity, and the great flexibility in new and increased facilities which use of directional antennas affords, it is generally difficult or impossible to say with assurance that a given grant will absolutely preclude another community from getting an assignment on some other channels. Nonetheless, it appears probable that, as a long-range matter, continuation of the present demand system and a large number of grants under it will substantially preclude the later making of other assignments which might serve areas and communities which are or will be more needful. AM spectrum space is scarce, and we believe the time has come to halt large-scale erosion of it, on an unplanned individual "demand" basis, except in cases of clear service benefit such as the 25 percent first-service standards adopted herein, while we take a further look at the situation in the next few years.

26. Consideration of the future development of AM: As indicated above, one of the considerations behind the proposed rules, which are particularly restrictive as to applications for daytime facilities, is that they will curtail the number of applications, thus both preserving the AM spectrum for uses which will more nearly approach optimum disposition of the limited spectrum space remaining, and freeing the Commission and its staff from the necessity for devoting great time and effort to the detailed, often laborious evaluation of individual AM applications. The processing of AM applications for new and changed facilities is an expensive one in terms of man-hours, much the most costly per application of any of the Commission's processes; and in some cases the results, in terms of the public interest, do not seem worth the effort. It appears desirable, for both of these general reasons, to call a halt to large-scale grants of facilities on a "demand" basis, and turn to a consideration of whether a more orderly, planned approach can be worked out which will insure use of the remaining spectrum space better and, possibly, more cheaply.

27. Among the subjects which may be explored is that of determining whether it is possible with any degree of accuracy to evaluate the "impact" of a particular AM proposal on other future assignments on this and related frequencies, where future demands in more needful places may arise (see par. 25, above). In FM, a "preclusion" showing is now required in connection with certain requests to amend the Table of Assignments to add new channels,<sup>20</sup> and it may

<sup>19</sup>There are 107 standard broadcast channels, of which the 25 U.S. I-A clear channels are not now available for new or increased facilities in the 48 conterminous states. See § 73.25(a) (4) and (5).

<sup>20</sup>See public notice released May 12, 1967, 9 P.R. 2d 1245, 32 F.R. 7349.

ultimately be possible and desirable to require such a showing in AM in connection with applications.

28. Another area of possible study is whether certain rules and policies can be formulated which will simplify the consideration of applications both individually and comparatively, and perhaps discourage or preclude the filing of applications which will not significantly improve over-all radio service. Perhaps, for example, long-term rules should be adopted prohibiting the filing of applications which would provide no greater benefits than a third service or a third local outlet, in the absence of a showing that no significant "preclusion" on other possible uses would result, the type of showing now required in FM as mentioned above. Perhaps the preference for first local outlets over applications not providing this benefit should be made automatic, so that once an application for a first local station is filed no mutually exclusive application would be accepted if it would not provide the same benefit (or, of course, serve "white" or "gray" area). Inquiry may also be appropriate into exactly what communities warrant a "first local outlet" preference—for example, perhaps only those outside of urbanized areas or standard metropolitan statistical areas, or those which are the county seats or largest communities in their counties. These indicate some of the areas of inquiry. As mentioned, we believe it desirable for the Commission and its staff to turn a substantial part of the effort which can be devoted to AM matters to such general, overall consideration. Since a large part of AM application analysis (certainly any type of overall consideration) must be based on U.S. Census data, the only overall body of data available, it is also appropriate to defer the large-scale consideration of AM proposals until more recent (1970) decennial data is available, in view of the population growth and population shifts which may have occurred since the 1960 Census.

29. Duration of the proposed rules: As indicated in the foregoing observations, the rules proposed herein are not necessarily those which will govern the acceptance of applications for new and increased AM facilities for the indefinite future. An important aspect of the proposal is that it will give the Commission time to evaluate the overall picture of aural service development and to stimulate aural broadcasting in the FM band. After a period of a few years has elapsed, a further look at these developments will be appropriate.

30. The importance of first and second local outlets: To the extent that the rules proposed would preclude many applications which would otherwise be filed—which it is anticipated would occur—they will preclude a large number of applications which would provide first or second local AM (and often first or second broadcast stations) in communities. Since the provision of such outlets has historically been an important Commission assignment policy, it is

appropriate to set forth our views on this matter.

31. The provision of a first local outlet to a community has been and is an important consideration in the Commission's allocation and assignment actions, as indeed it must be under the mandate of section 307(b) of the Act. However, as noted in paragraphs 22 and 23, above, a high proportion of the larger communities of the nation already have such outlets, except possibly those in urbanized areas or standard metropolitan statistical areas. Therefore, applications proposing to provide "first local outlet" benefits at the present time are usually either for smaller communities, or for larger communities located within the ambit of still larger metropolitan centers. The significance of this principle thus becomes limited. If the application is for a small community, the number of people in the community thus benefitted is small, and the community itself, and the station which is a local outlet for it, are probably of particular importance to only a small surrounding area compared to the areas around larger places. If the application is for a larger community in a metropolitan or urbanized area, that community tends to be less important itself as a population center, with its populace having a nexus of needs and interests with the city which is the center of the metropolitan or urbanized area, and well served by its stations. Moreover, it is obvious that no possible assignment principle is going to permit stations in all or nearly all communities in the nation with populations of 1,000, or even 2,500. Therefore, while this remains an important consideration in individual cases, and may be significant overall in the long run to some extent, in our judgment it does not warrant, in itself, acceptance in the near future of applications providing no other substantial service benefit.

32. Major changes in authorized daytime facilities: For the general reasons mentioned, we propose to adopt a substantially similar rule for applications for major changes in daytime facilities as that proposed for new daytime stations: They must meet the nointerference test and the facilities as increased must provide a first primary service to 25 percent of the area within the interference-free contour or 25 percent of the population within that contour, and more such area or population than that served with present facilities (see par. 17, above, concerning increased nighttime facilities). Existing FM service would be taken into account in this determination. However, since the AM station is already in being, and since, moreover, it is not believed appropriate to adopt a course which would encourage common ownership of AM and FM facilities in the same community, we would not take into account the availability of an FM channel.

33. Consideration of alternatives: The rules proposed herein represent our tentative view of appropriate regulations to govern the acceptance of AM applica-

tions for the near future. However, interested parties may be expected to oppose these, particularly in their restrictive effect, and if so they may wish to comment on some of the following matters:

(a) *Requiring a smaller percentage of "white area".* Service to "white area" is significant whether it amounts to 25 percent of the proposed service area or not; therefore, parties may wish to propose a smaller percentage as a requirement. (One problem with any smaller percentage is that the location of signal-intensity contours is often the subject of controversy between the particular applicant and parties opposing the application.) Differences which may be considered de minimis in relation to a 25 percent standard, such as a few square miles or a few hundred people, might be regarded as of importance in relation to a lesser standard. We desire to avoid anything which would magnify the importance of such controversies.

(b) *Consideration of provision of first local outlets.* This has been previously discussed (see pars. 30 and 31 above). Parties urging that applications should be entertained on this basis alone should show how this would be consistent with our objectives and the considerations discussed herein, and also how we could be assured that a really meaningful local outlet is thus provided, for example, a first broadcast outlet in a county.

(c) *Provision of a second primary service or local outlet.* In view of the importance this principle has historically had, parties may wish to comment on the desirability of providing a second primary service or (if arguing along the lines of subparagraph (b), above), a second competitive local outlet, to provide a competitive "choice of local service".

(d) *Avoiding inefficient daytime proposals.* In connection with the nighttime "25 percent white area" rule adopted in 1964, it has been argued that such an acceptability criterion leads to intentionally inefficient proposals, designed to make a given small "white area" represent 25 percent or more of the area to be served by intentionally proposing an operation which will serve only a relatively small amount of other area (by proposing lesser power or a more restrictive pattern than could be proposed, or intentionally choosing a frequency with a high interference level). As far as nighttime proposals are concerned, we do not believe this is a significant matter, for two reasons: (1) In view of the fact that any operation on a channel increases the interference level, such an increase is justifiable only if and to the extent that it is necessary to provide a truly needed service; and (2) in general, the large nighttime "white areas" of the Nation are not located so as to make this a factor; with long distances between sources of nighttime service, a station extending service into "white area" at all will tend to serve more such area the further its service range. However, these

factors are less important in connection with daytime proposals, since new daytime facilities meeting the "no interference" tests are not sources of substantial interference, and since in much of the country any daytime "white area" consists of small, "interstitial" areas between contours of existing stations, particularly in areas of low ground conductivity. Therefore, while it is not part of the proposed rule, comments are invited on the following: an application for daytime facilities would be accepted (if it meets the "no interference" tests), if the applicant could show that he could have presented a proposal meeting the "25 percent first service" test.

(e) *Primary service from distant sources.* Another argument made against the present nighttime "first primary service" test is that it attaches too much importance to service from very distant stations, such as Class I stations 100 miles or more distant, which, while "primary service" within the meaning of our rules, does not constitute to any extent a "local" service of significance to the community involved and thus should not prevent the establishment of a station there. We recognize the logic of this argument and, while the proposed rules would take into account primary service from any source, comments are invited on whether very distant services should be excluded. One problem in this connection would be arriving at a figure which is anything more than a very arbitrary standard. It does not appear that the distance of a nonlocal station gives anything more than the roughest indication of the extent to which its service is of particular benefit to a given community or surrounding area. Thus, for example, there is indication that some Class I stations (though by no means necessarily all) try to present material of local significance to communities well removed—perhaps 100 miles or more—from the station, whereas Class II or Class III stations considerably closer do not provide such "local" service. Comments along this line should indicate how a meaningful standard could be arrived at.

34. *Assignments in Alaska:* The foregoing observations relate to the AM picture in the 48 contiguous States, and to the substantially similar situation in Hawaii, Puerto Rico, and the Virgin Islands. The situation in the vast State of Alaska is different, with few AM stations in relation to the vast area involved. Therefore, it is proposed to provide for acceptance of applications for a new or changed daytime or nighttime facilities in Alaska meeting only tests as to "no interference caused or (daytime) received", provided

<sup>19</sup> The 1968 liberalization of the rule, providing for acceptance of applications providing a first primary service to 25 percent of the population served, has probably lessened this as a consideration, since it attaches more importance to communities of 2,500 or more population which require a 2.0 mv/m rather than only a 0.5 mv/m signal from the distant station to constitute "primary service."

in §§ 73.37 and 73.182(o), plus a nighttime "10 percent rule" test to insure reasonable efficiency. Such applications will be accepted immediately.<sup>39</sup>

35. *Class IV stations: increases in facilities:* For more than 10 years, encouragement of daytime power increases by Class IV stations has been a major principle of the Commission's AM allocation policy, insofar as international agreements and understandings permit. This has been in recognition of the fact that, while such increases would usually not result in increased service areas (since other cochannel stations would also increase in the same amount), the increase would permit substantially better service within the existing area, overcoming man-made electrical noise. In the revision of the AM rules in 1964, this policy was retained, despite the emphasis in other connections on the preservation of existing service. Section 73.37(d) of the rules thus provides that applications for such increases will be granted notwithstanding interference caused or received to an extent prohibited by that section with respect to other stations, if consistent with section 316 of the Act and the public interest. More than 85 percent of Class IV stations—all but 147 out of about 1,000—now operate with 500 watts or 1 kilowatt daytime, and most of the rest have been prevented from doing so by international agreements and understandings.

36. We are of the view that this policy should be permitted to continue, but only for a limited time, 1 year from today for stations now free to file and a reasonable time, such as 1 year, from the date when applicable international restrictions are removed in other cases. This will give ample time for all existing Class IV stations who may possibly desire to do so to apply for increases in facilities. After that time, we are of the view that the same general standards now proposed for AM stations should apply. Sections 73.24 and 73.37, set forth below, would so provide. As mentioned, we will immediately begin the acceptance and processing of applications of existing Class IV stations to increase power.

37. The same principle would apply to applications by any of the six existing 100-watt stations to increase nighttime power to 250 watts, or daytime power to 500 watts.

38. Applications for new Class IV stations; Docket 18138: Applications for new Class IV stations are also treated somewhat more liberally under present rules than other applications. Under

paragraph (c) of section 73.37, with respect to overlap received from existing stations, they are treated as if their applications were for 250 watts daytime power and as if all other Class IV stations similarly operated. This, of course, is usually contrary to fact. Moreover, once granted with 250 watts daytime power they may apply to increase power to 1 kw, under the semiautomatic provisions of paragraph (d), referred to above.

39. In Docket 18138, instituted April 24, 1968 (FCC 68-468), we proposed two possible approaches to this rather cumbersome "two-step" procedure. One was to provide (by revision of § 73.37(c)) that applications for new Class IV stations would be considered on the assumption that all Class IV stations operate with 250 watts, with respect to both overlap received (as now provided) and overlap caused; thus initial applications specifying 1 kw daytime power would be treated just as if they proposed 250 watts and the second step would not be necessary. On the other hand, we expressed the view that the time might now have arrived to require all Class IV applications—for new stations and power increases—to meet the same "go-no-go" rules as other stations, thus avoiding increments of interference on the Class IV channels.

40. Docket 18138 is still pending, and we are herein terminating it and consolidating it into the present proceeding, which will contain a decision as to this matter as well as concerning AM rules governing other applications. All comments filed will be considered herein. Our tentative view is that: (1) The importance of Class IV power increases outweighs for the time being countervailing considerations, but that the period mentioned above (1 year, plus a reasonable additional time in cases where international considerations are now a bar and are later removed) should be adequate to afford an opportunity for all stations who wish to increase; (2) new Class IV stations should meet essentially the same rules as other stations, since the same general considerations concerning impact on future use of the channels apply. Applications for new Class IV facilities would therefore be required to meet either a daytime or a nighttime "25 percent first service" test, and the same "FM channel availability" test mentioned above.

41. Two petitions for reconsideration of the July 1968 "freeze" order were filed, on behalf of a Class IV station and the Class IV association (Noroeste Broadcasting Corp. (WUNA, Aguadilla, P.R.), and Community Broadcasters Association, Inc.). In effect, the removal today of the "freeze" on Class IV power increase applications, together with a period of 1 year plus additional time in cases involving international problems if appropriate, grants most of the relief requested. To the extent it does not, these petitions are denied.

42. The action taken herein, lifting the "freeze" for power-increase applications by existing Class IV stations but retain-

ing it for other applications including acceptance of applications for new Class IV stations on the same channels, may be regarded as showing an unwarranted degree of preference to the former. We do not consider it so. As noted above, power increases do not present the same problems of impact on future uses of channels by imposing protection requirements on a particular set of frequencies in a part of the country where they did not previously exist. Therefore we consider it desirable immediately to proceed with resolution of the power-increase problem for these stations, and the 1-year period will begin today.

43. Possible changes in AM-FM "non-duplication rules": As part of its review of overall developments in the aural services, and in line with the view expressed above that AM and FM should be regarded as complementary parts of a single aural service, the Commission has under consideration certain changes in § 73.242 of the rules, the "AM-FM non-duplication" requirement. These may include increasing from the present 50 percent the amount of separate programming required of FM stations in cities of more than 100,000 population, and extending the non-duplication requirement to FM stations in smaller places. An increase in minimum required hours of FM operation may also be proposed, including particularly some evening hours when the associated AM station is daytime only. A document dealing with these matters will be issued in the near future. These changes are not proposed in this document, and comments on them, as such, are not invited in this proceeding.

44. In view of the foregoing, comments are invited on the rule changes proposed for adoption as set forth below, and on the alternative matters set forth in paragraph 33, above.

45. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before November 14, 1969, and reply comments on or before December 15, 1969. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in the 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.

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

47. (a) *It is ordered*, That, effective September 17, 1969, paragraph (a) of Note 2 to § 1.571 of the Commission's rules is amended by action taken in a separate order simultaneously herewith, by amending subparagraph (4) thereof and adding new subparagraph (5); and the petitions for reconsideration filed by Noroeste Broadcasting Corp. and Community Broadcasters Association, Inc., seeking reconsideration of the "freeze" order of July 18, 1968 (FCC 68-739, 33

<sup>39</sup> Thus, effective immediately, the interference tests for Alaskan applications will be: (1) That the proposal would not cause or receive prohibited groundwave overlap with an existing station prohibited by § 73.37; (2) that it would not cause interference to existing cochannel stations under § 73.182(o); and (3) that the interference received nighttime does not affect more than 10 percent of the population within the normally protected nighttime service area, or, if it would, that the proposal would be the first nighttime AM facility in the community or serve 25 percent or more nighttime "white area" or unserved population.

F.R. 10343) are granted to the extent indicated herein and in said order, and in all other respects are denied; and

(b) *It is further ordered*, That the rule making proceeding Docket No. 18138 is terminated, as such, and consolidated into Docket No. 18651.

Adopted: September 4, 1969.

Released: September 11, 1969.

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

[SEAL] BEN F. WAPLE,  
Secretary.

1. In § 73.24, paragraph (b) is amended to read as follows:

§ 73.24 Broadcast facilities, showings required.

(b) That the proposed new station or proposed major change in an authorized facility (other than applications by Class IV stations for increased power):

(1) Would comply with the standards of station separation set forth in § 73.37 with respect to both daytime and nighttime operation if included in the application and, if nighttime facilities are applied for, would not cause objectionable interference to other stations under § 73.182(o); and

(2) Would provide a first primary aural service to at least 25 percent of the area within the proposed interference-free contour or to at least 25 percent of the population within that contour, during daytime hours if the application is for a new daytime station or for a major change in authorized daytime facilities, during either daytime or nighttime hours if the application is for a new Class IV station, and otherwise during nighttime hours; and where the application is for major changes in daytime or nighttime facilities, that the area or population provided with its only aural primary service is greater than that so served with present facilities (if the application includes both daytime and nighttime changes, each must meet these requirements); and

(3) If for a new station, facilities on a new frequency, or new nighttime facilities, that the community sought does not have available for use an FM channel which a station could use and

serve substantially all of the area to which the proposed standard facilities would provide a first primary aural service.

