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List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—1969 Crop of Peanuts: Acreage Allotments and Marketing Quotas

COUNTY NORMAL YIELD DETERMINATIONS

Basis and purpose. The regulations contained in § 729.107 below, are issued pursuant to and in conformity with the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the Act, and the Allotment and Marketing Quota Regulations for Peanuts of the 1969 and Subsequent Crops (33 F.R. 18351, 18981).

Subsections 301(b)(13) (B) and (C) of the Act define normal yield for any county as follows:

(B) "Normal yield" for any county, in the case of peanuts, shall be the average yield per acre of peanuts for the county, adjusted for abnormal weather conditions, during the 5 calendar years immediately preceding the year in which such normal yield is determined.

(C) In applying * * * ((B) supra) * * * if for any such year the data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations issued by the Secretary, shall be used as the actual yield for such year. In applying such subparagraphs, if, on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such * * * 5-year period, * * * is less than 75 per centum of the average (computed without regard to such year) such year shall be eliminated in calculating the normal yield per acre.

Producers are now marketing their 1969 crop of peanuts and since county normal yields are used in the determination of the amount of penalty on excess peanuts marketed from a farm, it is essential that county normal yields be determined and announced as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and effective date provisions of 5 U.S.C. 553 is impractical and contrary to the public interest. Therefore, the county normal yields specified below shall become effective upon publication in the FEDERAL REGISTER.

§ 729.107 Determination of the county normal yields for 1969 crop of peanuts.

County normal yields for the 1969 crop of peanuts, determined in accordance with the Act and § 729.42(a) (33 F.R. 18351) are as follows:

ALABAMA

County	Normal Yield (pounds)	County	Normal Yield (pounds)
Autauga	1,099	Elmore	850
Barbour	1,213	Escambia	1,422
Blount	661	Geneva	1,523
Bullock	675	Henry	1,345
Butler	939	Houston	1,600
Calhoun	840	Lee	620
Chambers	875	Macon	590
Chilton	850	Marengo	520
Clay	750	Mobile	760
Coffee	1,264	Monroe	1,226
Conecuh	1,031	Montgomery	785
Coosa	540	Perry	880
Covington	1,366	Pike	1,038
Crenshaw	1,129	Russell	793
Cullman	870	Tuscaloosa	700
Dale	1,335	Wilcox	580
Dallas	576		

ARIZONA

Cochise	2,426	Yuma	2,354
Pima	2,710		

ARKANSAS

Calhoun	710	Jefferson	1,438
Dallas	710	Johnson	710
Faulkner	710	Lawrence	800
Franklin	820	Little River	710
Hempstead	733	Randolph	710
Howard	572	Salina	710
Jackson	710	Yell	710

CALIFORNIA

Fresno	2,718	Shasta	1,139
Kern	1,767	Tulare	955

FLORIDA

Alachua	1,786	Lafayette	1,714
Bay	865	Leon	1,992
Calhoun	1,917	Levy	1,705
Columbia	1,713	Madison	1,184
Dixie	1,804	Marion	1,601
Escambia	1,976	Okaloosa	1,768
Gadsden	1,231	Santa Rosa	2,006
Gilchrist	1,272	Suwannee	1,661
Hamilton	1,435	Wakulla	1,196
Holmes	1,384	Walton	1,380
Jackson	1,515	Washington	1,639
Jefferson	1,494		

GEORGIA

Appling	1,330	Dooly	2,000
Atkinson	1,992	Dougherty	1,762
Bacon	1,291	Early	1,705
Baker	1,801	Effingham	1,408
Baldwin	1,154	Emanuel	1,480
Ben Hill	2,113	Evans	1,879
Berrien	1,938	Glascock	822
Bleckley	1,792	Gordon	859
Brooks	1,985	Grady	1,802
Bryan	1,553	Hancock	295
Bulloch	1,912	Houston	1,830
Burke	1,520	Irwin	2,301
Calhoun	2,009	Jeff Davis	2,024
Candler	1,776	Jefferson	1,512
Chattahoochee	601	Jenkins	1,525
Clay	1,554	Johnson	1,413
Coffee	1,935	Lanier	2,236
Colquitt	2,006	Laurens	1,494
Cook	2,063	Lee	1,877
Crawford	1,107	Lowndes	1,466
Crisp	2,106	Macon	1,664
Decatur	1,773	Marion	1,336
Dodge	1,488	Miller	1,967
		Mitchell	1,850

GEORGIA—Continued

County	Normal Yield (pounds)	County	Normal Yield (pounds)
Montgomery	1,519	Talfair	1,571
Muscogee	676	Terrell	1,702
Newton	1,116	Thomas	1,840
Peach	1,520	Tift	2,022
Pierce	1,343	Toombs	1,654
Pike	1,424	Treutlen	1,362
Pulaski	1,832	Turner	2,002
Quitman	1,286	Twiggs	1,618
Randolph	1,662	Upson	959
Richmond	1,405	Warren	880
Schley	1,605	Washington	1,828
Screven	1,941	Wayne	1,101
Seminole	1,855	Webster	1,453
Stewart	1,313	Wheeler	1,910
Sumter	1,822	Wilcox	1,965
Talbot	1,421	Wilkinson	1,475
Tattnall	1,927	Worth	1,939
Taylor	1,557		

LOUISIANA (PARISHES)

Beauregard	451	Lincoln	893
Bienville	903	Union	380
La Salle	455		

MISSISSIPPI

Alcorn	736	Lauderdale	346
Attala	440	Lowndes	250
Benton	400	Montgomery	500
Bolivar	600	Neshoba	1,096
Calhoun	799	Noxubee	191
Clay	1,050	Pontotoc	603
Copiah	548	Prentiss	452
De Soto	620	Sunflower	696
Forrest	1,600	Tishomingo	292
Greene	688	Tunica	600
Holmes	496	Webster	880
Itawamba	578	Yalobusha	386
Kemper	398		

MISSOURI

Buchanan	400	Dunklin	400

NEW MEXICO

Curry	2,312	Quay	1,159
Lea	1,260	Roosevelt	2,076
Luna	1,600		

NORTH CAROLINA

Beaufort	1,723	Martin	2,281
Bertie	2,013	Moore	2,174
Bladen	1,666	Nash	1,831
Brunswick	808	New Hanover	1,195
Camden	1,963	Northampton	2,459
Catawba	958	Onslow	1,293
Chowan	2,494	Pasquotank	1,956
Columbus	1,372	Pender	1,487
Craven	1,287	Perquimans	2,541
Cumberland	1,664	Pitt	1,928
Currituck	1,907	Richmond	1,463
Duplin	1,081	Robeson	1,184
Edgecombe	1,954	Rowan	1,307
Gates	2,373	Sampson	1,441
Greene	1,911	Scotland	1,503
Halifax	2,146	Tyrrell	1,632
Hertford	2,180	Wake	1,437
Iredell	515	Warren	1,057
Johnston	1,650	Washington	2,071
Jones	1,484	Wayne	1,347
Lenoir	1,690	Wilson	1,535

OKLAHOMA

Adair	1,142	Carter	1,120
Atoka	1,348	Choctaw	880
Beckham	2,379	Cleveland	1,404
Blaine	2,471	Coal	892
Bryan	1,139	Comanche	1,597
Caddo	2,810	Creek	901
Canadian	2,110	Custer	2,511

OKLAHOMA—Continued

County	Normal Yield (pounds)	County	Normal Yield (pounds)
Dewey	714	McIntosh	1,209
Garvin	2,052	Marshall	1,575
Grady	1,921	Murray	1,523
Greer	1,962	Muskogee	1,066
Harmon	1,491	Okfuskee	1,194
Haskell	1,018	Oklahoma	1,330
Hughes	1,486	Okmulgee	1,346
Jackson	1,269	Pawnee	903
Jefferson	923	Payne	1,021
Johnston	1,414	Pittsburg	1,309
Kingfisher	1,787	Pontotoc	1,314
Kiowa	2,676	Pottawatomie	1,566
LaFlore	888	Pushmataha	930
Lincoln	1,343	Seminole	1,266
Logan	1,737	Stephens	1,395
Love	1,199	Tulsa	622
McClain	1,517	Wagoner	801
McCurtain	874	Washita	3,137

SOUTH CAROLINA

Aiken	1,219	Hampton	1,477
Allendale	1,595	Horry	1,287
Bamberg	1,761	Kershaw	1,828
Barnwell	1,714	Lee	1,852
Cherokee	421	Marion	1,027
Clarendon	1,398	Marlboro	724
Colleton	1,192	Orangeburg	574
Darlington	1,319	Spartanburg	540
Dillon	1,052	Sumter	1,847
Dorchester	661	Williamsburg	689
Florence	1,649		
Greenville	1,200		

TENNESSEE

Benton	613	Hickman	605
Bradley	1,253	Humphreys	546
Carroll	553	Lawrence	638
Decatur	811	Lewis	797
Dickson	492	Obion	711
Gibson	992	Perry	1,769
Hardeman	699	Polk	807
Hardin	850	Wayne	727
Henderson	685	Weakley	874

TEXAS

Anderson	903	Fayette	802
Andrews	1,991	Fisher	611
Atascosa	1,666	Floyd	885
Austin	1,124	Fort Bend	586
Bailey	2,257	Franklin	948
Bastrop	816	Freestone	781
Baylor	1,437	Frio	2,424
Bee	767	Gaines	2,107
Bexar	976	Garza	792
Bosque	1,125	Gillespie	786
Bowie	487	Gonzales	1,104
Briscoe	1,764	Grayson	1,180
Brown	930	Gregg	680
Burleson	675	Grimes	570
Burnet	620	Guadupe	701
Caldwell	838	Hale	2,046
Callahan	858	Hall	2,124
Cass	1,342	Hamilton	1,608
Cherokee	966	Harris	1,346
Clay	634	Henderson	1,089
Cochran	1,803	Hill	913
Coleman	717	Hood	1,158
Collingsworth	1,344	Hopkins	1,090
Colorado	1,139	Houston	1,088
Comanche	1,307	Jack	897
Cooke	767	Jim Wells	1,544
Coryell	1,799	Johnson	863
Crosby	1,490	Jones	919
Denton	979	Karnes	935
De Witt	686	Kent	566
Dimmit	2,110	King	3,196
Donley	1,187	Lamar	1,250
Duval	1,971	Lamb	1,618
Eastland	1,223	Lampasas	842
Ector	710	LaSalle	2,234
Erath	1,354	Lavaca	765
Falls	799	Lee	788
Fannin	1,313	Leon	678
		Limestone	930
		Live Oak	947

TEXAS—Continued

County	Normal Yield (pounds)	County	Normal Yield (pounds)
Llano	1,418	San Saba	1,196
Lubbock	1,013	Smith	612
McCulloch	2,058	Somervell	815
McLennan	1,137	Stephens	648
Madison	555	Stonewall	657
Mason	1,976	Tarrant	1,044
Medina	1,950	Terry	2,155
Menard	1,268	Titus	1,555
Mills	867	Travis	595
Milam	910	Trinity	683
Montague	1,186	Upshur	586
Morris	1,577	Van Zandt	989
Motley	2,360	Victoria	681
Nacogdoches	640	Walker	1,088
Palo Pinto	858	Waller	1,146
Panola	640	Washington	839
Parker	1,045	Webb	1,024
Parmer	3,401	Williamson	981
Polk	528	Wilson	1,201
Red River	1,318	Wise	991
Robertson	1,028	Wood	515
Runnels	750	Yoakum	1,562
Rusk	620	Young	670
Sabine	510	Zavala	2,997
San Augustine	620		

VIRGINIA

County	Normal Yield (pounds)
Brunswick	1,324
Chesapeake	1,920
Chesterfield	1,262
Dinwiddie	1,919
Greensville	2,222
Isle of Wight	2,580
James City	1,517
Mathews	1,507
Mecklenburg	671
Nansemond	2,557
New Kent	1,588
Northampton	1,565
Prince George	2,077
Southampton	2,641
Surry	2,449
Sussex	2,333

(Secs. 301, 375, 52 Stat. 38, as amended, 66, as amended, 7 U.S.C. 1301, 1375)

Effective date. Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on August 29, 1969.

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

[F.R. Doc. 69-10629; Filed, Sept. 5, 1969; 8:45 a.m.]

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

[Lemon Reg. 390]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.690 Lemon Regulation 390.

(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 meeting 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 section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 3, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period September 7, 1969, through September 13, 1969, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 232,500 cartons;

(iii) District 3: 3,721 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 4, 1969.

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

[F.R. Doc. 69–10738; Filed, Sept. 5, 1969; 11:36 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Fees

Correction

In F.R. Doc. 69–10412 appearing at page 13920 in the issue for Saturday, August 30, 1969, in § 103.7(b)(2), the reference to "Form I–500" in the first "user charge" should read "Form I–550".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9524; Amdt. 39–837]

PART 39—AIRWORTHINESS DIRECTIVES

Dowty Rotol Propellers Installed on British Aircraft Corp. (Vickers) Viscount 744 and 745D Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive applicable to Dowty Rotol Propellers Type Nos. (c) R.130/4–20–4/12E and (c) R.148/4–20–4/21E installed on British Aircraft Corp. (Vickers) Viscount 744 and 745D airplanes was published in 34 F.R. 6659. The AD requires inspection for cracked threads on propeller hub arms and replacement, if necessary, and imposes service life limits for hub driving center assemblies.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

DOWTY ROTOL. Applies to Dowty Rotol Propellers Type Nos. (c) R.130/4–20–4/12E and (c) R.148/4–20–4/21E installed on British Aircraft Corp. (Vickers) Viscount 744 and 745D airplanes.

Compliance required as indicated, unless already accomplished.

(a) For Type No. (c) R.130/4–20–4/12E propellers installed on Model 745D, Viscount airplanes and for Type No. (c) R.148/4–20–4/21E propellers installed on Model 744 Viscount airplanes, accomplish the following:

(1) For propellers having hubs with 15,000 or more hours' time in service on the effective date of this AD, accomplish the inspection required by paragraph (3) of this section within the next 400 hours' time in service after the effective date of this AD, or before 3,000 hours' time in service since the last inspection, whichever occurs later. Thereafter, repeat this inspection at intervals not to exceed 3,000 hours' time in service from the last inspection.

(2) For propellers having hubs with less than 15,000 hours' time in service on the effective date of this AD, accomplish the inspection required by paragraph (3) of this section before 3,000 hours' time in service has accumulated since the last inspection, or before the accumulation of a total of 15,400 hours' time in service, whichever occurs later. Thereafter, repeat this inspection at intervals not to exceed 3,000 hours' time in service from the last inspection.

(3) Inspect the hub arm threads including binocular inspection and crack testing in accordance with Dowty Rotol Limited Service Bulletin No. 61–608, Revision 1, dated June 1968, or later ARB-approved issue, or an FAA-approved equivalent method. If cracked threads are detected during any inspection, before further flight, replace the propeller hub with a serviceable part of the same part number.

(b) For Hub and Driving Center Assembly P/Nos. RA.48546, RA.59601, and RA.59602 installed on propellers having serial numbers listed in paragraph (c) accomplish the following:

(1) Remove from service all hub and driving center assemblies having 20,000 or more hours' time in service on the effective date of this AD within the next 400 hours' time in service after the effective date of this AD.

(2) Remove from service all hub and driving center assemblies having less than 20,000 hours' time in service on the effective date of this AD, within the next 400 hours' time in service after the effective date of this AD, or upon the accumulation of a total of 20,000 hours' time in service, whichever occurs later.

(c) Propeller serial numbers:

DRG.12/61	99369	99620
DRG.13/61	99375	99621
DRG.15/61	99377	99741
574	99381	99742
5733	99386	99743
57265	99388	99745
57268	99395	99749
98338	99396	99752
99180	99397	99754
99186	99399	99759
99187	99403	99766
99190	99405	99771
99191	99407	99772
99198	99409	99784
99207	99410	99791
99211	99411	99800
99217	99413	99804
99218	99417	100024
99220	99427	100025
99221	99429	100040
99222	99434	101579
99224	99437	101584
99231	99440	101586
99235	99443	101804
99239	99468	101929
99241	99472	101985
99244	99546	101986
99266	99557	101987
99267	99568	102041
99268	99573	102046
99269	99575	102052
99270	99577	102071
99272	99578	102073
99275	99579	102148
99276	99580	102149
99278	99587	102152
99281	99594	102166
99283	99596	102167
99284	99597	102168
99323	99600	102170
99330	99603	102184
99337	99606	102257
99339	99609	102259
99341	99613	102349
99352	99614	102489
99353	99615	
99368	99617	

(d) For hub and driving center assembly having P/Nos. listed in paragraph (e), accomplish the following:

(1) Remove from service all hub and driving center assemblies having 30,000 or more hours' time in service on the effective date of this AD, within the next 400 hours time in service after the effective date of this AD.

(2) Remove from service all hub and driving assemblies having less than 30,000 hours' time in service on the effective date of this AD within the next 400 hours' time in service after the effective date of this AD, or upon the accumulation of a total of 30,000 hours' time in service, whichever occurs later.

(e) Hub and driving center assembly part numbers:

RA41744	RA45155	RA48546
RA44761	RA45155/1	RA49557
RA44761/1	RA45155/2	RA56345
RA44761/2	RA47436	RA58184
RA44761/3	RA47436/2	RA59601
RA44761/4	RA47436/4	RA59602
RA44761/5	RA47592	

This amendment becomes effective October 6, 1969.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 29, 1969.

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

[F.R. Doc. 69-10646; Filed, Sept. 5, 1969; 8:45 a.m.]

[Airspace Docket No. 66-SW-38]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Federal Airways, Controlled Airspace, and Restricted Airspace

On August 1, 1969, F.R. Doc. 69-9026 was published in the FEDERAL REGISTER (34 F.R. 12566) which in part amends Parts 71 and 73 of the Federal Aviation Regulations, effective 0901 G.m.t., September 18, 1969, by altering the Camp Claiborne, La., Restricted Area R-3801. This alteration relocated, enlarged, and subdivided R-3801.

Subsequent to the publication of F.R. Doc. 69-9026, the U.S. Air Force advised that due to unforseen circumstances involving construction, funding, and the clearing of a portion of Kisatchee National Forest of World War II artillery and mortar rounds, use of the redesignated restricted area would be delayed until January 1, 1971. The Air Force also advised that continued use of the previous R-3801 (currently in effect until Sept. 18, 1969) is essential to the Tactical Air Command mission. Therefore, action is taken herein to rescind the alteration of R-3801.

Since this amendment restores airspace to the public use and relieves a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, F.R. Doc. 69-9026 is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

1. In paragraph No. 1, "excluding R-3801D" is deleted.

2. Paragraphs Nos. 2 and 3 are deleted.

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

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

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

[F.R. Doc. 69-10700; Filed, Sept. 5, 1969; 8:48 a.m.]

[Docket No. 9083; Amdt. 183-4]

PART 183—REPRESENTATIVES OF THE ADMINISTRATOR

Issuance of Experimental Certificates by Designated Manufacturing Inspection Representatives

The purpose of this amendment of § 183.31 of the Federal Aviation Regulations is to permit designated manufacturing inspection representatives (DMIRs) to issue experimental certificates for production certificate holders. The amendment would also remove the DMIR's present delegation of authority to conduct station inspections.

This amendment is based on notice of proposed rule making No. 68-34, published in the FEDERAL REGISTER on December 6, 1968 (33 F.R. 18200).

Several comments were received on the proposal contained in Notice No. 68-34. The comments unanimously were in accord with the proposal to permit DMIRs to issue experimental certificates for production certificate holders. However, two of the comments objected to removing the DMIR's authority for conducting station and conformity inspections.

One commentator objecting to withdrawing from DMIRs the authority to make station and conformity inspections, stated that the requirements for a DMIR are stringent enough to insure that most DMIRs are as well qualified as FAA personnel to perform these functions. The other commentator stated that deletion of this authority to DMIRs is inconsistent with past FAA policy of advocating greater industry use of designees and delegations, and that deletion of such authority, with out numerous additional FAA inspectors to provide timely conformity inspections, would result in production delays.

For this reason, the conformity inspection function of the DMIR has been retained in the rule. However, the station inspection function of the DMIR has become obsolete, as this function has for many years been reserved for FAA personnel who have the responsibility to monitor quality assurance in the production of aircraft and aircraft parts. Therefore, this latter function has been deleted in the amendment.

Furthermore, there is a need to update certain terminology in section 183.31 that is inconsistent with that used in other portions of the airworthiness parts amended subsequent to the adoption of § 183.31(a). For example, § 183.31(a) provides for the issuance of airworthiness and export certificates "for aircraft, engines, propellers, and other type certificated products * * *". Type certificates have, for at least 10 years, been issued only to aircraft, engines, and propellers, and airworthiness certificates are issued only for aircraft. Airworthiness approvals, however, are issued for engines and propellers. For these reasons, the various kinds of certificates and approvals issued by a DMIR should be clarified by separating the various kinds of issuances for consistency with current terminology. Therefore, the amendment is updated to use terminology consistent with that used in other airworthiness rules dealing with the same kind of issuances.

The amendment as proposed in the NPRM included a provision that before an experimental certificate is issued by a DMIR, he shall obtain from the Administrator any limitations and conditions that the Administrator considers necessary for safety. As DMIRs are representatives of the Administrator and act within limits prescribed by and under the general supervision of the Administrator, a general provision to that effect has been included in the amendment in lieu of the provision that was in the proposed amendment.

In consideration of the foregoing, § 183.31 of the Federal Aviation Regulations is hereby amended, effective October 6, 1969, as follows:

§ 183.31 Designated manufacturing inspection representatives.

A designated manufacturing inspection representative (DMIR) may, within limits prescribed by and under the general supervision of the Administrator—

(a) Issue—

(1) Original airworthiness certificates for aircraft and airworthiness approvals for engines, propellers, and product parts that conform to the approved design requirements.

(2) Export certificates of airworthiness and airworthiness approval tags in accordance with Subpart L of Part 21 of this chapter;

* * * * * *

(c) Make conformity inspections;

(d) Make any other inspections that may be necessary to determine whether prototype and production articles are airworthy and safe for operation; and

(e) Issue experimental certificates for aircraft for which the manufacturer holds the type certificate and which have undergone changes to the type design requiring a flight test.

An authorization under this section is valid only for the manufacturing plant at which the representative is employed.

(Secs. 13(a), 314, 601, 603, 608, 609, Federal Aviation Act of 1958; (49 U.S.C. 1354(a), 1355, 1421, 1423, 1428, 1429; sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Washington, D.C., on August 29, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69-10647; Filed, Sept. 5, 1969; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-5001]

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Guide for Prospectuses Relating to Public Offering of Interests in Oil and Gas Programs

From time to time in the past, the Securities and Exchange Commission has published certain guides for the preparation and filing of registration statements, representing policies and disclosure standards followed by the Commission's Division of Corporation Finance in its administration of the registration provisions of the Securities Act of 1933.

The past 2 years have seen a substantial increase in the number of registration statements which have been filed on Form S–1 (17 CFR 239.11) for offerings of interests in oil and gas drilling programs as to which there is no completed, proposed or pending transaction with respect to specific acreage.[1] At the time of filing, the disclosures in these registration statements have differed materially from one to the other in both sequence and content. These variations have frequently resulted in substantial delays in the processing time and in the effectiveness of the registration statements.

The staff of the Division of Corporation Finance, accordingly, is of the view that in the best interests of issuers and prospective investors the following guide should be published. The guide is design to accomplish, to the extent feasible, uniformity in both the sequence of disclosures and their general content. The guide should thus serve to assist issuers in preparing registration statements involving oil and gas drilling programs and to facilitate the understanding and analysis of the program by the investor, enabling him also to compare more readily one offering with another.

The Commission has authorized publication of this proposed guide in order to bring the views of the Division to the attention of prospective registrants. Comments and suggestions on the proposed guide should be submitted to Charles E. Shreve, Director, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, on or before September 26, 1969, so that the Division may have the benefit of the views of those interested before the guide is published in definitive form. Pending publication in definitive form, the Division will generally follow the proposed guide as published in the text set forth below.

PROSPECTUSES RELATING TO A PUBLIC OFFERING OF INTERESTS IN OIL AND GAS DRILLING PROGRAMS

Disclosures in prospectuses relating to oil and gas drilling programs should appear in the sequence indicated below, except that the table of contents required by paragraph (c) of Rule 421 (17 CFR 230.421) under the Act, to be included in the forepart of the prospectus may be inserted at any appropriate place in the sequence of disclosures.

The following disclosures should be included under appropriate captions:

1. *Cover page.* The tabular presentation specified by item 1 of Form S–1 may be omitted where the cover page sets forth the title and general nature of the securities being offered (an interest in an oil or gas exploration program), the minimum amount of the investment or commitment, a brief description of proposed method of distribution including commissions proposed to be paid and a statement of the minimum aggregate amount necessary to activate the program.

2. *The risk factors.* The investor should be advised in a carefully organized series of short, concise paragraphs, under subcaptions where appropriate, of the risks he should consider before making an investment in the program and should include cross references to where in the prospectus further information may be found.

3. *Summary of the offering.* There should be stated, in summary form, under separate subcaptions the following four aspects of the offering with a cross reference to where in the prospectus further information may be found: (1) Terms of the offering should indicate the maximum aggregate amount being offered, the minimum aggregate amount necessary to activate the program, the minimum subscription price, the period of the offering, and provisions for additional assessments, if any; (2) Compensation should describe generally all cash or property interests that will be paid as compensation in connection with the program, including underwriting commissions; (3) Participation in costs and revenues should indicate the percentages of expenditures to be borne, respectively, by the investors and other parties who should be briefly identified and the percentages of revenues to be payable, respectively, to investors and other parties who shall be briefly identified; and (4) Application of Proceeds should indicate the minimum dollar amount of net proceeds (excluding additional assessments) that will be available to finance the program and the proposed estimated percentages thereof to be used for financing the principal activities of the program, such as acreage acquisition, drilling of exploratory wells, drilling of development wells, and purchase of producing properties.

4. *Definitions.* Include an appropriate glossary of terms used in the prospectus which should not be inconsistent with their customary usage in the oil and gas industry.

5. *Terms of the offering.* Describe the interests and the amount and terms of offering.

6. *Additional assessments.* Describe those assessments which may be later required from investors either for completion of wells or for the drilling of additional wells and where available, historical information relating to past programs, of the registrant or its associates should be shown, in tabular form, indicating for each program, the aggregate amount (excluding assessments) paid by investors, the aggregate amount of additional assessments separately required for (a) the completion of wells and (b) the drilling of additional wells.

7. *Plan of distribution.* Describe how the interests being offered are to be sold, as well as arrangements for compensation.

8. *Proposed activities.* Describe the proposed activities of the program in which the interests are being offered.

9. *Application of proceeds.* Include an appropriate percentage estimate of the proceeds to be applied to the different purposes within each of the principal activities of the program, such as acreage acquisition, drilling of exploratory wells, drilling of development wells and the purchase of producing properties and where possible, the information should be set forth in tabular forms.

10. *Participation in costs and revenues.* Describe the arrangements and understandings with respect to the provision of funds for expenditures in connection with the program and with respect to participations in revenues from any production of minerals which may be realized.

11. *Compensation.* Describe, whether in the form of cash or property interests, the compensation for underwriting, managerial, and operational services to be rendered in connection with the program, as well as the sources from which such compensation will be paid.

12. *Management.* Include the disclosures required by Items 16 through 20 of Form S–1 as to, respectively, the management and operating companies.

13. *Conflict of interest.* Describe all conflicts of interest which may arise in the operations of the program involving parties engaged in the management and operation of the program.

14. *Prior activities.* Describe in tabular form the results of programs during at least the past 10 years of the registrant or its associates, indicating in appropriate detail for each of the programs (1) the drilling results thereof, and (2) for, respectively, (a) the public investors and (b) others, the total investment in each of such programs and the recovery on investment to date and for the last 3 months of the period covered, together with any other information as may be appropriate.

15. *Tax aspects.* Discuss the tax consequences of oil and gas exploration,

[1] At the end of the release there is a schedule of oil and gas drilling programs filed during the calendar years 1964 through 1968 and the first 6 months of 1969. Of the 70 filings in 1969, 29 had certain redemption features included in the offering, representing a substantial increase over prior years. The schedule of oil and gas program filings is filed as part of the original document.

drilling and production, as well as Federal tax legislation which has been proposed. This may include, in tabular form, only historical information relating to past programs of the registrant or its associates, showing expenses deductible and income taxable.

16. Other captions should then follow such as Competition, Summary of limited partnership agreement, Summary of agent agreement, Summary of exploration agreement, and Summary of operating agreement in addition to other captions under which other required information should be fully set forth.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 27, 1969.

[F.R. Doc. 69-10649; Filed, Sept. 5, 1969; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

Carbofuran

A petition (PP 9F0822) was filed with the Food and Drug Administration by the FMC Corp., Niagara Chemical Division, Middleport, N.Y. 14105, proposing the establishment of tolerances for residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl *N*-methylcarbamate) and its metabolite 2,3 - dihydro - 2,2 - dimethyl-3-hydroxy-7-benzofuranyl *N*-methylcarbamate in or on the raw agricultural commodities rice and rice straw at 0.2 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which the tolerances are being established.

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

1. Since there is no reasonable expectation for residues of the subject chemicals to occur in eggs, meat, milk, or poultry from the proposed or established uses, tolerances regarding these items are unnecessary. The usage is classified in the category specified in § 120.6(a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and under authority delegated to the Commissioner (21 CFR 2.120), § 120.254 is amended by inserting a new paragraph after the paragraph "0.5 part per million * * *," as follows:

§ 120.254 Carbofuran; tolerances for residues.

* * * * *

0.2 part per million in or on rice and rice straw.

* * * * *

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

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

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

Dated: August 29, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-10644; Filed, Sept. 5, 1969; 8:45 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

MISCELLANEOUS AMENDMENTS TO CHAPTER

In accord with recommendations approved at the Second Plenary Session of the Administrative Conference of the United States that each agency review its rules in the Code of Federal Regulations to determine if the cited rulemaking authorities are complete, accurate and current, the Department of the Treasury has found that corrections are necessary of the citations of authority for various parts in Subchapter A, Chapter II of Title 31. Accordingly:

PART 251—PAYMENT OF UNCLAIMED INTEREST ON CERTAIN AWARDS OF THE MIXED CLAIMS COMMISSION, UNITED STATES AND GERMANY

1. The citation of authority for Part 251 is revised to read:

AUTHORITY: The provisions of this Part 251 issued under sec. 2(d), 45 Stat. 254, as amended.

PART 253—PAYMENTS UNDER THE ACT OF CONGRESS APPROVED AUGUST 30, 1962, ON UNPAID BALANCES OF AWARDS OF PHILIPPINE WAR DAMAGE COMMISSION

2. "50 U.S.C. 1751–1785 note" is corrected to read "50 U.S.C. App. 1751–1806 note" in the citation of authority for Part 253.

PART 254—PAYMENTS ON ACCOUNT OF AWARDS AND APPRAISALS IN FAVOR OF NATIONALS OF THE UNITED STATES ON CLAIMS AGAINST THE GOVERNMENT OF MEXICO

3. "22 U.S.C. 688" is corrected to read "22 U.S.C. 661–672 note" in the citation of authority for Part 254.

PART 256—PAYMENTS UNDER JUDGMENTS AND PRIVATE RELIEF ACTS

4. Further, since Part 256 now includes no blanket citation of authority, the Department has also found it necessary to add immediately following the table of sections a citation of authority to read:

AUTHORITY: The provisions of this Part 256 issued under 5 U.S.C. 301, 552.

PART 290—LOANS TO PUBLIC OR PRIVATE AGENCIES UNDER REFUGEE ACT OF 1953

5. "50 U.S.C. App. 1971n" is corrected to read "50 U.S.C. App. 1971–1971q note" in the citation of authority for Part 290.

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

Dated: September 2, 1969.

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

[F.R. Doc. 69-10667; Filed, Sept., 5, 1969; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 501—EMPLOYMENT OF TROOPS IN AID OF CIVIL AUTHORITIES

Part 501 is revised to read as follows:

Sec.
501.1 Basic policies.
501.2 Emergency.
501.3 Command authority.
501.4 Martial law.
501.5 Protection of Federal property.
501.6 End of commitment.
501.7 Loan of military resources to civilian authorities.

AUTHORITY: The provisions of this Part 501 issued under secs. 331, 332, 333, and 3012, 70A Stat. 15, 157; 10 U.S.C. 331, 332, 333, 3012.

SOURCE: AR 500-50, June 11, 1969.

§ 501.1 Basic policies.

(a) The protection of life and property and the maintenance of law and order within the territorial jurisdiction of any State are the primary responsibility of State and local civil authorities. Generally, Federal Armed Forces are committed after State and local civil authorities have utilized all of their own forces and are unable to control the situation, or when the situation is beyond the capabilities of State or local civil authorities, or when State and local civil authorities will not take appropriate action. Commitment of Federal Armed Forces will take place only—

(1) Under the provisions of this part, and

(2) When the Secretary of the Army, pursuant to the orders and policies of the Secretary of Defense and the President, has generally or specifically so ordered, except in cases of emergency (§ 501.2).

(b) The Secretary of the Army has been designated as the Executive Agent for the Department of Defense in all matters pertaining to the planning for, and deployment and employment of military resources in the event of civil disturbances. The Department of the Army is responsible for coordinating the functions of all the Military Services in this activity for the Executve Agent. The Secretaries of the other Military Services are responsible for providing such assistance as may be requested by the Executive Agent.

(c) Persons not normally subject to military law taken into custody by the military forces incident to the use of Armed Forces, as contemplated by this part, will be turned over, as soon as possible, to the civil authorities. The Army will not operate temporary confinement/detention facilities unless local facilities under the control of city, county, and State governments and the U.S. Department of Justice cannot accommodate the number of persons apprehended or detained. Further, this authority may be exercised only in the event Federal Armed Forces have been committed under the provisions of this part and only with the prior approval of the Department of the Army. When the requirement exists for the Army to operate such facilities, the provisions of Army confinement regulations will apply to the maximum extent feasible under the circumstances.

(d) Whenever military aid is requested by civil authorities in the event of civil disturbances within the States of Alaska, or Hawaii, the Commonwealth of Puerto Rico, or U.S. possessions and territories, the commander of the unified command concerned coordinates the provision of such aid.

(e) Units and members of the Army Reserve on active duty may be employed in civil disturbance operations in the same manner as active forces. Units and members of the Army Reserve may be ordered to active duty for this purpose by the President as provided by law. Members of the Army Reserve, with their consent, may be ordered to active duty for civil disturbance operations under the provisions of 10 U.S.C. 672.

§ 501.2 Emergency.

(a) In cases of sudden and unexpected invasion or civil disturbance, including civil disturbances incident to earthquake, fire, flood, or other public calamity endangering life or Federal property or disrupting Federal functions or the normal processes of Government, or other equivalent emergency so imminent as to make it dangerous to await instructions from the Department of the Army requested through the speediest means of communications available, an officer of the Active Army in command of troops may take such action, before the receipt of instructions, as the circumstances of the case reasonably justify. However, in view of the availability of rapid communications capabilities, it is unlikely that action under this authority would be justified without prior Department of the Army approval while communications facilities are operating. Such action, without prior authorization, of necessity may be prompt and vigorous, but should be designed for the preservation of law and order and the protection of life and property until such time as instructions from higher authority have been received, rather than as an assumption of functions normally performed by the civil authorities.

(b) Emergency firefighting assistance may be provided pursuant to agreements with local authorities; emergency explosive ordnance disposal service may be provided in accordance with paragraph 18, AR 75–15.

§ 501.3 Command authority.

(a) In the enforcement of the laws, Federal Armed Forces are employed as a part of the military power of the United States and act under the orders of the President as Commander in Chief. When commitment of Federal Armed Forces has taken place, the duly designated military commander at the objective area will act to the extent necessary to accomplish his mission. In the accomplishment of his mission, reasonable necessity is the measure of his authority, subject of course, to instructions he may receive from his superiors.

(b) Federal Armed Forces committed in aid of the civil authorities will be under the command of, and directly responsible to, their military and civilian superiors through the Department of the Army chain of command. They will not be placed under the command of an officer of the State Defense Forces or of the National Guard not in the Federal service, or of any local or State civil official; any unlawful or unauthorized act on the part of such troops would not be excusable on the ground that it was the result of an order received from any such officer or official. As directed by the Army Chief of Staff, military commanders will be responsive to authorized Federal civil officials.

§ 501.4 Martial law.

It is unlikely that situations requiring the commitment of Federal Armed Forces will necessitate the declaration of martial law. When Federal Armed Forces are committed in the event of civil disturbances, their proper role is to support, not supplant, civil authority. Martial law depends for its justification upon public necessity. Necessity gives rise to its creation; necessity justifies its exercise; and necessity limits its duration. The extent of the military force used and the actual measures taken, consequently, will depend upon the actual threat to order and public safety which exists at the time. In most instances the decision to impose martial law is made by the President, who normally announces his decision by a proclamation, which usually contains his instructions concerning its exercise and any limitations thereon. However, the decision to impose martial law may be made by the local commander on the spot, if the circumstances demand immediate action, and time and available communications facilities do not permit obtaining prior approval from higher authority (§ 501.2). Whether or not a proclamation exists, it is incumbent upon commanders concerned to weigh every proposed action against the threat to public order and safety it is designed to meet, in order that the necessity therefor may be ascertained. When Federal Armed Forces have been committed in an objective area in a martial law situation, the population of the affected area will be informed of the rules of conduct and other restrictive measures the military is authorized to enforce. These will normally be announced by proclamation or order and will be given the widest possible publicity by all available media. Federal Armed Forces ordinarily will exercise police powers previously inoperative in the affected area, restore and maintain order, insure the essential mechanics of distribution, transportation, and communication, and initiate necessary relief measures.

§ 501.5 Protection of Federal property.

The right of the United States to protect Federal property or functions by intervention with Federal Armed Forces is an accepted principle of our Government. This form of intervention is warranted only where the need for protection exists and the local civil authorities cannot or will not give adequate protection. This right is exercised by executive authority and extends to all Federal property and functions.

§ 501.6 End of commitment.

The use of Federal Armed Forces for civil disturbance operations should end as soon as the necessity therefor ceases and the normal civil processes can be restored. Determination of the end of the necessity will be made by the Department of the Army.

§ 501.7 Loan of military resources to civil authorities.

(a) The Department of the Army in certain limited situations can lend military equipment to civil law enforcement authorities in the event of civil disturbances. Such loans of equipment are limited to those necessary to meet an urgent need during an actual civil disturbance

(except as provided in paragraph (b) of this section) and the loans are considered to be a temporary emergency action. Civil law enforcement authorities are to be encouraged to procure their own equipment for police use since, even though requests are handled expeditiously, normally some time will elapse before the military equipment can be in the hands of the civil law enforcement authorities. Law enforcement authorities are to be cautioned not to rely on the loan of military equipment in the event of a civil disturbance in their locality because the availability of military equipment for civilian use is contingent upon military requirements for the Department of the Army resources.

(b) A loan agreement will be executed with the civil authority in each case. The agreement will indicate that the property may be retained by the civil authorities only for the duration of the civil disturbance, but for not more than 15 days; however, should the civil disturbance exceed 15 days the approving authority may extend the agreement for another 15-day period. It is recognized that there is often a substantial leadtime before equipment procured by civil law enforcement authorities will be delivered to them. For this reason loans of equipment beyond the 15-day limit are authorized when a request is made in anticipation of imminent threatened civil disturbance and the civil authority requesting the loan has initiated procurement action for equipment substantially similar to the military property requested. Loans may be approved for terms of up to 90 days pending delivery to the civil authority of its own equipment and renewed by the approving authority for another 90-day period if necessary.

(c) Each loan agreement will contain provisions for a cash bond, performance bond, or the equivalent equal to the value of the loaned equipment, as a condition to making the loan; waiver of the requirement to post bond will be approved only by the Department of the Army. With the prior concurrence of the Department of the Army, the bond will be forfeited in the event the equipment is not returned at the time specified. However, the forfeiture of the bond will not constitute a sale of the equipment, and the borrower will not be relieved of his obligation to return the loaned equipment. Loan agreements will clearly state the expenses and obligations assumed by the civil authority.

For the Adjutant General.

HAROLD SHARON,
Chief, Legislative and Precedent Branch, Management Division, TAGO.

[F.R. Doc. 69-10641; Filed, Sept. 5, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 191]

HAZARDOUS SUBSTANCES

Labeling Requirements

The Commissioner of Food and Drugs concludes that changes in current hazardous substances regulations are necessary to provide for adequate labeling of certain products because the degree of hazard for articles requiring the signal word "Danger" or "Poison" is such that if all cautionary information is not on the main panel of the label, the statement "Read _____ panel for precautions and emergency instructions," the blank being filled with the indentification of the specific label panel which bears the precautions and emergency instructions, should appear on the main panel in addition to the signal word and statement of principal hazard or hazards.

Therefore, pursuant to the provisions of the Federal Hazardous Substances Act (sec. 10(a), 74 Stat. 378; 15 U.S.C. 1269) and under authority delegated to the Commissioner, it is proposed that § 191.-101(d) be revised to read as follows:

§ 191.101 Placement, conspicuousness, contrast.

* * * * *

(d) All the items of label information required by section 2(p)(1) of the act (or by regulations prescribing additional information under section 3(b)) may appear on the main panel; but if they do not, all such items not required by paragraph (a) of this section to appear on the main panel shall be placed together in a distinctive place elsewhere on the label with adequate contrast, achieved by typography, color, or layout except that the name and place of business of the manufacturer, packer, distributor, or seller may appear separately on the same or on a different panel. If the signal word "Danger" or "Poison" is required, the statement "Read _____ panel for precautions and emergency instructions," the blank being filled with the identification of the specific label panel which bears the precautions and emergency instructions, shall appear on the main panel in addition to the signal word and statement of principal hazard or hazards. The type size used shall bear a reasonable relationship to the printing on the panel involved and shall be no smaller than 10 point unless the available label space requires reductions, in which event it shall be reduced no smaller than 6-point type unless, because of small label space, an exemption has been granted under section 3(c) of the act and § 191.63.

* * * * *

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: August 29, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-10645; Filed, Sept. 5, 1969; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Container and Pack Regulation

Consideration is being given to the following proposal, as hereinafter set forth, of container and pack regulations (Subpart—Container and Pack Requirements), 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 or 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).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 5th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal would amend the section title and the introductory language of paragraph (a) of § 906.340, and add a new paragraph (a)(3) thereto to read as follows:

§ 906.340 Container, pack, and container marking regulations.

(a) *Order.* Except as otherwise provided herein or by, or pursuant to, the provisions of Marketing Agreement No. 141, as amended, and this part, regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, no handler shall, on and after September 15, 1969, handle any fruit unless such fruit is in one or more of the following containers, and the pack of such fruit and the markings on the containers conform to all applicable requirements of this section:

* * * * *

(3) *Container grade markings.* Any container of U.S. No. 2 grade fruit, other than bags having a capacity of 5 or 8 pounds, shall be marked with such grade the letters thereof being not less than three-quarter inch in height.

* * * * *

Dated: September 3, 1969.

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

[F.R. Doc. 69-10679; Filed, Sept. 5, 1969; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 167]

[Docket No. 9818; Notice 69-39]

ANNETTE ISLAND, ALASKA, AIRPORT

Proposed Landing and Parking Charges, and Additional Rules

The Federal Aviation Administration is considering amending Part 167 of the Federal Aviation Regulations to (1) revise the landing and parking charges at Annette Island, Alaska, Airport; and (2) adopt rules governing motor vehicles, aircraft, conduct, fire hazards and fueling operations, obligations of tenants at that Airport, and the enforcement thereof.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue

SW., Washington, D.C. 20590. All communications received on or before November 5, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

When Part 167 was adopted on July 14, 1966, it contained only provisions establishing aircraft landing and parking charges, and the preamble stated that other pertinent provisions would be added later. It is now proposed to add those other provisions, in addition to revising the landing and parking charges. These provisions consist, for the most part, of rules in force at other airports operated by the Federal Aviation Administration (Part 159—National Capital Airports, and Part 165—Wake Island Code, of the Federal Aviation Regulations) that are considered pertinent at Annette Island, Alaska, Airport.

Under the proposed amendments, the landing charge would be 40 cents per 1,000 pounds regardless of the number of landings. Under Part 167 presently an amount varying from 10 cents to 25 cents per 1,000 pounds is charged depending on the number of landings each calendar month. The charge for parking an aircraft of 6,000 pounds or less weight would be increased from $6 to $10 per month. The charge for parking an aircraft of more than 6,000 pounds weight would be increased from 10 cents to 20 cents per 1,000 pounds for each day, or fraction thereof, and the minimum charge increased from $1 to $1.50; from 50 cents to 75 cents per 1,000 pounds for each week; and from $1.50 to $2.50 per 1,000 pounds for each month. Since the issuance of Part 167, operation and maintenance costs for the Airport have risen significantly. In addition, changing traffic schedules have resulted in a loss of revenue and as a result, the costs of operating the Airport are not being met.

While the traffic at Annette Island, Alaska, Airport is relatively light, it is considered essential because of the isolation of the area. Transportation facilities between Annette Island and Ketchikan, the nearest principal city on the mainland, are provided by infrequent, nonscheduled small boat service and air taxi service. However, there have been changes recently in the traffic schedules in this area. Air carrier service by one airline was suspended by the Civil Aeronautics Board in 1965, and another reduced its shuttle service between Annette and Ketchikan. As a result, there has been a decrease in revenue. In fact, under present traffic conditions, the current charges for landing and parking provide less than one-half the revenue necessary to meet operating costs. The new charges would be consistent with Bureau of the Budget Circular A-25 concerning user charges for Government service and property and would enable the Airport to meet costs.

Under the proposed amendments, a Subpart B would govern the operations of motor vehicles at the Airport. These rules, in part, would provide for such items as operator's licenses, vehicular speed, accident reports, and license tags.

Rules would also be adopted, in a Subpart C, to govern the operations of aircraft at the Airport. They would provide for such items as aircraft parking, malfunctioning aircraft, accident reports, registration of aircraft, and aircraft equipment and operation rules.

The proposed amendments also would provide rules of conduct in a Subpart D, covering such items as sanitation, preservation of property, soliciting and canvassing, animals, and loitering.

Rules concerning fire hazards and fueling operations would also be provided in a Subpart E. These rules would concern such items as cleaning fluids, open-flame operations, smoking, storage, doping, and fueling operations. Also, the obligations of tenants would be provided in a Subpart F, concerning the use of premises, trash containers, bulletin boards, storage of equipment, fire apparatus, and discrimination or segregation. Finally, penalties would be provided for violations of the rules.

The proposed amendments would not vary the provisions of any legislation or contractual arrangement that determines the terms of tenure of the Department of Transportation, Federal Aviation Administration, at Annette Island, Alaska, Airport.

These amendments are proposed under the authority of section 10 of the International Aviation Facilities Act (49 U.S.C. 1159); sections 303(d), 307(b), 313(a), and 1107(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1344(d), 1348(b), 1354(a), 1507(a)); Budget Bureau Circular A-25 of September 23, 1959; section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and § 1.4(b)(2) of the Regulations of the Office of the Secretary of Transportation.

In consideration of the foregoing, it is proposed to amend Part 167 of the Federal Aviation Regulations as hereinafter set forth.

Issued at Anchorage, Alaska, on August 21, 1969.

WILLIAM P. COMSTOCK,
Brigadier General, U.S. Air Force, for Director, Alaskan Region.

PART 167—ANNETTE ISLAND, ALASKA, AIRPORT

Subpart A—General

Subpart B—Motor Vehicle Rules

Subpart C—Aircraft Rules

Subpart D—Rules of Conduct

Subpart E—Fire Hazards and Fueling Operations

Subpart F—Obligations of Tenants

Subpart G—Charges

Subpart H—Enforcement

Subpart A—General

§ 167.1 Applicability.

(a) This part prescribes the rules governing the use of the Annette Island, Alaska, Airport (in this part referred to as "the Airport") operated by the Federal Aviation Administration, described

in a lease entered into on December 13, 1948, by and between the United States of America and the Council of the Annette Island Reserve, identified as Contract No. C5ca-284-A (formerly C8ca-3095), originally covering 4,880 acres of land, more or less, including buildings and facilities, located on Annette Island, Alaska, that portion of which is covered by these rules and is more particularly described as follows:

Commencing at U.S.C. & G.S. Triangulation Station "Yellow", latitude N. 55°06'-09.129", longitude W. 131°34'25.982", proceed south 7°31' west 13,189.30 feet to the true point of beginning; thence east 3,000 feet; thence south 1,000 feet; thence east 1,695.41 feet; to a point on the mean high tide line, thence along the meander of the mean high tide line a distance of approximately 12,000 feet; thence south 42°19' west 7,864.11 feet; thence south 28°41' east 4,395 feet to a point on the mean high tide line, thence along the meander of the mean high tide line a distance of approximately 8,000 feet; thence north 28°41' west 4,000 feet; thence south 44°56' west 1,610 feet; thence north 43°57' west 1,750 feet; thence north 44°56' east 1,570 feet; thence north 28°41' west 8,602.70 feet; thence north 33°55' east 3,235 feet; thence north 55°28' east 2,047.80 feet to the true point of beginning of this description, containing 2,955 acres, more or less.

(b) The Regional Director for the Alaskan Region (in this part referred to as the "Regional Director") and the Manager of the Airport (in this part referred to as the "Airport Manager") may issue such orders and instructions as are necessary for administering this part.

(c) The Airport Manager may post signs that state or apply the rules or provisions of this part. Each person on the Airport shall comply with these signs.

(d) The rules in this part do not vary the provisions of any legislation or contractual arrangement that determine the terms of tenure of the Department of Transportation, Federal Aviation Administration, at the Airport.

§ 167.3 Motor vehicles carrying passengers for hire.

(a) Except as otherwise specifically authorized by the Administrator, no person may operate a vehicle that is carrying passengers for hire from the Airport unless he has a permit from the Airport Manager.

(b) Except for discharging passengers and as otherwise directed by the Airport Manager, no person may park, on the Airport, a vehicle used for the purpose of carrying passengers for hire unless he has a permit from the Airport Manager.

(c) Except with the specific approval of the Airport Manager under conditions prescribed by him, no person may, on the Airport, solicit or invite any person to ride in a vehicle used for the purpose of carrying passengers for hire, either by driving slowly past a loading entrance to an Airport building or by any other act or the speaking of words that are intended to induce that person to engage the vehicle.