NOTE 1: The term "first primary aural service" where used in this paragraph refers to area or population not now receiving either an interference-free standard broadcast service (day or night, depending on which period is involved in consideration of the application) of at least the intensity (0.5 mv/m or 2.0 mv/m) specified in § 73.182(g) for primary service, or an FM signal of 1 mv/m or greater intensity from a station not operating on a channel reserved for educational use. The term "FM channel unoccupied and available for use" means an FM channel unoccupied and either assigned to the community sought in § 73.202(b), available for use in that community under § 73.203(b), or assignable to the community through rule making to amend § 73.202(b) under the following circumstances: the community is outside of an urbanized or standard metropolitan statistical area (last regular U.S. Census), it has now no FM channel assigned, it is of more than 10,000 population (last regular U.S. Census) or the only available channels are Class A channels, no other changes in the Table of FM Assignments (§ 73.202(b)) are necessary to assign the channel to the community, and it could be used consistent with the mileage separation requirements of § 73.207 and minimum signal intensity requirements of § 73.315(a) at either the reference point in the community or another reasonably feasible site. In determining whether an FM station using such channel could serve substantially all of the area proposed to be served which is without primary aural service, it will be considered that it could serve substantially all of such area if it would include 75 percent or more of it within its 1 mv/m contour assuming that if it is a Class A station it operates with maximum permissible Class A facilities; that if it is a Class B station it operates with at least 30 kw. E.R.P. and 300 ft. antenna height a.a.t.; or that if it is a Class C station it operates with at least 75 kw. E.R.P. and 500 ft. antenna height a.a.t. (if both Class A and Class B/C channels are available, the Class B/C facilities will be assumed).

NOTE 2: Notwithstanding the provisions of this paragraph (b), an application for new or changed standard broadcast facilities in Alaska will be accepted and considered if: (1) It complies with the provisions of § 73.37 with respect to overlap of groundwave signal intensity contours with existing stations; (2) if for nighttime facilities, it would not cause objectionable skywave interference to any other station under § 73.182(o); and (3) the proposed nighttime operation would not suffer skywave interference affecting more than 10 percent of the population within the normally protected nighttime contour,

or, if it would, that the proposed station would be the first nighttime standard broadcast facility in its community or would provide a first nighttime primary service to 25 percent or more of the proposed nighttime primary service area or population.

NOTE 3: The provisions of this paragraph (b) do not apply to applications timely filed and mutually exclusive with applications by existing stations for renewal of license. See § 1.518(e) of this chapter.

NOTE 4: The preceding provisions of this paragraph (b) shall not be applied to applications for new Class II-A station or to applications accepted for filing before July 13, 1964. With respect to such applications, a showing must be made that:

(a) Objectionable interference will not be caused to existing stations or that, if interference will be caused, the need for the proposed service outweighs the need for the service which will be lost by reason of such interference. (For special provisions concerning interference from Class II-A stations to stations of other classes authorized after October 30, 1961, see Note 2 to § 73.21 and § 73.22(d).) (For determining objectionable interference, see §§ 73.182 and 73.186.)

(b) The proposed station will not suffer interference to such an extent that its service would be reduced to an unsatisfactory degree. (See § 73.28(d).)

2. Section 73.37 is amended by the deletion of paragraphs (c) and (d) and the addition of new Note 4, as follows:

§ 73.37 Minimum separation between stations; prohibited overlap.

(c) [Deleted]

(d) [Deleted]

NOTE 4: If otherwise consistent with the public interest and international understandings to which the United States is a party, and subject to section 316 of the Communications Act of 1934, as amended, an application tendered on or before September 4, 1970, requesting an increase in the daytime power of an existing Class IV station on a local channel from 250 watts to a maximum of 1 kilowatt, or from 100 watts to a maximum of 500 watts or to increase nighttime power to 250 watts, may be granted notwithstanding overlap prohibited by paragraph (a) of this section. In the case of a 100-watt Class IV station increasing daytime power, the provisions of this note shall not be construed to permit an increase in power to more than 500 watts, if prohibited overlap would be involved, even if successive applications should be tendered.

[F.R. Doc. 69-10945; Filed, Sept. 12, 1969; 8:46 a.m.]

<sup>2</sup> Commissioner Johnson absent.

# Notices

## DEPARTMENT OF THE TREASURY

### Fiscal Service

[Dept. Circ. 570, 1969 Rev., Supp. No. 2]

### SURETY INSURANCE COMPANY OF CALIFORNIA

#### Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of \$50,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

Surety Insurance Company of California  
La Habra, California  
California

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: September 9, 1969.

[SEAL] H. A. RABON,  
Deputy Fiscal Assistant Secretary.

[F.R. Doc. 69-10950; Filed, Sept. 12, 1969;  
8:47 a.m.]

#### Internal Revenue Service

#### B&B FOOD FAIR

#### Notice of Granting of Relief

Notice is hereby given that Robert W. Gardner, doing business as B&B Food Fair, 1407 North Court Street, Montgomery, Ala., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 26, 1960, in the Montgomery County Court, Montgomery, Ala., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Robert W. Gardner because of such conviction to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title

18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) because of such conviction, it would be unlawful for Mr. Gardner to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Robert W. Gardner's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Robert W. Gardner be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 9th day of September 1969.

[SEAL] WILLIAM H. SMITH,  
Acting Commissioner  
of Internal Revenue.

[F.R. Doc. 69-10952; Filed, Sept. 12, 1969;  
8:47 a.m.]

#### RALPH HENRY SMITH

#### Notice of Granting of Relief

Notice is hereby given that Ralph Henry Smith, 1340 North Union Boulevard, Colorado Springs, Colo., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 10, 1955, in the U.S. District Court, Springfield, Ill., of an offense punishable by imprisonment for a term exceeding 1 year, as defined in 18 U.S.C. 921(a)(20). Unless relief is granted, it will be unlawful for Ralph Henry Smith, because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from ob-

taining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) it would be unlawful for Mr. Smith to receive, possess, or transport in commerce or affecting commerce a firearm. Notice is hereby further given that I have considered Ralph Henry Smith's application and have found:

(1) The conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the requested relief to Ralph Henry Smith from disabilities incurred by reason of his conviction would not be contrary to the public interest.

*It is ordered*, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by the regulations in Title 26, Part 178, Code of Federal Regulations, that Ralph Henry Smith be, and he hereby is granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 9th day of September 1969.

[SEAL] WILLIAM H. SMITH,  
Acting Commissioner  
of Internal Revenue.

[F.R. Doc. 69-10953; Filed, Sept. 12, 1969;  
8:47 a.m.]

#### JOHNNIE KELSEY SWANN

#### Notice of Granting of Relief

Notice is hereby given that Johnnie Kelsey Swann, 67 Riverview Avenue, Portsmouth, Va., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction of two crimes, one on May 14, 1929, in the Circuit Court of Isle of Wight County, Va., and the other on May 3, 1933, in the Federal District Court, Norfolk, Va., both of which were punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Johnnie Kelsey Swann, because of such convictions to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be

prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) because of such conviction it would be unlawful for Mr. Swann to receive, possess, or transport in commerce a firearm. Notice is hereby further given that I have considered Johnnie Kelsey Swann's application and have found:

(1) The convictions were made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the requested relief to Johnnie Kelsey Swann from disabilities incurred by reason of his conviction would not be contrary to the public interest.

It is ordered, Pursuant to the authority vested in the Secretary of the Treasury by section 925(c), of title 18, United States Code and delegated to me by the regulations in title 26, part 178, Code of Federal Regulations, that Johnnie Kelsey Swann be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 9th day of September 1969.

[SEAL] WILLIAM H. SMITH,  
Acting Commissioner  
of Internal Revenue.

[F.R. Doc. 69-10951; Filed, Sept. 12, 1969;  
8:47 a.m.]

## DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WYOMING

Pryor Mountain Wild Horse Range

1. Pursuant to the Classification and Multiple Use Act of September 19, 1964 (74 Stat. 986, 43 U.S.C. 1411), R.S. 2478 (43 U.S.C. 1201), the Act of October 15, 1966 (80 Stat. 913; 16 U.S.C. 460t), and the provisions of 43 CFR Subpart 1727, I hereby designate the public lands in the following described area as a part of the Pryor Mountain Wild Horse Range:

SIXTH PRINCIPAL MERIDIAN  
BIGHORN COUNTY, WYO.

T. 58 N., R. 95 W.,  
Sec. 23, NE¼;  
Sec. 24, all;  
Sec. 25, all;  
Sec. 36, all lying north of Crooked Creek  
and Bighorn Lake.

T. 58 N., R. 94 W.,  
Sec. 19, all lying west of Bighorn Lake;  
Sec. 30, all lying west of Bighorn Lake;  
Sec. 31, all lying north of Crooked Creek  
and Bighorn Lake.

The area described aggregates approximately 1,680 acres and is subject to all the provisions of F.R. Doc. 68-11056, which established the Pryor Mountain Wild Horse Range and was published September 12, 1968, in the FEDERAL REGISTER (33 F.R. 12920).

HARRISON LOESCH,  
Assistant Secretary of the Interior.

SEPTEMBER 9, 1969.

[F.R. Doc. 69-10930; Filed, Sept. 12, 1969;  
8:46 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ADULT BASIC EDUCATION

### Notice of Establishment of Closing Date for Receipt of Applications for Special Experimental Demonstration Projects and for Teacher Training; Fiscal Year 1970 Funds

The Adult Education Act of 1966, as amended, provides for basic educational programs for adults to enable them to overcome English language limitations, to improve their basic education in preparation for occupational training and more profitable employment, and to become more productive and responsible citizens. Section 309 of the Act authorizes the U.S. Commissioner of Education to make grants:

(1) To local educational agencies or other public or private nonprofit agencies, including educational television stations, for special experimental demonstration projects which (a) involve the use of innovative methods, systems, materials, or programs which the Commissioner determines may have national significance or be of special value in promoting effective programs under the Act or (b) involve programs of adult education, carried out in cooperation with other Federal, federally assisted, State, or local programs which the Commissioner determines have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with basic educational deficiencies; and

(2) To colleges or universities, State or local educational agencies, or other appropriate public or private nonprofit agencies or organizations, to provide training to persons engaged, or preparing to engage, as personnel in adult education programs designed to carry out the purposes of the Act.

Section 166.64 of Part 166, Title 45 of the Code of Federal Regulations states that the Commissioner may establish and announce "cut-off dates" for the receipt of applications for such grants where he deems it necessary for the efficient administration of the programs.

Accordingly, notice is hereby given that the date of November 14, 1969, is established as the closing date upon which applications may be filed with and received by the U.S. Commissioner of Education for grants for special experimental demonstration and teacher-training projects.

Application forms and instructions may be obtained from the Division of Adult Education Programs, Bureau of Adult, Vocational, and Library Programs, U.S. Office of Education, Washington, D.C. 20202.

Dated: September 9, 1969.

JAMES E. ALLEN, JR.,  
U.S. Commissioner of Education.

[F.R. Doc. 69-10926; Filed, Sept. 12, 1969;  
8:45 a.m.]

Office of the Secretary

HEALTH SERVICES AND MENTAL  
HEALTH ADMINISTRATION

### Statement of Organization, Functions, and Delegations of Authority

Part 5 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, Oct. 30, 1968), is hereby amended with regard to Section 5-C, Delegations of Authority, as follows:

After the subparagraph numbered (4) of the paragraph entitled "Specific Delegations" add a new subparagraph reading:

(5) The functions under the District of Columbia Medical Facilities Construction Act of 1968 (Public Law 90-457) relating to grants and loans for construction or modernization of hospitals, public health centers, long-term care facilities, diagnostic or treatment centers, rehabilitation facilities, facilities for the mentally retarded, and community mental health centers, except that the concurrence of the Administrator, Social and Rehabilitation Service, shall be obtained prior to the approval of any grant or loan for a mental retardation facility or rehabilitation facility project.

Dated: September 5, 1969.

ROBERT H. FINCH,  
Secretary.

[F.R. Doc. 69-10967; Filed, Sept. 12, 1969;  
8:48 a.m.]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE, REGION I (NEW YORK)

Designation

The officers appointed to the following listed positions in Region I (New York) are hereby designated to serve as Acting Assistant Regional Administrator

for Renewal Assistance, Region I, during the absence of the Assistant Regional Administrator for Renewal Assistance, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Renewal Assistance: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Renewal Assistance, unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Regional Administrator for Renewal Assistance.
2. Assistant to Assistant Regional Administrator for Renewal Assistance.
3. Director, Field Service Division.
4. Assistant to the Director of Field Service.

The designation effective September 1, 1968 (33 F.R. 15487, Oct. 18, 1968), is hereby revoked.

(Delegation effective May 4, 1962, 27 F.R. 4319; Dept. Interim Order II 31 F.R. 815, Jan. 21, 1966)

Effective as of the 4th day of September 1969.

ANNE M. ROBERTS,  
*Acting Regional Administrator,  
Region I.*

[F.R. Doc. 69-10970; Filed, Sept. 12, 1969;  
8:49 a.m.]

## CIVIL SERVICE COMMISSION

### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Consumer Services, Office of the Assistant Secretary for Community and Field Services, Office of the Secretary.

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

[F.R. Doc. 69-10960; Filed, Sept. 12, 1969;  
8:48 a.m.]

### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Evaluation and Program Monitoring, Office of

the Assistant Secretary for Planning and Evaluation.

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

[F.R. Doc. 69-10961; Filed, Sept. 12, 1969;  
8:48 a.m.]

### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Deputy Assistant Secretary (for International Activities), Office of the Assistant Secretary (for Education), Office of the Secretary" to "Special Assistant to the Secretary (for International Affairs)".

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

[F.R. Doc. 69-10965; Filed, Sept. 12, 1969;  
8:48 a.m.]

### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Youth), Office of the Assistant Secretary (Community and Field Services), Office of the Secretary.

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

[F.R. Doc. 69-10966; Filed, Sept. 12, 1969;  
8:48 a.m.]

### DEPARTMENT OF THE INTERIOR

#### Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.30 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the ex-

cepted service the position of Director, Office of Water Resources Research, Office of the Assistant Secretary for Water Quality and Research.

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

[F.R. Doc. 69-10959; Filed, Sept. 12, 1969;  
8:48 a.m.]

### EXPORT-IMPORT BANK OF THE UNITED STATES

#### Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Vice President for Program Planning and Information" to "Vice President for Planning and Export Expansion".

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

[F.R. Doc. 69-10963; Filed, Sept. 12, 1969;  
8:48 a.m.]

### DEPARTMENT OF TRANSPORTATION

#### Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Congressional Relations, Office of Assistant Secretary for Public Affairs.

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

[F.R. Doc. 69-10964; Filed, Sept. 12, 1969;  
8:48 a.m.]

### OFFICE OF ECONOMIC OPPORTUNITY

#### Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967.

[Docket No. 69-46]

**PACIFIC FAR EAST LINE, INC.****General Increase in Break-Bulk Rates  
in the U.S. Pacific/Guam Trade;  
Order of Investigation and Suspension**

There recently has been filed with the Federal Maritime Commission by Pacific Far East Line, Inc., Supplement No. 1 to its Freight Tariff FMC-F No. 5, bearing an effective date of September 14, 1969, which increases break-bulk rates (except cement in bulk) between Pacific Coast and Hawaii ports and ports in Guam, Wake Island, and Midway Island, by 15 percent.

Upon consideration of said schedule there is reason to believe that the above designated increased rates should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore;

*It is ordered*, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates with a view to making such findings and orders in the premises as the facts and circumstances warrant.

*It is further ordered*, That pursuant to section 3, Intercoastal Shipping Act, 1933, the operation of Supplement No. 1 to Tariff FMC-F No. 5 is suspended and the use thereof be deferred to and including January 13, 1970, unless otherwise ordered by this Commission;

*It is further ordered*, That there shall be filed immediately with the Commission by Pacific Far East Line, Inc., a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid supplement is suspended and may not be used until January 14, 1970, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter, shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

*It is further ordered*, That in the event the matter hereby placed under investigation is further changed, amended or reissued upon termination of the suspen-

sion period before the investigation has been concluded, such changed, amended or reissued matter will be included in this investigation;

*It is further ordered*, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation of the Federal Maritime Commission;

*It is further ordered*, That Pacific Far East Line, Inc., be named as respondent in this proceeding;

*It is further ordered*, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

*It is further ordered*, That (I) a copy of this order shall forthwith be served on the respondent herein and published in the FEDERAL REGISTER; and (II) the said respondent be duly served with notice of the time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL]

THOMAS LISI,  
Secretary.[F.R. Doc. 69-10969; Filed, Sept. 12, 1969;  
8:48 a.m.]**FEDERAL POWER COMMISSION**

[Docket No. G-4421 etc.]

**HASSIE HUNT TRUST ET AL.****Notice of Applications for Certificates,  
Abandonment of Service and Petitions  
To Amend Certificates<sup>1</sup>**

SEPTEMBER 4, 1969.