(d) Each person who requests a permit to operate, on the Airport, a vehicle used for the purpose of carrying passengers for hire must apply in writing to the Airport Manager. The application must contain—

(1) The applicant's name and address;

(2) The make, model, and license number of the vehicle to be used;

(3) A description, and the serial or other identifying number, of each permit or license that the applicant has for operating that vehicle; and

(4) A list, and the serial or other identifying number of each public liability insurance policy carried by the applicant, the names of the insurance companies that issued them, and their expiration dates.

(e) Upon receiving an application under paragraph (d) of this section, the Airport Manager may issue a permit, authorizing the holder to operate, on the Airport, a vehicle used for the purpose of carrying passengers for hire. The Manager may, in his discretion, revoke such a permit at any time.

§ 167.5 Lost articles.

Each person who finds a lost article on the Airport shall deposit it at the office of the Airport Manager. If the article is not claimed by its owner within 90 days after it is deposited, it may be returned to the finder.

§ 167.7 Publication of rates and charges for supplies and services fixed by the Regional Director.

Whenever this part provides that the Regional Director fixes charges for supplies or services, the orders prescribing these charges are on file, and may be inspected at the FAA Regional Office, 632 Sixth Avenue, Anchorage, Alaska. Copies of the orders are on file, and may be inspected at the office of the Area Manager at Juneau, Alaska. Lists of all charges in effect are posted at the office of that Area Manager and at the Airport.

Subpart B—Motor Vehicle Rules

§ 167.11 Applicability of Alaska laws.

(a) Section 13 of title 18 of the United States Code makes applicable on the Airport the laws of the State of Alaska governing operation of motor vehicles on public highways, to the extent that those laws are not inconsistent with this part.

(b) The rules of conduct and prohibitions of Chapter 35 of Title 28, Motor Vehicles of the Alaska Statutes, 1962, as amended, that carry penalties greater than a fine of not more than $500 or imprisonment for not more than 6 months, or both, apply on the Airport, to the extent that they apply by their terms to the circumstances at the Airport and are not inconsistent with specific provisions of this part. The penalties provided by Alaska law for violations of these rules and prohibitions do not apply.

§ 167.13 Special operating rules.

(a) No person may operate a motor vehicle on the land area, ramp, or trucking concourse in the terminal building, unless—

(1) The vehicle has been inspected and approved by the Airport Manager or his agent; and

(2) That person holds a current operator's permit issued by the Airport Manager or is properly escorted by an airport vehicle.

(b) The Airport Manager may issue a motor vehicle operator permit to any competent operator that he considers necessary for the safe and efficient operation of the Airport. The Airport Manager may, in his discretion, revoke such a permit at any time.

(c) No person may operate a two-wheeled motor vehicle on the landing area, or ramp on the Airport.

§ 167.15 Operator's license.

(a) No person may operate any motor vehicle on an airport road unless he holds a current operator's license issued by a political jurisdiction or Government agency in the United States or a foreign country.

(b) No person may operate any U.S. Government motor vehicle on the Airport unless he holds a current U.S. Government Motor Vehicle Operator's Identification Card.

§ 167.17 Speed.

(a) Unless otherwise authorized by the Airport Manager, no person may operate a motor vehicle at a speed—

(1) Of more than 6 miles an hour in the baggage concourse in the terminal building;

(2) Of more than 15 miles an hour on any apron or ramp;

(3) Of more than 25 miles an hour on any taxiway, runway, restricted service road, or other aircraft movement area other than the apron or ramp; or

(4) Higher than the speed limit posted by the Airport Manager on any area of the Airport not covered by subparagraphs (1) through (3) of this paragraph.

(b) No person may operate a motor vehicle on the Airport in a careless or reckless manner.

(c) Each person operating a motor vehicle on the Airport shall operate it so as to have it under safe control at all times, weather and traffic conditions considered.

§ 167.19 Passenger's occupancy.

Except in a vehicle designed to carry passengers in such a manner, no person may, while on the Airport, ride on the running board of a moving motor vehicle, stand up in the body of a moving motor vehicle, ride on the outside of the body of a moving motor vehicle, or ride on such a vehicle with his arms or legs protruding from the body of the vehicle.

§ 167.21 Emergency vehicles; right-of-way.

Upon the approach of a police, ambulance, fire department, or other emergency vehicle giving an audible or visual signal that it is on an emergency call, each person operating another vehicle

on any road on the Airport shall immediately drive his vehicle parallel with, and as near as possible to, the right-hand edge of the road, clear of all intersections, and stay there until the emergency vehicle has stopped or passed, unless otherwise directed by the Airport Manager or his authorized representative.

§ 167.23 Parking.

(a) No person may park or stand a motor vehicle on the Airport except in an area specifically designated for parking or standing.

(b) No person may park a motor vehicle in any area on the Airport for a period longer than is prescribed for that area by the Airport Manager.

(c) No person may park a motor vehicle on the Airport, except in an attended parking area, for a period longer than 72 hours, without the specific approval of the Airport Manager.

(d) No person may park a motor vehicle in a restricted or reserved area on the Airport unless he displays, in the manner prescribed by the Airport Manager, a parking permit issued by the Airport Manager for that area.

(e) No person may double park a motor vehicle on any road on the Airport. For the purpose of this paragraph, parking a vehicle at such a distance from the curb that another vehicle could park between it and the curb, is considered to be double parking.

(f) No person may abandon a motor vehicle on the Airport.

(g) No person may park a motor vehicle on the Airport, in a space marked for the parking of vehicles, in a manner to occupy a part of another marked space.

(h) No person may leave a motor vehicle standing unattended or parked on the Airport with a key in the ignition switch, the motor running, a key in the door lock, or an open door.

(i) No person may park or stand a motor vehicle at any place on the Airport in violation of any sign posted by the Airport Manager.

(j) No person may park or stand a motor vehicle within 10 feet of a fire hydrant on the Airport.

§ 167.25 Accident reports.

Each operator of a motor vehicle involved in an accident between that vehicle and an aircraft, or in any other motor vehicle accident, on the Airport, that results in personal injury or in total property damages of more than $50, shall report it fully to the Airport Manager as soon as possible after the accident. The report must include the name and address of the person reporting.

§ 167.27 Repair of motor vehicles.

(a) Except for persons authorized by the Airport Manager and except for minor repairs necessary to move the vehicle from the Airport, no person may clean or repair a motor vehicle on a road or in a parking area of the Airport.

(b) No person may, on the Airport, move or interfere or tamper with any motor vehicle, put its motor into motion, or take or use any part, instrument, or tool of it, unless he has the permission of the owner or presents satisfactory evidence to the Airport Manager of his right to do so.

§ 167.29 License tags.

No person may operate, stand, or park a motor vehicle on any road or parking area on the Airport unless it has current license tags issued by an appropriate authority. Any motor vehicle that is found standing or parked on the Airport in violation of this section may be impounded by the Airport Manager or his authorized representative and removed to an area of the Airport designated for that purpose by the Airport Manager.

§ 167.31 Moving of motor vehicles.

The Airport Manager or his agent may tow away or otherwise move any motor vehicle on the Airport that is parked in violation of the regulations of the Airport, if the Airport Manager or his agent determines that it is a nuisance or hazard. The Airport Manager may charge a reasonable amount for the moving service and for the storage of the vehicle, if any. The vehicle is subject to a lien for that charge.

Subpart C—Aircraft Rules

§ 167.41 Confinement of aircraft operations.

No person may operate an aircraft on the Airport except on a designated runway, taxiway, ramp or parking area, unless authorized by the air traffic control tower or the flight service station. No person may use the taxi strip on the Airport for a takeoff or landing.

§ 167.43 Parking of aircraft.

No person may park an aircraft in any area on the Airport other than that prescribed by the Airport Manager or his authorized representative. No employee of the FAA may make the United States responsible for the care or protection of any aircraft (other than of the United States) that is parked on the Airport.

§ 167.45 Disabled aircraft.

The owner of an aircraft or part thereof that is disabled shall have it promptly repaired or moved from the Airport unless he is required to delay it pending investigation of an accident. If he does not remove it within a reasonable time, the Airport Manager may remove it at the owner's expense and without liability for additional damage resulting from the removal.

§ 167.47 Malfunctioning aircraft.

No person may operate an aircraft on the ramp area or at any aircraft gate position on the Airport until the Airport Manager or his designee has allowed that operation if—

(a) That person has reported, has knowledge of, or has been advised of, an indication of a fire in the aircraft;

(b) The brakes of the aircraft are inadequate because they are malfunctioning; or

(c) The aircraft has completely lost power on one side. Complete loss of power on one side in the case of three-engine aircraft means loss of power of the center and one other engine.

§ 167.49 Accident reports.

(a) Each operator of an aircraft that is involved in an accident on the Airport shall report it fully to the Airport Manager within 24 hours after the accident. The report must include the name and address of the person reporting.

(b) In a case where a written report of the accident is otherwise required, a copy of that report may be given to the Airport Manager instead of the one required by paragraph (a) of this section.

§ 167.51 Refusal of clearance.

The Airport Manager may delay or restrict any flight or other aircraft operation at the Airport for any reason that he considers justifiable.

§ 167.53 Minimum pilot license requirements.

To be eligible to operate aircraft on the Airport, a person must have in his personal possession a current pilot certificate issued to him under Part 61 of this chapter or issued to him or validated for him by the country in which the aircraft is registered.

§ 167.55 Registration of aircraft.

The pilot of each aircraft whose owner or lessee does not have a contract with the United States for the aircraft to use the Airport, shall register at the operations office on the Airport immediately upon landing and shall report to that operations office before taking off.

§ 167.57 Demonstrations.

No person may give a flight or ground demonstration on the Airport, and no person may bring an aircraft to the Airport for an aerial demonstration within the Airport control zone without the specific approval of the Airport Manager. This section does not apply to courtesy flights, with new equipment, by air carriers.

§ 167.59 Aircraft equipment and operation rules.

(a) Except when authorized by the Airport Manager, no person may operate a fixed-wing aircraft on the land portion of the Airport unless it has wheels and wheel brakes.

(b) If the pilot of an aircraft that does not have adequate brakes is authorized by the Airport Manager to taxi his aircraft, he may not taxi it near a building or a parked aircraft unless there is an attendant at the wing of his aircraft to help him.

(c) Notwithstanding paragraphs (a) and (b) of this section, an aircraft that has wings and tail higher than 5 feet from the ground and does not have adequate brakes, may not be taxied on the Airport under any conditions, and must be towed if it is necessary to move it.

§ 167.61 Taxiing rules.

(a) No person may move an aircraft on the Airport in a careless or reckless manner.

(b) No person may start or run an engine in an aircraft on the Airport unless there is a competent person in the aircraft at the engine controls, and unless blocks have been placed in front of the wheels or the aircraft has adequate parking brakes.

(c) No person may run an engine of an aircraft parked on the Airport in a manner that damages any other property or aircraft, or that blows paper, dirt, or other material across taxiways or runways, so as to endanger the safety of operation on the Airport.

(d) Each person operating an aircraft on a part of the Airport that is not under the direction of air traffic control shall comply with the orders, signals, and directions of the authorized representative of the Airport Manager.

(e) No person may start or taxi any aircraft on the Airport in a place where the exhaust blast is likely to cause injury to persons or property. If the aircraft cannot be taxied without violating this paragraph, the operator must have it towed to the desired destination.

(f) Each person operating a large propeller-driven aircraft shall lower its flaps when taxiing out of an aircraft gate position.

(g) No person may move a rotorcraft at a place on the Airport (other than a heliport) while its rotors are turning unless there is a clear area of at least 50 feet from the outer tip of each rotor. No person may move a rotorcraft at a heliport while its rotors are turning unless there is a clear area of at least 20 feet from the outer tip of each rotor.

§ 167.63 Use of gate positions.

(a) No person may use an aircraft gate position on the Airport unless he has been authorized to use it.

(b) Except in an emergency, no person may enplane or deplane passengers on the Airport in an area that has not been established for that purpose by the Airport Manager.

(c) No person operating a private, itinerant, nonscheduled, or military aircraft may park, stand, unload passengers, obstruct or attempt to use any aircraft gate position assigned to a scheduled air carrier, without the advance approval of the Airport Manager.

(d) Except when specifically authorized by the Airport Manager, no person may double park an aircraft at a passenger gate.

(e) No person may enplane or deplane passengers from a double parked aircraft through any gate other than the gate at which the aircraft is parked.

(f) Each person operating a jet aircraft on the Airport shall use only the gates designated by the Airport Manager for jet aircraft.

Subpart D—Rules of Conduct

§ 167.71 Applicable laws.

Section 13 of title 18 of the United States Code makes applicable on the Airport the criminal laws of the State of Alaska, to the extent that those laws are not inconsistent with this part.

§ 167.73 Sanitation.

(a) No person may release, deposit, blow, or spread any bodily discharge on the floor, wall, partition, furniture, or any other part of a public comfort station, terminal building, hangar, or other building on the Airport, other than directly into a fixture provided for that purpose.

(b) No person may place any foreign object in any plumbing fixture of a public comfort station, terminal building, hangar, or other building on the Airport.

(c) No person may dispose of sewage, garbage, refuse, paper, or other material on the Airport except in a receptacle provided for that purpose.

§ 167.75 Preservation of property.

No person may, without the specific permission of the Airport Manager—

(a) Destroy, injure, deface, or disturb any building, sign, equipment, marker, or other structure, tree, flower, lawn, or other public property on the Airport;

(b) Walk on a lawn or seeded area of the Airport;

(c) Alter, add to, or erect any building on the Airport;

(d) Make an excavation on the Airport; or

(e) Willfully abandon any personal property on the Airport.

§ 167.77 Airport and equipment.

No person may interfere or tamper with, or injure, any part of the Airport or its equipment.

§ 167.79 Dangerous objects.

(a) No person except a peace officer, an authorized post office, airport, or air carrier employee, or a member of an armed force on official duty, may carry any weapon, explosive, or inflammable material on or about his person, openly or concealed, on the Airport without the written permission of the Airport Manager.

(b) No person may furnish, give, sell, or trade a weapon on the the Airport.

(c) For the purposes of this section a weapon includes a gun, dirk, bowie knife, blackjack, switch blade knife, slingshot, or metal knuckles.

§ 167.81 Coin-operated machines.

No person may, on the Airport—

(a) Use or attempt to use a coin-operated machine that requires the deposit of a coin for its use, without first depositing the coins required by the instructions on the machine;

(b) Place or attempt to place, in a coin-operated machine, a slug, foreign coin, or object other than the coin required by the instructions on the machine; or

(c) Pass through, over, or under a turnstile that requires the deposit of a coin for its use, without first depositing the required coin in the turnstile.

§ 167.83 False report.

No person may make a false report of conduct on, or the operation or use of, the Airport to the Airport Manager or any of his authorized representatives.

§ 167.85 Interfering or tampering with aircraft.

No person may interfere or tamper with an aircraft on the Airport or put its engine in motion, or use any aircraft, aircraft parts, instruments, or tools on the Airport, without the permission of the owner.

§ 167.87 Repairing of aircraft.

No person may repair an aircraft, aircraft engine, propeller, or apparatus in an area of the Airport other than that specifically designated for that purpose by the Airport Manager. However, this does not prevent a minor adjustment being made while the aircraft is on a landing ramp preparing to takeoff, if the adjustment is necessary to prevent a delayed takeoff.

§ 167.89 Restricted areas.

(a) Except as otherwise provided in this part, no person may, without the written permission of the Airport Manager, enter any restricted area on the Airport that is posted as closed to the public.

(b) No person may enter the aerodrome, the control tower, any hangar, the apron, or any other part of the Airport specified by the Airport Manager except—

(1) A person assigned to duty at that place;

(2) An authorized representative of the Administrator, Department of Transportation, National Transportation Safety Board, or Civil Aeronautics Board;

(3) A passenger who, under appropriate supervision, is entering the apron to embark or debark; or

(4) Any other person authorized by the Airport Manager, or by a tenant for an area he occupies.

§ 167.91 Soliciting and canvassing.

No person may, on the Airport, solicit fares, alms, or funds, for any purpose without the permission of the Airport Manager.

§ 167.93 Commercial photography.

(a) Except as provided in paragraph (b) of this section, no person may take a still, motion, or sound picture on the Airport for commercial purposes without the permission of the Administrator.

(b) The Airport Manager may allow any of the following to take pictures on the Airport for commercial purposes:

(1) Professional photographers and motion picture cameramen photographing events on the Airport as representatives of news concerns or bona fide news publications.

(2) Professional photographers and motion picture cameramen photographing events at the Airport, for nonprofit exhibit, to stimulate interest in air commerce or travel, or for nonprofit educational purposes.

(3) Professional photographers photographing scenes on the Airport for general artistic purposes.

§ 167.95 Use of roads and walks.

(a) No person may travel on the Airport except on a road, walk, or other

place provided for the kind of travel he is doing.

(b) No person may occupy or place an object on a road or walk on the Airport in a manner that hinders or obstructs its proper use.

(c) No person may walk in a picket line as a picket or take part in a labor or other public demonstration on any part of the Airport except a place specifically assigned by the Airport Manager for picket lines or other public demonstrations.

(d) No person may operate any vehicle for the disposal of garbage, ashes, or other waste material on the Airport without the approval of the Airport Manager.

§ 167.97 Animals.

No person may enter the Airport with a domestic or wild animal without the written permission of the Airport Manager, except a—

(a) Person entering any part of the Airport (other than the terminal building, gate loading area, or other restricted area) with a domestic animal that is kept restrained by a leash or in confined so as to be completely under control;

(b) Person entering the terminal building or gate loading area with a small domestic animal (such as a dog or cat) that is to be transported by air and is kept restrained by a leash or is confined so as to be completely under control; or

(c) Blind person entering the terminal building or gate loading area with a seeing-eye dog.

§ 167.99 Loitering.

No person may loiter or loaf on any part of the Airport. If a loitering or loafing person is told by the Airport Manager or his agent to move on or leave the Airport, he shall do so.

§ 167.101 Use of Airport and airspace.

(a) No person who has been denied the use of the Airport by the Airport Manager may enter on or use the Airport except while traveling through as a passenger in an interstate bus or taxi or while embarking or debarking as a passenger on an aircraft operating on the Airport.

(b) No person, except an employee of the United States performing his official duties or a person who has the specific permission of the Airport Manager, may prepare to operate, operate, or release a kite, parachute, or balloon, model aircraft, or rocket on the Airport.

Subpart E—Fire Hazards and Fueling Operations

§ 167.111 Cleaning fluids.

(a) Except as provided in paragraph (b) of this section, no person may use a flammable volatile liquid having a flash point of less than 110° Fahrenheit for cleaning purposes in a hangar or other building on the Airport.

(b) No person may use a flammable volatile liquid having a flash point of less than 110° Fahrenheit to clean an aircraft, aircraft engine, propeller, or appliance, on the Airport, unless it is done in the open air or in a room specifically set aside for that purpose. If a room is used, it must be fireproofed, be equipped with automatic sprinklers, and have adequate and readily accessible fire extinguishing apparatus.

§ 167.113 Open-flame operations.

No person may conduct an open-flame operation on the Airport without the specific permission of the Airport Manager.

§ 167.115 Smoking.

No person may smoke on any airport apron or ramps, in any hangar or shop, in any aircraft, on the Airport, or in any other place on the Airport where smoking is specifically prohibited by the Airport Manager.

§ 167.117 Storage.

(a) No person may store or stock material or equipment on the Airport in a manner that constitutes a fire hazard.

(b) No person may keep or store any flammable liquid, gas, signal flare, or other similar material in a hangar or other building on the Airport. However, such a material may be kept in an aircraft in proper receptacles, in rooms or areas specifically approved for that storage by the Airport Manager, or in safety cans approved by appropriate insurance underwriters.

(c) No person may keep or store lubricating or waste oils in or about a hangar, except in a room specifically designated for oil storage. However, not more than a 12-hour supply of lubricating oil may be kept in or about a hangar in containers or receptacles approved by appropriate insurance underwriters.

(d) Each lessee of a hangar (or its sublessee) on the Airport shall provide suitable metal receptacles, with self-closing covers, for storing waste, rags, and other rubbish, and shall remove all rubbish from its premises each day.

§ 167.119 Apron surface areas and floor surface.

(a) Each person to whom space on the Airport is leased, assigned, or made available for use shall keep the space free and clear of oil, grease, or other foreign materials that could cause a fire hazard or a slippery or otherwise unsafe condition.

(b) No person may use any material (such as oil absorbents or similar material) that creates an eye hazard when picked up, swirled, or blown about by the blast from an aircraft engine in any passenger loading area or other public area.

§ 167.121 Doping.

(a) No person may conduct a doping process on the Airport except in a properly designed, fireproof, and ventilated room or building in which all lights, wiring, heating, ventilation equipment, switches, outlets, and fixtures are explosion-proof, spark-proof, and vapor-proof, and in which all windows and doors are easily opened.

(b) No person may enter or work in a dope room while doping processes are are being conducted unless he is wearing spark-proof shoes.

§ 167.123 Fueling operations.

(a) No person may fuel or defuel an aircraft on the Airport while—

(1) Its engine is running or is being warmed by applying external heat;

(2) It is in a hangar or enclosed space;

(3) It is within 50 feet of any hangar or other building on the Airport; or

(4) Passengers are in the aircraft, unless a passenger loading ramp is in place at the cabin door, the door is open, and a cabin attendant is at or near the door.

(b) No person other than those covered by subparagraph (4) of paragraph (a) of this section and those persons necessarily engaged in the fueling or defueling may be within 100 feet of an aircraft that is being fueled or defueled.

(c) No person may start the engine of an aircraft on the Airport if there is any gasoline or other volatile flammable liquid on the ground underneath it.

(d) No person may operate a radio transmitter or receiver, or switch electrical appliances on or off, in an aircraft on the Airport, while it is being fueled or defueled.

(e) During the fueling of an aircraft, on the Airport, the dispensing apparatus and the aircraft must both be grounded in accordance with orders and instructions of the Airport Manager.

(f) Each person engaged in fueling or defueling, on the Airport, shall exercise care to prevent the overflow of fuel, and must have readily accessible and adequate fire extinguishers.

(g) During the fueling or defueling of an aircraft, on the Airport, no person may, within 50 feet of that aircraft, smoke or use any material that is likely to cause a spark or be a source of ignition.

(h) Each hose, funnel, or appurtenance used in fueling or defueling an aircraft on the Airport must be maintained in a safe, sound, and nonleaking condition and must be properly grounded to prevent ignition of volatile liquids.

§ 167.125 Radio operation.

No person may operate any radio equipment in an aircraft while the aircraft is in a hangar on the Airport if any maintenance work, other than radio maintenance, is being done on that aircraft.

§ 167.127 Operating motor vehicles in hangar.

No person may, in any hangar on the Airport, operate a motor scooter, truck, or other motor vehicle, except a tractor with its exhaust protected by screens or baffles to prevent sparks from escaping or the propagation of flame.

§ 167.129 Grounding of aircraft in hangars.

No person may park an aircraft in any hangar or other structure on the Airport unless the aircraft is grounded in accordance with the orders and instructions of the Airport Manager.

§ 167.131 Runway foaming services.

Each operator of an aircraft for which runway foaming services are provided on the Airport at his request shall pay

the expenses arising from providing those services.

Subpart F—Obligations of Tenants

§ 167.141 Use of premises.

No lessee of airport property may knowingly allow that property to be used or occupied for any purpose prohibited by this part.

§ 167.143 Trash containers.

(a) No tenant, lessee, concessionaire, or agent of any of them, doing business on the Airport, may keep uncovered trash containers on a sidewalk or road, or in a public area, of the Airport.

(b) No person may operate an uncovered vehicle to haul trash on the Airport.

(c) No person may operate a vehicle for hauling trash, dirt, or any other material on the Airport unless it is built to prevent its contents from dropping, sifting, leaking, or otherwise escaping.

(d) No person may spill dirt or any other material from a vehicle operated on the Airport.

§ 167.145 Bulletin boards.

Each lessee of a hangar or other operational area specified by the Airport Manager on the Airport shall maintain a bulletin board in a conspicuous place in his hangar or area. He shall post on that board current workmen's compensation notices, a list of competent physicians, a list of his liability insurance carriers, a copy of this part, and a copy of each pertinent order or instruction issued under this part.

§ 167.147 Storage of equipment.

No tenant or lessee of a hangar, shop facility, or other operational area specified by the Airport Manager on the Airport may store or stack equipment or material in a manner to be a hazard to persons or property.

§ 167.149 Fire apparatus.

Each tenant or lessee of a hangar, shop facility, or other operational area specified by the Airport Manager on the Airport shall supply and maintain adequate and readily accessible fire extinguishers, approved by fire underwriters for the hazard involved, that the Airport Manager considers necessary.

§ 167.151 Discrimination or segregation.

All services performed in operating a facility at the Airport must be without discrimination or segregation as to race, creed, color, sex, or national origin.

Subpart G—Charges

§ 167.161 Landing charges.

(a) Except as provided in paragraph (b) of this section and in § 167.167, the charge for each landing of an aircraft at the Airport is forty (40) cents per 1,000 pounds.

(b) There is no landing charge under this subpart for the following:

(1) Public aircraft.

(2) Aircraft engaged in a test flight, not including a survey or proving run.

(3) Aircraft compelled to return after takeoff.

(4) Aircraft of 6,000 pounds or less weight.

§ 167.163 Parking charges.

(a) The charge for parking an aircraft of 6,000 pounds or less weight at the Airport is as follows:

Period of time	*Charge*
Each day or fraction thereof	$1.00
Each week	3.00
Each month	10.00

(b) The charge for parking an aircraft of more than 6,000 pounds weight at the Airport is as follows:

Period of time	*Charge for each 1,000 lbs. (Minimum charge $1.50)*
Each day or fraction thereof	$0.20
Each week	.75
Each month	2.50

(c) Charges for parking aircraft under this section begin 6 hours after the aircraft lands at the Airport.

§ 167.165 Computation of weight for payment of charges.

For purposes of §§ 167.161(a) and 167.163(b) the weight of an aircraft is the maximum takeoff weight permitted for that aircraft by the appropriate aeronautical authority of the country in which it was made, computed to the nearest 1,000 pounds.

§ 167.167 Charges for aircraft based at the Airport.

The Regional Director may fix such fair and reasonable landing and parking charges for aircraft based at the Airport as he considers appropriate without regard to §§ 167.161 and 167.163.

§ 167.169 Payment of charges.

Charges for storage, repairs, supplies, and other services furnished by the FAA at the Airport, and for the use of the Airport facilities, must be paid to the Airport Manager before leaving the Airport. The user shall pay the charges in U.S. currency, unless he has arranged with the Regional Director, or the Airport Manager, to pay the charges in some other manner.

Subpart H—Enforcement

§ 167.181 Penalties.

(a) Any person who willfully and knowingly violates a rule prescribed or made applicable in this part, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $500, or imprisoned for not more than 6 months.

(b) In addition to the penalties prescribed in paragraph (a) of this section, the Airport Manager may remove or eject any person from the Airport, if that person willfully and knowingly violates a rule prescribed in this part, or an order or instruction issued by the Regional Director or Airport Manager under this part, or any applicable State or Federal law. The Airport Manager may deny the use of the Airport and its facilities to such a person if the Airport Manager determines that the denial is necessary under the circumstances.

[F.R. Doc. 69-10648; Filed, Sept. 5, 1969; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

PIG IRON FROM BRAZIL

Antidumping Proceeding Notice

AUGUST 28, 1969.

On February 3, 1969, information was received in proper form pursuant to §§ 53.26 and 53.27, Customs Regulations (19 CFR 53.26, 53.27) indicating a possibility that pig iron from Brazil is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

The information was submitted by Congressman T. J. Dulski, on behalf of the merchant pig iron industry.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information before the Bureau indicates the possibility that the prices for export to the United States of pig iron from Brazil are substantially below the prices at which the merchandise is being sold in the home market.

This notice is published pursuant to § 53.30 of the Customs Regulations (19 CFR 53.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 69-10668; Filed, Sept. 5, 1969; 8:47 a.m.]

PIG IRON FROM CANADA

Antidumping Proceeding Notice

AUGUST 28, 1969.

On February 3, 1969, information was received in proper form pursuant to §§ 53.26 and 53.27, Customs Regulations (19 CFR 53.26, 53.27) indicating a possibility that pig iron from Canada is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

The information was submitted by Congressman T. J. Dulski, on behalf of the merchant pig iron industry.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information before the Bureau indicates the possibility that the prices for export to the United Kingdom are substantially below the prices at which the merchandise is being sold in the home market.

This notice is published pursuant to § 53.30 of the Customs Regulations (19 CFR 53.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 69-10669; Filed, Sept. 5, 1969; 8:47 a.m.]

PIG IRON FROM FINLAND

Antidumping Proceeding Notice

AUGUST 28, 1969.

On February 3, 1969, information was received in proper form pursuant to §§ 53.26 and 53.27, Customs Regulations (19 CFR 53.26, 53.27) indicating a possibility that pig iron from Finland is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

The information was submitted by Congressman T. J. Dulski, on behalf of the merchant pig iron industry.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information before the Bureau indicates the possibility that the prices for export to the United States of pig iron from Finland are substantially below the prices at which the merchandise is being sold in the home market.

This notice is published pursuant to § 53.30 of the Customs Regulations (19 CFR 53.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 69-10670; Filed, Sept. 5, 1969; 8:47 a.m.]

PIG IRON FROM NORWAY

Antidumping Proceeding Notice

AUGUST 28, 1969.

On February 3, 1969, information was received in proper form pursuant to §§ 53.26 and 53.27, Customs Regulations (19 CFR 53.26, 53.27) indicating a possibility that pig iron from Norway is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

The information was submitted by Congressman T. J. Dulski, on behalf of the merchant pig iron industry.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information before the Bureau indicates the possibility that the prices for export to the United States of pig iron from Norway are substantially below the prices at which the merchandise is being sold in the home market.

This notice is published pursuant to § 53.30 of the Customs Regulations (19 CFR 53.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 69-10671; Filed, Sept. 5, 1969; 8:47 a.m.]

PIG IRON FROM SWEDEN

Antidumping Proceeding Notice

AUGUST 28, 1969.

On February 3, 1969, information was received in proper form pursuant to

§§ 53.26 and 53.27, Customs Regulations (19 CFR 53.26, 53.27) indicating a possibility that pig iron from Sweden is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

The information was submitted by Congressman T. J. Dulski on behalf of the merchant pig iron industry.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information before the Bureau indicates the possibility that the prices for export to the United States of pig iron from Sweden are substantially below the prices at which the merchandise is being sold in the home market.

This notice is published pursuant to § 53.30 of the Customs Regulations (19 CFR 53.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 69-10672; Filed, Sept. 5, 1969; 8:47 a.m.]

PIG IRON FROM THE UNITED KINGDOM

Antidumping Proceeding Notice

AUGUST 28, 1969.

On February 3, 1969, information was received in proper form pursuant to §§ 53.26 and 53.27, Customs Regulations (19 CFR 53.26, 53.27) indicating a possibility that pig iron from the United Kingdom is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

The information was submitted by Congressman T. J. Dulski on behalf of the merchant pig iron industry.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information before the Bureau indicates the possibility that the prices for export to the United States of pig iron from The United Kingdom are substantially below the prices at which the merchandise is being sold in the home market.

This notice is published pursuant to § 53.30 of the Customs Regulations (19 CFR 53.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 69-10673; Filed, Sept. 5, 1969; 8:47 a.m.]

PIG IRON FROM WEST GERMANY

Antidumping Proceeding Notice

AUGUST 28, 1969.

On February 3, 1969, information was received in proper form pursuant to §§ 53.26 and 53.27, Customs Regulations (19 CFR 53.26, 53.27) indicating a possibility that pig iron from West Germany is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

The information was submitted by Congressman T. J. Dulski on behalf of the merchant pig iron industry.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 53.29 of the Customs Regulations (19 CFR 53.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information before the Bureau indicates the possibility that the prices for export to the United States of pig iron from West Germany are substantially below the prices at which the merchandise is being sold in the home market.

This notice is published pursuant to § 53.30 of the Customs Regulations (19 CFR 53.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 69-10674; Filed, Sept. 5, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Forest Service

TIMBER AVAILABLE FOR EXPORT

Surplus Status of Alaska Yellow-Cedar and Western Redcedar

The record of the May 5, 1969, hearing held at Juneau, Alaska, in accordance with the provisions of the Act of April 12, 1926 (16 U.S.C. 616), as amended by Part IV of the Foreign Assistance Act of 1968, to determine the surplus status of Alaska yellow-cedar and western redcedar has been reviewed. As provided in 36 CFR 221.25 published in the FEDERAL REGISTER on January 17, 1969 (34 F.R. 743), as amended on August 7, 1969 (34 F.R. 12827), I have made the following determination:

1. The domestic market for Alaska yellow-cedar and western redcedar harvested as a minor species byproduct of timber sales in the western hemlock and Sitka spruce type in Alaska is inadequate at this time to provide an effective market for these species and these species sold from such sales are, therefore, determined to be surplus to the needs of domestic users and processors. Any volumes of these species sold from such sales in the National Forests during the period from the date of publication of this notice in the FEDERAL REGISTER through December 31, 1971, are designated as available for export from the United States in addition to the statutory limitations of 350 million board feet per year which may be sold for export.

2. Minor quantities of western redcedar are used domestically and provide a limited local market for unprocessed logs. Minor quantities of western redcedar in timber sales located in areas of high cedar content may be offered at the discretion of the Regional Forester, during the period stated above, in sales designated as "Cedar Sales." When sold in this manner, sale contracts shall include a provision requiring that the included timber be processed domestically.

A. W. GREELEY,
Associate Chief, Forest Service.

[F.R. Doc. 69-10652; Filed, Sept. 5, 1969; 8:45 a.m.]

Office of the Secretary

LOUISIANA

Designation of Areas for Emergency Loans

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

LOUISIANA

Plaquemines.	St. Tammany.
St. Bernard.	Washington.

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

Done at Washington, D.C., this 2d day of September 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-10653; Filed, Sept. 5, 1969; 8:45 a.m.]

WEST VIRGINIA AND WISCONSIN

Designation of Areas for Emergency Loans

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

WEST VIRGINIA

Greenbrier.

WISCONSIN

Door. Lafayette.

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

Done at Washington, D.C., this 2d day of September 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-10654; Filed, Sept. 5, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 69-8-174]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Worldwide Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of August 1969.

Agreement adopted by the traffic conferences of the International Air Transport Association relating to worldwide cargo rates, Docket 20993, Agreement CAB 21046.[1]

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the traffic conferences of the International Air Transport Association (IATA), adopted at meetings held in Athens in April and May of 1969. The agreement, which has been assigned the above-designated CAB agreement number, is intended to be effective for a 2-year period beginning October 1, 1969.

In general terms, the subject agreement, which relates solely to cargo matters, encompasses resolutions proposing revisions to rate levels applying in air transportation as defined by the Act, the introduction of a "bulk unitization" concept for the carriage of large-volume shipments moving in Atlantic and Pacific services, and the revalidation of amended rate-related resolutions.[2]

Within the North Atlantic general cargo rate structure, New York-London rates would be increased by roughly 5 percent at all weightbreaks of 200 kgs. and below, and the 400-kg. weightbreak would be eliminated, effecting a 10 percent increase for shipments previously meeting this weight requirement.[3] Revisions in the specific commodity rate structure include the elimination of rates under almost 40 specific commodity descriptions, selective increases of 1 and 2 cents per kg., in several existing rates, and the raising of several 45-kg. minimum weight requirements to 100 kgs. Furthermore, the common rating of specific rates on the European side has, for the most part, been eliminated by extending rates to or from points beyond London at differentials based on distance and having a range between 2 and 15 cents, as agreed initially at the Venice Conference in 1965.[4] The effect of this extension of differentials is to increase rates generally by 1 to 3 cents in such markets under about 40 descriptions.

On North/Central Pacific routes, reductions have been agreed for application at weightbreaks of 300 kgs. and above. Based on rates between the west coast and Tokyo, these reductions would range from 1.4 percent at the 400-kg. weightbreak to 6.6 percent at the highest available weightbreak of 500 kgs.[5] Within the specific commodity rate structure, the carriers propose, inter alia, to add a number of rates under existing or new descriptions, providing reductions ranging from 12.6 to 39.9 percent off otherwise applicable general cargo rates, for outbound items to Japan such as pewter tableware, office machinery, automobile and motor scooter parts, and tuna; to add several rates for inbound items; and to reduce selected rates or minimum weight requirements under existing descriptions for broad categorical items moving in large quantities, such as clothing and machinery. On the South Pacific, general cargo rate reductions of a percentage range similar to that to be applied on North/Central routes were agreed at weightbreaks of 100 kgs. and above. The 400-kg. weightbreak would be eliminated; however, because of a reduction at the lower 300-kg. weightbreak, no increase would accrue to shippers. Additionally, reductions were agreed both inbound and outbound for many existing specific commodity rates.

Within the Western Hemisphere, northbound general cargo rates would receive across-the-board increases which vary, by selected markets, between 4 and 8 percent. Southbound rates would be increased by between 2 and 5 percent at weightbreaks below 100 kgs. Additionally, increases have, in some instances, been effected within the specific commodity rate structure, and eliminations made where the carriers believe there to be no traffic. The more substantial changes arise from increasing from 45 kgs. to 100 kgs. the minimum weight requirement for virtually all rates for which a 45-kg. minimum now applies. The carriers also propose the establishment of new specific commodity rates between Miami and certain South American points, at higher levels than general cargo rates, for the carriage of household goods and personal effects under Commodity Item 9994.

Minimum charges would be increased in all areas of air transportation. Charges for transatlantic shipments would be increased by $4, or from $18 to $22 for shipments to/from New York, Boston, and San Juan, and from $21 to $25 for shipments to/from other U.S. cities. North/Central Pacific minimums would be raised by $3 (from $15 to $18) to/from Hawaii, Los Angeles, San Francisco, Portland, and Seattle and by $4 (from $18 to $22) to/from other U.S. points. On the South Pacific, minimum charges applicable to/from the gateway cities would be increased by $2 (from $10 to $12) and by $3 (from $13 to $16) to/from interior U.S. cities. Shipments moving in Latin American services would receive a $3 increase in all markets, except between the United States and Mexico where the increase amounts to $2 and within the Caribbean area where the increase to be applied is $1.

The carriers have developed, for application on transatlantic and transpacific routes, a new bulk unitization concept, which would be available as an adjunct to the present container program providing fixed discounts for 17 standard-size containers and which would offer substantial reductions to large shippers in

[1] R-4, R-7, R-9, and R-10 except those portions acted upon in Orders 69-7-53 and 69-7-76; R-14 through R-24; R-26; R-27; R-34; R-37; R-38; R-40 through R-42, R-44, R-45; R-47; R-49 through R-51; R-53 through R-55; R-57; and R-59 through R-63.

[2] All other resolutions, some of which were adopted for early effectiveness, relate to nontransportation services or ancillary matters involving administrative, procedural, or technical provisions not affecting rate levels. These resolutions were acted upon in Orders 69-5-81, dated May 19, 1969; 69-5-141, dated May 29, 1969; 69-6-79, dated June 16, 1969; 69-6-91, dated June 17, 1969; 69-7-53; dated July 10, 1969; and in tentative order 69-7-76, dated July 16, 1969.

[3] Rates to/from other points in Europe would receive the same absolute increase as applied to/from London, i.e., 13 cents at the under-45-kg., 10 cents at the 45-kg., 7 cents at the 100-kg., and 5 cents at the 200-kg. weightbreaks.

[4] Prior to the 1965 Venice Conference, numerous specific commodity rates to/from points in Europe were common rated over London. At Venice, add-ons over London were agreed for 15 high-volume developmental items, and at the 1967 San Juan Conference these add-ons were extended to lower-volume rates under five of these same descriptions and to rates at all weightbreaks under nine other descriptions. The present agreement further extends these differentials to additional descriptions.

[5] Rates to/from U.S. points other than those on the west coast would have the present differential applied.

these areas.[6] This concept would establish uniform charges, regardless of the commodities being shipped,[7] on a point-to-point basis for four sizes of unit load devices[8] (full pallets or igloos and B–747 pallets/igloos/lower-deck containers). The charge would apply to chargeable weights (gross weight less the tare weight of the unit load device) up to a specified maximum, after which the weight in excess of this maximum would be assessed an excess weight charge. For example, a 125 x 88 inch pallet/igloo (420 cubic feet) shipment moving between New York and London would cost $1,200 up to a maximum weight of 2,300 kgs., providing a reduction of 29.5 percent from the otherwise applicable general cargo rate. Each additional 100 kgs. over the specified maximum weight would be charged $50, or a reduction of 32.4 percent from the applicable general cargo rate. Any cost incurred in positioning at origin or removing at destination may not be absorbed by the carriers, and breaking-bulk or recontouring at a carrier's terminal would require additional assessments.

The resolutions governing charges for stalls used in transporting animals have been amended so as to require in instances where single animal occupancy of a double stall is requested by a shipper or consignee a weight charge equivalent to twice the current charge of a single stall. This charge would be the under-45-kilogram rate for 200 kilograms. Further, when stalls are provided by a carrier, a rental fee of $50 per animal would be required, except for carriage wholly within Europe/Africa/Middle East, where the applicable rental fee would be $25 per animal. These amendments would not be applicable to traffic moving to or from Chile.

Other matters which the Board has considered include an amendment to the resolution governing valuation charges for shipments with a declared value of more than $16.50 per kilogram. The current level of such charges, which are calculated on the basis of a percentage (0.1 to 0.4 percent of the shipper's declared value) relationship to transportation rate levels, would be replaced with a single charge of 0.4 percent of declared value, with an increase in the lowest charge from $0.28 to $0.40 per consignment.

The carriers would also amend the resolution applicable to charges for the carriage of valuable items such as gold bullion, bank notes, and precious gems. For such consignments of less than 1,000 kgs., the charges applicable in most geographic areas (150 percent of the under-45-kg. rate) would be increased to conform with the charge now applicable on the North Atlantic, i.e., 200 percent of the under-45-kg. rate, which the Board has previously approved. For shipments of more than 1,000 kgs. on transatlantic and transpacific routes, rates would also be increased from 130 percent to 150 percent of the under-45-kg. rate. A minimum charge would be established at 150 percent of that which is otherwise applicable for the market in which these commodities move.

We propose herein to approve the agreement subject to conditions, as discussed below, relating to the establishment of premium specific commodity rates for household goods and personal effects moving to/from South America and relating to the specific commodity rate resolution applicable for transatlantic services. However, because of the increases in charges that would be imposed, we will defer action on the agreement for a period of 15 days so as to afford all interested parties to the agreement, as well as interested persons, an opportunity to submit comments in support of or in opposition to the agreement. On the basis of the facts now before us, and particularly in view of the rising costs for the handling of small shipments, and the general inflationary trend in the world economy which are reflected in the economic posture of the U.S. carriers with respect to their all-cargo operations, the increases proposed for North Atlantic and Latin American services do not appear unreasonable.

The bulk unitization concept proposed for transatlantic and transpacific routes will encourage shippers to prepare larger shipments in advance, ready for carriage and, furthermore, will provide a density incentive by virtue of the charges specified for large-sized unit-load devices. In essence, this concept provides "freight-all-kinds" rates, which have been sought by large shippers in the past. Moreover, a substantial portion of current traffic could realistically qualify for the reductions to be provided by these rates, and the potential cost savings to the carriers, when coupled with the modest increases derived from other rate revisions, should contribute to placing cargo operations on a more profitable footing.

The carriers have adopted add-ons, which are lower than existing local air rates, for use in constructing through general cargo rates and specific commodity rates to/from Philadelphia/Baltimore/Washington for application on the North Atlantic. By Order 69–3–47, dated March 13, 1969,[9] the Board instituted an investigation as to whether the disparate relationship of North Atlantic air cargo rates or charges of IATA carriers between European points and Baltimore, Maryland and/or Washington, D.C., vis-a-vis European points and New York City results in unjust discrimination or causes any undue preference or prejudice to any person, port, locality, or description of traffic and whether IATA resolutions establishing such rates or charges are adverse to the public interest or in violation of the Federal Aviation Act of 1958. The application of these add-ons established for use beyond New York to the named east coast gateway cities represents an improvement over the use of the domestic general cargo rates for the same construction purpose. The Board concludes that, subject to a condition with respect to specific commodity rates discussed below, these resolutions warrant approval on the basis of matters now before it. Our action in approving these resolutions, as well as the application of the condition attached to the specific commodity rates, is without prejudice to the rights of all parties in Docket 20522, as may appear upon further consideration of the record, including that developed in a full evidentiary hearing in Docket 20522. Similarly, the action is without prejudice to consideration of the relationship of minimum charges as applies at these cities vis-a-vis those applied at New York, since this is also an issue under consideration in the investigation.

While we are herein proposing to approve the Athens resolutions and thus permit to become effective the basic rate changes, which appear not to be adverse to the public interest, we are concerned with the disparate treatment arising from the absence of specific commodity rates at Boston, Philadelphia, Baltimore, Washington when compared with New York. While not endorsing the extension of specific commodity rates, per se, the significant reduction afforded by these specific commodity rates continues the preference and prejudice issues involved in the investigation initiated in Docket 20522. As indicated, the new add-ons proposed for these cities will minimize to a significant degree the present disparity in rates which caused us to initiate the foregoing proceeding. On the other hand, based upon information presently before us, it does not appear that the availability or absence of specific commodity rates as among these ports is dictated by transportation criteria. Rather, it appears that the paucity of specific commodity rates at cities other than New York stems from the financial interest of those carriers authorized and providing service only at New York to preclude competition from those carriers authorized to serve the other cities. We will, therefore, condition our approval of the applicable resolution so as to preclude any IATA resolution or provision from restricting the freedom of any IATA carrier to establish specific commodity rates at Boston, Philadelphia, Baltimore, or Washington.

We propose to disapprove, by conditioning our approval of the resolution establishing specific commodity rates

[6] An enabling resolution would permit any carrier to call a meeting for the purpose of discussing similar revisions to the container program within the Western Hemisphere.

[7] With the exception of valuables and restricted articles.

[8] Devices may be shipper-owned, but the carriers would be allowed to supply them free of charge for up to 48 hours for loading/unloading on the shippers' or consignees' premises (rental charges have been included in the established charges, with a discount up to $25 allowed when the device is shipper-owned), and a demurrage charge of $50 per day would apply for units retained beyond the 48-hour limitation.

[9] Agreements adopted by the International Air Transport Association Relating to North Atlantic Cargo Rates, Docket 20522. This order was subsequently amended to add Philadelphia, Pa., and Boston, Mass. to the other cities involved. (Order 69–4–139, dated Apr. 30, 1969.) The Board considers that all revisions to the North Atlantic air cargo rate structure or IATA resolutions pertaining to Boston/Philadelphia/Baltimore/Washington vis-a-vis New York, are within the scope of that proceeding.

within the Western Hemisphere (Resolution 590t), the commodity rates listed in the attachment hereto for the movement of household goods and personal effects moving between Miami and certain South American points. These rates, which range from 108 to 132 percent of the applicable general cargo rates, approximate those proposed earlier by the carriers to/from or between Miami and a number of other points within Central and South America. The Board, by Order 69-6-75, dated June 13, 1969, disapproved the latter rates, and we find that the rates now before the Board are unwarranted for the same reasons as stated in that order.

In consideration of the foregoing, the Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following tentative findings:

1. It is not found that the following resolutions, incorporated in Agreement CAB 21046, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
21046:			
R-4	002	Standard Revalidation Resolution—insofar as it relates to the following resolutions:	
		511—Rates for Live Animals	1.
		514—Charges for Attendants Accompanying Consignments	1.
R-7	002	Standard Revalidation Resolution—insofar as it relates to the following resolutions:	
		511—Rates for Live Animals	1/2.
		514—Charges for Attendants Accompanying Consignments	1/2.
		506—Newspapers and Periodicals (as amended)	1/2.
R-9	002	Standard Revalidation Resolution—insofar as it relates to the following resolutions:	
		511—Rates for Live Animals	3/1.
		514—Charges for Attendants Accompanying Consignments	3/1.
		570—Quantity Discount (as amended)	3/1.
R-10	002	Standard Revalidation Resolution—insofar as it relates to the following resolutions:	
		511—Rates for Live Animals	1/2/3.
		514—Charges for Attendants Accompanying Consignments	1/2/3.
		570—Quantity Discount (as amended)	1/2/3.
R-14	203f	Instruction of Agents—All Cargo Members (New)	1; 2; 3.
R-15	501	Minimum Charges for Cargo—Revalidating and Amending	1.
R-16	501	Minimum Charges for Cargo (New)	2.
R-17	501	Minimum Charges for Cargo—Revalidating and Amending	3.
R-18	501	do	1/2.
R-19	501	do	2/3.
R-20	501	do	3/1. (N/C Pacific). (S. Pacific).
R-21	501	do	1/2/3.
R-22	501	do	1/2/3.
R-23	502	Low Density Cargo—Revalidating and Amending	Worldwide.
R-24	503	Charges in Relation to Value—Revalidating and Amending	Worldwide.
R-26	508	Charges for Stalls—Revalidating and Amending	1.
R-27	508	do	2; 3; 1/2; 2/3; 3/1; 1/2/3.
R-34	513	Charges on Mixed Consignments—Revalidating and Amending	Worldwide.
R-37	520	Containers Board—Revalidating and Amending	Worldwide.
R-38	521	Use of Containers and Pallets (Unit Load Devices)—Revalidating and Amending.	Worldwide.
R-40	521d	TC1 Container Charges (New)	1.
R-41	534a	North Atlantic—Bulk Unitization Charges (New)	1/2.
R-42	534b	Mid and South Atlantic—Bulk Unitization Charges (New)	1/2.
R-44	536a	North and Central Pacific—Bulk Unitization Charges (New)	3/1.
R-45	536b	South Pacific—Bulk Unitization Charges (New)	3/1.
R-47	551	Traffic Conference 1 General Cargo Rates	1.
R-49	553	Conference 3 General Cargo Rates	3.
R-50	554a	North Atlantic General Cargo Rates	1/2.
R-51	554b	Mid-Atlantic General Cargo Rates	1/2.
R-53	555	Joint 2/3 and Joint 1/2/3 General Cargo Rates	2/3; 1/2/3.
R-54	556	Joint Conference 3/1 General Cargo Rates—South Pacific	3/1.
R-55	556a	Joint Conference 3/1 Cargo Rates—North and Central Pacific	3/1.
R-57	590	Specific Commodity Rates Board—Revalidating and Amending	1.
R-59	590	do	3.
R-62	595	Special Rates for Valuable Cargo—Amending	Worldwide.
R-63	597	Carriage of Human Remains (New)	1; 3; 2/3; 3/1; 1/2/3.