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

Any person desiring to be heard or to make any protest with reference to said

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

This is notice that the title of one such position so authorized to be filled by non-career executive assignment has been changed from "Inspector General, Office of Inspections" to "Chief, Inspections Division, Office of the General Counsel."

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES S. SPRY,  
Executive Assistant to  
the Commissioners.[F.R. Doc. 69-10962; Filed, Sept. 12, 1969;  
8:48 a.m.]**FEDERAL MARITIME COMMISSION****LYKES BROS. STEAMSHIP CO., INC.,  
AND SHUN CHEONG STEAM NAVI-  
GATION CO., LTD.****Notice of Agreement Filed**

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed by:

Mr. R. J. Finnan, Rates and Tariffs, Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans, La.

Agreement No. 9624-5 between Lykes Bros. Steamship Co., Inc., and Shun Cheong Navigation Co., Ltd., modifies the basic transshipment agreement, as amended, to provide for the addition of "semihazardous cargo consisting of but not limited to, acetic acid" as cargo to be carried from the U.S. gulf ports to Saigon via Hong Kong.

Dated: September 10, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.[F.R. Doc. 69-10968; Filed, Sept. 12, 1969;  
8:48 a.m.]

applications should on or before September 26, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and

necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given. *Provided, however,* That pursuant to § 2.56 of the Commission's General Policy and Interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GOSPOX M. GAANT,  
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Base
G-463 D 8-15-69	Hessie Hunt Trust, 1405 Elm St., Dallas, Tex. 75202 (partial abandonment).	Texas Eastern Transmission Corp., Northeast Lubbock Field, Childress Parish, La.	Depleted	
G-467 E 8-13-69	Helen Leticia Harvey, Ancillary Executrix of the Last Will and Testament of Francis L. Harvey, Deceased, et al. (successor to Francis L. Harvey), 3094 Grant St., Wichita Falls, Tex. 75090.	El Paso Natural Gas Co., San Juan Basin, Elko Arriba and San Juan Counties, N. Mex.	12.0478	15.025
G-758 E 8-15-69	Edgar McComas (successor to R. H. Atkins d.b.a. John Gas Co.), Midkiff, W. Va. 25548.	United Fuel Gas Co., acreage in Lincoln County, W. Va.	15.0	15.225
G-1032 E 8-8-69	A. G. Hill (successor to Hidalgo Gas Production Corp.), 1450 Elm St., Dallas, Tex. 75201.	Texas Eastern Transmission Corp., Agua Dulce Field, Nueces County, Tex.	14.6	14.65
G-1203 E 8-4-69	Joseph B. Gould (successor to Sun Oil Co.), c/o Ernest S. Baker, Attorney, 733 Petroleum Club Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., South Basco-Flinted Childs Field, Rio Arriba County, N. Mex.	14.0578	15.025

Filing code: A-Initial service.  
B-Abandonment.  
C-Amendment to add acreage.  
D-Amendment to delete acreage.  
E-Succession.  
F-Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Base
C169-688 E 8-6-69	Robert F. White, et al. (successor to Edwin G. Bradley, et al.), Wichita Center Bldg., Wichita, Kans. 67202.	Cities Service Gas Co., Hardtner Gas Field, Barber County, Kans.	14.0	14.65
C169-69 E 8-11-69	Nueces Exploration & Development Co. (successor to Bruce Anderson, et al.), Drawer EK, Leader, Wyo. 82530.	El Paso Natural Gas Co., Dakota Formation, San Juan County, N. Mex.	13.0	15.025
C164-182 E 8-4-69	Signal Oil & Gas Co., Operator (successor to Twin Gas Co. Operator), 1010 Wilshire Blvd., Los Angeles, Calif. 90017.	Loze Star Gas Co., Veina Processing Plant, Stephens County, Okla.	16.0	14.65
C165-225 D 8-4-69	CRA International, Ltd. (Operator), et al.	Panhandle Eastern Pipe Line Co., acreage in Kiowa County, Kans.	(?)	
C166-69 E 8-4-69	Signal Oil & Gas Co., Operator (successor to Cruser Operator).	Loze Star Gas Co., Southwest Ardmore Field, Carter and Love Counties, Okla.	15.75	14.65
C166-679 E 8-4-69	Signal Oil & Gas Co., Operator (successor to Twin Gas Co. Operator).	Loze Star Gas Co., Dick Processing Plant, Stephens County, Okla.	14.0	14.65
C167-350 C 8-18-69	Board Oil Co., 2000 Classen Blvd., Suite 200, Oklahoma City, Okla. 73106.	Panhandle Eastern Pipe Line Co., South East Field, Ellis County, Okla.	17.0	14.65
C168-319 B 8-11-69	R. E. Ehrhart, 1147-44 Houston 77002.	Natural Gas Pipeline Co. of America, Unnamed Wildcat Field, Woodward County, Okla.	Depleted	
C168-1196 8-14-69	Franks Petroleum Inc., c/o G. E. Hogg, attorney, Post Office Box 7665, Shreveport, La. 71102.	United Gas Pipe Line Co., West Bryceland Field, Blenville Parish, La.	18.5	15.025
C169-605 (C169-23)	Joseph B. Gould (successor to Skelly Oil Co.).	El Paso Natural Gas Co., Imbeco-Basco Field, La Pita County, Colo.	14.0	14.65
(C169-276) F A A 12-18-68	C. F. Raymond, c/o Ernest S. Baker, attorney, 733 Petroleum Club Bldg., Denver, Colo. 80202.	United Gas Pipe Line Co., Albrocht Field, Goshute County, Wyo.	14.0	14.65
C169-1021 C 8-18-69	Mobile Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Kania Field, Haskell County, Okla.	14.0	14.65
C169-1494 A 8-28-69	R. H. Carnes.	United Fuel Gas Co., Elk District, Kanawha County, W. Va.	26.0	15.325
C170-110 (G-4578) F 8-4-69	Malheur-Mahoney, Inc. (successor to Cities Service Oil Co.), 525 S. 2nd St., Wichita, Kans. 67202.	Northern Natural Gas Co., Evalyn Field, Seward County, Kans.	15.0 17.0	14.65
C170-117 A 8-8-69	W. M. Wasmann et al., 2357 Houston, Tex. 77002.	United Gas Pipe Line Co., Albrocht Field, Goshute County, Wyo.	15.0	14.65
C170-128 B 8-11-69	Success Oil & Gas Co., Inc.	United Gas Pipe Line Co., Deblon Field, Etchison Parish, La.	Unascertained.	
C170-136 B 8-23-69	The Jade Oil Co.	United Gas Pipe Line Co., Hoins Field, Harris County, Tex.	Depleted	
C170-140 A 8-13-69	Stanley N. Brown, Rockland Route 2, Leesburg, Va. 22961.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	27.0	15.325
C170-141 A 8-12-69	E. S. Bruce, Board Delivery #1, Krummham, Pa. 15241.	Consolidated Gas Supply Corp., Henderson Township, Jefferson County, Pa.	28.0	15.325
C170-142 A 8-12-69	Riddle-Potts, c/o Paul F. Sizer, Agents, Box 25, Spencer, W. Va.	Consolidated Gas Supply Corp., Lee District, Calhoun County, W. Va.	27.0	15.325
C170-143 A 8-12-69	Globe Natural Gas Co., Post Office Box 788, Charleston, W. Va. 25323.	Consolidated Gas Supply Corp., Salt Lake District, Boxton County, W. Va.	27.0	15.325
C170-144 A 8-14-69	Apalachicola Oil Corp., 1919 Houston, Tex. 77003.	Southern Natural Gas Co., Blocks 293 and 298, Main Pass Area, Off-shore La.	21.99	15.025
C170-145 A 8-14-69	King Resources Co., 700 Houston, Tex. 77002.	United Gas Pipe Line Co., South Bayou Field, Terrebonne Parish, La.	21.25	15.025
C170-146 B 8-14-69	F. William Carr (Operator), et al., c/o Harold & Knudick, attorneys, 707 Wilson Tower, Corpus Christi, Tex. 78401.	United Gas Pipe Line Co., Gottschalt Field, Goshute County, Wyo.	(?)	
C170-147 A 8-14-69	Carl Brown Drilling Co., Inc., et al., 525 Mayo Bldg., Tulsa, Okla. 74103.	Cities Service Gas Co., acreage in Sumner County, Kans.	15.0	14.65

Docket No. and date filed	Purchaser, field, and location	Applicant	Price per Mcf	Free-surface base
C170-148 A 8-14-69	South Texas Natural Gas Gathering Co., Three Lagoon Field Area, Vermilion Parish, La.	Proidental Funds, Inc., 1990 One Main Pl., Dallas, Tex. 75201	21.25	15.025
C170-149 A 8-14-69	United Fuel Gas Co., Block 235 Field, Vermilion Area, Offshore Louisiana.	Forest Oil Corp., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205	21.25	15.025
C170-150 A 8-11-69	Arkansas Louisiana Gas Co., acreage in Garfield County, Okla.	Jones & Fellow Oil Co., 101 Northeast 26th St., Oklahoma City, Okla. 73105	15.0	14.35
C170-151 A 8-12-69	Cabot Corp., Banning Springs District, Wirt County, W. Va.	Jet Oil Co., 2225 Frohndorff Plaza, Chicago, Ill. 60601	25.0	15.325
C170-152 A 8-12-69	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	Ferrill L. Frizer, et al., Post Office Box 447, Belvoir, Ohio 45714	25.0	15.325
C170-154 A 8-12-69	Consolidated Gas Supply Corp., Court House District, Lewis County, W. Va.	Petroleum Promotions, Inc., G-8499 South Saginaw Road, Grand Blaine, Mich. 49428	25.0	15.325
C170-153 A 8-12-69	United Fuel Gas Co., acreage in Wayne County, W. Va.	W. G. Bailey, Trustee, Paintsville, Ky. 41260	16.0	15.225
C170-156 A 8-15-69	Texas Gas Transmission Corp., Wyandotte Field Area, St. Mary Parish, La.	Danison Exploration Corp., Route 2, Box 199, Lake Charles, La. 70601	21.25	15.025
C170-157 A 8-15-69	Mountain Gas Co., acreage in Kanawha County, W. Va.	Cumberland Gas Co., Union Bldg., Post Office Box 2386, Charleston, W. Va. 25328	25.0	15.325
C170-158 A 8-15-69	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Paul Vincent, et al., c/o Prior Oil Well Drilling Co., Post Office Box 417, Belvoir, Ohio 45714	25.0	15.325
C170-159 A 8-15-69	Consolidated Gas Supply Corp., Cumber District, Gilmer County, and Salt Lick and Other Districts, Swanton County, W. Va.	White Shield Oil & Gas Corp., Post Office Box 2126, Tulsa, Okla. 74101	25.0	15.325
C170-160 A 8-15-69	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Paul R. Vinomat, c/o Prior Oil Co., Post Office Box 417, Belvoir, Ohio 45714	25.0	15.325
C170-161 A 8-15-69	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	Prior Oil Well Drilling Co., 294 Washington Blvd., Belvoir, Ohio 45714	25.0	15.325
C170-162 A 8-15-69	Consolidated Gas Supply Corp., Huckers Creek District, Lewis County, W. Va.	Isavid A. Fisenkel, 613 Warren Ave., Fushing, Mich. 48403	25.0	15.325
C170-163 A 8-15-69	Texas Gas Transmission Corp., Dixon Field, Hopkins County, Ky.	Carl Cornell, et al., c/o Cornwell Brothers, 301 New Harbord Rd., Overbrook, Ky. 42001	15.0	15.025
C170-164 B 8-25-69	Loze Star Gas Co., Kettle Field, Garvin County, Okla.	Cummins Oil Co., Post Office Box 207, Harlan, W. Va. 26041	Depleted	
C170-165 B 8-18-69	Midway Wisconsin Pipe Line Co., Nemo Field, Kosciusko County, Ind.	Affiliated Petroleum Co., Post Office Box 283, Dallas, Tex. 75221	Depleted	
C170-166 A 8-18-69	United Fuel Gas Co., acreage in Kanawha County, W. Va.	Westman Petroleum, Inc., 250 Park Ave., New York, N. Y. 10017	27.0	15.325
C170-167 A 8-18-69	Natural Gas Pipeline Co. of America, Old Ocean Field (Cannell Borewell), Barren and Madagarda Counties, Tex.	Continental Oil Co.	17.0	14.65
C170-168 A 8-15-69	Northern Natural Gas Co., acreage in Harper County, Okla.	Texasco Oil Co., Post Office Box 2311, Houston, Tex. 77001	17.0	14.65
C170-169 B 8-15-69	Texas Gas Transmission Corp., Midland Field, Midland County, Ky.	Petroleum Coal Co., 301 North Memorial Dr., St. Louis, Mo. 63102	(?)	
C170-170 (G-12623) (G-4825) F 8-15-69	United Gas Pipe Line Co., Sugar Creek Field, Calhoun Parish, La.	Whitcomb Oil Co., Inc. (Operator), et al. (operator to Union Producers Co. and A. J. Hodges), Post Office Box 628, Sireyport, La. 71109	21.0	14.025
C170-171 B 8-15-69	Clanton Oil Co., acreage in Cowley County, Kans.	Martin Wunderlich (Operator), et al.	Depleted	

C170-173  
A 8-20-69

Simon Corp., Suite 200, 523 Tennessee Gas Pipeline Co., a division of Pemco Inc., Deobers Prairie Field, Harris County, Tex. Okla. 74120.

Rate in effect subject to refund in Docket No. R169-133  
 Rate in effect subject to refund in Docket No. R169-191. An increase in rate to 15.025 cents has been suspended in Docket No. R169-308 but not yet made effective.  
 Rate in effect subject to refund in Docket No. R164-78  
 Deobers enhanced gas which could not be produced in commercial volumes. Gas now sold under percentage contract to Gas Marketing, Inc.  
 Rate in effect subject to refund in Docket No. R168-23  
 Subject to upward and downward B.I.U. adjustment.  
 No permanent certificate issued; temporary authorization granted only.  
 Amendment to certificate filed to cover interest of nonoperator.  
 A. proposed rate of 15. cents by Shelly was suspended in Docket No. R169-389. Gould has proposed the 14-cent rate.  
 Producers' (C. F. Raymond) rate schedule provides for a 14-cent rate for Dakota production; however, Gould proposes to sell only newly dedicated Mesa Verde production at the contract rate of 14 cents.  
 Application was erroneously noticed Aug. 15, 1969 in Docket No. G-2712 et al. at rates of 14 cents and 16 cents, in effect subject to refund in Docket No. R166-308.  
 For details below the base of the Morrow Series.  
 Rates in effect subject to refund in Docket No. R169-221.  
 Contract provides for rate of 17.2178 cents per Mcf, however, by letter filed Aug. 18, 1969, Applicant agreed to accept certificate at 16 cents per Mcf.  
 Includes 3 cents per Mcf gathering and transportation charge.  
 Includes 0.08 cent per Mcf B.I.U. adjustment. Subject to upward and downward B.I.U. adjustment.  
 Production from properties has ceased and the lease has terminated.  
 Applicant proposes 21.25 cents per Mcf or area rate, whichever is higher.  
 Includes 3 cents per Mcf gathering charge.  
 Converted to underground gas storage field.  
 Rate in effect subject to refund in Docket No. R169-329.

[P. R. Doc. 69-10023; Filed, Sept. 12, 1969; 8:45 a.m.]  
 [Docket No. R170-165 etc.]  
**MOBIL OIL CORP. ET AL.**  
**Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund**  
 SEPTEMBER 5, 1969.  
 The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.  
 The proposed changed rates and charges may be unjust, unreasonable, and does not consolidate for hearing or disposal of the several matters herein.  
 unduly discriminatory, or preferential, or otherwise unlawful.  
 The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.  
 The Commission orders:  
 (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I, and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.  
 (B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred.

until date shown in the "Date Suspended Until" Column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and §154.102 of the regulations thereunder, accompanied by a certificate

showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.<sup>2</sup>

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 22, 1969.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Secretary.

## APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-165	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	456	1	Texas Eastern Transmission Corp. (Main Pass Block 6 Area, Offshore Louisiana).	\$82,125	8-7-69	9-7-69	9-8-69	18.5	20.0	
RI70-166	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221, Attention: Mr. P. T. Davis.	624	1	Michigan Wisconsin Pipe Line Co. (Ship Shoal Block 206 Field, Offshore Louisiana).	1,350	8-8-69	9-8-69	9-9-69	18.5	20.0	
	do	623	1	Michigan Wisconsin Pipe Line Co. (Eugene Island Block 208 Field, Offshore Louisiana).	920	8-8-69	9-8-69	9-9-69	18.5	20.0	
RI70-167	Marathon Oil Co., 530 South Main St., Findlay, Ohio 45840, Attention: Mr. R. N. Ayars.	105	3	Transcontinental Gas Pipe Line Corp. (Ship Shoal Block 206 Field, Offshore Louisiana).	13,500	8-11-69	9-11-69	9-12-69	18.5	20.0	
RI70-168	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	314	1	Texas Eastern Transmission Corp. (Main Pass Block 6 Field, Offshore Louisiana).	40,500	8-13-69	9-13-69	9-14-69	18.5	20.0	
RI70-169	Forest Oil Corp., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205, Attention: W. J. Stark, Esq.	48	1	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Block 174, West Cameron Area, Offshore Louisiana).	27,900	8-14-69	9-14-69	9-15-69	18.5	20.0	
	do	49	2	United Fuel Gas Co. (Block 272 and 292 Fields, Eugene Island Area, Offshore Louisiana).	32,400	8-14-69	9-14-69	9-15-69	18.5	20.0	
RI70-170	Preston Oil Co., Post Office Box 1350, Houston, Tex. 77001.	38	2	United Fuel Gas Co. (Block 162 Field, Vermillion Area, Offshore Louisiana).	65,700	8-15-69	9-15-69	9-16-69	18.5	20.0	

<sup>2</sup> Contract dated June 6, 1969.