2. It is not found that the following resolutions, incorporated in Agreement CAB 21046, are adverse to the public interest or in violation of the Act; *Provided*, That approval shall be subject to the conditions stated hereinafter:

Agreement CAB	IATA No.	Title	Application
21046:			
R-60	590	Specific Commodity Rates Board—Revalidating and Amending	1/2; 2/3; 3/1; 1/2/3.

Provided, That, insofar as it relates to transatlantic specific commodity rates established in air transportation as defined by the Act, approval shall not restrict the freedom of any carrier within IATA to establish specific commodity rates at Boston, Philadelphia, Baltimore, or Washington, D.C.

Agreement CAB	IATA No.	Title	Application
R-61	590t	Traffic Conference 1 Specific Commodity Rates	1.

Provided, That approval shall not extend to the specific commodity rates listed in the attachment hereto.[10]

Accordingly, it is ordered, That:

Action on those portions of Agreement CAB 21046 described above be and hereby is deferred with a view toward eventual approval, subject to the conditions set forth in finding paragraph 2.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action as stated herein. An original and 19 copies of the statement should be filed with the Board's Docket Section.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-10625; Filed, Sept. 5, 1969; 8:45 a.m.]

[Docket No. 21274]

AMERICAN COURIER CORP. AND SKY COURIER, INC.

Notice of Proposed Approval

Application of American Courier Corp. and Sky Courier, Inc., for approval of a common control relationship under section 408 of the Federal Aviation Act of 1958, as amended, Docket 21274.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the order set forth below under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., September 2, 1969.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Application of American Courier Corp. and Sky Courier, Inc., for approval of a common control relationship under section 408 of the Federal Aviation Act, as amended; Docket 21274.

By joint application filed August 12, 1969, American Courier Corp. (ACC), a motor common carrier, and its wholly owned domestic air freight forwarder, Sky Courier, Inc. (Sky), request approval of an agreement whereby ACC will acquire control of Security Transport Corp. (Security), also a motor common carrier, while retaining control of Sky in

[10] Attachment filed as part of the original document.

addition to a number of other motor common carriers.[1]

Security, a Florida corporation having offices in Tampa, Fort Myers, Sarasota, and St. Petersburg, holds a certificate of public convenience and necessity from the Florida Railroad and Public Utilities Commission which authorizes it to transport money, currency, coin, bullion, and other valuables in armored cars and trucks between various counties in the State of Florida. In addition, it provides intrastate transportation of bank cash letters and audit media moving between banks in Hillsboro and Pinellas Counties, Fla. According to the applicants, Security currently holds no Interstate Commerce Commission authority, and performs no operations in interstate commerce.

The applicants further state, inter alia, that ACC, through its subsidiary Pony Express, Inc., presently performs Florida intrastate operations for the transportation of bank cash letters and audit media; and that ACC's acquisition of Security will not result in any significant change in the nature or type of specialized service currently conducted by ACC and its affiliates. The applicants contend that Security's operations would in no way conflict with air transportation services.

Finally, the applicants state that given Board approval of the acquisition, certain interlocking relationships will result between Security and Sky, but that the exemption and approval conferred by § 287.2 of the Board's economic regulations applies to such relationships, and approval therefore is not necessary.

No objections to the application have been filed.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that the relationships are subject to section 408 of the Act. However, it is further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. The control relationships are similar to others which have been approved by the Board and do not essentially present any new substantive issues.[2] On the other hand, should the general character of Security alter in any significant respect through expansion of their operations, new issues may be raised. Therefore, consistent with our decision in Docket 19505,[3] we shall make our approval herein subject to the condition that Security, upon receiving from the Interstate Commerce Commission authority to engage in interstate transportation, shall promptly advise the Board of the nature and extent of such authority.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without hearing.

Accordingly, it is ordered:

1. That the acquisition of control by American Courier Corp. of Security Transport Corp., be and hereby is approved;

2. Approval of the acquisition of control herein shall be effective only so long as Security Transport Corp. conducts the specialized types of intrastate transportation described herein; and upon receipt of authority from the Interstate Commerce Commission to engage in interstate transportation Security Transport Corp. shall promptly advise the Board of the grant of such authority; and

3. The Board shall have continuing jurisdiction over the parties and matters involved in Docket 21274.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-10675; Filed, Sept. 5, 1969; 8:47 a.m.]

[Docket No. 20291; Order 69-9-7]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority September 2, 1969.

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to fare matters.

By Order 69-8-15, dated August 4, 1969, action was deferred, with a view toward eventual approval, on certain resolutions adopted by the Traffic Conferences of the International Air Transport Association (IATA). The agreements (1) amend add-ons for points within Norway to reflect recent increases in domestic fares, (2) specify fares for Bratislava for mid-Atlantic travel at the same level as the Vienna fares, (3) amend the application of affinity group-size so as to clarify that for purposes of computing the number of passengers, two half-fare passengers (children aged 2 to 12) shall be counted as one member of the group, and (4) decrease certain add-on fares for Antwerp to the level of the Brussels fare.

In deferring action on the agreements, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 69-8-15 will herein be made final.

Accordingly, it is ordered, That:

Agreements CAB 21158, R-4 through R-6, CAB 21170 R-1, CAB 21171, R-1 through R-3, R-5, and R-8, and CAB 21182, R-3 and R-4, be and hereby are approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-10677; Filed, Sept. 5, 1969; 8:48 a.m.]

[Dockets Nos. 18650, 20291; Order 69-9-3]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare and Rate Matters

Issued under delegated authority September 2, 1969.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to fare and rate matters.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted by mail votes. The agreement has been assigned the above-designated CAB Agreement number.

The agreement amends the existing resolutions governing rates of exchange and the rounding off of passenger fares and cargo rates to reflect the change to a decimal system of currency which will be introduced in Jamaica.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions which are incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	*IATA Resolutions*
21234, R-1	100 (Mail 805) 021b.
	200 (Mail 924) 021b.
	300 (Mail 304) 021b.
	JT12 (Mail 709) 021b.
	JT23 (Mail 223) 021b.
	JT31 (Mail 164) 021b.
	JT123 (Mail 617) 021b.
21234, R-2	100 (Mail 805) 023a.
	200 (Mail 924) 023a.
	300 (Mail 304) 023a.
	JT12 (Mail 709) 023a.
	JT23 (Mail 223) 023a.
	JT31 (Mail 164) 023a.
	JT123 (Mail 617) 023a.
21234, R-3	100 (Mail 805) 023b.
	200 (Mail 924) 023b.
	300 (Mail 304) 023b.
	JT12 (Mail 709) 023b.
	JT23 (Mail 223) 023b.
	JT31 (Mail 164) 023b.
	JT123 (Mail 617) 023b.

[1] Sky is controlled by ACC which is in turn controlled by Purolator Products, Inc., a manufacturing enterprise. These control relationships were granted Board approval by Order 69-8-31 (Docket 19505). ACC at that time controlled five motor common carriers, viz., Pony Express, Inc., American Courier Corp. of Va., Trans Canadian Couriers, Ltd., and Protective Motor Service Co., Inc., as well as its wholly owned subsidiary Protective Service Co. Also, by notice of proposal approval served Aug. 11, 1969, the Bureau of Operating Rights indicated that it would approve ACC's control of Armored Motor Service, Inc., as well as that company's motor carrier subsidiary, Mail Messengers, Inc. (Docket 21078).

[2] See Sky Courier-Cross Armored Carrier Corp. et al., Order E-17376, Aug. 29, 1961; and Bankers Dispatch Corp. et al., Order E-24824, dated Mar. 6, 1967. Also see footnote 1, supra.

[3] See footnote 1, supra.

Accordingly, it is ordered, That:

Action on Agreement CAB 21234, R–1 through R–3, be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 7 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69–10678; Filed, Sept. 5, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18631; FCC 69–907]

MINNEAPOLIS STAR AND TRIBUNE CO. AND WKY TELEVISION SYSTEM, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In regard application of Minneapolis Star and Tribune Co. (transferor) and WKY Television System, Inc. (transferee), Docket No. 18631, File No. BTC–5848; for voluntary transfer of control of Wichita-Hutchinson Co., Inc., licensee of Station KTVH–TV, Hutchinson, Kans.

1. This proceeding involves the application for transfer of control of the Wichita-Hutchinson Co., Inc., licensee of Station KTVH–TV (Channel 12), Hutchinson, Kans., from the Minneapolis Star & Tribune Co. to WKY Television System, Inc.

2. KTVH–TV serves Wichita-Hutchinson, Kans. This property is owned by the Wichita-Hutchinson Co. which in turn is owned by the Minneapolis Star & Tribune Co. The latter is substantially controlled by the John Cowles family.

3. Cowles interests in broadcasting and CATV reach through the midwest and southern United States. Superimposed on these operations is a corporate structure of newspaper and publishing concerns holding substantial influence over sources of information throughout the Nation.

4. Behind the corporate identity of the purchaser stands the Oklahoma Publishing Co., substantially owned and completely controlled by the Edward K. Gaylord family. Gaylord holdings constitute a regional concentration of publishing and broadcasting interests predominantly centered in the southwestern United States, and extending (perhaps, less significantly for the moment) into the Nation's southern and midwestern regions.

THE WICHITA-HUTCHINSON MARKET

5. Wichita-Huchinson, Kans., ranked as the 56th television market in the United States, has a net weekly circulation of 321,900 television homes.[1] Of the State's 12 operating commercial television stations, three are located in this market.[2] KTVH–TV, the CBS affiliate, ranks third with a net weekly circulation of 242,000 homes.[3] Competitively, its position is measured against Wichita stations, KARD–TV (NBC) and KAKE–TV (ABC). But the former has three satellite television stations bringing two additional Kansas communities and one Kansas-Nebraska market into its audience total. The latter, KAKE–TV, owns a satellite station extending its market area to one additional Kansas community.[4] Despite their disparate coverage, however, KTVH–TV enjoys a healthy financial position with a substantial share of the market's television station revenues and of its total income. In political and media prominence, KTVH–TV is a powerful voice in Kansas. Based on FCC engineering standards and estimated 1968 population figures, the station's Grade B signal serves 760,830 people, or 33.4 percent of the State's total population of 2,272,000.[5]

6. The Gaylord application lists 26 radio stations, purportedly assigned to the Wichita-Hutchinson market and presumedly reflecting media competition in the area.[6]

7. There are only two separately published dominant newspapers in Wichita-Hutchinson. Their distribution is as indicated in Chart I:

Chart I:

NEWSPAPER MARKET WICHITA-HUTCHINSON

Hutchinson:
- Hutchinson News.
  - 68 Census Est.—43,600.
  - Published by John P. Harris, former minority owner in KTVH–TV.
  - Circ:
    - 51,412 (All day).
    - 52,581 (Sunday).
    - 51,204 (Sat. M.).

Wichita:
- Wichita Eagle and Beacon.
  - 68 Census Est.—314,043.
  - Published by the Wichita Eagle & Beacon Publishing Co.
  - Circ:
    - Eagle (m), 128,597.
    - Beacon (e), 67,342.
    - Eagle & Beacon (S), 164,153.

Weekly papers:
- Hutchinson Record—Circ: 850.
- Wichita Democrat—Circ: 1,580.

SOURCE: Ayer Directory of Newspapers and Periodicals, 1968, pp. 408, 420.

8. The combined daily circulation of the Wichita Eagle and Beacon (jointly published) and the Hutchinson News roughly corresponds to the net weekly circulation of KTVH–TV. Nevertheless, the figures tend to indicate that the Wichita morning and evening dailies do not penetrate much beyond their immediate market while KTVH–TV encompasses both Wichita and Hutchinson. Though the above outline of newspaper distribution includes only local dominant publications, Gaylord's newspapers, the Daily Oklahoman and the Oklahoma City Times, are currently sold in the Wichita-Hutchinson market. They constitute the two largest newspapers in Oklahoma. In Kansas, their daily circulation is 1,741 and 3,849 on Sunday.[7] We are told that only two copies are sold daily in Hutchinson and 16 on Sunday.[8] The balance reportedly is distributed throughout Kansas, although we presume a sizeable portion is sold in Wichita. (Consequently, Gaylord already has a foothold in this market, serving as an information and media source competitively antagonistic to Cowles.)

9. In terms of regional media concentration encouraged by this transfer to Gaylord, it should be noted that there are two counties in Kansas (Sumner and Chautauqua) and three in Oklahoma (Grant, Alfalfa, and Woods) in which the television station signals of both WKY–TV and KTVH–TV have varying degrees of penetration. Within these five counties are located 18,400 television households.[9] (See Appendix B)[9a]

10. Based on FCC engineering standards, neither of the Grade B contours of these television stations overlap. (See Illustration 1.)[9b] But on further review it may appear significant to the issues of concentration that, for advertising and program purposes, the station signals of these two broadcast facilities are in competition.

Gaylord media interests. 11. The proposed transferee, WKY Television System, Inc., is a wholly owned subsidiary of the Oklahoma Publishing Co., a concern controlled by the Edward K. Gaylord family of Oklahoma City, Okla. The WKY subsidiary is the licensee of five television stations and one standard broadcast station, including WKY–AM–TV (v), Oklahoma City; KTVT–TV (v), Fort Worth-Dallas, Tex.; KHTV–TV (u), Houston, Tex.; WTVT–TV (v),

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[1] 38 Television Factbook, Stations Volume, 1968–69, p. 263–b.

[2] Ibid.

[3] Ibid., p. 277–b.

[4] KARD–TV has satellite stations in Great Bend and Garden City, Kans., and one in Oberlin, Kans.-McCook, Nebr. KAKE–TV has one satellite station in Garden City, Kans.

[5] Cf. Illustration 5. Population figures taken from Spot Television Rates and Data, Standard Rates and Data, Inc., Jan. 15, 1969, pp. 186–187.

[6] FCC File No. BTC–5848, Section IV–B, Exhibit B.

[7] Letter to the FCC from Gaylord's attorneys, Mar. 3, 1969. FCC File No. BTC–5848.

[8] Ibid. In evaluating competition in the Wichita-Hutchinson market, see, also, U.S. v. Wichita Eagle Publishing Co., Civil No. W–1876 (D., Kansas 1959), Anti-Trust Div. No. 1466, 1959 Trade Cas. 69,400, proscribing the practice of conditioning newspaper advertising upon the agreement of advertisers not to use other media; "tie-in" advertising sales in different editions; and limiting distribution to subscribers of all newspapers owned by a single publisher. Other anticompetitive practices and media purchases may possibly be traced from this prohibition.

[9] 38 Television Factbook, Stations Volume, 1968–69; pp. 277–b, 565–b.

[9a] Appendix B filed as part of original document.

[9b] Illustrations filed as part of original document.

Tampa-St. Petersburg, Fla.; and WVTV–TV (u), Milwaukee, Wis. (See Illustration 1.) Thus, WKY Television System, Inc., is the licensee of television stations in the 51st, 15th, 26th, 31st, and 24th markets, respectively.

12. The Oklahoma Publishing Co. prints that State's two largest newspapers, the Daily Oklahoman (m) and the Oklahoma City Times (e). The combined daily circulation of these newspapers is 292,672.[10] The company also publishes a combined Sunday edition, with a circulation of 270,975.[11] As previously mentioned, the circulation of these newspapers in Kansas is 1,741 daily and 3,849 on Sunday.[12]

13. Oklahoma Publishing Co. prints a monthly agricultural periodical, The Farmer-Stockman (c. 426,443), published in three separate editions for Kansas, Oklahoma, and Texas.[13] In addition, it publishes R. Golf and Travel, a monthly sports and travel magazine for physicians (c. 196,070 monthly).[14] The publishing company also operates a trucking company through its wholly owned subsidiary, the Mistletoe Express Service.

Duopoly. 14. The Katz Agency, Inc. of New York is one of the country's largest media sales representative organizations. Operating through three separate agencies, it serves newspapers, television, and radio stations throughout the United States. Katz Newspaper Sales, Inc., represents over 46 newspapers, including Gaylord's Oklahoma City Times and the Daily Oklahoman.[15] Katz Television, Inc., includes within its representation of 59 television stations nationally, service to the advertising revenue needs of Gaylord's five video outlets.[16] Katz Radio Sales serves WKY–AM, Inc. and 55 other radio stations.

15. In certain competitive areas, the Katz Agency represents both Gaylord and Cowles. For example, in Florida, the Katz television agency handles national and spot advertising for Gaylord's WTVT–TV (Tampa-St. Petersburg) and also Cowles' WESH–TV (Orlando-Daytona). The Grade B contours of these stations overlap.[17] A similar condition exist in the Wichita-Hutchinson market where there is the practical overlap of WKY–TV and KTVH–TV signals to which we have already averted, and where there is a presumptive conflict of interest likely to be enlarged by this transfer.

16. We believe such overlap becomes competitively perilous when viewed in the balance of proprietary interests held by the Katz family in Gaylord's Oklahoma Publishing Co. Eugene Katz, George R. Katz, other family members, and the Estate of Sidney L. Katz possess combined shares exceeding 7 percent ownership in the Oklahoma Publishing Co. Eugene Katz is president of the Katz Agency, Inc. George R. Katz, a director in that agency, holds an interlocking relationship as vice president and director of the Oklahoma Publishing Co.[18]

17. These ties are relevant to the proposed transfer. Katz Television Sales represents KAKE–TV in Wichita.[19] Since the agency serves all six stations in the Oklahoma Publishing Co.'s System, it seems reasonable to presume it will handle KTVH–TV if the transfer of license is allowed. Assuming this presumption is correct, the Katz family will represent two television stations in the Wichita-Hutchinson market while holding ownership interests in one. If Katz bypasses representation of KTVH–TV, the family will still be a part owner in that station while serving its competitor, KAKE–TV in Wichita. An issue on this Duopoly situation is appropriate. Metromedia, Inc., 16 FCC 2d, 918 (1969).

Gaylord media influence. 18. Gaylord broadcast stations rise in spoon-handle fashion along a northerly tier extending from the Gulf of Mexico through Texas and Oklahoma. The proposed transfer adds the most immediately adjacent television station to the north in Hutchinson-Wichita, Kans. (See Illustration 1.)[20]

19. Within these three States reside 15,717,900 people. In Texas, with a population of 10,945,600, Gaylord television stations, located in the Fort Worth-Dallas and Houston markets, serve over 4,316,730 people. This service covers 39.4 percent of Texas population. (See Illustration 2.)[20]

20. Gaylord's radio outlet, WKY, in Oklahoma City, has a potential for daytime circulation to 1,529,500 people, or 61.2 percent of the State's 2,499,400 population. (See Illustration 3.)[20] The contour of the Oklahoma City television station, WKY–TV, encompasses 1,035,455 people, or 41.4 percent of the total. (See Illustration 4.)[20]

21. Adding to this total coverage, the 33.4 percent of Kansas population served by KTVH–TV in Wichita-Hutchinson, Gaylord broadcast facilities will have a potential political and media influence reaching to 6,607,060 people—almost half the combined population of Texas, Oklahoma, and Kansas. (See Illustration 5.)[20]

COWLES MEDIA INTERESTS

22. Cowles family ownership involves numerous media enterprises, held individually and through the Minneapolis Star and Tribune Co. or Cowles Communications, Inc. (CCI). (See Illustration 6.)[20] Common ownership interests also link these two companies; and a structure of interlocking relationships enlarges the potential for control. The Minneapolis Star and Tribune Co. has joint broadcast interests with Ridder Publications, Inc. Cowles Communications is intimately involved with media operations, especially newspapers, owned by Perry Publications, Inc. Together, these companies hold substantial sway over information sources throughout the United States, including broadcast properties, newspapers, magazines, and book publishing companies. (See Appendix A for detailed elaboration.)[20a]

23. The Minneapolis Star and Tribune Co. owns 100 percent of the licensee of KTVH–TV. WCCO–AM–FM(cp)–TV is licensed to Midwest Radio-Television, Inc., which is owned by the Minneapolis Star and Tribune Co. (47 percent) and by Midcontinent Radio-Television, Inc. (53 percent). Midcontinent, in turn, is equally owned by MTC Proporties, Inc., an enterprise with financial interests in the Minneapolis Star and Tribune Co.; and Northwest Publications, Inc., a company controlled by the prominent publishing family of the late Joseph E. Ridder. The Minneapolis Star & Tribune Co. publishes the only two daily general circulation newspapers—The Star (e) and Tribune (mS)—in Minnesota's largest city. The Star and Tribune are also the first and second largest daily newspapers in the State. John Cowles, Jr., is editor of both. The only two newspapers in St. Paul, the Pioneer Press (m), and the Dispatch (eS), are published by Northwest. Hence, in the twin cities of Minneapolis-St. Paul, there are no daily general circulation newspapers published by anyone other than those connected with WCCO. The Minneapolis Star and Tribune Co. publishes the Journal (eS), the only newspaper in Rapid City, S. Dak; also the Tribune (m) and Leader (e), the only newspapers in Montana's largest city, Great Falls. It also owns 90 percent of the monthly magazine, Harpers.

24. Cowles Communications, Inc., is licensee of KRNT–AM–FM(cp)–TV in

[10] Ayer Directory of Newspapers and Periodicals, 1968, p. 838. The Daily Oklahoman, c. 176,235; Times, c. 116,437.
[11] Ibid.
[12] Cf. footnote 7.
[13] Ayer, 1968, p. 887.
[14] Ibid, p. 888.
[15] 1969 Editor and Publisher Yearbook, p. 355, Katz has recently announced that as of Sept. 1, 1969, it will divest its newspaper representation, Katz Newspapers Sales will become a separate division of Cresmer, Woodward, O'Mara & Ormsbee, New York, a major newspaper representative firm.
[16] Broadcasting, May 19, 1969, p. 68.
[17] Cowles' WESH–TV has a net weekly circulation of over 50 percent in Sumter, Lake, Osceola, and Citrus Counties; between 25–50 percent in Lafayette County; and between 5–24 percent in Polk, Highlands, and Hernando Counties. Gaylord's WTVT–TV has over 50 percent net weekly circulation in Hernando, Polk, and Highlands Counties; between 25–50 percent in Lafayette, Osceola, and Sumter Counties; and between 5–24 percent in Lake and Citrus Counties. 38 Television Factbook, Stations Volume, 1968–69, pp. 154–b, 163–b.
[18] Poor's Register of Corporations, Directors and Executives, 1969, p. 1282.
[19] Broadcasting Yearbook, 1969, p. A–27.
[20] Illustrations filed as part of original document.
[20a] Appendix A filed as part of original document.

Des Moines, Iowa, the Nation's 78th market. In addition, it owns the KRNT Theater in Des Moines. The Des Moines Register and Tribune Co., largely controlled by Gardner Cowles, publishes the Register (m) and the Tribune (eS), the only two newspapers in that city. Cowles Communications, Inc., is the publisher of Look magazine, Venture, Family Circle, and Paperboard Packaging, a trade publication. In addition, the corporation publishes the San Juan Star (m), the only English-language newspaper in Puerto Rico, and the Sun (m) in Suffolk, Long Island, N.Y. CCI, through its wholly owned subsidiary, Cowles Broadcasting Service, Inc., is the licensee of WREC–AM–FM–TV in Memphis, Tenn., the Nation's 32d market. CCI is also one-third owner of Total TV of Memphis, Tenn., which holds the CATV franchise for Memphis and Shelby Counties in Tennessee. The remaining two-thirds of Total is held by Memphis television stations WHBQ–TV, owned by RKO General, and WMCT–TV, owned by Scripps-Howard.[21] Cowles Communications, Inc. (CCI), also has a substantial position in TV Communications Corp. (TCC),[22] which is partially owned by the Bulletin Co., publisher of the Philadelphia Bulletin. The Bulletin holds a majority position in Philadelphia CATV Co.; and Time-Life Broadcasting Co. has a substantial minority interest in that enterprise.[23]

Cowles-Perry Media Interests

25. CCI, through its wholly owned Florida Broadcasting Co., is licensee of WESH–TV, Daytona, Fla. Until very recently, CCI, through other subsidiaries, and together with Perry Publications, Inc., controlled 17 daily newspapers (11 morning; six evening), almost one-third of Florida's total of 55 daily papers (20 morning; 35 evening).[24] (See Illustration 7.)[25] This concentration of control in such a small region of Florida appears all the more severe in view of the fact that Perry Publications, Inc, owns 47.5 percent of the WNDB licensee in Daytona Beach. John H. Perry, Jr., is president and board chairman of Perry Publications, Inc., and is also a director of CCI.

Cowles-Ridder Media Interests

26. Ridder Publications, Inc., founded by the late Joseph E. Ridder, holds vast media interests throughout the United States. The Ridder family controls Ridder Publications, Inc., which, directly or indirectly, owns three television stations, five AM and two FM broadcasting stations, 16 daily newspapers, and two CATV systems. (See Illustration 8.)[26] As previously mentioned, Ridder Publications has proprietary interests with Cowles in the licensee of WCCO. (For elaboration see Appendix A, pars. 9–15.)

Cowles media influence. 27. Cowles Broadcasting and publications, based on advertising and distribution circulation figures, reach approximately 19,800,000 people. In terms of the political and media prominence of Cowles broadcast facilities, the span of coverage over populated areas of the United States is tremendous. (See Illustration 6.)[27]

28. The WREC–AM–FM–TV stations in Memphis, Tenn., cover the four-State area of Tennessee, Arkansas, Mississippi, and Missouri in which 12,833,300 citizens reside.[28] The service contours of the AM station encompasses 2,435,200 people, or 19 percent of the total four-State population. Within the contour of WREC–FM reside 1,049,100 persons. This constitutes 8.1 percent of the area's population. WREC–TV reaches a concentration of 13 percent, or 1,657,800 people in the four States. Within these average percentages, Cowles signals may range from a State population coverage of less than 1 percent to as high as 32 percent of a State's residents.