<sup>3</sup> The stated effective date is the first day after expiration of the statutory notice period, or the date of initial delivery, whichever is later.

<sup>4</sup> The suspension period is limited to 1 day.

<sup>5</sup> Rate increase filed pursuant to paragraph (A) of Opinion No. 546-A issued Mar. 20, 1969.

<sup>6</sup> Pressure base is 13.025 p.s.i.a.

<sup>7</sup> Subject to quality adjustments.

<sup>8</sup> Initial rate as conditioned by temporary certificate issued Aug. 1, 1969, in Docket No. CI69-1177.

<sup>9</sup> Area base rate for gas well gas sold under contracts dated after Oct. 1, 1968, as established in Opinion No. 546.

<sup>10</sup> Contract dated Apr. 8, 1969.

<sup>11</sup> Initial rate as conditioned by temporary certificate issued July 3, 1969, in Docket No. CI69-1132.

<sup>12</sup> Contract dated Oct. 9, 1968.

<sup>13</sup> Initial rate as conditioned by temporary certificate issued July 3, 1969, in Docket No. CI69-461.

These eight proposed rate increases, from 18.5 cents to 20.0 cents per Mcf, involve sales of third vintage gas well gas in offshore Louisiana and were filed pursuant to ordering paragraph (A) of Opinion No. 546-A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized

increases up to the 20-cent base rate established in Opinion No. 546 for onshore gas well gas. The producers involved herein were issued conditioned temporary certificates authorizing the collection of the third vintage prices established in Opinion No. 546 (18.5 cents for offshore gas well gas and 17 cents for casinghead gas subject to quality adjustments). Deliveries of gas have not as yet commenced thereunder.

Consistent with previous Commission action on similar rate filings, we conclude that the producers' proposed rate increases should be suspended for 1 day from the date of expiration of the statutory notice, or for 1 day from the date of initial delivery, whichever is later. Thereafter, the producers' proposed increased rates may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending

<sup>14</sup> Footnote 15 not used.

<sup>15</sup> Contract dated Feb. 26, 1969.

<sup>16</sup> Initial rate as conditioned by temporary certificate issued Apr. 24, 1969, in Docket No. CI69-1333.

<sup>17</sup> Contract dated June 16, 1969.

<sup>18</sup> Initial rate as conditioned by temporary certificate issued Aug. 1, 1969, in Docket No. CI69-1235.

<sup>19</sup> Contract dated Apr. 11, 1969.

<sup>20</sup> Initial rate as conditioned by temporary certificate issued June 2, 1969, in Docket No. CI69-981.

<sup>21</sup> Contract dated Feb. 18, 1969.

<sup>22</sup> Initial rate as conditioned by temporary certificate issued June 24, 1969, in Docket No. CI69-814.

<sup>23</sup> Both buyer and seller are subsidiaries of the Columbia Gas System.

<sup>24</sup> Initial rate as conditioned by temporary certificate issued Aug. 8, 1969, in Docket No. CI69-1055.

<sup>25</sup> Contract dated Apr. 11, 1969.

the outcome of the Area Rate Proceeding instituted in Docket No. AR69-1.

[F.R. Doc. 69-10865; Filed, Sept. 12, 1969; 8:45 a.m.]

[Docket Nos. RI70-171 etc.]

**PAN AMERICAN PETROLEUM CORP.  
ET AL.**

**Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund<sup>1</sup>**

SEPTEMBER 5, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the law-

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

fulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon

all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.<sup>2</sup>

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 22, 1969.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Secretary.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-171..	Pan American Petroleum Corp., Security Life Bldg., Denver, Colo. 80202.	4	0	Montana-Dakota Utilities Co. (Manderson Field, Big Horn County, Wyo.).	\$70	8-11-69	9-1-69	9-2-69	14.0256	14.0957	
.....do.....	.....do.....	100	8	Mountain Fuel Supply Co. (Middle Mountain Field, Sweetwater County, Wyo.).	168	8-11-69	9-1-69	9-2-69	14.0	14.07	RI69-374.
.....do.....	.....do.....	230	4	El Paso Natural Gas Co. (East LaBarge Field, Lincoln and Sublette Counties, Wyo.).	32 (9)	8-11-69	9-1-69	9-2-69	17.0 18.0	17.1275 18.135	RI69-374. RI69-374.
.....do.....	.....do.....	251	4	Mountain Fuel Supply Co. (Trail Unit Area, Sweetwater County, Wyo.).	390	8-11-69	9-1-69	9-2-69	13.0	13.065	
.....do.....	.....do.....	281	6	Mountain Fuel Supply Co. (Pioneer Unit Field, Sweetwater County, Wyo.).	91	8-11-69	9-1-69	9-2-69	14.0	14.07	
.....do.....	.....do.....	289	7	El Paso Natural Gas Co. (Chimney Butte Unit, Sublette County, Wyo.).	44	8-11-69	9-1-69	9-2-69	19.50	19.660	RI69-374.
RI70-172..	Pioneer Production Corp. (Operator) et al., Post Office Box 2542, Amarillo, Tex.	24	1	Northern Natural Gas Co. (Fincham (Morrow) Field, Meade County, Kans.).	68	8-12-69	9-12-69	9-13-69	15.0	16.0	

<sup>1</sup> The stated effective date is the effective date requested by Respondent.

<sup>2</sup> The suspension period is limited to 1 day.

<sup>3</sup> Tax reimbursement increase.

<sup>4</sup> Pressure base is 15.025 p.s.i.a.

<sup>5</sup> Settlement rate approved by Commission order issued Apr. 13, 1966.

<sup>6</sup> For gas delivered to buyer at 560 p.s.i.g. and below.

<sup>7</sup> No deliveries being made.

<sup>8</sup> For gas delivered to buyer above 860 p.s.i.g.

<sup>9</sup> Basic contract dated after Sept. 28, 1969, the date of issuance of general policy Statement No. 61-1 and the proposed rate does not exceed the 16 cents per Mcf area initial rate ceiling.

<sup>10</sup> Periodic rate increase.

<sup>11</sup> Pressure base is 14.65 p.s.i.a.

<sup>12</sup> Subject to a downward B.t.u. adjustment.

Pan American Petroleum Corp. (Pan American) requests waiver of the statutory notice to allow its proposed rate increases to become effective as of September 1, 1969. We believe that it would be in the public interest to accept for filing Pan American's reimbursement increases effective as of September 1, 1969, with waiver of notice granted, to allow such increases to be collected subject to refund effective September 2, 1969.

Pan American proposes increased rates reflecting reimbursement for a portion of the severance tax recently enacted by the State of Wyoming. Pan American's proposed rates exceed the area increased rate ceiling of

13 cents per Mcf for Wyoming as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56). Consistent with prior Commission action on tax reimbursement increases that exceed the increased ceiling rate, Pan American's proposed increased rates are suspended for 1 day from September 1, 1969, the proposed effective date. Pan American is advised, however, that if the Wyoming severance tax is held invalid upon judicial review, Pan American will be required to refund the amounts collected relating to such tax.

The contract related to Pioneer Production Corp. (Operator) et al., (Pioneer) rate

filing was executed subsequent to September 28, 1969, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed 16 cents per Mcf rate exceeds the area increased rate ceiling of 11 cents per Mcf for Kansas, but does not exceed the initial service ceiling of 16 cents per Mcf for the area involved. We believe, in this situation, Pan American's proposed rate increase should be suspended for 1 day from September 12, 1969, the proposed effective date.

[F.R. Doc. 69-10866; Filed, Sept. 12, 1969; 8:45 a.m.]

[Docket Nos. G-5250 etc.]

## NELLE SON DE REGGER ET AL.

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

SEPTEMBER 5, 1969.

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

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to 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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56 of the Commission's general policy and interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such

condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,  
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3250 E 8-1-69	Nelle Son de Regger, et al. (successor to J. F. Hamilton Trust Estate), c/o Mark H. Adams, attorney, Post Office Box 1034, 201 American Savings Bldg., Wichita, Kans. 67201.	Panhandle Eastern Pipe Line Co., Hugoton Field, Stevens County, Kans.	* 12.0	14.65
CI60-32 C 8-25-69	Texaco, Inc. (Operator), et al., Post Office Box 52332, Houston, Tex. 77052.	El Paso Natural Gas Co., La Barge Field, Lincoln County, Wyo.	15.384	15.025
CI61-946 E 8-1-69	Nelle Son de Regger, et al. (successor to J. F. Hamilton Trust Estate).	Panhandle Eastern Pipe Line Co., Panoma Council Grove Field, Stevens County, Kans.	* 15.0	14.65
CI61-980 E 8-19-69	Roy C. Davison and Freeda M. Davison (successor to Henry C. Breck), Vadis, W. Va. 26445.	Equitable Gas Co., acreage in Lewis County, W. Va.	25.0	15.325
CI61-1024 D 8-18-69	Mobil Oil Corp. (Operator), et al., Post Office Box 1774, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, North Custer City Field, Custer County, Okla.	(?)	-----
CI62-1450 E 8-14-69	Royal Oil & Gas Corp. (successor to Patchin-Wilmoth Industries, Inc., et al.), c/o Harry C. Wilmoth, president, Clark Bldg., 115 South Sixth St., Indiana, Pa. 15701.	Natural Gas Pipeline Co. of America, Hebbrowville Area, Jim Hogg County, Tex.	16.0	14.65
CI63-1200 D 8-18-69	Mobil Oil Corp. (Operator)	Natural Gas Pipeline Co., of America, West Crane and Putnam Fields, Dewey and Custer Counties, Okla.	(?)	-----
CI63-1524 E 7-22-69	Royal Oil & Gas Corp. (successor to Trojan Coal & Petroleum Corp.)	Consolidated Gas Supply Corp., Elk District, Garboure County, W. Va.	25.0	15.325
CI64-923 E 8-20-69	D. W. Hamilton (Operator) et al. (successor to W. H. Bryant (Operator) et al.), Box 516, Whitehouse, Tex. 75791.	Lone Star Gas Co., Peau-Griffith Field, Rusk County, Tex.	* 14.40	14.65
CI64-908 D 8-20-69	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	Lone Star Gas Co., Katie Field, Garvin County, Okla.	Assigned	-----
CI65-645 E 7-22-69	Royal Oil & Gas Corp. (successor to Trojan Coal & Petroleum Corp.)	Consolidated Gas Supply Corp., Center District, Gilmer County, W. Va.	25.0	15.325
CI65-780 E 7-22-69	do	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
CI65-951 E 7-22-69	do	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	25.0	15.325
CI65-1344 E 7-22-69	do	Consolidated Gas Supply Corp., Center District, Gilmer County, W. Va.	25.0	15.325
CI66-659 E 7-22-69	do	do	25.0	15.325
CI66-761 E 7-22-69	do	do	25.0	15.325
CI66-1201 E 7-22-69	Royal Oil & Gas Corp. (successor to Patchin-Wilmoth Industries, Inc.)	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
CI67-1164 E 7-22-69	Royal Oil & Gas Corp. (successor to Trojan Coal & Petroleum Corp., et al.)	Consolidated Gas Supply Corp., Center District, Gilmer County, W. Va.	25.0	15.325
CI68-156 D 8-26-69	Mobil Oil Corp.	Natural Gas Pipeline Co. of America, Northeast Custer City Field, Custer County, Okla.	Assigned	-----
CI68-1231 E 8-5-69	Atapaz Petroleum, Inc. (successor to Stecco '65, Ltd.), Post Office Box 1828, Midland Savings Bldg., Midland, Tex. 79701.	Natural Gas Pipeline Co. of America, Leechridge Field, Ward County, Tex.	* 16.4	14.65
CI68-1232 E 8-5-69	Atapaz Petroleum, Inc. (successor to Stecco '67, Ltd.)	do	* 14.03219	14.65
CI69-608 C 7-24-69	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Transcontinental Gas Pipe Line Corp., Johnson Bayou Field, Cameron Parish, La.	20.625	15.025
CI70-172 (G-15062) F 8-19-69	Northeast Texas Production Co. (successor to MAPCO Production Co.), 501 Laurel Lane, Marshall, Tex. 75670.	Mississippi River Transmission Corp., Woodlawn Field, Harrison County, Tex.	15.0	14.65
CI70-174 A 8-20-69	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	Texas Gas Transmission Corp., Bayou Postillion Field, St. Martin and Iberia Parishes, La.	21.25	15.025
CI70-177 A 8-23-69	Loughorn Production Co., 540 Meadows Bldg., Dallas, Tex. 75206.	Natural Gas Pipeline Co. of America, Wise County Area, Wise County, Tex.	* 14.5	14.65
CI70-178 A 8-25-69	Westrans Petroleum, Inc., 260 Park Ave., New York, N.Y. 10017.	Consolidated Gas Supply Corp., Cooper Creek Field, Kanawha County, W. Va.	28.0	15.325
CI70-179 A 8-25-69	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., Keenan Pool, Woodward County, Okla.	* 18.0	14.65
CI70-180 A 8-25-69	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Transwestern Pipeline Co., Barstow (Fusselman Formation) Field, Ward County, Tex.	* 16.5	14.65

Filing code: A—Initial service.  
B—Abandonment.  
C—Amendment to add acreage.  
D—Amendment to delete acreage.  
E—Succession.  
F—Partial succession.

See footnotes at end of table.

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

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI70-181 A 8-25-69	Brooks Oil Co., c/o Robert K. Mayo, attorney, 411 Ray P. Oden Bldg., Shreveport, La. 71101.	Arkansas Louisiana Gas Co., Rodessa Field, Caddo Parish, La.	15.0	15,025
CI70-182 B 8-25-69	Phillips Petroleum Co., Bartlesville, Okla. 74003.	Southern Natural Gas Co., Kelly Field, Jackson Parish, La.	Depleted	.....
CI70-183 B 8-25-69	do	Cities Service Gas Co., Avard Field, Woods County, Okla.	Depleted	.....
CI70-184 B 8-25-69	do	United Gas Pipe Line Co., North La Ward Field, Jackson County, Tex.	Depleted	.....
CI70-185 A 8-26-69	Shield Petroleum Corp., 3249 South Sharon Rd., Cincinnati, Ohio 45241.	Consolidated Gas Supply Corp., Sheridan District, Calhoun County, W. Va.	27.0	15,325
CI70-186 A 8-26-69	Royal Oil & Gas Corp.	Consolidated Gas Supply Corp., Center District, Calhoun County, W. Va.	27.0	15,325
CI70-187 A 8-26-69	Rockey Drilling Co., et al., 16 Reger Ave., Buckhannon, W. Va. 26201.	Consolidated Gas Supply Corp., Elk District, Harrison County, W. Va.	27.0	15,325
CI70-188 A 8-26-69	Russell G. Beall et al., c/o Mrs. Winnie Poe Morris, 429 Pennsylvania Ave., Harrisville, W. Va. 26362.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	27.0	15,325
CI70-189 A 8-26-69	Hershberger Explorations, Inc., Suite 807-809, First National Bank Bldg., Wichita, Kans. 67202.	Consolidated Gas Supply Corp., Grant District, Doddridge County, W. Va.	27.0	15,325
CI70-190 A 8-26-69	Hershberger Explorations, Inc., and James F. Scott.	Consolidated Gas Supply Corp., Grant District, Wetzel County, W. Va.	27.0	15,325
CI70-191 A 8-26-69	Petroleum Promotions, Inc., G-8469 South Saginaw Road, Grand Blanc, Mich. 48439.	Consolidated Gas Supply Corp., Hackers Creek District, Lewis County, W. Va.	27.0	15,325
CI70-192 A 8-26-69	Lee Scott, c/o Prior Oil Well Drilling Co., Post Office Box 417, Belpre, Ohio 45714.	Consolidated Gas Supply Corp., De Kalb District, Gilmer County, W. Va.	27.0	15,325
CI70-193 A 8-26-69	Robinson Gas Co. et al., 5945 Wilson Dr., Huntington, W. Va. 25705.	Consolidated Gas Supply Corp., Clay District, Ritchie County, W. Va.	27.0	15,325
CI70-194 A 8-26-69	Prior Oil Well Drilling Co., 224 Washington Blvd., Belpre, Ohio 45714.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	27.0	15,325
CI70-195 A 8-26-69	Buffalo Oil Co., c/o James F. Scott, agent, 124 Valley St., Salem, W. Va. 26426.	Consolidated Gas Supply Corp., Union District, Harrison County, W. Va.	27.0	15,325
CI70-196 A 8-26-69	H. E. Acker et al., Box 667, Weston, W. Va. 26452.	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	27.0	15,325
CI70-197 A 8-26-69	J. & H. Productions, c/o Harold Phillips, agent, 227 Worley Ave., Clarksburg, W. Va. 26301.	Consolidated Gas Supply Corp., Coal District, Harrison County, W. Va.	27.0	15,325
CI70-198 A 8-26-69	Hager-Stanley, Post Office Box 1834, Huntington, W. Va. 25719.	Consolidated Gas Supply Corp., acreage in Lewis and Upshur Counties, W. Va.	* 27.0 * 28.0	15,325 15,325
CI70-199 A 8-26-69	Union Drilling, Inc., Post Office Box 281, Washington, Pa. 15301.	Consolidated Gas Supply Corp., Union District, Upshur County, W. Va.	27.0	15,325
CI70-200 A 8-26-69	Allagheny Land & Mineral Co., 318 Professional Bldg., Clarksburg, W. Va. 26301.	Consolidated Gas Supply Corp., Union and Washington Districts, Upshur County, W. Va.	** 28.0	15,325
CI70-201 A 8-26-69	J. & G. Development Co., Box 670, Richwood, W. Va. 26261.	Consolidated Gas Supply Corp., Union District, Upshur and Barbour Counties, W. Va.	25.0	15,325
CI70-202 B 8-26-69	Northern Natural Gas Producing Co., c/o R. D. Haworth, Attorney, Post Office Box 1774, Houston, Tex. 77001.	Transwestern Pipeline Co., Puckett Field, Pecos County, Tex.	Depleted	.....
CI70-203 B 8-25-69	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	Transwestern Pipeline Co., Worsham Field, Reeves County, Tex.	Depleted	.....
CI70-204 A 8-27-69	Theodore L. Leben (Operator) et al., c/o W. F. Schell, Attorney, 1111 Vickers Tower, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., acreage in Stafford County, Kans.	* 16.72	14.65
CI70-205 A 8-27-69	Jones & Fellow Oil Co., 101 North-east 26th St., Oklahoma City, Okla. 73105.	Michigan Wisconsin Pipe Line Co., acreage in Harper County, Okla.	* 17.0	14.65
CI70-206 A 8-27-69	Appalachian Exploration & Development, Inc., Post Office Box 1473, Charleston, W. Va. 25325.	Mountain Gas Co., Poca District, Kanawha County, W. Va.	27.0	15,325

\* Rate in effect subject to refund in Docket No. RI65-306.