29. KRNT, located in Des Moines, Iowa, reaches significant percentages of that State's 2,760,700 inhabitants. Its television contour encompasses 608,800 people, 22 percent of the State's total population. The FM contour includes 435,950, or 16 percent of the State's population. KRNT–AM radio serves 27.5 percent or 758,700 people. But Cowles influence through AM broadcasting in Iowa is potentially even greater. The Cowles-Ridder owned WCCO–AM station in Minneapolis-St. Paul, Minn., reaches 331,800 people living inside the northern border of Iowa. When this figure is added to the population encompassed by the KRNT–AM service contour, Cowles broadcasting spans 1,090,500, or 39.5 percent of Iowa's population.

30. The Cowles-Ridder stations, WCCO–AM–FM(cp)–TV, cover substantial areas of population within the four-State area of Minnesota, Wisconsin, Iowa, and South Dakota. Within this center live 11,281,400 people. Inside the AM radio contour are 3,807,300 inhabitants, or 33.7 percent of the area population. The heaviest concentration, however, (2,984,600 or 82.3 percent) resides in Minnesota. WCCO–TV reaches 55.6 percent of Minnesota's total population. When the FM station authorization becomes operational it will reach 1,560,300 people in Minnesota, or 43 percent of the State's total population.

31. If these population figures are collated, Cowles media influence in an eight-State area is extended by broadcasting to approximately 7 million people. When broadcast circulation figures for advertising purposes are discounted, and population figures based on service contours are substituted, the reach of Cowles broadcasting and publishing extends to about 27 million people, or more than 10 percent of the population within the United States.

32. Through common business interests and holdings in newspaper and broadcast facilities, Cowles, Perry, and Ridder reach into 17 States—Arkansas, California, Colorado, Florida, Indiana, Iowa, Kansas, Massachusetts, Missouri, Mississippi, Montana, New York, North Dakota, South Dakota, Tennessee, Wisconsin, and Washington—some of the most densely populated States in the nation. (See Illustration 9.)[29]

The Method of Analysis

33. We have not attempted to penetrate the intricacies of these business combinations. It seems obvious that we do not, at the present time, have sufficient facts to ascertain their full relevance, or ferret out all the implications of this media concentration.

34. Some of these relations are remote, as for example, the community of business interests which may tie together Cowles and Time-Life Broadcasting through Television Communications Corp. and the Philadelphia Bulletin Co.

35. Others are more immediate and financially important, as for example, the common proprietary interests tying Gaylord and the Katz advertising sales agencies, which in turn represent Gaylord and Cowles broadcast facilities within adjacent or proximate markets; and as for example, the CATV alliance of RKO General, Scripps-Howard, and Cowles Communications, Inc., in Memphis, encompassing substantial areas of Tennessee, Mississippi, Arkansas, and Missouri.

36. The list of these arrangements, whether formed out of commonsense or by conscious choice, may constitute the detail and description of media control proscribed as inconsistent with the public interest and our multiple ownership rules.

37. We have not limited this review by setting a barrier at 1 percent cross-interests which (not being counted under our reporting rules) are sometimes presumed to shelter minority interests from any inquiry into their impact on media concentration of control. In many cases, the presence of wholly owned subsidiaries may signal material questions of how small percentage interests are to be defined in terms of Commission reporting requirements vis-a-vis the issues encompassed by economic and media concentration. Minority interests sifted through the mathematics of attribution rules often can be reduced to an exceedingly insignificant proportion of ownership, which nevertheless, may hide an extremely dramatic influence.

38. The most obvious answer is that our regulations encourage us to inquire into "actual working control in whatever manner exercised." 47 CFR 73.35, 73.240, 73.636. We have consistently interpreted this rule as described in our multiple ownership policy statement of 1953. We there said:

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[21] 38 Television Factbook, Services Volume, 1968–69, p. 576–a. (See Appendix A, par. 3.)

[22] On Apr. 18, 1968, CCI exchanged all of its voting and nonvoting stock in Universal Cable Vision for 160,000 shares of the capital stock in Television Communications Corp. (See Appendix A, par. 4.)

[23] 38 Television Factbook, Services Volume, 1968–69, p. 575–a.

[24] Ayer, 1968, pp. 198–217. Perry has recently been disposing of his ownership in these Florida newspapers. (See Appendix A, pars. 5–8.)

[25] The following figures are derived from FCC engineering standards and estimated 1968 population figures taken from Spot Television Rates and Data, Jan. 15, 1969.

It is our conclusion that the principle of diversification and the realities of the situation require that no distinction be made between a minority noncontrolling interest and a full or controlling one. While the holder of a small interest in many instances may have slight influence on the operation of the station in question, it is also true such a person can exert a considerable influence—to an extent clearly within the objectives and purview of the described diversification policy. Several factors should be noted here: (1) There may not be a correlation between the size of the minority holding and the extent of the influence wielded; (2) it is impossible to determine on the face of the application what the influence of the multiple owner will be; indeed it may be difficult or incapable of definite ascertainment even in a subsequent hearing; and (3) in the cases of the holder who has interested himself in numerous stations, there is good probability that because he is so actively engaged in the broadcast field, his influence will tend to be a positive or substantial one. Amendment of Rules Relating to Multiple Ownership, 18 FCC 288, 292–3 (1953).

39. The issue of these business combinations and arrangements is material to this case. Where the number of competitors is small, "the greater is the likelihood that parallel policies of mutual advantage, not competition, will emerge. That tendency (however) may well be thwarted by the presence of small, but significant competitors." U.S. v. Aluminum Company of America, 377 U.S. 271, 284 (1963). The problem for us is to find the standard of competition which thwarts "policies of mutual advantage" carried on in disregard of public interest.

FACTUAL ANALYSIS

40. The transferor, Minneapolis Star and Tribune Co., in giving its reasons for the transfer states, "* * * that the operation of KTVH in the public interest would benefit from the infusion of substantial additional capital and that the transferee is in a better position to accomplish this at the present time."[30] Transferee's vice president tells us the corporation "* * * can operate the station in the public interest," because its "* * * experience and record in other markets will be brought to bear in Wichita, and the applicant believes this will result in a benefit to the community."[31]

41. Cowles representatives give us no sufficient reason why the public interest will benefit by the "infusion of substantial additional capital" in KTVH–TV. Gaylord's WKY Television System explains that there is an interest in the station acquiring color video equipment for local program origination.[32] But, this explanation for needed capital seems insufficient. KTVH–TV reports to potential advertisers that it is in full possession of color capacity.[33] Furthermore, an equipment purchase of this type would seem well within the financial capacity of the Cowles company. It currently enjoys an excess of $1 million in assets over liabilities.[34] Consequently, the Commission has no information of decisional relevance disclosing the licensee's need for additional capital, or the benefit expected to result from the contribution. In addition, the transfer application contains no commitment to invest any sum of new capital.

42. Certainly, expanded program investment might be a reason for the contribution of "substantial additional capital." But Gaylord agents conclude that they "* * * should retain the general (program) format of the station's operation * * *." Such program improvements as are suggested appear to have been developed within the station's existing resources of staff personnel and revenues.[35] Thus, no new capital is indicated or specified in this regard.

43. Furthermore, there is serious question whether the Gaylord promise to retain the KTVH–TV program format is credible. In attempting to assess WKY Television System's past experience and record in other markets, we find on a comparative basis that Gaylord's WKY–TV in Oklahoma City makes a disproportionately smaller programing effort than KTVH–TV makes under Cowles' management.

44. In terms of gross revenue, KTVH–TV is approximately one-third the size of WKY–TV ($1,599,633 compared to $4,071,510, respectively). Yet, in program expense, KTVH–TV devotes 33 percent ($525,782) of its revenue to this effort, in comparison to only 26 percent ($1,060,250) for WKY–TV. Though WKY–TV expends more dollars than KTVH–TV, it represents a smaller devotion of resources to public service.

45. Nationally, the total broadcast industry currently budgets about 30 percent of its total revenue for "conventional programming."[36] Judged by this standard, WKY–TV program expenses are 4 percent (or $163,000) below the national norm, and 7 percent (or $285,000) below the level assumed by KTVH–TV for its own operation. In terms of size based on revenue, KTVH–TV may be required to make proportionately greater expenditures. But in what sense, and under what circumstances, the parties do not bother to explain.

46. For reasons not readily apparent, there is considerable disparity between these stations in their percentage of profit compared to gross revenue. We are not concerned with this difference as a fact in itself, but only because it may bear a substantial relationship to programing potential and achievements. The pretax earnings of KTVH–TV stand at 15 percent (or $232,341) of gross revenue as compared to 40 percent (or $1,627,088) generated by WKY–TV. If program effort is stated as a function of profits, KTVH–TV's expenses of $525,782 are twice as great as its net income before tax. The inverse ratio is true of WKY–TV. Its program expense only amounts to about 65 percent of its total profit. Stated as a dollar expense to income ratio, for every $2.25 KTVH–TV spends for programing, it earns $1 profit. On the other hand, WKY–TV earns $1 profit for every 65 cents of program expense. This represents a 154 percent return on program investment.

47. We have not analyzed these percentages in terms of consolidated station revenue and expense of broadcast holdings in the WKY Television System. Nor have we made a financial comparison of all Cowles broadcast operations. No doubt adjustments may be required within the structure of Gaylord broadcasting to account for losses in its UHF television operations. Based on the scant information before us, it is impossible to determine how much Gaylord's programing efforts are depleted in VHF television by the exigencies of carrying losses and acquiring programs in the UHF branch of its business. To some extent, there must be a correlation.

48. We have made this comparison between KTVH–TV and WKY–TV solely on the basis of their proximity, and the necessity to establish some standard for judging the public interest in programing a transferee may be expected to serve on the basis of its past performance. Assuming that a complete financial survey of Gaylord broadcast operations does not significantly change the percentage of program expense to revenue and income, as compared to the present and historic levels of such expense maintained in KTVH–TV, it may be extremely difficult to ascertain how this proposed transfer can benefit or serve the public interest in broadcasting.

49. There is also evidence that this transfer may financially impair KTVH–TV. Though KTVH–TV (CBS) is third, behind the NBC and ABC affiliates in the Wichita-Hutchinson market, the station enjoys a healthy financial position. As of November 30, 1968, the licensee, Wichita-Hutchinson Co., had total liabilities of $576,011. These were more than adequately covered by an excess net worth of $1,297,474.[37] But the transfer application before us suggests that these assets will be jeopardized by Gaylord's purchase of KTVH–TV.

50. The purchase price is $4.4 million.[38] To cover this sum, the First National Bank and Trust Co. of Oklahoma City has agreed to lend, on a noncollateral basis, its legal limit of $3.6 million to Gaylord's WKY Television System, Inc.[39] The transferee's application gives

[30] FCC File No. BTC–5848, Part I, Section I, p. 2.
[31] Id., at Part III, Section I, p. 5.
[32] File No. BTC–5848, Section IV–B, Exhibit C, par 2.
[33] Spot TV Rates and Data, SRDS, Inc., Jan. 15, 1969, pp. 18, 191.
[34] BTC File, op. cit., Section I, Exhibit 3.
[35] Id., at Section IV–B, Exhibit C, par. 1.
[36] Subscription Television, 15 FCC 2d 466, 497 (1968).
[37] BTC File, op. cit., Section I, Exhibit 3.
[38] Id., at Section I, Exhibit 2.
[39] BTC File, op. cit., amended by letter of Mr. Charles A. Vose, chairman, First National Bank & Trust Co., dated Feb. 28, 1969.

no information as to the source of payment for the adjusted contract price balance. Presumably, cash and receivables ($3,833,899) of WKY Television System, Inc., are sufficient (and will be used) for the purpose. A direct cash, capital investment from this source, perhaps, can be made without serious risk to the corporation's working capital position.[56]

51. On the other hand, the loan with which Gaylord proposes to burden WKY Television System, Inc., sits oppressively upon the corporation's capital structure. It is repayable at the rate of $200,000 per month, exclusive of interest which was not specified by the bank letter of commitment.[57] At this rate, the corporation's annual cash expenditures (in the first year after acquisition) are increased by $2.4 million. In 1968, total net income from all WKY Television System broadcast holdings was only $1,333,073.[58] Consequently, the KTVH–TV acquisition, on the financial basis proposed, converts the corporation's profit position into approximately a $1.1 million deficit, assuming a constant revenue level. KTVH–TV's contribution of income to the System only alleviates the deficit by approximately $232,000, stated at its current income rate. KTVH–TV's net worth is thus practically liquidated by Gaylord's acquisition.

52. The capital structure of WKY Television System, Inc., is also weakened. At the repayment rate schedule fixed by the Oklahoma City Bank (and apparently accepted by the Gaylords), $2.4 million of the $3.6 million loan must be stated as a current liability (payable within 1 year) on the financial statement of the WKY corporation. In this position, the relationship of net quick assets to liabilities is degraded from a healthy 3 to 2 ratio to a 1 to 1 deficit ratio. Not only the capacity of income to generate internal expansion, but the solvency of the corporation itself is brought into question under financial arrangements. On sound accounting and financial principles, both the loan and the investment may enter the shaky realm of insubstantial deals.

53. The proposal liquidates over $1 million of net worth in the Wichita-Hutchinson Co., and tends to dissipate slightly over $2 million in liquid assets of the WKY Television System. The public benefit is difficult to see. The WKY System is already burdened with losses in its UHF television operations. Consequently, the financial arrangements designed for the KTVH–TV purchase enlarge rather than lighten the magnitude of that concern.

54. With these considerations, it is difficult to determine how Gaylord's ownership of KTVH–TV will result in a benefit to the Wichita-Hutchinson community. WKY Television System says the public interest benefit results from its past experience and record in other markets. Nothing, however, is related concerning this feature.

55. We find with respect to certain trust indentures affecting the Oklahoma Publishing Co., WKY Television System, Inc., apparently has been in default of compliance with § 1.613 of Commission rules for a number of years. We shall, of course, designate a hearing issue to determine the circumstances surrounding this apparent omission. Our concern in this regard was prompted by the disclosure that Commission records until recently could not identify the beneficiaries in whose favor substantially all assets of the Oklahoma Publishing Co. and WKY Television System are administered.

56. More significantly, however, is a sense of the magnitude of these trust arrangements. We wish to assess the impact of the trust arrangements affecting Cowles as well as Gaylord's media interests. It is apparent that they may not serve public interests in broadcasting, that they may tend to depress the initiation and maintenance of sound communications policies promoting program diversity. It seems equally clear that where our policy of integration—combining ownership and management—is socially essential to broadcast station operations, a trust instrument bifurcates ownership, and is in derogation of the integration standard. The interests of ownership then become matters solely of commercial benefit, rather than owner-management involement in community affairs. A serious question arises whether these arrangements place public interests in broadcasting in thrall to the private concerns of beneficiaries, centered on swelling investment income and capital growth.

57. Companion to this danger may be the tendency of trust arrangements to encourage the siphoning of income from broadcast programing. Where, for tax reasons, it becomes beneficially attractive and profitable to divert income from corporate endeavors to trust estates, management decisions, except where charitably motivated, are not likely to elect increased programing. The inducement for preferring program expense over the enhancement of trust estates will not be readily apparent where business income available to principal owners can be divided and distributed at reduced income tax rates among family and business relations. Without the availability of these devices, such income, for countervailing tax reasons, might be frozen into business enterprise objectives more highly conducive to programing efforts. There is a level at which consideration of one's personal income tax bracket will discourage receipt of more earnings, whether classified as dividends or otherwise. At whatever point that level is reached in a taxpayer's judgment, business revenue surplus will tend to be directed toward deductible and depreciable expenditures. This decision will follow from the necessity to produce capital growth out of an expanding business net worth—that is, the decision logically results, unless surplus can be converted to earnings properly excluded from the principal owner's personal income where taxes are regarded as prohibitive. The trust device, under certain circumstances, permits this alternative means of capital and income accretion. At the point where sound judgment would normally require the devotion of more income to business purposes, the trust provides a way out. It potentially eliminates the either/or alternative of more tax or business effort, and recaptures the possibility of enlarging personal estates with investments disassociated from occupational endeavor. Both our integration standards and public interests in program diversity are then defeated.

58. We seek to determine the significance of these trusts in terms of broadcasting policies established by Congress and this Commission. We emphasize that our inquiry is limited to those situations in which trust arrangements appear to dominate the corporate or capital structure of broadcast enterprises. In another context, we have noted the dangers inherent in any ability to siphon programing from our free television system, and the potential of certain types of competition to work in derogation of an "improved and more varied fare of programing."[59] We would be less than realistic if we neglected to recognize the competitive tug of trust devices on broadcast income which might otherwise be channeled in service to the sources of program diversity.

59. It appears that the facts before us raise significant questions whether a grant of the transfer application will serve the public interest. The questions are sufficiently substantial to justify setting the application for evidentiary hearing.

60. *Accordingly, it is ordered*, That pursuant to section 309(e) of the Communications Act, the above-captioned transfer application is designated for hearing, at a time and place to be specified in a subsequent order, on the following issues:

(a) To determine whether a grant of the application would result in an undue concentration of control of the media of mass communication regionally or in the Wichita-Hutchinson area.

(b) To determine the nature of the licensee's need for additional capital; whether licensee's present owners can supply that need; how such requirement necessitates approval of the proposed transfer, and the extent to which the transferee's plan fulfills that need.

(c) To determine which of the applicants can be expected better to serve the community and programing needs of the Wichita-Hutchinson area on the basis of a comparison of their—

(i) Past broadcast records;[60]

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[56] Id., at Section III, Exhibit 3.
[57] Id., Vose letter.
[58] Id., at Section III, Exhibit 3.

[59] Subscription Television, 15 FCC 2d 466, 495 (1968).
[60] Transferor's record at KTVH–TV, transferee's record in the operation of its VHF television stations.

(ii) Contributions to program diversity;

(iii) Fairness in media presentations of controversial issues of public importance;

(iv) Programing dollar expenditures as a percentage of gross revenue and net income.[41]

(d) To determine the extent to which sales representative proprietary interests in the Oklahoma Publishing Co. have or may result in violation of the Commission's multiple ownership rules and policies.

(e) To determine what effect the transferee's financing plan will have upon the assets of the licensee, the assets of the transferee and upon the ability of the transferee to carry out its programing proposals.

(f) To determine the uses, purposes and effect of corporate and family trusts and estates containing securities in which the Gaylord and Cowles families have legal or beneficial interests in corporations holding FCC licenses, or the capital stock of licensee corporations; their tax, income, and capital effects; the historic correlation, if any, between expense to income ratios applicable to programing before, during and after the execution of such trust arrangements; and the impact of such arrangements on Commission integration standards.

(g) To determine whether and if so, why WKY failed to file trust instruments or their abstracts involving ownership interests in the Oklahoma Publishing Co., as required by § 1.612 (47 CFR 1.613).

(h) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether grant of the above-captioned application would be in the public interest.

61. *It is further ordered*, That the Wichita-Hutchinson Co., the Minneapolis Star and Tribune Co., WKY Television System, Inc., the Oklahoma Publishing Co., and the Katz Agency, Inc., are made parties to the hearing.

62. *It is further ordered*, That to avail themselves of the opportunity to be heard, the above-specified parties, pursuant to § 1.221 of the Commission's rules and regulations, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intent to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

63. *It is further ordered*, That the transfer applicants herein shall, pursuant to section 311(a)(2) of the Communications Act and § 1.594 of the Commission's rules and regulations, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission thereof as required by § 1.594 of the Commission's rules and regulations.

[41] See above, also relating same to any national norms which may be adduced, the reasons for differences shall also be adduced, if possible.

Adopted: August 14, 1969.

Released: September 3, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[42]

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

[F.R. Doc. 69-10680; Filed, Sept. 5, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

JAPAN-ATLANTIC & GULF FREIGHT CONFERENCE

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. C. A. Cole, Chairman, Japan-Atlantic & Gulf Freight Conference, Sumitomo Seimei Yaesu Building, 3, Yaesu 4-Chome, Chuo-ku, Tokyo 104, Japan.

Agreement No. 3103-38 would modify the basic agreement of the Japan-Atlantic & Gulf Freight Conference by amending Article 9 which requires the employment of "sworn measurers" at all ports where cargo is received for shipment by the Conference lines. The proposed modification would permit the exemption of certain commodities, specifically noted in the Conference's tariff, from the general requirement that all weights and measurements shall be certified by the sworn measurers.

Dated: September 3, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-10655; Filed, Sept. 5, 1969; 8:46 a.m.]

[42] Dissenting statement of Chairman Hyde, in which Commissioner Robert E. Lee joins, filed as part of original document; Commissioner Wadsworth absent; separate statement of Commissioner Johnson filed as part of original document; Commissioner H. Rex Lee concurring in the result.

MASSACHUSETTS PORT AUTHORITY ET AL.

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. Howard A. Levy, Kurrus and Jacobi, 2000 I Street NW., Washington, D.C. 20006.

Agreement No. 9817 is a cooperative arrangement between the Massachusetts Port Authority and the Delaware River Port Authority, on the one hand, and American Export Isbrandtsen Lines, Inc., Container Marine Lines, West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference, North Atlantic Mediterranean Freight Conference, Marseilles North Atlantic U.S.A. Freight Conference, Spain/U.S. North Atlantic Westbound Freight Conference, Portugal/U.S. North Atlantic Westbound Freight Conference and their member lines, on the other.

In view of the cancellation by the conferences of tariff rules providing for diversionary equalization and withdrawal of their requests for Commission approval of agreements authorizing such rules, and their agreement (1) not to refile, publish or effectuate such rules prior to July 1, 1970; (2) if refiled or published subsequent to July 1, 1970, and prior to January 1, 1972, they shall expressly state that they will not become effective for 60 calendar days following the date of their filing with the Commission, and to file for Commission approval any agreement or amendment thereto which would authorize the adoption of a rule providing for diversionary equalization in any of the applicable tariffs, and such rules and agreements or amendments thereto will be airmailed to each complainant upon its filing with the Commission, and (3) to afford like treatment to other persons similarly situated, the port authorities agree to move to dismiss their complaints in Dockets 68-45 and 68-46.

Dated: September 3, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-10656; Filed, Sept. 5, 1969; 8:46 a.m.]

NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

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. Burton H. White, Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, N.Y. 10004.

Agreement 9214-3, between the member lines of the North Atlantic Continental Freight Conference, amends the self-policing provisions of that Conference to establish an Enforcement Authority to police the Conference and to provide for review of the decisions of this neutral body by arbitrators upon the request of an accused member. The new provisions spell out the qualifications, duties and authority of the neutral body, the rights of the accused, the procedural requirements for handling of complaints, the hearing of such complaints, and arbitration of decisions of the neutral body. Provision is also made for the imposition of a maximum fine in the amount of $5,000 for any single violation by either the neutral body or the arbitrators.

Dated: September 3, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-10657; Filed, Sept. 5, 1969; 8:46 a.m.]

NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

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. D. K. Conway, Chairman, North Atlantic Westbound Freight Conference, Atlantic Freight Secretaries Limited, Cunard Building, Liverpool 3, England.

Agreement No. 5850-10 amends the basic agreement in the following repects:

1. To add to Clause (3) which provides for the establishment and maintenance of agreed rates, charges, and practices, for or in connection with the transportation of cargo including cargo moving from a point or port, "selected base ports."

2. Modifies Clause (4) to except transportation in Eire from the general prohibition against a member directly or indirectly refunding or remitting rates of freight and other charges collected in accordance with the Conference tariff, and to permit members to equalize ports in addition to absorbing shippers costs as provided in the said tariff in Great Britain, Northern Ireland, and Eire.

Dated: September 3, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-10658; Filed, Sept. 5, 1969; 8:46 a.m.]

ROYAL MAIL LINES, LTD., ET AL.

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. Edward D. Ransom, Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, Calif. 94104.

Agreement No. 7765-5 amends the basic agreement between Royal Mail Lines, Ltd., Holland-American Line and Furness Withy & Co., Ltd., (1) to extend its geographic scope of operations to provide for transshipment via certain ports, and to describe in greater detail the trades which it serves; (2) to change the trade name of the joint service from "North Pacific Coast Services" to "North Pacific Coast Line"; (3) to affirm the eligibility of the parties to maintain their individual and/or joint membership in the Conferences in which they participate in the trades covered by the subject agreement; (4) to provide that in any trades in which all the parties do not maintain conference memberships, the freight rates charged by the parties and the terms and conditions applicable thereto shall be uniform; (5) to provide that the net earnings of the ships are to be divided annually between the parties in equivalent ratio to the number of voyages completed in each year by the ships provided by each party, and to change some of the deductions made in the gross earnings; (6) to provide for termination of the agreement three years from the date of approval, and (7) to provide for arbitration of any differences arising between the parties with respect to the agreement or tariff filed pursuant thereto.

Dated: September 3, 1969.

By Order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-10659; Filed, Sept. 5, 1969; 8:46 a.m.]

TRANS-PACIFIC FREIGHT CONFERENCE (JAPAN)

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. D. P. Gillette, Chairman, Trans-Pacific Freight Conference (Japan), Second Floor, Sumitomo Seimei Yaesu Building, 3, 4-Chome Yaesu, Chuo-ku, Tokyo 104, Japan.

Agreement No. 150–42 would modify the basic agreement of the Trans-Pacific Freight Conference (Japan) by amending Article 25, Neutral Body. The proposed amendment would double the maximum fines assessable for second, third, fourth and "subsequent breaches" of the terms of the Conference's agreement by any of its member lines.

Dated: September 3, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69–10660; Filed, Sept. 5, 1969; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70–150]

AZTEC OIL AND GAS CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

AUGUST 28, 1969.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge 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 a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its 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, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its 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 supplement to the rate schedule filed by Respondent 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 Respondent shall 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 a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking such agreement and undertaking shall be deemed to have been accepted.[1]

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding 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 15, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[1] 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	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-150...	Aztec Oil & Gas Co. (Operator) et al., 2000 First National Bank Bldg., Dallas, Tex. 75202.	4	[2] 30	El Paso Natural Gas Co. (Aztec Pictured Cliffs Field, San Juan County, N. Mex.) (San Juan Basin Area).	$40	7-24-69	[3] 9-1-69	[4] 9-2-69	13.0	[5] [6] 13.0551	

[2] Pertains to acreage added by Supplements Nos. 25, 26, and 27.
[3] The stated effective date is the effective date requested by Respondent.
[4] The suspension period is limited to 1 day.
[5] Tax reimbursement increase.
[6] Pressure base is 14.65 p.s.i.a.

Aztec Oil and Gas Co. (Operator) et al., (Aztec) proposes an increased rate reflecting tax reimbursement for sales of gas to El Paso Natural Gas Co. from acreage recently dedicated to a contract covering sales of gas in the San Juan Basin Area of New Mexico. The proposed increase will bring the price of the gas from the new acreage in line with the price of the other gas sold under the rate schedule involved. Consistent with prior Commission action on tax reimbursement increases in the San Juan Basin Area which exceed the 13 cents per Mcf ceiling only by the amount of the tax reimbursement, Aztec's proposed rate increase is suspended for 1 day from September 1, 1969, the proposed effective date.

[F.R. Doc. 69–10561; Filed, Sept. 5, 1969; 8:45 a.m.]

[Docket No. RI70–146 etc.]

CHAMPLIN PETROLEUM CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 27, 1969.

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

[1] Does not consolidate for hearing or dispose of the several matters herein.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

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

held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column and thereafter until made effective as prescribed by the Natural Gas Act.

(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 15, 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	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-146..	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, Tex. 76107.	87	6	Transwestern Pipeline Co. (Cutter-Irvin Unit, Ochiltree County, Tex.) (RR. District No. 10).	$4,225	7-30-69	[2] 9-1-69	2-1-70	[3] 18.5	[4] [5] 26.0	RI66-52.
RI70-147..	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	154	11	Transwestern Pipeline Co. (Northeast Catesby Field, Ellis County and Greenwood Field, Beaver County, Okla.) (Panhandle Area).	750	8- 8-69	[2] 9-8-69	2-8-70	[6] 19.5	[4] [7] 26.0175	RI66-284.
		154	12		1,895	8- 8-69	[2] 9-8-69	2-8-70	[8] 19.0	[4] [8] 26.0175	RI67-286.

[2] The stated effective date is the effective date proposed by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] Includes 0.0175 cent tax reimbursement.
[7] Applicable to Ellis County production.
[8] Applicable to Beaver County production (acreage added by Supplement No. 9).

Champlin Petroleum Co. (Champlin) and Ashland Oil & Refining Co.'s (Ashland) proposed periodic rate increases exceed the 11 cents per Mcf area increased rate ceilings for Texas Railroad District No. 10 and the Panhandle Area as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56) and should be suspended for 5 months from September 1, 1970 (Champlin) and September 8, 1970 (Ashland), the proposed effective dates.

[F.R. Doc. 69-10562; Filed, Sept. 5, 1969; 8:45 a.m.]

[Docket No. RI70-151 etc.]

HOUSTON ROYALTY CO. ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 28, 1969.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI70-151..	Houston Royalty Co. (Operator) et al., 242 The Main Bldg., 1212 Main St., Houston, Tex. 77002.	2	[2] 15	United Gas Pipe Line Co. (South Weesatche Field, Goliad County, Tex.) (RR. District No. 2).		8- 6-69	[3] 9- 6-69	(Accepted)			
		2	16		$1,848	8- 6-69	[3] 9- 6-69	2- 6-70	13.1664	[4] [5] 18.3	
RI70-152..	Houston Royalty Co.	7	[2] 21	United Gas Pipe Line Co. (Cabeza Creek Area, Goliad County, Tex.) (RR. District No. 2).		8- 6-69	[3] 9- 6-69	(Accepted)			
		7	22		975	8- 6-69	[3] 9- 6-69	2- 6-70	13.1664	[4] [5] 18.3	
	do	8	[2] 7	United Gas Pipe Line Co. (Poehler Field, Cabeza Creek Area, Goliad County, Tex.) (RR. District No. 2).		8- 6-69	[3] 9- 6-69	(Accepted)			
		8	8		28,543	8- 6-69	[3] 9- 6-69	2- 6-70	13.1664	[4] [5] 18.3	
RI70-153..	Larlo Oil & Gas Co., 301 South Market St., Wichita, Kans. 67202.	19	3	El Paso Natural Gas Co. (Sand Hills-Judkins Field, Crane County, Tex.) (RR. District No. 8) (Permian Basin Area).	6,785	8- 4-69	[9] 9- 4-69	2- 4-70	[10] 16.0	[11] 17.5	
	do	21	[12] 10	Kansas-Nebraska Natural Gas Co., Inc., and Northern Utilities, Inc. (Waltman Field, Natrona County, Wyo.).		8- 8-69	[3] 11- 1-69	(Accepted)			
		21	11		9,753	8- 8-69	[3] 11- 1-69	4- 1-70	15.0	[11] 16.0	
RI70-154..	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	16	12	El Paso Natural Gas Co. (Monahans Field, Ward and Winkler Counties, Tex.) (RR. District No. 8) (Permian Basin Area).	7,152	7-30-69	[9] 8-30-69	1-30-70	16.7228	[4] [13] 17.7363	RI69-631.
RI70-155..	Pioneer Production Corp., Post Office Box 2542, Amarillo, Tex.	12	1	Natural Gas Pipeline Co of America Northwest (Chester Field, Woodward County, Okla.) (Panhandle Area).	72,047	8- 4-69	[3] 9- 4-69	2- 4-70	[14] 17.0	[4] [13] 19.5	
RI70-156..	Sun Oil Co., Post Office Box 3383, Tulsa, Okla. 74101.	156	3	Cities Service Gas Co. (Northwest Lovedale Field, Harper County, Okla.) (Panhandle Area).	900	8- 1-69	[3] 9- 1-69	2- 1-70	[14] 17.0	[3] [4] 18.0	RI68-100.
RI70-157..	Herman George Kaiser, 909 Palace Bldg., Tulsa, Okla.	11	[12] 4	Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).		8- 6-69	[3] 9- 6-69	(Accepted)			
		11	5		54	8- 6-69	[3] 9- 6-69	2- 6-70	[14] 12.0	[4] [11] 13.0	
RI70-158..	Oklahoma Natural Gas Co., Post Office Box 871 Tulsa, Okla. 74102.	9	5	Panhandle Eastern Pipe Line Co., (Forgan Field, Beaver County, Okla.) (Panhandle Area).	764	8- 11-69	[3] 10- 1-69	3- 1-70	17.01	[11] 18.01	RI68-22.
RI70-159..	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	408	1	Cities Service Gas Co. (Northwest Quinlan Field, Woodward County, Okla.) (Panhandle Area.)	332	8- 8-69	[3] 9- 8-69	2- 8-70	[15] 17.0	[4] [11] [13] 18.0	
RI70-160..	J. M. Huber Corp., 2300 West Loop, Houston, Tex. 77027.	54	2	Cities Service Gas Co. (Northwest Lovedale Field, Harper County, Okla.) (Panhandle Area).	466	8- 11-69	[3] 9- 11-69	2- 11-70	[14] 17.0	[4] [11] 18.0	RI65-93.
RI70-161..	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	132	9	Kansas Nebraska Natural Gas Co., Inc. (Grand Valley (Camrick) Field, Texas County, Okla) (Panhandle Area).	60	8- 11-69	[3] 10- 1-69	3- 1-70	[14] 18.41	[4] [11] 18.61	RI69-64.

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI70-162..	Ashland Oil & Refining Co. (Operator) et al., Post Office Box 18695, Oklahoma City, Okla. 73118.	182	[1] 3	Northern Natural Gas Co. (Southwest Fort Supply Field, Woodward County, Okla.) (Panhandle Area).	$1,257	8-11-69	[2] 9-11-69	2-11-70	[3] 19.533	[4] [5] 20.697	

[1] Amendment dated June 18, 1969, provides, among other things, for a renegotiated rate of 18.3 cents for the 5-year period commencing June 19, 1969 with 1-cent increases every 5 years thereafter, deletes redetermination provisions, provides for downward B.t.u. adjustment and seller's right to collect any higher applicable just and reasonable rate established by the Commission.
[2] The stated effective date is the effective date requested by Respondent.
[3] Renegotiated rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] The stated effective date is the first day after expiration of the statutory notice.
[7] "Fractured" rate increase. Respondent contractually due a rate of 19 cents on Aug. 1, 1969.
[8] Initial rate.
[9] Assignment dated Mar. 29, 1968. Kansas-Nebraska assigns Northern Utilities Inc., a 50-percent interest as buyer of gas from leases designated as Group "B" under ratification agreement (Supplement No. 9).
[10] Periodic rate increase.
[11] Amendment dated June 23, 1969, provides for 13 cents per Mcf from July 1, 1966 to June 30, 1971, and a downward B.t.u. adjustment shall not operate to reduce the price below 11 cents per Mcf.
[12] Includes 1-cent charge paid by buyer to seller for gathering and dehydrating gas.
[13] Applicable only to acreage added by Supplement No. 2.
[14] Includes base rate of 17 cents plus 2.533 cents upward B.t.u. adjustment (1,149 B.t.u. gas) before increase and base rate of 18 cents plus 2.682 cents upward B.t.u. adjustment plus 0.015-cent tax reimbursement after increase. Base rate subject to upward and downward B.t.u. adjustment.

Shell Oil Co. (Shell) requests that its proposed rate increase be permitted to become effective on August 18, 1969. Lario Oil and Gas Co. (Lario) requests waiver of the statutory notice to permit an effective date of August 1, 1969, for Supplement No. 3 to its FPC Gas Rate Schedule No. 19. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Shell and Lario's rate filings and such requests are denied.

Concurrently with the filing of their rate increases, Houston Royalty Co. (Operator) et al. (Houston) submitted a contract amendment dated June 18, 1969; [16] Houston Royalty Co. (also referred to herein as Houston) submitted two amendments dated June 18, 1969; [17] Lario submitted an assignment dated March 29, 1969 [18] and Herman George Kaiser (Kaiser) submitted an amendment dated June 23, 1969 [19] which provide the bases for their proposed rate increases. We believe that it would be in the public interest to accept the aforementioned producers' contract amendments to become effective on the dates shown in the "Effective Date" column listed above, but not the proposed rates contained therein which are suspended as hereinafter ordered.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56), with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

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

The Commission finds:

(1) Good cause has been shown for accepting for filing Houston, Lario, and Kaiser's contract amendments, as set forth above, and for permitting such supplements to become effective on the dates indicated in the "Effective Date" column listed above.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except the supplements referred to in paragraph (1) above).

The Commission orders:

(A) Supplement No. 15 to Houston's (as Operator et al.) FPC Gas Rate Schedule No. 2; Supplements Nos. 21 and 7 to Houston's FPC Gas Rate Schedules Nos. 7 and 8, respectively; Supplement No. 10 to Lario's FPC Gas Rate Schedule No. 21, and Supplement No. 4 to Kaiser's FPC Gas Rate Schedule No. 11, are accepted for filing and permitted to become effective on the dates indicated in the "Effective Date" column listed above.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplements as set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) 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 15, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–10563; Filed, Sept. 5, 1969; 8:45 a.m.]

[16] Designated as Supplement No. 15 to Houston's (as Operator et al.) FPC Gas Rate Schedule No. 2.
[17] Designated as Supplements Nos. 21 and 7 to Houston's FPC Gas Rate Schedules Nos. 7 and 8, respectively.
[18] Designated as Supplement No. 10 to Lario's FPC Gas Rate Schedule No. 21.
[19] Designated as Supplement No. 4 to Kaiser's FPC Gas Rate Schedule No. 11.

[Docket No. RI70–24]

SHELL OIL CO.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filings

AUGUST 28, 1969.

On June 19, 1969, Shell Oil Co. (Shell) filed with the Commission two proposed rate increases from 18.0224 cents to 20.4857 cents and 18.5724 cents to 21.0957 cents per Mcf which pertain to Shell's jurisdictional sales of natural gas to Transwestern Pipeline Co. in the Bell Lake Field, Lea County, N. Mex. (Permian Basin Area). The Commission by order issued July 18, 1969, suspended for 5 months Shell's rate filings, among others, in Docket No. RI70–24 until February 18, 1970, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On July 18, 1969, Shell filed two amended notices of change in rates to correct the tax reimbursement calculations of its previously filed rate increases and requests that they be substituted for the original increases which were suspended for 5 months from September 18, 1969, in Docket No. RI70–24.

Shell's proposed 20.7585 cents and 21.3685 cents per Mcf rates exceed the just and reasonable area ceiling rates established by the Commission in its Opinion Nos. 468 and 468–A as did the

previously suspended rates in said docket. Since Shell's amended notices of change in rates reflect corrections of tax reimbursement calculations of previously filed rate increases, we believe that it would be in the public interest to accept Shell's corrective rate filings subject to the suspension proceeding in Docket No. RI70–24, with the suspension period of such substitute rate filing to terminate concurrently with the suspension period (Feb. 18, 1970) of the original filing in said docket.

The Commission orders:

(A) The suspension order issued July 18, 1969, in Docket No. RI70–24, is amended only so far as to permit the 20.7585 cents and 21.3685 cents per Mcf rates contained in Supplement No. 1 to Supplement Nos. 12 and 13 to Shell's FPC Gas Rate Schedule No. 251 to be filed to supersede the 20.4857 cents and 21.0957 cents rates provided by Supplement Nos. 12 and 13 to the aforementioned rate schedule, subject to the suspension proceeding in Docket No. RI70–24. The suspension period for such substitute rate filing shall terminate concurrently with the suspension period (Feb. 18, 1970) of the original rate filing in said docket.

(B) In all other respects, the order issued by the Commission on July 18, 1969, in Docket No. RI70–24, shall remain unchanged and in full force and effect.

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	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70–24...	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	251 251	[1] to 12 [1] to 13	Transwestern Pipeline Co. (Bell Lake—Pennsylvanian and Devonian Fields, Lea County, N. Mex.) (Permian Basin Area).	$7,791 772	7–18–69 7–18–69	[2] 9–18–69 [2] 9–18–69	[3] 2–18–70 [3] 2–18–70	[4] [5] [6] 18.0224 [4] [5] [6] 18.8724	[4] [5] [6] [7] 20.7585 [4] [5] [6] [7] 21.3685	

[1] For gas from the Devonian Formation.
[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Rate includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[6] Rates inclusive of quality adjustments.
[7] Rate suspended in Docket No. RI69–710 until Sept. 17, 1969. Respondent has filed motion to make rate effective on that date.
[8] For gas from the Pennsylvanian Formation.
[9] The end of the suspension period for the previously filed rate in Docket No. RI70–24.

[F.R. Doc. 69–10564; Filed, Sept. 5, 1969; 8:45 a.m.]

[Docket No. RI70–148 etc.]

SOHIO PETROLEUM CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

AUGUST 27, 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 lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

[1] Does not consolidate for hearing or dispose of the several matters herein.

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.[2]

(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 15, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[2] 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	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70–148...	Sohio Petroleum Co., 970 First National Annex, Oklahoma City, Okla. 73102.	65	4	Phillips Petroleum Co.[3] (Fradean Pool, Upton County, Tex.) (R.R. District No. 7–C) (Permian Basin Area).	$576	7–31–69	[4] 8–31–69	[5] 9–1–69	[6] 13.0	[6] [7] 14.0	
RI70–149...	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	239	6	.....do[3]	6,278	8–11–69	[4] 9–11–69	[5] 9–12–69	[6] 11.34	[6] [7] 14.0	

[3] For resale to El Paso Natural Gas Co. under Phillips Petroleum Co. (Operator) FPC Rate Schedule No. 9.
[4] The stated effective date is the first day after expiration of the statutory notice.
[5] The suspension period is limited to 1 day.
[6] Periodic rate increase.
[7] Exclusive of pro rata share of any tax reimbursement received by Phillips.
[8] Subject to 0.5 cent per Mcf compression charge if buyer elects to compress the gas to enable delivery of minimum volumes.

Sohio Petroleum Co. (Sohio) and Shell Oil Co. (Shell) propose rate increases to 14 cents per Mcf, plus tax reimbursement, for sales of gas to Phillips Petroleum Co. (Phillips) in the Permian Basin Area of Texas.

Although the proposed rates are below the applicable just and reasonable ceiling rates of 14.5 cents per Mcf for Sohio and 17.57 cents per Mcf for Shell, the related contracts with Phillips contain a provision which states that in the event Phillips' resale rate to El Paso Natural Gas Co. (El Paso) is reduced below 13.25 cents per Mcf by the Commission, the rate of Sohio and Shell shall be reduced by an equal amount and they will be required to make refunds to Phillips from the date Phillips' rate reduction was made effective. The contracts also state that beginning on August 1, 1969, the minimum rate for sales by Sohio and Shell will be 12 cents per Mcf.

Phillips gathers the gas and processes it through its Crane Plant in Crane County, Tex., and resells it to El Paso under its FPC Gas Rate Schedule No. 9. Phillips is currently collecting a rate of 14.8767 cents per Mcf, inclusive of 0.1267 cent per Mcf tax reimbursement, effective subject to refund in Docket No. RI68-529. The quality statement filed by Phillips for its related rate schedule shows an applicable area ceiling rate of 11.59 cents per Mcf. Phillips also filed an increased rate of 15.8857 cents per Mcf, inclusive of 0.1357 cent per Mcf tax reimbursement, which is presently suspended in Docket No. RI70-93.

In view of the contractual provision referred to above, we conclude that the rate increases proposed by Sohio and Shell should be suspended for 1 day from August 31, 1969 (Sohio), and September 11, 1969 (Shell), the expiration dates of the statutory notice.

Sohio and Shell request waiver of the 30-day notice requirement to permit an effective date of August 1, 1969. Good cause has not been shown for granting Sohio and Shell's requests and such requests are denied.

[F.R. Doc. 69-10565; Filed, Sept. 5, 1969; 8:45 a.m.]

[Docket No. RI70-144 etc.]

TEXAS GAS EXPLORATION CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

AUGUST 26, 1969.

The Respondents named herein have filed proposed increased 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 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.

(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 September 24, 1969.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-144..	Texas Gas Exploration Corp. (Operator) et al., Post Office Box 52310, Houston, Tex. 77052, Attention: James W. O'Keefe, Treasurer.	20	27	United Gas Pipe Line Co. (Block 773, Mustang Island Area, Offshore Nueces County) (Texas R.R. District No. 4).	$16,425	3-7-69	(2)	(3)	[4] 16.0	[4][5] 17.0	
RI70-145..	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102, Attention: Eugene C. Alford, Esq.	304	3	do	3,950	3-17-69	(2)	(3)	[4] 16.0	[4][5] 17.0	

[1] The effective date is the first full billing period commencing after issuance of permanent certificate.
[2] The proposed rate increase is suspended for 5 months from the date of issuance of permanent certificate.
[3] Contractually authorized rate.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.

Texas Gas Exploration Corp. (Operator) et al., and Gulf Oil Corp. have filed motions requesting that the Commission issue permanent certificates in Dockets Nos. CI68-502 and CI68-620, respectively, authorizing sales of gas to United Gas Pipe Line Co. from Block 773 of the Mustang Island Area, Offshore Nueces Coutny, Tex. (Railroad District No. 4). This area is within the domain of the State of Texas. Respondents received temporary certificates on December 15, 1967, providing, inter alia, for conditioned initial rates of 16 cents subject to refund obligations of all amounts collected in excess of the higher of the rate finally determined in the respective dockets or 14 cents. In their motions Respondents have indicated a willingness to accept permanent certificates containing the same conditions as those imposed in their temporaries. By separate order issued concurrently with the subject order, permanent certificates for Respondents' sales are being issued.

Concurrently with the filing of their motions, Respondents filed proposed increases to the contractually authorized rate of 17 cents per Mcf. The proposed 17-cent rates exceed the applicable area ceiling for increased rates in Texas Railroad District No. 4 as announced in the Commission's statement of general policy No. 61-1, as amended, and should be suspended for 5 months from the date of issuance of permanent certificates in Dockets Nos. CI68-502 and CI68-620.

[F.R. Doc. 69-10566; Filed, Sept. 5, 1969; 8:45 a.m.]

[Docket No. RP 69-19, etc.]

CONSOLIDATED GAS SUPPLY CORP.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets, and Consolidating Proceedings

AUGUST 29, 1969.

Consolidated Gas Supply Corp. (Consolidated) on July 16, 1969, tendered for filing proposed changes in its FPC Gas Tariff, Original Volumes Nos. 1 and 2.[1] The proposed changes would result in an estimated increase in jurisdictional revenues of $12,306,491, based on volumes for the 12-month period ending March 31, 1969, as adjusted. The changes are proposed to become effective August 31, 1969.

Consolidated states that its rate filing in Docket No. RP70-2 was required because of the incurrence of substantial increases in costs which were not included in its prior rate filing in Docket No. RP69-19. The increased costs cited by Consolidated are attributed to wages,

[1] Second Revised Sheet No. 8-B; Third Revised Sheets Nos. 6, 9, 12-D, 13, 14, 16, 17, 19, 22, 24, 27, 35, and 36; and Fifth Revised Sheet No. 12 to its FPC Gas Tariff, Original Volume No. 1; and Second Revised Sheets Nos. 271 and 272 to its FPC Gas Tariff, Original Volume No. 2.

salaries, materials, supplies, local taxes, purchased gas, and cost of capital. The proposed rates include a claimed rate of return of 8.5 percent.

Consolidated states that $2,800,000 of its proposed increase in Docket No. RP70–2 results from the rate increase filed on June 27, 1969, by one of its suppliers, Texas Gas Transmission Corp., in Docket No. RP69–41. Consolidated requests that if its proposed rate changes are not permitted to become effective until after the time that the rates proposed by Texas Gas in Docket No. RP69–41 might go into effect, that the Commission allow it to file substitute revised tariff sheets to track the Texas Gas increase from the date that increase becomes effective. The 5-month suspension of Consolidated's rates hereinafter ordered expressly provides that such action is not intended to preclude Consolidated from filing for increased rates to track the Texas Gas rate increase for the 19-day period during which Texas Gas' increase can be made effective while Consolidated's increase is under suspension.

Review of Consolidated's rate filing in Docket No. RP70–2 indicates that certain issues are raised which require development in evidentiary proceedings. Questions raised in Docket No. RP70–2 with respect to cost of service, cost allocation, zoning, rate design, and cost of capital are related to the same issues posed by Consolidated's filing in Docket No. RP69–19. Consequently, hearing and decision with respect to the foregoing matters will be expedited by consolidating the rate application in Docket No. RP70–2 with the interrelated rate increase application heretofore filed in Docket No. RP69–19.

The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

Some of the issues involved in Docket No. RP70–2 may be susceptible of hearing and decision within the 5-month suspension period or shortly thereafter. In order that the collection and refunding of any possible excess charges may be avoided or limited, the Presiding Examiner is authorized to determine which issues, if any, may be tried in an initial phase of the hearing.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Consolidated's FPC Gas Tariff, as proposed to be amended in Docket No. RP70–2, and that the proposed tariff sheets listed above be suspended, and use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

(3) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act to consolidate the rate increase application filed in Docket No. RP70–2 with the application heretofore filed in Docket No. RP69–19 for purposes of hearing and decision.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held commencing September 9, 1969, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Consolidated's FPC Gas Tariff, as proposed to be amended.

(B) Pending such hearing and decision thereon, Consolidated's proposed revised tariff sheets listed above are hereby suspended and the use thereof is deferred until January 31, 1970, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the aforementioned 5-month suspension period shall not preclude Consolidated from proposing interim substitute revised tariff sheets if it deems it necessary to track the Texas Gas increased rates for the 19-day period between January 12, 1970, when Texas Gas' rates proposed in Docket No. RP69–41 may become effective and January 31, 1970, when Consolidated's increased rates proposed in Docket No. RP70–2 may become effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing on September 9, 1969, Consolidated's prepared testimony (Statement P) filed and served on July 31, 1969, together with its entire rate filing as submitted and served on July 16, 1969, shall be admitted to the record as Consolidated's complete case-in-chief as provided in the Commission's regulations, § 154.63(e)(1), and Order No. 254, 28 FPC 495, 496, without prejudice to motions by other parties to exclude or strike this or other evidence.

(D) Following admission of Consolidated's complete case-in-chief, the parties shall present their views and the Presiding Examiner, in the exercise of his discretion, shall determine whether there shall be an initial phase and, if so, which issues shall be heard therein. If he determines that there shall be an initial phase hearing, he shall fix dates for service of staff's and interveners' evidence and Consolidated's rebuttal evidence on such issues; fix dates for witnesses to appear for adoption of their testimony and to stand cross-examination thereon; and proceed with such hearing as expeditiously as feasible.