\*\* Rate in effect subject to refund in Docket No. RI68-193.

† Leases have expired or were canceled.

‡ Subject to deduction for compression cost.

§ Rate established by quality statement.

¶ Subject to upward and downward B.t.u. adjustment.

‡ Contract provides for rate of 18 cents per Mcf; however, Applicant states its willingness to accept certificate conditioned to 15.5 cents, adjusted for quality as prescribed in Opinion No. 468, as modified by Opinion No. 468-A.

§ Average daily deliveries under 1,000 Mcf.

¶ Average daily deliveries over 1,000 Mcf.

‡ Includes 3 cents per Mcf gathering and transportation charge.

[F.R. Doc. 69-10867; Filed, Sept. 12, 1969; 8:45 a.m.]

## GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.;  
Temporary Reg. P-53]

### SECRETARY OF DEFENSE

#### Delegation of Authority Regarding Telecommunications Rate Proceeding

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the customer interest of the Federal Government in a telecommunications rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Rhode Island Public Utilities Commission in a proceeding involving intrastate telecommunications rates of the New England Telephone and Telegraph Co. (Docket No. 1024).

b. The Secretary of Defense may redelegate this authority to any officer, official or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: September 8, 1969.

ROBERT L. KUNZIG,  
Administrator of General Services.

[F.R. Doc. 69-10922; Filed, Sept. 12, 1969;  
8:45 a.m.]

## OFFICE OF EMERGENCY PREPAREDNESS

ILLINOIS

### Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and

local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g); notice is hereby given that on August 30, 1969, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Illinois adversely affected by heavy rains and flooding beginning on or about June 29, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in Illinois.

I do hereby determine the following areas in the State of Illinois to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 30, 1969:

The counties of:

Alexander.	Monroe.
Calhoun.	Pike.
Clinton.	Pulaski.
Henderson.	Randolph.
Jackson.	St. Clair.
Jersey.	Stephenson.
Jo Daviess.	Union.
Madison.	

Dated: September 8, 1969.

G. A. LINCOLN,  
Director,

Office of Emergency Preparedness.

[F.R. Doc. 69-10923; Filed, Sept. 12, 1969;  
8:45 a.m.]

## VERMONT

### Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g); notice is hereby given that on August 30, 1969, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of Vermont adversely affected by severe storms and flooding beginning on or about July 29, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in Vermont.

I do hereby determine the following areas in the State of Vermont to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 30, 1969:

The counties of:  
Windham. Windsor.

Dated: September 8, 1969.

G. A. LINCOLN,  
Director,

Office of Emergency Preparedness.

[F.R. Doc. 69-10924; Filed, Sept. 12, 1969;  
8:45 a.m.]

## WEST VIRGINIA

### Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); and by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g); notice is hereby given that on September 3, 1969, the President declared a major disaster as follows:

I have determined that the damages in those areas of the State of West Virginia adversely affected by severe storms and flooding beginning on or about August 20, 1969, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875. I, therefore, declare that such a major disaster exists in West Virginia.

I do hereby determine the following areas in the State of West Virginia to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 3, 1969:

The counties of:  
Greenbrier. Nicholas.

Dated: September 8, 1969.

G. A. LINCOLN,  
Director,  
Office of Emergency Preparedness.

[F.R. Doc. 69-10925; Filed, Sept. 12, 1969;  
8:45 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[70-4784]

### APPALACHIAN POWER CO.

#### Notice of Proposed Issue and Sale of First Mortgage Bonds at Competi- tive Bidding

SEPTEMBER 8, 1969.

Notice is hereby given that Appalachian Power Co. ("Appalachian") 40 Franklin Road, Roanoke, Va. 24009, an electric utility subsidiary company of American Electric Power Co., Inc. ("AEP"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b) and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Appalachian proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, \$60 million aggregate principal amount of first mortgage bonds, ----- percent

series. The proposed series of bonds will bear a single maturity date within the range of from 5 to 30 years, such maturity date to be determined not less than 72 hours prior to the opening of the bids. The interest rate on the bonds (which shall be a multiple of one-eighth of 1 percent) and the price to be paid to Appalachian (which shall not be less than 99 percent nor more than 102 3/4 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under and pursuant to the provisions of the mortgage and deed of trust, dated as of December 1, 1940, made by Appalachian to Bankers Trust Co., as trustee, as heretofore supplemented and amended and as to be further supplemented and amended by a supplemental indenture to be dated as of the first day of the month in which the bonds are issued and which includes a 5-year prohibition against refunding the issue with the proceeds of funds borrowed at lower interest costs.

Appalachian will apply the proceeds from the sale of the bonds and an aggregate of \$3 million of capital contributions by AEP to the payment at maturity of Appalachian's then outstanding commercial paper notes and, in the event it should prove desirable at that time, to the prepayment of some or all of Appalachian's short-term notes to banks. Any proceeds remaining which are not then required for Appalachian's construction program will be added to Appalachian's general funds and thereafter used to pay for the cost of construction, to pay short-term debt, and/or for other corporate purposes. Appalachian's construction expenditures are estimated to total \$318 million for the second half of 1969 and the years 1970 and 1971.

It is stated that the State Corporation Commission of Virginia, the State in which Appalachian is organized and doing business, and the Tennessee Public Service Commission, in which State Appalachian is qualified to do business, have jurisdiction over the issue and sale of the bonds. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred by Appalachian in connection with the proposed issue and sale of bonds will be supplied by amendment.

Notice is further given that any interested person may, not later than October 1, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and

proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 69-10931; Filed, Sept. 12, 1969;  
8:46 a.m.]

[File No. 1-4563]

### COMMONWEALTH UNITED CORP.

#### Order Suspending Trading

SEPTEMBER 9, 1969.

The common stock, \$1 par value, of Commonwealth United Corp. being listed and registered on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, and the Pacific Coast Stock Exchange, the 6 percent convertible subordinated debentures due 1983, being listed and registered on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange, the warrants for \$1 par common stock and the \$1.05 convertible preferred stock being listed and registered on the American Stock Exchange, and the Pacific Coast Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and all other securities of Commonwealth United Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Pacific Coast Stock Exchange, and the Philadelphia-Baltimore-Washington Stock Exchange, and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 10, 1969, through September 19, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 69-10948; Filed, Sept. 12, 1969;  
8:47 a.m.]

[File No. 1-3421]

### CONTINENTAL VENDING MACHINE CORP.

#### Order Suspending Trading

SEPTEMBER 8, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1978, 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 September 9, 1969, through September 18, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 69-10933; Filed, Sept. 12, 1969;  
8:46 a.m.]

[811-822]

### FIRST SECURITIES CORPORATION OF SYRACUSE

#### Notice of Filing of Application for an Order Declaring Company Has Ceased To Be an Investment Company

SEPTEMBER 9, 1969.

Notice is hereby given that First Securities Corporation of Syracuse ("First Securities") 201 South Warren Street, Syracuse, N.Y., a management closed-end nondiversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that First Securities has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

At a special meeting of shareholders held on October 19, 1967, for which proxies were solicited, First Securities' shareholders approved a Plan of Complete Liquidation ("Plan").

Since the adoption of the Plan the board of directors and officers have proceeded to liquidate all of First Securities' assets to cash, except 11,366 shares of capital stock of First Trust & Deposit Co., which shares were distributed in kind on November 15, 1967, to shareholders of record on November 1, 1967, on the basis of one share of First Trust & Deposit Co. capital stock for each 4.6765 shares of First Securities' capital stock outstanding.

On December 13, 1967, all the remaining assets (cash), except the sum of \$24,000 which was retained to meet the expenses of liquidation, taxes and to meet possible contingencies, was available for distribution pro rata among the shareholders. As of July 1, 1969, 15 shareholders holding in the aggregate 172 shares had not presented their certificates for payment of the liquidating distribution available for payment on and after December 13, 1967. Upon presentation of the certificates representing these shares the liquidating dividend will be paid.

The company has retained in a custodial account \$2,236 to meet the claims of shareholders who have not presented their certificates for payment. If, after a period of 7 years, any balance remains of the amount due shareholders, this balance will be paid to the State of New York.

The company has since been dissolved under New York law.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may not later than September 30, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. 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).

ORVAL DUBOIS,  
Secretary.

[F.R. Doc. 69-10947; Filed, Sept. 12, 1969;  
8:47 a.m.]

[70-4763]

## JERSEY CENTRAL POWER &amp; LIGHT CO.

## Notice of Proposed Issue and Sale of Short-Term Promissory Notes

SEPTEMBER 8, 1969.

Notice is hereby given that Jersey Central Power & Light Co. ("JCP&L") Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960, an electric utility subsidiary company of General Public Utilities Corp. ("GPU"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

JCP&L proposes to issue and sell, or to renew, from time to time prior to December 31, 1970, to the banks named below its short-term promissory notes, each of which will mature not later than 9 months from the date of issue, will be prepayable at any time without premium, and will bear interest at the prime rate in effect for commercial borrowings at the date of issue of the note at the bank from which such borrowing is made. The aggregate principal amount of such notes to be outstanding at any one time will not exceed \$47 million.

Although no commitments or agreements for such borrowings have been made, JCP&L expects that, as and to the extent that its cash needs require, borrowings will be effected from among the following banks, the maximum to be borrowed and outstanding from each such bank being as follows:

Irving Trust Co., New York, N.Y. ....	\$13,600,000
Chemical Bank New York Trust Co., New York, N.Y. ....	4,500,000
The Chase Manhattan Bank NA, New York, N.Y. ....	3,500,000
Bankers Trust Co., New York, N.Y. ....	3,500,000
Fidelity Union Trust Co., Newark, N.J. ....	6,000,000
First National State Bank of New Jersey, Newark, N.J. ....	2,500,000
National Newark & Essex Bank, Newark, N.J. ....	3,000,000
First Jersey National Bank, Jersey City, N.J. ....	2,000,000
The Monmouth County National Bank, Red Bank, N.J. ....	700,000
Trust Company National Bank, Morristown, N.J. ....	1,000,000
First Merchants National Bank, Asbury Park, N.J. ....	600,000
First National Bank of Passaic County, Passaic, N.J. ....	1,000,000
New Jersey National Bank & Trust Co., Asbury Park, N.J. ....	700,000
The First National Iron Bank of New Jersey, Morristown, N.J. ....	800,000
The National State Bank, Elizabeth, N.J. ....	1,000,000
Summit & Elizabeth Trust Co., Summit, N.J. ....	1,000,000
The National Union Bank of Dover, Dover, N.J. ....	600,000
Union County Trust Co., Summit, N.J. ....	1,000,000
<b>Total</b> .....	<b>47,000,000</b>

The proceeds from the sale of the notes will be used by JCP&L for construction expenditures and/or to repay other short-term borrowings, the proceeds from which having been so applied. JCP&L states that if any permanent debt securities are issued and sold by it prior to the maturity of all the notes proposed to be issued under this filing, the net proceeds thereof will be applied in reduction of or in total payment of such notes, and that the maximum amount of notes authorized to be outstanding hereunder will be reduced by the amount of such net proceeds.

JCP&L estimates that its expenses incident to the proposed transactions will be approximately \$4,000, including counsel fees of \$3,750, and it states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. However, it is also stated that approval by the Board of Public Utility Commissioners of the State of New Jersey will be required for a renewal, extension, or replacement of any notes issued by JCP&L, if, as a result thereof, the loan evidenced thereby is not repaid within 12 months of the original date of the note or notes.

Notice is further given that any interested person may, not later than September 26, 1969, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified should the Commission 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 declarant 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 declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[P.R. Doc. 69-10932; Filed, Sept. 12, 1969; 8:46 a.m.]

[70-4485 etc.]

## VERMONT YANKEE NUCLEAR POWER CORP. ET AL.

## Supplemental Order for Hearing and Consolidation of Proceedings

SEPTEMBER 5, 1969.

I. These proceedings arise under sections 6(b), 9(a), and 10 of the Public Utility Holding Company Act of 1935 ("Act") and relate to the issue and sale of common stocks of Vermont Yankee Nuclear Power Corp. ("Vermont Yankee") and of Maine Yankee Atomic Power Co. ("Maine Yankee") to their respective sponsors. The Court of Appeals for the District of Columbia Circuit, by its decision of March 26, 1969, set aside certain orders of this Commission regarding such sales of common stocks and remanded the cases to this Commission for hearing and reconsideration, and the holding of an evidentiary hearing, if necessary. Proposals have been submitted by the sponsors of Vermont and Maine Yankee to give electric utility companies in the New England region, including cooperatives and municipal-owned systems, an opportunity to purchase part of the power output of the Vermont Yankee and Maine Yankee plants.

Vermont Yankee was incorporated in 1966 under the laws of Vermont, to construct, own, and operate a nuclear-fueled electric generating plant to supply electric energy to its 10 New England sponsors. Vermont Yankee's plant, to be located near Vernon, Vt., is to have an initial capacity of about 540 megawatts and is expected to produce energy at a cost which is less than might be expected from a comparable fossil-fuel plant.

Maine Yankee was incorporated in 1966 under the laws of Maine, to construct, own, and operate a nuclear-fueled electric generating plant to supply electric energy to its 11 New England sponsors. Maine Yankee's plant, to be located near Wiscasset, Maine, is to have an initial capacity of about 800 megawatts and is also expected to produce electric energy at a cost which is less than might be expected from a comparable fossil-fuel plant.

Each of the sponsor-companies has entered into a written commitment to purchase a stated percentage of its common stock of the respective Yankee companies and pursuant to the terms of a power contract to purchase therefrom, for a period of at least 25 years, the same percentage of the total capacity and output of the plant at a price based on the respective plant's cost of service, including provisions for an appropriate return on the equity investment currently estimated at 8½ percent for Vermont Yankee, and 9.8 percent for Maine Yankee. Power sold by Vermont Yankee and Maine Yankee will be transmitted over the coordinated New England transmission grid interconnecting the electric systems of all of the sponsor-companies, which will assure that each sponsor-company will receive energy equivalent to its share of the output of the respective plants.

**II. Vermont Yankee Proceedings.** On February 6, 1968 (Holding Company Act Release No. 15958) (70-4435), the Commission issued its findings and opinion and order granting an amended application filed pursuant to sections 6(b), 9(a), and 10 of the Act by Vermont Yankee and seven of its 10 sponsor companies. The Commission (a) authorized Vermont Yankee to issue and sell 100,000 shares of its common stock, \$100 par value per share, for a total price of \$10 million and (b) approved the acquisition of the common stock allotted by agreement to the seven sponsors. The acquisition of Vermont Yankee common stock by the three remaining sponsor companies was not subject to Commission approval. The Commission denied a request for an evidentiary hearing and for imposition of certain conditions sought by the Municipal Electric Association of Massachusetts, by the cities and municipal utility departments of Chicopee, Shrewsbury, and Wakefield, Mass. (collectively referred to as "Municipals").

The Municipals did not oppose the joint undertaking to construct the Vermont Yankee facilities. They urged that this joint undertaking, from which the Municipals have been excluded, was contrary to Federal antitrust policies, and that accordingly the proposed stock acquisition by the sponsors may not be approved under the standards of section 10(b)(1) of the Act unless the approval was made subject to the condition that the Municipals be afforded an opportunity to participate in the Vermont Yankee project on the same or equivalent basis as the sponsor companies. In its findings and opinion, the Commission held that, while section 10(b)(1) required consideration of antitrust effects of acquisitions, it did not extend to an issue such as the Municipals' exclusion from participation in Vermont Yankee which was organized solely for the purpose of meeting the sponsors' own generating requirements.

Upon a petition for review filed by the Municipals, the Court of Appeals for the District of Columbia Circuit reversed, Municipal Electric Association of Massachusetts, et al. v. SEC, No. 21707, March 26, 1969, holding that the exclusion of the Municipals was a relevant matter for consideration under section 10(b)(1) of the Act. It agreed with the Commission that the proposed transactions satisfied the requirements of the Act in all other respects, affirming, among others, the determination by the Commission that the issue and sale of the Vermont Yankee common stock satisfied section 6(b) of the Act and that under section 10(c)(2) the acquisition of each sponsor subject to the Act will serve the public interest by tending towards the development of an integrated public-utility system. The court set aside the order of the Commission and remanded the case for a hearing and reconsideration, including an evidentiary hearing if necessary.

By order dated May 1, 1968 (Holding Company Act Release No. 16053) (70-4591), the Commission authorized Vermont Yankee to issue to its sponsors an

additional 100,000 shares of its common stock for a total price of \$10 million and approved the acquisition thereof by the seven sponsors subject to the Act. The Municipals, who filed same objections made against the first offering of Vermont Yankee common stock, petitioned for review of the Commission's order in the Court of Appeals for the District of Columbia, Municipal Electric Association v. SEC, No. 22078. By agreement of all parties, this case, by order of the court dated July 23, 1969, was remanded to the Commission for reconsideration in light of the court's decision of March 26, 1969.

By order dated February 12, 1969 (Holding Company Act Release No. 16287) (70-4653), the Commission authorized Vermont Yankee to sell to its sponsors 200,000 shares of additional common stock for an aggregate price of \$20 million. No review was sought from this order. Subsequently, by order dated April 11, 1969, the Commission, by amendment to this order, reserved jurisdiction "to impose, after notice and opportunity for hearing, such conditions, if any, as may be appropriate in light of the decision" rendered by the court of appeals (Holding Company Act Release No. 16346). An identical reservation of jurisdiction is included in two orders issued this date (Holding Company Act Release Nos. 16467 and 16468) (70-4435, 70-4591) under which the Commission has reinstated the two orders set aside by the court of appeals.

**III. Maine Yankee Proceedings.** On March 15, 1968 (Holding Company Act Release No. 16006) (70-4419), the Commission issued its findings and opinion and order granting an amended application filed pursuant to sections 6(b), 9(a), and 10 of the Act by Maine Yankee and eight of its 11 sponsor companies. The Commission authorized Maine Yankee to issue and sell 100,000 shares of its common stock, \$100 par value per share, for a total price of \$10 million and approved the acquisition of the common stock allotted by agreement to the eight sponsors. The acquisition of Maine Yankee common stock by the three remaining sponsor companies was not subject to Commission approval. The Commission denied a request for an evidentiary hearing and for imposition of certain conditions sought by the Municipals. A request for a hearing and objections to the application were also filed by Citizens for Public Power, Inc., and by Eastern Maine Electric Cooperative, Inc.

There was no opposition to the joint undertaking to construct the Maine Yankee facilities. The objections to this joint undertaking were the same as those advanced by the Municipals in the Vermont Yankee proceeding.

The Municipals and the Cooperative petitioned for review and the Court of Appeals for the District of Columbia Circuit in its decision of March 26, 1969 reversed, Eastern Maine Electric Cooperative, Inc. et al. v. SEC, Nos. 21822 and 21927, which had been consolidated for review and disposition with Municipal

Electric Association of Massachusetts, et al. v. SEC, No. 21707 with respect to Vermont Yankee. The court set aside the order of the Commission and remanded the case for a hearing and reconsideration, including an evidentiary hearing if necessary.

By order dated March 19, 1969 (Holding Company Act Release No. 16320) (70-4658), the Commission authorized Maine Yankee to issue an additional 400,000 shares of its common stock for a total price of \$40 million, and approved the common stock acquisitions by the sponsors subject to the Act. The Municipals filed the same objections made in the first offering of Maine Yankee common stock. No review was sought from this order. Subsequently, by order dated April 11, 1969, the Commission, by amendment to this order, reserved jurisdiction "to impose, after notice and opportunity for hearing, such conditions, if any, as may be appropriate in light of the decision" rendered by the court of appeals (Holding Company Act Release No. 16347). An identical reservation of jurisdiction is included in an order issued this date (Holding Company Act Release No. 16469) (70-4419) under which the Commission has reinstated the order set aside by the court of appeals.

**IV. Proposals of Vermont and Maine Yankee Sponsors.** The applicant companies have filed in each of the proceedings a proposal, to which the respective sponsors, including those not subject to the Act, are signatories, which affords the Municipals and other public-utility companies in the New England area an opportunity to participate in the power output of Vermont and Maine Yankee. All the sponsors, including those not parties to these proceedings, have also stipulated that they will amend their contractual arrangements with Vermont Yankee and Maine Yankee to the extent necessary to assure such participation pursuant to order of this Commission and of any other regulatory agency, and as may be determined on judicial review if any such review is sought. The sponsors state that in their opinion the respective agreements with Vermont and Maine Yankee do not contravene the standards of section 10(b)(1). They state that their proposals for participation by non-sponsors have been submitted in order to settle the controversy and thereby avoid delay in the financing and construction of the Vermont Yankee and Maine Yankee facilities.

Under the proposals the nonsponsor electric utility companies are to be offered a part of the sponsors' power entitlement, but without affecting the sponsors' obligations under their power contracts with Vermont and Maine Yankee, respectively. The amount of power to be made available to each offeree will be determined by the ratio of its firm kilowatt-hour sales to ultimate customers in 1967 to the aggregate of such sales by all offerees and the offering sponsors, respectively.

The sponsors of Vermont Yankee, but not including those located in Vermont, are extending their offer to the electric

utility companies outside the State of Vermont. In the case of Maine Yankee, all the sponsors, except those located in Maine, propose to make an offer to the nonsponsor electric utility companies outside the State of Maine. A separate but identical proposal is to be made by the three Maine sponsors in the State of Maine to the 12 other electric utility companies in Maine, and the two Vermont sponsors of Vermont Yankee have heretofore made an offer of participation in their power entitlement to the 27 other electric utility companies in the State of Vermont, five of which have accepted.

In each case the participation to the nonsponsors will be allocated among the sponsors in proportion to the power entitlement of each sponsor in Vermont and Maine Yankee, respectively. In the event any offeree does not accept the power offered to it, such power will be retained by the offering sponsors. Each offeree which accepts the offer must commit itself to enter into a firm purchase contract with the offering sponsors, agreeing to purchase the amount of power on a cost-of-service basis, including return on equity, and assume its obligations to the offering sponsors coextensive with those of the sponsors under their power contracts with Vermont and Maine Yankee.

The proposal states that all sponsors will undertake, within their respective systems, capabilities and to the extent the service can be provided over their facilities, to provide the necessary transmission and supplementary generating services to the offerees with respect to power purchased under the proposals. Any such arrangement will be subject to the jurisdiction of the Federal Power Commission and in accordance with the requirements of the Federal Power Act.

The sponsors propose to make the offer after a supplemental order has been entered by the Commission in these proceedings and not later than 30 days after such order has become final. Each offeree will have 60 days after receipt to accept such offer, and the offer which will be nonassignable, will be deemed to have been rejected if not accepted within that time.

V. It appearing to the Commission that common questions of law and fact exist with respect to the separate above-entitled proceedings, and that pursuant to Rule 10 of the Commission's rules of practice it is appropriate that these separate proceedings be consolidated; that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to issues noted below; and that the respective applications should not be granted except pursuant to further order of the Commission:

*It is ordered.* That a hearing be held herein on October 6, 1969, at 10 a.m. at the office of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. On such date the Hearing Room Clerk will advise as to the room in which the hearing will be held.

*It is further ordered.* That a Hearing Examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

*It is further ordered.* That, pursuant to Rule 10 of the Commission's rules of practice, the above-entitled proceedings (70-4419, 70-4435, 70-4591, 70-4653, 70-4658) be, and hereby are, consolidated into a single proceeding.

*It is further ordered.* That particular attention be directed in the consolidated hearing to matters and questions relating to the prospective proposals made by the Vermont and Maine Yankee sponsors, and specifically to the following issues:

(a) Whether the offers of the sponsor companies provide the Vermont Yankee and Maine Yankee offerees an appropriate and adequate participation in the Vermont Yankee and Maine Yankee projects and as such would settle the issues the Municipals and others have presented under section 10(b)(1) of the Act;

(b) Whether it is necessary that the sponsor companies amend or modify their respective proposals in light of the decision of the court of appeals rendered on March 26, 1969.

*It is further ordered.* That jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

*It is further ordered.* That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to the respective sponsor-companies of Maine Yankee and Vermont Yankee, to the respective intervenors enumerated above in these proceedings, the Massachusetts Department of Public Utilities, Maine Public Utilities Commission, Vermont Public Service Board, New Hampshire Public Utilities Commission, Connecticut Public Utilities Commission, Rhode Island Department of Business Regulation, Division of Public Utilities; the Federal Power Commission, and the U.S. Department of Justice; that Vermont Yankee and Maine Yankee shall by certified mail serve a copy of this order upon those electric utility companies, including cooperatives and municipal-owned systems, in the six-State New England region not later than 20 days prior to the date of hearing; that such electric utility companies desiring to appear shall file a notice and intent to appear not later than 5 days prior to the date of hearing addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and copies of such notice and intent to appear shall be served by mail upon Vermont Yankee and Maine Yankee at the above-stated addresses; and that notice to all other

interested persons shall be given by a general release of the Commission and by publication of this order in the FEDERAL REGISTER.

By the Commission.

ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 69-10946; Filed, Sept. 12, 1969;  
8:47 a.m.]

## VETERANS ADMINISTRATION

### STATEMENT OF ORGANIZATION

#### Miscellaneous Amendments

The Veterans Administration statement of organization (32 F.R. 9767) is amended to read as follows:

1. In section 1, *General*, paragraphs (a)(1) and (b)(2)(ii) are amended to read as follows:

SECTION 1. *General*—(a) *Authority and functions.* (1) The VA (Veterans Administration) administers laws covering a wide range of benefits for former members and dependents and beneficiaries of deceased former members of the Armed Forces. VA also administers laws which provide certain benefits to current members of the Armed Forces and to dependent children of seriously disabled veterans.

(b) *General description of organization.* \* \* \*

(2) The Veterans Administration is organizationally divided as follows: \* \* \*

(i) *The Field Stations.* This term applies to Veterans Administration installations located in the field, and includes the following:

Insurance centers.  
Regional offices.  
Veterans Benefits Office—District of Columbia.  
Hospitals.  
VA centers.  
Domiciliaries.  
Outpatient clinics.  
VA offices.  
Supply depots.  
Marketing center.  
Forms and publications depot.  
Data processing centers.  
VA Office, Rome, Italy.

2. In section 2, *Central Office*, paragraph (a), subparagraph (4)(iv) is revoked, subparagraphs (5) and (6) are amended, and subparagraph (8)(iv) is added so that the added and amended material reads as follows:

(a) *Office of the Administrator.* \* \* \*  
(4) *Assistant Deputy Administrator.* \* \* \*

(iv) [Revoked]

(5) *Special Assistant.* The Special Assistant serves as confidential and special assistant and adviser to the Administrator on policies, programs, and activities with primary emphasis on VA legislative matters and relationships. He is the personal representative of the Administrator and top level liaison official of the agency with Congress, the Executive Office of the President, and other

Federal and non-Federal agencies, organizations, and individuals.

(6) *Office of the Executive Assistant.* This office, under the direction of the Executive Assistant to the Administrator, is the central coordinating staff for the Office of the Administrator. The Executive Assistant presents to the Administrator those matters requiring his personal attention. The office monitors special projects and assignments and insures that required action is controlled and coordinated. It is the responsibility of the office to do for the Administrator and his Deputies what they would do for themselves in their official capacity if they had the time. The Office acts as the point of contact for operating matters coming to the Office of the Administrator and is responsible for the last line of review before an action is taken or a decision is made in the operations of the agency. In this capacity the office (i) represents the Administrator, Deputy Administrator, Associate Deputy Administrator, and Assistant Deputy Administrator in making inquiry into operating matters of interest; (ii) evaluates proposals for changes in operating policies and recommends to the above officials approval, disapproval, further study, or other appropriate action; (iii) coordinates proposals with departments and staff offices to assure their presentation for decision is in the form desired; and (iv) follows up to assure that decisions once made are implemented.

(8) *Administrator's Advisory Council.*

(iv) The Chairman is responsible for the VA's emergency planning function, and as such he—

(a) Formulates and recommends to the Administrator general policies, plans, and procedures of VA-wide application pertaining to emergency planning.

(b) Coordinates the development of agency national emergency plans and preparedness programs, the implementation of national civil defense plans, and the disaster relief program.

(c) Provides for continuous manning and operational capability of VA's emergency relocation sites; responsible for the implementation of plans for the relocation of emergency designees under conditions of national emergency.

3. In section 2, *Central Office*, paragraph (b), subparagraph (3)(xiv) is added and subparagraphs (4)(i) (a) and (6) are amended so that the amended and added material reads as follows:

(b) *Staff offices.* \* \* \*

(3) *Office of the General Council.* \* \* \*

(xiv) Maintains liaison with Senate and House Committees and contact activities in both Houses of Congress.

(4) *Office of Management Engineering and Evaluation.* The Assistant Administrator for Management Engineering and Evaluation:

(i) Formulates and recommends to the Administrator general policies and plans of VA-wide application pertaining to the following activities:

(a) Management engineering (including specific programs such as manpower utilization and systematic reviews of programs and operations.)

(6) *Office of Construction.* The Assistant Administrator for Construction:

(i) As Chief Architect-Engineer of the VA, formulates and recommends to the Administrator general policies and plans of VA-wide application pertaining to the following activities:

(a) Design and construction of buildings, structures, and utilities.

(b) Real property management, including acquisition, economical utilization, and disposal of real property and interests therein.

(ii) Advises and assists the staff and the heads of the departments in connection with these activities, and appraises for the Administrator the effectiveness and economy of these activities.

(iii) Interprets administratively, for the Administrator and staff and the department heads, regulations, decisions, and directives of other governmental bodies concerned with these activities.

(iv) Upon consultation with heads of operating departments concerned, develops and takes action to obtain necessary approvals of fiscal year construction programs to provide, improve, and convert facilities, meeting requirements of the operating departments, consistent with current legislative and executive policy and VA responsibilities.

(v) Formulates, for inclusion in the consolidated VA budget, annual estimates for VA construction programs, and participates, with the Controller and department heads concerned, in presentation of the budget for construction programs before the Bureau of the Budget and the Congress.

(vi) Directs and controls design and construction of hospital, domiciliary, and other facilities and major alterations and, in conformance with professional standards and operating requirements as defined in collaboration with the operating departments concerned, and within established program and appropriation limitations.

(vii) Takes action for the VA to acquire real property and property interests in fee, in accordance with approved program requirements, and to dispose of such real property and interests where excess to the needs of the VA (not including transactions within the veterans' Loan Guaranty program).

(viii) Acts as duly authorized representative of the Administrator under provisions of contracts related to assigned activities except hearing and decision appeals from the decisions of the VA Contracting Officers. Provides counsel to represent the Government in appeals under supply contracts.

(ix) Provides staff support to the Chief Benefits Director and the Chief Data Management Director on real property management activities.

4. In section 2, *Central Office*, paragraph (c), the introductory portion of subparagraph (1) and subdivisions (i)

and (v) (f) are amended and subdivisions (ii), (iii), and (iv) are revoked:

(c) *Departments.*—(1) *Department of Medicine and Surgery.* The Chief Medical Director has jurisdiction over and is responsible to the Administrator for the proper conduct of the activities of the Department of Medicine and Surgery; insures complete medical and hospital service for the medical care and treatment of veterans as prescribed by the Administrator of Veterans Affairs pursuant to title 38, United States Code, and other statutory authority and regulations. Formulates and recommends to the Administrator general policies and plans of VA-wide application pertaining to accident prevention, fire prevention, and fire protection.

The Deputy Chief Medical Director serves as the immediate and full assistant to the Chief Medical Director and, as delegated by him or in his absence, performs any statutory or other duty which he is required or authorized to perform with respect to the department.

The Associate Deputy Chief Medical Director serves as an assistant to the Chief Medical Director and the Deputy Chief Medical Director.

(i) *Office of Administration.* The Executive Director for Administration:

(a) Assists the Chief Medical Director and the Deputy Chief Medical Director in the overall administration of the department.

(b) Is assigned responsibility for supervision of staff functions of program planning and budgeting, administrative research, management and evaluation, management systems, hospital construction, building management, canteen, engineering, medical administration, supply, safety and fire protection, the management analyst program, and emergency planning coordination.

(c) Takes independent action on the field activation and deactivation instructions and coordination of their implementation, which does not require the personal attention of the Chief Medical Director.

(ii) [Revoked]

(iii) [Revoked]

(iv) [Revoked]

(v) *Office of the Assistant Chief Medical Director for Professional Services.* The Assistant Chief Medical Director for Professional Services: \* \* \*

(f) Formulates and recommends policies, plans and objectives pertaining to Administrative Assistants to Chiefs of Staff.

5. In section 2, *Central Office*, paragraph (c), subparagraph (2) is revised to read as follows:

(c) *Departments.*—(2) *Department of Data Management.* The Chief Data Management Director has jurisdiction over, directs and is responsible to the Administrator for the conduct of activities of the Department of Data Management. Insures the effective support of the mission of the VA through the use of data processing, data management process control, and electronic communications systems. Appraises the effectiveness and

economy of all activities under the jurisdiction of the department.

The Deputy Chief Data Management Director serves as full assistant to the Chief Data Management Director in the discharge of his responsibilities, acts for him in his absence, and participates fully in the direction of all activities of the Department of Data Management.

(i) *Medical ADP Systems Service.* The Director:

(a) Is responsible to the Chief Data Management Director for the application of ADP (automatic data processing) systems to VA activities in such areas as: hospital information, patient treatment, clinical laboratory, pharmacy, and dietetics.

(b) Conducts preliminary studies of VA operations to determine whether a full ADP feasibility study is justified.

(c) Conducts ADP feasibility studies in areas of potential data automation.

(d) Makes systems analysis and determines systems design specifications in collaboration with representatives of other VA elements.

(e) Evaluates the capability of new and existing equipment to accomplish the objectives of the proposed system and makes recommendations accordingly to the Chief Data Management Director.

(f) Develops data processing systems in detail on the basis of approved feasibility studies.

(g) Makes modifications to ongoing ADP systems as necessitated by new legislation, user requirements, or improvements in ADP techniques.

(h) Tests ADP systems and certifies to the Chief Data Management Director as to their readiness for live operation, subject to concurrence of systems auditors.

(i) Writes data processing procedures required for new or redesigned ADP systems. Identifies changes required in procedures of the other VA elements and reviews procedures written for conformity with approved systems designs and objectives.

(j) Installs new or redesigned ADP systems, including conversion from existing VA operations to ADP systems in collaboration with all affected organizations.

(k) Develops conversion and operating training plans and material for users of ADP systems and collaborates with other VA elements and provides leadership in training key employees of Central Office and field stations in details of ADP systems.

(l) *Veterans Benefits ADP Systems Service.* The Director:

(a) Is responsible to the Chief Data Management Director for the application of ADP systems to VA activities in such areas as: insurance, compensation, pension and education, loan guaranty, facility planning and construction, plant and facility operations and maintenance, and beneficiary identification and records locator.

(b) Conducts preliminary studies of VA operations to determine whether a full ADP feasibility study is justified.

(c) Conducts ADP feasibility studies in areas of potential data automation.

(d) Makes systems analysis and determines systems design specifications in

collaboration with representatives of other VA elements.

(e) Evaluates the capability of new and existing equipment to accomplish the objectives of the proposed system and makes recommendations accordingly to the Chief Data Management Director.

(f) Develops data processing systems in detail on the basis of approved feasibility studies.

(g) Makes modifications to ongoing ADP systems as necessitated by new legislation, user requirements, or improvements in ADP techniques.

(h) Tests ADP systems and certifies to the Chief Data Management Director as to their readiness for live operation, subject to concurrence of systems auditors.

(i) Writes data processing procedures required for new or redesigned ADP systems. Identifies changes required in procedures of the other VA elements and reviews procedures written for conformity with approved systems designs and objectives.

(j) Installs new or redesigned ADP systems, including conversion from existing VA operations to ADP systems in collaboration with all affected organizations.

(k) Develops conversion and operating training plans and material for users of ADP systems and collaborates with other VA elements and provides leadership in training key employees of central office and field stations in details of ADP systems.

(l) *Administrative Support ADP Systems Service.* The Director:

(a) Is responsible to the Chief Data Management Director for the application of ADP systems to VA activities in such areas as: fiscal accounting, logistics, automated management information, and manpower administration.

(b) Conducts preliminary studies of VA operations to determine whether a full ADP feasibility study is justified.

(c) Conducts ADP feasibility studies in areas of potential data automation.

(d) Makes systems analysis and determines systems design specifications in collaboration with representatives of other VA elements.

(e) Evaluates the capability of new and existing equipment to accomplish the objectives of the proposed system and makes recommendations accordingly to the Chief Data Management Director.

(f) Develops data processing systems in detail on the basis of approved feasibility studies.

(g) Makes modifications to ongoing ADP systems as necessitated by new legislation, user requirements, or improvements in ADP techniques.

(h) Tests ADP systems and certifies to the Chief Data Management Director as to their readiness for live operation, subject to concurrence of systems auditors.

(i) Writes data processing procedures required for new or redesigned ADP systems. Identifies changes required in procedures of the other VA elements and reviews procedures written for conformity with approved systems designs and objectives.

(j) Installs new or redesigned ADP systems, including conversion from existing VA operations to ADP systems in collaboration with all affected organizations.

(k) Develops conversion and operating training plans and material for users of ADP systems and collaborates with other VA elements and provides leadership in training key employees of Central Office and field stations in details of ADP systems.

(l) *Operations Support Service.* The Director:

(a) Provides staff support to the Chief Data Management Director for operation of data processing centers.

(b) Serves as primary point of contact with data processing centers on problems concerning ADP service to VA departments, staff offices, and field stations.

(c) Maintains a continuing review and evaluation of operating practices and procedures in data processing centers.

(d) Reviews and evaluates the utilization of manpower and ADP equipment in data processing centers to assure optimum utilization, and recommends appropriate equipment adjustments, including acquisition, replacement, or disposition.

(e) Conducts special studies, as required, to determine impact of changes to existing and planned ADP applications on schedules and resources.

(f) Recommends the establishment, merger, or elimination of data processing centers and implements approved recommendations.

(g) Maintains a system for controlling, processing, and scheduling requests for ADP services and computer processing time, reviews requests for ADP services and recommends approval or alternate courses of action; provides liaison in determining priorities for use of computer time.

(h) Maintains a project management system for the department and controls project assignments to data processing centers.

(i) Provides administrative support to the department in the areas of records management, forms control, publications control, and performance measurement and standards.

(j) Conducts a continuing program of evaluations of the internal management of data processing centers and department staff elements. Conducts special studies and surveys as required.

(k) Coordinates the department's reply to all reports of investigations, audits, and surveys, and follows through on the disposition of the recommendations.

(l) Operates a comprehensive cost estimating program to determine the cost of existing operations being studied for automation and estimates costs for new ADP applications to determine savings or increased costs at each stage of a project.

(m) Operates a comprehensive ADP systems audit program to provide management with an independent evaluation of the propriety and accuracy of new and ongoing ADP systems.

(n) Participates in the planning and development of new ADP systems and changes to existing systems to assure

inclusion of adequate controls and audit trails.

(o) Develops and administers a coordinated emergency preparedness planning program for the department.

(v) *Communications Service*. The Director:

(a) Formulates and recommends to the Chief Data Management Director, general policies, plans and guidelines for VA-wide communications systems consisting of:

- (1) Teletype network.
- (2) Telephone systems.
- (3) Hospital communications systems.
- (4) Electronic data transmission systems.

(b) Coordinates the administration of the agency's communications systems with all departments and staff offices.

(c) Designs, engineers, tests, and assists in the installation of communications systems for use VA-wide. Makes technical reviews and recommends actions on proposals for the purchase or lease of electronic communications equipment.

(d) Develops and prepares for use VA-wide, procedures, standards, directives, guidelines, and informational material relating to the management and operation of communications systems.

(e) Manages the use of the radiofrequency spectrum VA-wide and coordinates this effort with regulatory and other user agencies.

(f) Provides services to all departments and staff offices on all communications matters including onsite technical service to field stations when needed.

(g) Reviews and evaluates the effectiveness of communications policies and plans being followed, the efficiency of procedures used, and the economy of performance under these policies, plans and procedures. Advises the Chief Data Management Director of conditions found and recommends actions.

(h) Maintains liaison and coordinates VA communications plans and systems with other Government agencies and commercial industries.

(i) Keeps abreast of overall Federal Government planning and the latest technological developments in all fields of electronic communications systems.

(vi) *Research Service*. The Director:

(a) Investigates and evaluates new software developments including operating systems, compilers, emulator/simulators, and unsolicited proposals for application programming.

(b) Responsible for the development of operating systems that will support the functions and requirements of related subsystems.

(c) Investigates, evaluates, develops, and recommends ADP standards and conventions.

(d) Conducts periodic review of all departmental projects under study or development for the purpose of determining and coordinating software and hardware requirements and schedules.

(e) Evaluates unsolicited ADP equipment proposals.

(f) Responsible for providing technical support and consultation to other

department elements in the ADP equipment evaluation and selection process and for final review of all recommendations concerning acquisition, replacement, disposal or transfer of ADP equipment to insure compatibility with current and long-range ADP equipment plans.

(g) Maintains VA's ADP equipment inventory and prepares reports and related documentation, including intergovernmental report on ADP equipment.

(h) Investigates new developments in ADP equipment, components, configurations and usage to identify that which has a current or potential VA use.

(i) Conducts special experimental projects to provide comprehensive evaluation and in-house expertise in the methodology of those advanced techniques under study or consideration as required.

(j) Provides or arranges technical support and training, for other departmental elements, in data processing technology, software or advanced programming and hardware selection and evaluation as required.

(k) Maintains liaison, interdepartmental and intradepartmental, with other Government agencies, with ADP manufacturers and suppliers, with other ADP users and professional groups, in software/hardware research and in the investigation and development of ADP methodology and techniques.

6. In section 2, *Central Office*, paragraph (c), subparagraph (3); subdivisions (i) (a) and (e), (iii) (a), (v) (a) (3) and (c), and (vi) are amended to read as follows:

(c) *Departments*—(3) *Department of Veterans Benefits*. \* \* \*

(i) *Compensation, Pension and Education Service*. The Director, Compensation, Pension and Education Service: (a) Formulates and recommends to the Chief Benefits Director plans, regulations, procedures, and standards of departmentwide application within the limitations of VA-wide policies and plans pertaining to the following activities:

(1) Disability compensation and pension claims.

(2) The schedule for rating disabilities.

(3) Claims for automobiles or other conveyances.

(4) Special housing claims.

(5) Emergency officers' retirement claims and Reserve officers' retirement pay under laws administered by the VA.

(6) Eligibility determinations for other services or Government agencies.

(7) Death compensation and pension claims.

(8) Claims for dependency and indemnity compensation.

(9) Claims for reimbursement for burial, funeral, and transportation expenses of deceased veterans.

(10) Claims for accrued compensation, pension, retirement pay, subsistence and training allowances, and readjustment allowances.

(11) Forfeiture of rights and benefits.

(12) Claims for servicemen's indemnity.

(13) Claims for adjusted compensation in death cases.

(14) Claims for vocational rehabilitation and education benefits under title 38, United States Code.

(e) Participates in the agencywide Planning-Programming-Budgeting system by developing and analyzing for the compensation, pension and education programs long-range plans, policies and objectives; program memorandums, program and financial plans, and special studies.

(iii) *Insurance Service*. The Director, Insurance Service: (a) Formulates and recommends to the Chief Benefits Director, policies, plans, regulations, procedures, and standards of departmentwide application within the limitations of VA-wide policies and plans pertaining to the conduct of the Government Life Insurance program, including the following activities:

(1) Billing, collecting (excluding the receipt and deposit of payments), and crediting payments for insurance premiums, loans and liens.

(2) Adjudication of disability insurance claims involving waiver of premiums and disability income awards.

(3) Adjudication of insurance death claims.

(4) Authorization of policy loans, cash surrenders, and matured endowments.

(5) Conducting allotment transactions with the service departments and payroll transactions with commercial employers.

(6) Effecting lapse, reinstatement or refund action and conversions, reductions, renewals, or other insurance policy changes.

(7) Issuing new policies and disability income riders.

(8) Authorizing gratuitous insurance.

(9) Determining whether death or disability is directly traceable to the extra hazards of military or naval service and authorizing transfer from appropriation to funds.

(10) Reviewing of running awards under disability insurance claims to determine whether recovery has been effected and award should be terminated.

(11) Effecting administrative adjustments on individual cases.

(12) Cancellation of insurance by reason of fraud or forfeiture of rights.

(13) Establishment of health requirements and medical criteria for insurance purposes.

(14) Conducting transactions with commercial insurers for guarantee of premium payments under article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for providing insurance under the Servicemen's Group Life Insurance program.

(15) Conducting studies of mortality and disability to calculate and establish policy rates and values, determine surplus and apportionment of dividends, and compile actuarial statements.

(v) *Guardianship Service*. The Director, Guardianship Service: (a) Formulates and recommends to the Chief

Benefits Director, policies, plans, procedures, and standards of departmentwide application within the limitations of VA-wide policies and plans pertaining to the following activities:

(3) Waiver and compromise authority concerning debts and overpayments arising out of matters under the jurisdiction of the Department of Veterans Benefits and questions concerning school liability.

(c) Advises the Chief Benefits Director on matters involving State legislation affecting the guardianship program and commitment and restoration of mentally ill veterans.

(vi) *Contact and Administrative Service.* The Director, Contact and Administrative Service: (a) Formulates and recommends to the Chief Benefits Director policies, plans, regulations, procedures, and standards of departmentwide application within the limitations of VA-wide policies and plans pertaining to the following activities:

(1) A Contact program at regional offices/centers, hospitals, Central Office and other locations to furnish information, advice and assistance relating to rights, benefits, and the preparation and development of claims under laws affecting veterans administered by the VA or other agencies.

(2) A program of providing information and benefit assistance to separatees from military service at Armed Forces hospitals, separation points and other military establishments, both overseas and in continental United States.

(3) Foreign Affairs, including veterans' services in foreign countries and U.S. possessions not under regional office jurisdiction; operation of a VA Office in Rome to provide assistance on veterans programs in Europe; reception of foreign visitors; and furnishing of information regarding foreign travel.

(4) Matters relating to the administration of the Manila regional office, including performance of certain functions for the Social Security Administration in the Philippines.

(5) Release of information from VA records to veterans, their dependents, service and other authorized representatives, Government agencies, private organizations, and attorneys.

(6) Accepting or revoking powers of attorney, including declarations of representation received from private attorneys or agents. Recommends administrative practices and techniques whereby field stations may effectively apply provisions of regulations and changes thereto. Maintains liaison with concerned elements within VA and service organizations with respect to changes in regulations affecting operating procedures on a departmentwide basis.

(7) An Office Services program involving records management; initial development of claims for benefits; correspondence management; centralized field station remote control dictating system; publications, forms and form letter management; release of information from

other than claimant records; office machines and equipment; transportation; telecommunications; general office practices, liaison in connection with real and personal property management involving acquisition, utilization, disposition of field office space, and safety and fire prevention activities.

(b) Formulates and recommends to the Chief Benefits Director work rate and quality performance standards and related work measurement systems for the field station activities for which the service is responsible; conducts periodic studies to assure continued validity of the standards and reliability of the work measurement system.

(c) Maintains liaison with VA officials, other agencies and organizations on matters of mutual interest.

(d) Advises and assists the Chief Benefits Director in connection with these activities and appraises for him the effectiveness, efficiency and economy of the policies, plans, procedures and standards in implementing public laws and attaining program objectives.

7. In section 3, the introductory portion and paragraphs (a), (b), (c), (d), (g), and (k) are amended to read as follows:

Sec. 3. *Field Stations.* VA centers, domiciliaries, hospitals, insurance centers, data processing centers and regional offices, located throughout the United States, and the Veterans Benefits Office, located in the District of Columbia, facilitate the granting of benefits provided for veterans and their dependents. Under the jurisdiction of regional offices are located VA offices to render service to veterans nearer their homes. Outside the United States, a regional office is located in the Philippines; a VA center (hospital and regional office) is located at San Juan, P.R.; and a VA office for Europe is located in Rome, Italy.

(a) *Insurance Centers.* The Veterans Administration, Department of Veterans Benefits, operates insurance field activities through two Regional Office-Insurance Centers at Philadelphia and St. Paul. They provide policy, underwriting, and insurance claims service to veterans with Government life insurance within assigned geographical areas. All U.S. Government Life Insurance policyholders and those National Service Life Insurance policyholders paying premiums by allotment from service department pay and by deduction from benefit payments, and those living in foreign countries, are serviced by the Philadelphia VA center.

(b) *Regional Office.* A VA regional office is a field station which grants benefits and services provided by law for veterans, their dependents, and beneficiaries within an assigned territory; furnishes information as to all VA benefits and services; procures data regarding applications and claims; rates and adjudicates claims and makes awards for disability compensation and pension; establishes eligibility and need for hospitalization in other Government and private institutions and State-home care; handles guardianship and fiduciary

matters and authorized legal proceedings; aids, guides, and prescribes vocational rehabilitation training and administers educational benefits; guarantees loans for purchase or construction of homes, farms, or business property and, under certain conditions, makes direct home loans; processes death claims; aids and otherwise assists the veteran in exercising his rights to benefits and services; and supervises VA offices under its jurisdiction. The Regional Office is also responsible for U.S. Veterans Assistance Centers in large urban areas and coordination of efforts of participating agencies in a "reach out" program to assist returning servicemen, particularly those who are educationally disadvantaged.

(c) *Veterans Benefits Office—District of Columbia.* The Veterans Benefits Office, District of Columbia, is a VA regional office, with additional functions. VBO has global jurisdiction and grants benefits and services provided by law for veterans, their beneficiaries and dependents, residing outside the territorial limits of the United States; adjudicates certain unusual claims and actions not common to all regional offices, such as WWI Adjusted Compensation death cases, forfeiture cases and benefits under special enactments provided by the Congress. Maintains liaison with the Treasury Department on types and methods of payments to recipients in foreign countries.

(d) *Hospital.* A VA hospital is an organizational element established to provide all eligible beneficiaries with medical care at a level comparable with the best civilian institutions treating similar types of illnesses. Hospitals are generally classified as GM&S (General Medical and Surgical) and NP (Neuropsychiatric) indicating the major type of treatment. Usually, however, hospitals are equipped to render more than one type of treatment and some hospitals have facilities for highly specialized services such as those for tumors, chest surgery, neurosurgery, paraplegia, etc. Many hospitals also have nursing home care units and several operate restoration centers.

(g) *Restoration Center.* See paragraph (d) of this section.

(k) *Services to veterans in foreign countries.* Services to veterans in foreign countries are normally provided by the Veterans Benefits Office, in cooperation with embassy staffs of the Department of State. Additional services are provided by: (1) Manila Regional Office, Republic of the Philippines; (2) Attaché for Veterans Affairs, American Embassy, Mexico City; (3) VA Office, Rome, Italy, rendering technical advice, assistance, and guidance for the European area.

By direction of the Administrator.

[SEAL] FRED B. RHODES,  
Deputy Administrator.

[F.R. Doc. 69-10949; Filed, Sept. 12, 1969;  
8:47 a.m.]

# INTERSTATE COMMERCE COMMISSION

[No. 17000]

[Rate Structure Investigation, Part 7]

## GRAIN AND GRAIN PRODUCTS WITH- IN THE WESTERN DISTRICT AND FOR EXPORT

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 2d day of September 1969.

It appearing, that on October 22, 1934, the entire Commission entered its report, 205 ICC 301, and order in this proceeding, which, as subsequently modified and amended, prescribes maximum rates for the transportation of grain and grain products throughout the western district:

It further appearing, that on July 18, 1969, the Western Railroad Traffic Association filed separate petitions, (1) for leave to file under rule 101(e) of the Commission's general rules of practice a petition for modification of the outstanding order and a motion to dismiss, (2) for modification of the outstanding order in the above-entitled proceeding, and (3) to dismiss the petition for modification of the outstanding order, for the purpose of establishing a charge for stopping-in-transit for inspection; and numerous replies thereto have been filed by protestants and interested parties;

It further appearing, that by order dated June 26, 1969, the Commission instituted an investigation into the lawfulness of the proposed inspection charges and suspended the operation of the tariff schedules to and including January 31, 1970, in the proceeding entitled, Investigation and Suspension Docket No. 8482, Inspection in Transit of Grain and Grain Products;

And it further appearing, that the issues in the petition for modification of the Commission's report and order of October 22, 1934, as modified and amended, in the above-entitled proceeding are so interrelated to the issues under investigation in I. & S. Docket No. 8482 as to require concurrent consideration; and for good cause therefor:

It is ordered, That the petition for leave to file under rule 101(e) of the Commission's general rules of practice be, and it is hereby, granted.

It is further ordered, That the proceeding in No. 17000, Part 7, be, and it is hereby, reopened for the limited purpose of determining whether relief from the outstanding order herein is required to permit the proposed tariff schedules in I. & S. Docket No. 8482 to become effective in the event that they are found to be just and reasonable.

It is further ordered, That the motion to dismiss be, and it is hereby, denied for the reason that sufficient grounds have not been presented to warrant granting the action sought.

It is further ordered, That a copy of this order be delivered to the Director, Division of Federal Register, for pub-

lication in the FEDERAL REGISTER as notice to all interested persons; that a copy be served upon all persons on the service list; and that a copy be placed on file in the office of the Secretary to the Commission.

It is further ordered, That on or before September 22, 1969, the petitioners herein and all persons in support thereof shall file with the Commission three copies of the verified statements of their witnesses, in writing, and at the same time serve a copy of such prepared material upon all parties listed in Appendix A attached hereto, and any additional persons who make known their desire to actively participate in the proceeding on or before September 15, 1969.

It is further ordered, That on or before October 24, 1969, any interested party in opposition shall file with the Commission three copies of reply verified statement of their witnesses, in writing, and at the same time, serve a copy of such prepared material upon all parties listed in Appendix A attached hereto and any additional parties who make known their desire to actively participate on or before September 15, 1969.

It is further ordered, That parties desiring to cross-examine witnesses who have submitted verified statements shall give notice to that effect, in writing, to the affiant and his counsel, if any, on or before November 10, 1969, a copy of such notice to be filed simultaneously with the Commission.

And it is further ordered, That the proceeding in No. 17000, Part 7 be, and it is hereby, consolidated with the proceeding in I. & S. Docket No. 8482 for hearing to be held commencing on November 17, 1969, 9:30 a.m., U.S. standard time, in Courtroom No. 2119, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., for the purpose of hearing cross-examination of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and such other pertinent evidence which the examiner deems necessary to complete the record.

By the Commission, Division 2.

[SEAL] ANDREW ANTHONY, JR.,  
Acting Secretary.

### APPENDIX A

#### RESPONDENTS

Baltimore and Ohio Railroad Co., Charles N. Marshall, Attorney, 2 North Charles Street, Baltimore, Md. 21201.  
Burlington Lines, Richard J. Schreiber, General Attorney, 547 West Jackson Boulevard, Chicago, Ill. 60606.  
Chicago and North Western Railway Co., William F. Cottrell, Commerce Attorney, 400 West Madison Street, Chicago, Ill. 60606.  
Illinois Central Railroad Co., Thomas F. McFarland, Commerce Attorney, 135 East 11th Place, Chicago, Ill. 60605.  
Milwaukee Road, Rodger K. Johnson, General Attorney, 888 Union Station, Chicago, Ill. 60606.  
Missouri Pacific Railroad Co., R. S. M. Emrich, Ill. Attorney, 210 North 13th Street, St. Louis, Mo. 63103.

Norfolk and Western Railway Co., Richard W. Klenle, Assistant General Attorney, Roanoke, Va. 24011.  
Penn Central, John A. Dally, General Attorney, 466 Lexington Avenue, New York, N.Y. 10017.  
Rock Island Lines, Martin L. Cassell, General Solicitor, La Salle Street Station, Chicago, Ill. 60605.  
Santa Fe Railway Co., Harvey Huston, General Attorney, 80 East Jackson Boulevard, Chicago, Ill. 60604.  
Traffic Executive Association, Eastern Railroads, Gordon W. Lindsay, Manager, Commerce and Statistical R. Department, 2 Pennsylvania Plaza, New York, N.Y. 10001.  
Western Railroad Traffic Association, J. M. Souby, Jr., Chairman, Union Station, Chicago, Ill. 60606.

#### PROTESTANTS

Archer Daniels-Midland Co., W. R. Casey, Traffic Manager, Commerce, 4666 Paries Parkway, Decatur, Ill. 62526.  
City of Chicago Board of Trade, Harold E. Spencer, Attorney, 1 North La Salle Street, Chicago, Ill. 60602.  
Continental Grain Co., C. J. Harris, Vice President, Transportation, 2 Broadway, New York, N.Y. 10004.  
Louis Dreyfus Corp., Rodman Kober, Attorney, 26 Broadway, New York, N.Y. 10004.  
Far-Mar-Co., Inc., Henry J. Yunk, Director of Transportation, Wiley Building, Hutchinson, Kans. 67501.  
Farmers Grain Dealers Association of Iowa/Cooperative, Willard Clarkson, General Traffic Manager, 1963 Bell Avenue, Des Moines, Iowa 50315.  
Farmers Union Grain Terminal Association, Charles H. Wulff, General Traffic Manager, St. Paul, Minn. 55101.  
Fort Worth Grain Exchange, C. G. Mathews, Secretary, Post Office Box 4422, 2707 Decatur Avenue, Fort Worth, Tex. 76106.  
FS Services, Inc., Robert L. Graves, Registered Practitioner, 1701 Towanda Avenue, Bloomington, Ill. 61701.  
Garvey, Inc., James J. Irlandi, Vice President of Transportation, The R. H. Garvey Building, Wichita, Kans. 67202.  
General Grain, Inc., L. W. Schaller, Vice President, 902 West Washington Avenue, Indianapolis, Ind. 46204.  
Andrew P. Goldstein, Haffer, Goldstein & Meiser, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.  
Grand Forks Chamber of Commerce, E. J. Hanson, Director of Transportation, Grand Forks, N. Dak. 58201.  
The Hutchinson Board of Trade, S. O. Cowley, Secretary, Traffic Manager, 819 Wiley Building, Hutchinson, Kans. 67501.  
International Milling, B. L. Pearson, General Transportation Manager, 1200 Investors Building, Minneapolis, Minn. 55415.  
State of Iowa Commerce Counsel, Thomas N. Bolton, Assistant Commerce Counsel, State Capitol, Des Moines, Iowa 50319.  
The Kansas City Board of Trade, Jon C. Hansen, Transportation Commissioner, Suite 274, 4800 Main Street, Kansas City, Mo. 64112.  
The Kansas City Board of Trade, Cash Grain Commission Merchants Association, H. W. Masters, President, 404 Kansas City Board of Trade, 4800 Main Street, Kansas City, Mo. 64112.  
Krause Milling Co., A. J. Carr, General Traffic Manager, Post Office Box 1156, Milwaukee, Wis. 53201.  
Grain & Feed Dealers National Association, William J. Keating, 500 Folger Building, 725 15th Street NW., Washington, D.C. 20005.  
Missouri Department of Agriculture, Marketing Division, A. G. Grimm, Transportation Consultant, Post Office Box 630, Jefferson City, Mo. 65101.

North American Export Grain Association, Inc., A. H. Becker, President, 26 Broadway, New York, N.Y. 10004.

North Dakota Public Service Commission, John M. Agrey, Director of Traffic, Bismarck, N. Dak. 58501.

Omaha Grain Exchange, C. L. Brennan, Director of Transportation, Grain Exchange Building, Omaha, Nebr. 68102.

Peavey Co., James R. Scoggin, Vice President, 760 Grain Exchange, Minneapolis, Minn. 55415.

Producers Grain Corp., W. H. Hollan, Traffic Manager, Post Office Box 111, Amarillo, Tex. 79105.

The Saint Joseph Grain Exchange of Saint Joseph, Missouri, W. T. Drannan, Secretary, 1404 Corby Building, St. Joseph, Mo. 64501.

Midwestern Grain Co., Division of Garnac Grain Co., Inc., R. C. Hardin, 4800 Main Street, Kansas City, Mo. 64112.

Sioux City Grain Exchange, R. R. Hughes, Secretary-Traffic Manager, 601 Benson Building, Sioux City, Iowa 51101.

Spokane Chamber of Commerce, L. W. Markham, General Manager, Spokane, Wash. 99201.

U.S. Department of Agriculture, Office of the General Counsel, Paul M. Donovan, Washington, D.C. 20250.

The Wichita Board of Trade, 407 Colorado-Derby Building, Paul Wallingford, President, Wichita, Kans. 67202.

[F.R. Doc. 69-10971; Filed, Sept. 12, 1969; 8:49 a.m.]

## DEPARTMENT OF STATE

### Agency for International Development

#### HOUSING INVESTMENT GUARANTY PROJECTS IN LATIN AMERICAN COUNTRIES

##### Special Announcement for Bolivia

**A. Introduction.** The Agency for International Development ("A.I.D.") hereby announces that applications will be accepted for housing investment guaranties in Bolivia from November 15, 1969, to December 1, 1969. This announcement provides that competitive applications will be taken for new housing investment guaranty projects in Bolivia and provides a tentative allocation of U.S. \$6 million of guaranty authority for this purpose.

**B. General requirements for all housing guaranty applications submitted in Bolivia on a basis of this Special Announcement.** 1. Acceptance of applications shall be governed by "Information for Applicants" issued with the Announcement of April 16, 1969, by the terms of this announcement, and by additional special announcements that may be issued from time to time.

2. Government of Bolivia guaranty: The Government of Bolivia shall provide a full faith and credit guaranty of repayment of the loan. The guaranty of the Government of Bolivia shall be payable in U.S. dollars.

3. A.I.D. will require adjustable mortgage payments by homeowners based on a formula, acceptable to A.I.D., which will adjust the outstanding mortgage of each homeowner, periodically in accordance with an approved index which will reflect the trend of internal costs and prices in Bolivia.

#### 4. Fees, reserves and charges:

a. *A.I.D. guaranty fee.* Pursuant to the Government of Bolivia guaranty, the A.I.D. fee will be one-half of 1 percent per annum.

b. *Reserves.* In view of the Government of Bolivia guaranty and adjustable mortgage payments by homeowners, no additional reserves will be required by A.I.D.

c. *Other charges.* Applicants should consult with the appropriate parties in Bolivia as to their fees for performing any necessary functions which will affect the total interest rate paid by the individual home purchasers when estimating the homeowner's monthly payments or which will effect the initial price of the house or closing costs.

**C. Categories of applications which will be accepted in Bolivia in accordance with this Special Announcement.** 1. Applications will be accepted in the Pilot or Demonstration Projects category only.

2. Applications under the other categories will not be acceptable in Bolivia at the present time.

**D. Modifications of the category of applications.** 1. Pilot or demonstration category: Applicants in this category must submit houses which will have a maximum selling price of \$7,500 (90,000 pesos bolivianos) at the time that construction commences.

**E. In closing.** 1. For additional information on any of the above requirements or for information on any aspect of the housing guaranty program for Bolivia, please communicate with:

The United States A.I.D. Mission To Bolivia, c/o American Embassy, La Paz, Bolivia.  
Aaron Benjamin, USAID Housing Officer.  
Robin Gomez, USAID Capital Development Officer.

2. Additional information concerning this program may be obtained from:

Housing and Urban Development Division, Latin America Bureau, Agency for International Development, Department of State, Room 2242, Washington, D.C. 20523.  
Stanley Baruch, Director.  
Peter M. Kimm, Deputy Director for Guaranties and Engineering.

STANLEY BARUCH,  
Director,

Housing and Urban Development.

SEPTEMBER 5, 1969.

[F.R. Doc. 69-10934; Filed, Sept. 12, 1969; 8:48 a.m.]

#### HOUSING INVESTMENT GUARANTY PROJECTS IN LATIN AMERICAN COUNTRIES

##### Special Announcement for Chile

The Agency for International Development has issued a public announcement entitled "Reopening of the Latin American Housing Investment Guaranty Program." That announcement provides that competitive applications for new Housing Investment Guaranty projects will be received at the A.I.D. Missions in Barbados, Argentina, Colombia, and Ecuador; and further provides that allocations of investment guaranty authority will be approved for additional Latin

American countries and announcements concerning such allocations will be issued by A.I.D. promptly as they become available.

A.I.D. hereby announces that applications will again be accepted for housing investment guaranties in Chile, insuring against loss of loan investment by eligible U.S. investors pursuant to section 224 of the Foreign Assistance Act of 1961, as amended (FAA):

Country	Application period	Total authority
Chile	Nov. 15-Dec. 1, 1969	\$6,000,000

Acceptance of applications is governed by the terms of the "Announcement of the Reopening of the Latin American Housing Investment Guaranty Program" dated April 16, 1969, by the "Information for Applicants" previously published by A.I.D., and by the following special requirements for all Housing Investment Guaranty projects proposed for Chile:

1. *Government of Chile guaranty.* The Government of Chile shall provide a full faith and credit guaranty to A.I.D. assuring against any and all losses resulting to A.I.D. by virtue of its guaranty to the U.S. investor or investors. This guaranty of the Government of Chile may take the form of guarantees issued by the Caja Central de Ahorro y Prestamos (Caja Central) augmented by appropriate commitments from CORFO of Chile.

2. *Fees, revenues and charges.* (a) A.I.D. guaranty fee: Pursuant to the Government of Chile guaranty, the A.I.D. guaranty fee will be one-half of 1 percent per annum. A.I.D. will not require additional reserves.

(b) Applicants should consult with the Caja Central to determine additional fees and reserves that may be required by virtue of the participation of that institution directly or through any other institution acting in a fiduciary or other participating role.

3. *Size of projects proposed.* It is desirable to have no less than 400 housing units in any one project. Though not preferable, consideration may be given to locating these on more than one site.

4. *Location of projects.* Applications will be accepted only for competitive projects proposed to be located in either Santiago, Valparaiso, Vina del Mar, Concepcion, Antofagasta, Arica, Temuco, or Punta Arenas.

5. *Approvals.* Prior to submission to USAID/Santiago, all applicants must obtain, through the Caja Central, approval of the Ministry of Housing and Urban Development, Direction de Planificacion y Presupuestos for the project. The Ministry will act as the coordinating agent of the Government to assure that:

(a) Each project will be integrated into the overall national development plans; and

(b) Each project is in accordance with local and regional housing policies and regional or urban development plans; and

(c) There will be the immediate application of existing legislation and regulatory procedures or the identity of the

need for new, up-dated, or improved ordinances, land use regulations, subdivision controls, etc.

Guidelines for applications under the five categories of applications which may be filed:

1. *Pilot demonstration projects.* The maximum selling prices of houses in the pilot or demonstration category which A.I.D. will approve at the time construction of the project commences is U.S. \$7,500.

2. *Housing projects that will promote the development of institutions important to the success of the Alliance for Progress.* Applications submitted under this category must also be eligible under the local participation category.

3. *Local participation projects.* The maximum selling price of houses in the local participation category which A.I.D. will approve at the time construction of the project commences is U.S. \$6,500. In the interest of building better communities consideration will also be given to

a mixture of not more than three housing types, the per square meter sales price of which will not exceed U.S. \$100, which shall have an average selling price of U.S. \$6,500. A maximum selling price of U.S. \$7,000 would apply.

STANLEY BARUCH,  
Director,

Housing and Urban Development,

SEPTEMBER 5, 1969.

[F.R. Doc. 69-10935; Filed, Sept. 12, 1969;  
8:46 a.m.]

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