(E) The rate filing in Docket No. RP70–2 is consolidated with the rate application in Dockets Nos. RP69–19, et al., for purposes of hearing and decision.

(F) Presiding Examiner Alvin A. Kurtz, or any other designated for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided; and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 69–10643; Filed, Sept. 5, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 2, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41732—*Iron or steel articles to Harbor, La.* Filed by Southwestern Freight Bureau, agent (No. B–82), for interested rail carriers. Rates on iron or steel articles, as described in the application, in carloads, from points in Illinois, Missouri, and Oklahoma, to Harbor, La.

Grounds for relief—Destination rate relationship.

Tariff—Supplement 124 to Southwestern Freight Bureau, agent, tariff ICC 4753.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr., *Acting Secretary.*

[F.R. Doc. 69–10661; Filed, Sept. 5, 1969; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 3, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41733—*Potassium (potash) from Norco, Saskatchewan, Canada.* Filed by G. H. Mitchell, agent (No. 18), for interested rail carriers. Rates on potassium (potash), in carloads, as described in the application, from Norco, Saskatchewan, Canada, to points in Idaho, Oregon, and Washington.

Grounds for relief—Rate relationship and market competition.

Tariff—Canadian Freight Association, agent, tariff ICC 183.

FSA No. 41734—*Iron or steel pipe and related articles from Preston, Tenn.* Filed

by Southwestern Freight Bureau, agent (No. B-76), for interested rail carriers. Rates on iron or steel pipe and related articles, in carloads, as described in the application, from Preston, Tenn., to specified points in Texas.

Grounds for relief—Market competition.

Tariff—Supplement 130 to Southwestern Freight Bureau, agent, tariff ICC 4620.

FSA No. 41735—*Petroleum and petroleum products from Sinclair, Wyo.* Filed by Western Trunk Line Committee, agent (No. A-2599), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain, or varnish), petroleum road oil and petroleum wax tailings, in tank carloads, as described in the application, from Sinclair, Wyo., to points in western trunkline territory.

Grounds for relief—Modified short-line distance formula and grouping.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-10662; Filed, Sept 5, 1969; 8:46 a.m.]

[Notice 898]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 29, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30837 (Sub-No. 380 TA), filed August 25, 1969. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *All terrain vehicles*, from St. Charles, Ill., to points in the United States, including Alaska, but excluding Hawaii, for 180 days. Supporting shipper: Marine Products & Equipment Co., Inc., Post Office Box 346, St. Charles, Ill. 60174 (Arnold Nergaard, president). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 76025 (Sub-No. 14 TA), filed August 22, 1969. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, Minn. 55112. Applicant's representative: James F. Sexton (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), and *canned and frozen foods*, from St. Paul, Minn.; Eau Claire, Monroe, and Portage, Wis.; to Youngstown, Ohio, for 180 days. Supporting shipper: Armour & Co., Chicago, Ill. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 101915 (Sub-No. 4 TA), filed August 20, 1969. Applicant: MADDEN'S TRANSFER & STORAGE, INC., 128½ River Street, Saranac Lake, N.Y. 12983. Applicant's representative: W. Norman Charles, 80 Bay Street, Glens Falls, N.Y. 12801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden spoons, forks, tongue depressors, cocktail spears, coffee stirrers, ice cream sticks; and plastic spoons, knives, and forks*, from Tupper Lake, N.Y., to Bayonne, N.J., and New York, N.Y.; (2) *wooden spoons, forks, tongue depressors, cocktail spears, coffee stirrers, and ice cream sticks*, from Guilford, Skowegan, and Solon, Maine, to Tupper Lake, N.Y.; (3) *plastic spoons, knives, and forks*, from Leominster, Mass., to Tupper Lake, N.Y., for 180 days. Supporting shipper: O.W.D., Inc., Tupper Lake, N.Y. 12986. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 107496 (Sub-No. 744 TA), filed August 26, 1969. Applicant: RUAN TRANSPORT CORPORATION, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Clinton, Iowa, to Galesburg, Ill., for 180 days. Supporting shipper: Morton Salt Co., 9575 West Higgins Road, Rosemont, Ill. 60018. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 118158 (Sub-No. 2 TA), filed August 21, 1969. Applicant: LOU'S TRANSFER & STORAGE CO., INC., 19 East Camden Street, Baltimore, Md. 21202. Applicant's representative: Charles E. Creager, Suite 1609, Eldorado Towers, 11215 Oak Leaf Drive, Silver Spring, Md. 20901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts and agricultural commodities* otherwise exempt from economic regulations under section 203(b)(6) of the Act, when transported in mixed shipments with bananas, plantains, pineapples, and coconuts, from Wilmington, Del., to points in Maryland, District of Columbia, New York, New Jersey, Pennsylvania, Virginia, West Virginia, Delaware, and Ohio, for 150 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 126373 (Sub-No. 2 TA), filed August 22, 1969. Applicant: JAMES A. BONHAM, doing business as BONHAM'S SPECIAL DELIVERY, 621 Virginia Street, West Charleston, W. Va. 25302. Applicant's representative: George P. Sovick, Jr., 1115 Virginia Street East, Charleston, W. Va. 25301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (with the usual exceptions), restricted to shipments having a prior or subsequent movement by aircraft, between the Tri-State Airport located in Wayne County near the city of Huntington, W. Va. on the one hand, and, on the other, points in Kanawha, Raleigh, Fayette, Putnam, Nicholas, Greenbrier, Mason and Jackson Counties, W. Va., for 180 days. NOTE: Applicant states it intends to tack this authority, if granted, with that presently held by it in Docket No. MC 126373 and Sub No. 1. Supporting shippers: Machinery, Inc., Post Office Box 2911, 2855 Piedmont Road, Charleston, W. Va. 25330; Cecil I. Walker Machinery Co., Route 60 East, Post Office Box 2427, Charleston, W. Va. 25329. Send protests to: District Supervisor H. R. White, 3202 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 127952 (Sub-No. 13 TA), filed August 22, 1969. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Street, South Gate, Calif. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal cans and can ends*, from Los Angeles, Calif., to Sparks, Nev., under continuing contract with Continental Can Co., Inc., and American Can Co.; and (2) *metal cans and can ends*, from San Francisco, Calif., to Sparks, Nev., under continuing contract with American Can Co., for 150 days. Supporting shippers: Continental Can Co., Inc., Russ

Building, San Francisco, Calif. 94104; American Can Co., 101 Harrison Street, San Francisco, Calif. 94105. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 128207 (Sub-No. 2 TA), filed August 25, 1969. Applicant: JOHN W. HOOGLAND AND JOANNE C. HOOGLAND, a partnership, doing business as CITY EXPRESS, Box 305, Seward, Alaska 99664. Applicant's representative: Roger A. McShea III, 1503 K Street, Anchorage, Alaska 99501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points within a 10-mile radius of Seward, Alaska; and between Seward, Alaska, and points within 10 miles thereof, on the one hand, and, on the other, points within 100 airline miles, for 180 days. NOTE: Authority obtained in ICC Docket No. 128207 Sub 1 and interline primarily at Anchorage, but request authority to interline at Kenai, Seward, and Soldatna as well as at Anchorage. Supporting shippers: There are approximately 24 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Chaffee, Interstate Commerce Commission, Bureau of Operations, Post Office Box 1532, Anchorage, Alaska 99501.

No. MC 133655 (Sub-No. 9 TA), filed August 25, 1969. Applicant: TRANS-NATIONAL TRUCK, INC., Box 894, Hurst, Tex. 76053. Applicant's representative: Charles Singer, Suite 1625, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packaged and cartoned new furniture, mirrors, and furniture parts*, from Toccoa, Ga., to points in Texas, Oklahoma, Kansas, Colorado, and New Mexico, for 180 days. NOTE: Applicant intends to tack the authority and interline with other carriers. Supporting shipper: Western-Stickley Furniture Co., 3757 South Ashland Avenue, Chicago, Ill. 60609. Send protests to: Billy R. Reid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 133974 TA, filed August 25, 1969. Applicant: REDMOND WELLS, doing business as REDMOND WELLS MOBILE HOME MOVERS, U.S. Highway 301 North, Route 4, Box 328A, Wilson, N.C. 27893. Applicant's representative: David M. Connor, First Union National Bank Building, Wilson, N.C. 27893. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefab module units*, for permanent installation at destination, from Newport News, Va., to points in North Carolina, for 180 days. Supporting shipper: JoCor Corp., 95 Tyler Avenue, Newport News, Va. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-10663; Filed, Sept. 5, 1969; 8:46 a.m.]

[Notice 899]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 2, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 7550 (Sub-No. 13 TA), filed August 26, 1969. Applicant: WEBB TRUCKING INC., 4763 Clifton Road, Marlow Heights, Md. 20031. Applicant's representative: Daniel B. Johnson, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Winston-Salem, N.C., to Arlington, Va., for 180 days. Supporting shipper: Spaulding Distributing Co., 3832 South Four Mile Run Drive, Arlington, Va. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Room 2210, Washington, D.C. 20423.

No. MC 22195 (Sub-No. 139 TA), filed August 25, 1969. Applicant: DAN DUGAN TRANSPORT COMPANY, Post Office Box 946, Sioux Falls, S. Dak. 57101. Applicant's representative: J. P. Everist (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from Sidney, Mont., to points in North Dakota, for 180 days. Supporting shipper: Industrial Builders, Inc., 2410 Fifth Avenue North, Post Office Box 406, Fargo, N. Dak. 58102, W. B. Diederick, President. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 61592 (Sub-No. 145 TA), filed August 26, 1969. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: Attorney Smith, 900 Circle Tower Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, trailer chassis* (except those designed to be drawn by passenger automobiles), and trailer converter dollies, from Ft. Madison, Iowa, to points in the United States, except Hawaii, for 180 days. Supporting shipper: Fruehauf Corp., 10900 Harper Avenue, Detroit, Mich. 48232. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 105187 (Sub-No. 12 TA), filed August 25, 1969. Applicant: CHARLES FARKAS, 101 Park Way, White Oak Borough, McKeesport, Pa. 15131. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from McKeesport, Pa., to points in Allegheny, Beaver, Fayette, Greene, Washington, and Westmoreland Counties, Pa., under a continuing contract or contracts with The E. Kahn's Sons Co., 3241 Spring Grove Avenue, Cincinnati, Ohio 45225, for 180 days. Supporting shipper: The E. Kahn's Sons Co., 3241 Spring Grove Avenue, Cincinnati, Ohio 45225. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 107012 (Sub-No. 98 TA) (Correction), filed July 24, 1969, published FEDERAL REGISTER, issue of August 23, 1969, and republished as corrected this issue. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Fort Wayne, Ind. 46801. Applicant's representative: Martin A. Weissert (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii, for 180 days. NOTE: Applicant intends to tack with Nos. MC 107012 and MC 107012 Sub 30. The purpose of this republication is to correct the Sub number assigned to this application, which was inadvertently published as Sub-No. 84.

Supporting shipper: Martin A. Weissert, Vice President—Law, North American Van Lines, Inc., Post Office 988, Fort Wayne, Ind. 46801. Send protests to: District Supervisor, J. H. Gray, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 128878 (Sub-No. 15 TA), filed August 27, 1969. Applicant: SERVICE TRUCK LINE, INC., 3400 Mansfield Road, Post Office Box 3904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust, wood chips, and wood residual*, from Shreveport, La., to Marshall, Tex., for 180 days. Supporting shipper: E. L. Bruce Co., 8500 Line Avenue, Shreveport, La. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 129802 (Sub-No. 2 TA), filed August 21, 1969. Applicant: GAIL R. KALDENBERG, doing business as ABC CARTAGE, 2704 Wedgewood Road, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Des Moines, Iowa, and Promise City, Iowa, serving the intermediate points of Indianola and Corydon, from Des Moines over U.S. Highway 65 to junction Iowa Highway 2, thence over Iowa Highway 2 to Promise City, and return over the same route. Between Promise City, Iowa, and Leon, Iowa, serving the intermediate point of Corydon, Iowa, and serving Leon for the purpose of joinder only, from Promise City, Iowa, over Highway 2 to Leon, and return over the same route, for 180 days. NOTE: Applicant proposes to tack at Leon, Iowa, with authority in MC-129802 and interline at Des Moines, Iowa. Supporting shippers: Deflecta-Shield Corp., Corydon, Iowa 50060; McCoy Manufacturing & Sales Co., 400 East Iowa, Indianola, Iowa 50125; Lockridge, Inc., Promise City, Iowa 52583. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 133980 TA, filed August 27, 1969. Applicant: J. FRANKLIN WILKINS, doing business as J. F. WILKINS, Route 1, Callao, Va. 22435. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oyster and crab meat cans*, from Baltimore, Md., to Westmoreland and Northumberland Counties, Va., for 180 days. Supporting shippers: There are at least 14 statements of support which may be examined at the Interstate Commerce Commission, Washington, D.C., or the copies thereof may be examined at the field office named below. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 133982 TA, filed August 27, 1969. Applicant: ALVIN P. MURPHY, doing business as MURPHY PRODUCE, Post Office Box 426, Miles City, Mont. 59301. Applicant's representative: Alvin P. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Dickinson and Beach, N. Dak., to Wellsville, Utah, for 180 days. Supporting shipper: Valley Dairy Products, Inc., Beach, N. Dak. 58621. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

MOTOR CARRIERS OF PASSENGERS

No. MC 133981 TA, filed August 27, 1969. Applicant: ROSSMEYER & WEBER, INC., doing business as RARITAN VALLEY BUS SERVICE, Post Office Box 312, Metuchen, N.J. 08840. Applicant's representative: Robert E. Goldstein, 8 West 49th Street, New York, N.Y. 10018. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, for the account of American Telephone & Telegraph Co., between Brooklyn, N.Y., and Richmond (Staten Island, N.Y.), on the one hand, and, on the other, the plantsite of American Telephone & Telegraph Co. at Raritan River Center, Piscataway, N.J., for 150 days. Supporting shipper: American Telephone & Telegraph Co., 195 Broadway, New York, N.Y. 10007. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J.

By the Commission.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69-10664; Filed, Sept. 5, 1969; 8:46 a.m.]

[Notice 900]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 3, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 31617 (Sub-No. 9 TA), filed August 22, 1969. Applicant: W. G. THALMANN, doing business as JONES TRUCK LINE, Route 6, Hopkinsville, Ky. 42240. Applicant's representative: Harold Seligman, Parkway Towers, Suite 1704, 404 James Robertson Parkway, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Treated forest products*, from the plantsite of Koppers Co. at or near Guthrie, Ky., to points in Kentucky, Alabama, Tennessee, Georgia, Pennsylvania, Mississippi, Texas, Arkansas, Florida, Illinois, Ohio, North Carolina, Louisiana, South Carolina Indiana, Missouri, Virginia, and West Virginia; and (2) *Treated and untreated forest products*, from the plantsites of Koppers Co. at or near Montgomery, Ala.; Grenada, Miss.; Jackson, Miss.; Caddo Gap, Ark.; Carbondale, Ill.; Finney, Ohio; Sumiton, Ala.; to the plantsite of Koppers Co. at or near Guthrie, Ky., for 180 days. Supporting shipper: Dwight L. Woosley, Plant Manager, Koppers Co., Inc., Post Office Box 8, Guthrie, Ky. 42234. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 93980 (Sub-No. 49 TA), filed August 27, 1969. Applicant: VANCE TRUCKING COMPANY, INCORPORATED, Post Office Box 1119, Raleigh Road, Henderson, N.C. 27536. Applicant's representative: Nathan P. Strause (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden fences, including wooden gates and wooden fence materials*, from points in Gates County, N.C., to points in Connecticut, Massachusetts, and Rhode Island, for 180 days. Supporting shipper: Atlantic Forest Products Co., 767 East Street, Walpole, Mass. 02081. Send protests to: Mr. Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 10885, Cameron Village Station, Raleigh, N.C.

No. MC 111729 (Sub-No. 287 TA), filed August 21, 1969. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit and accounting media of all kinds, and advertising material*

moving therewith, (a) between Richmond, Va., on the one hand, and, on the other, points in North Carolina and Maryland; (b) between Norfolk, Va., on the one hand, and, on the other, points in the District of Columbia; (c) between Norwalk, Conn., on the one hand, and, on the other, points in Westchester and Ulster Counties, N.Y.; and points in Middlesex and Hampshire Counties, Mass.; (d) between Celina, Ohio, on the one hand, and, on the other, points in New York; (e) between Paulding, Ohio, on the one hand, and, on the other, Cleveland, Lima, and Toledo, Ohio, and Fort Wayne, Ind., on traffic having an immediately prior or subsequent movement by air; (2) *Engineering drawings, blueprints and results of tested materials, and small auto parts and emergency small repair parts*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any 1 day, between Paulding, Ohio, on the one hand, and, on the other, Cleveland, Lima, and Toledo, Ohio, and Fort Wayne, Ind., on traffic having an immediately prior or subsequent movement by air; and (3) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between Dallas, Tex., on the one hand, and, on the other, points in Arkansas; (b) between Little Rock, Ark., on the one hand, and, on the other, points in Arkansas, restricted to shipments having an immediately prior or subsequent movement by air, for 180 days. Supporting shippers: Automated Computer Services, Inc., 509 West Grace Street, Richmond, Va. 23220; Far Go Van Lines, Inc., Post Office Box 1980, Norfolk, Va. 23501; Caldor, Inc., 20 Glover Avenue, Norwalk, Conn. 06852; Reynolds & Reynolds Co., Celina Computer Center, Celina, Ohio 45822; Maremont Corp., Grizzly/Leland Division, 700 West Caroline Street, Paulding, Ohio 45879; Eastman Kodak Co., Rochester, N.Y. 14650. Send protests to: District Supervisor Anthony Chiusano, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 118159 (Sub-No. 74 TA), filed August 26, 1969. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as described in section B of Appendix I to the report in *Description of Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Belleville, Wis., to points in Louisiana and Mississippi, for 180 days. Supporting shipper: Pabst Farms, Inc., 35303 West Pabst Road, Oconomowoc, Wis. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 4009 Federal Building, New Orleans, La. 70113.

No. MC 123490 (Sub-No. 13 TA), filed August 26, 1969. Applicant: CHIP CARRIERS, INC., 927 32d Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chips, twists, or puffs; potato chips; fried pork skins; fried potatoes* (other than potato chips); *bakery goods* (other than frozen); *popped corn* (other than popped corn confectionery); *sugar or syrup-coated popped corn* (other than in balls or pressed form); *dry nut meats; shelled and salted peanuts; prepared food; pumpkin seed; roasted sunflower seeds; imprinted advertising, packaging and display materials; wire or wire and sheet metal combined store display racks and stands; cooked, cured or preserved sausages; cooked, cured or preserved meats; food dip mixes, dry; and bean dip*, between the plants and warehouses of Frito-Lay, Inc., located at Council Bluffs and Ottumwa, Iowa; Topeka, Kans.; St. Louis and Kansas City, Mo.; Chicago, Ill.; Rhinelander, Madison, and Monroe, Wis.; Grand Forks, N. Dak.; Denver, Colo.; and Minneapolis, Minn., on the one hand and points in North Dakota, Minnesota, Wisconsin, and Illinois in interstate commerce on the other hand, for 150 days. Supporting shipper: Frito-Lay, Inc., Frito-Lay Tower, Exchange Park, Dallas, Tex. 75235. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133923 (Sub-No. 1 TA), filed August 27, 1969. Applicant: EASTERN TRANSPORT, INC., 772 McKinley Street, Hazleton, Pa. 18201. Applicant's representative: Philip F. Hudock, Suite 408 Citizens Bank Building, Hazleton, Pa. 18201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cookies* (other than refrigerated or frozen) in containers, from McComb, Ohio, to points in Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Maine, Pennsylvania, New York, New Jersey, and Maryland and on return, *materials used in the making of cookies*, from points in the destination States named above to McComb, Ohio, for 150 days. Supporting shipper: Consolidated Biscuit Co., McComb, Ohio 45858. Send protests to: District Supervisor, Paul J. Kenworthy, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 133973 TA, filed August 25, 1969. Applicant: HUNTINGTON MOVING & STORAGE COMPANY, 1102 Vernon Street, Huntington, W. Va. 25719. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, between points in Barbour, Boone, Braxton, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Harrison, Jackson, Kanawha, Lewis, Lincoln, Logan, McDowell, Mason, Mercer, Mineral, Mingo, Monroe, Nicholas, Pendleton, Pleasants, Pocahontas, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Wayne, Webster, Wirt, Wood, and Wyoming, W. Va.; Gallia, Jackson, Lawrence, Meigs, Pike, Scioto, Vinton, and Adams, Ohio; Boyd, Carter, Elliott, Flemming, Floyd, Greenup, Johnson, Lawrence, Lewis, Magoffin, Martin, Mason, Morgan, Pike, and Rowan, Ky. Supporting shippers: (1) Four Winds Forwarding, Inc., 4600 Eisenhower Avenue, Post Office Box No. 9056, Alexandria, Va. 22304, Attention: F. W. Kircher, Executive Vice President; (2) Trans-American World Transit, Inc., 7540 South Western Avenue, Chicago, Ill. 60620, Attention: Michael A. Biasucci, Traffic Manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3202 Federal Office Building, Charleston, W. Va. 25301.

MOTOR CARRIER OF PASSENGERS

No. MC 26451 (Sub-No. 15 TA), filed August 27, 1969. Applicant: INTER-MOUNTAIN TRANSPORTATION COMPANY, 7–9 Main Street, Anaconda, Mont. 59711. Applicant's representative: John L. McKeon, 124 Oak Street, Anaconda, Mont. 59711. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, baggage, light express, and newspapers*, between Billings, Mont., and Great Falls, Mont., over U.S. Highway 87, serving all intermediate points, for 180 days. NOTE: Applicant intends to tack with its present authority at Great Falls, Mont. Supporting shipper: Applicant's own statement. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 251 U.S. Post Office Building, Billings, Mont. 59101.

By the Commission.

[SEAL] ANDREW ANTHONY, JR.,
Acting Secretary.

[F.R. Doc. 69-10665; Filed, Sept. 5, 1969; 8:46 a.m.]

[Notice 405]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 3, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations

prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–71452. By order of August 27, 1969, the Motor Carrier Board approved the transfer to Gartin Truck Line, Inc., Olean, Mo. 65064, of certificate No. MC–115623, issued September 9, 1958, to L. E. Gartin and John L. Gartin, a partnership, doing busines as Gartin Truck Line, Olean, Mo. 65064, authorizing the transportation of: Feed, seed, and fertilizer, from Kansas City, Kans., and East St. Louis, Ill., to Olean, Mo., and fertilizer in bulk, in seasonal operations from January 1 to June 30, both inclusive, and from August 1 to November 30, both inclusive of each year, from National City, Ill., to specified points in Missouri.

No. MC–FC–71557. By order of August 22, 1969, the Motor Carrier Board approved the transfer to Interstate Van Lines, Inc., 821 Howard Road SE., Washington, D.C. 20020, of a portion of the certificate in No. MC–35719 (Sub-No. 1), issued January 11, 1967 to Ace Van & Storage Co., Inc., 821 Howard Road SE., Washington, D.C. 20020, authorizing the transportation of household goods between New York, N.Y., and points in New York in the New York, N.Y., commercial zone, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont.

No. MC–FC–71582. By order of August 27, 1969, the Motor Carrier Board approved the transfer to Curry C. Carroll, Eupora, Miss., of the permit in No. MC–111677 (Sub-No. 2), issued August 27, 1959, to Bellipanni Brothers, Inc., Indianola, Miss., authorizing the transportation of brick and structural tile, from Indianola, Miss., to points in Alabama, Arkansas, Georgia, Louisiana, and Tennessee; and from Birmingham and Phenix City, Ala., and points within 10 miles of each, to points in Mississippi. Harold D. Miller, Jr., Post Office Box 22567, 700 Petroleum Building, Jackson, Miss. 39205, attorney for applicants.

No. MC–FC–71589. By order of August 27, 1969, the Motor Carrier Board approved the transfer to Fremont Smith Truck Lines, Inc., Sioux City, Iowa, of the operating rights in permits Nos. MC–13002, MC–13002 (Sub-No. 2), and MC–13002 (Sub-No. 3) issued August 5, 1943, February 11, 1963, and October 9, 1963, respectively, to Fremont Smith, doing business as Fremont Smith Truck Line, Sioux City, Iowa, authorizing the transportation over regular routes, of eggs, poultry, scrap paper, junk, hides, and grease, between Sioux City, Iowa, and Chicago, Ill.; fruits and vegetables, between Denver, Colo., and Chicago, Ill.; packinghouse products and supplies, between Sioux City, Iowa, and Chicago, Ill.; between Omaha, Nebr., and Chicago, Ill., between Denver, Colo., and Chicago, Ill., and between Denver, Colo., and Sioux City, Iowa; meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses, between the plantsite of Swift & Co., Rochelle, Ill., and Sioux City, Iowa, Omaha, Nebr., and Denver, Colo., and meats, meat products, meat byproducts, and articles distributed by meat packinghouses, between West Point, Nebr., and Chicago, Ill. William A. Landau, Registered Practitioner, 1451 East Grand Avenue, Des Moines, Iowa 50306, representative for applicants.

[SEAL] ANDREW ANTHONY, Jr.,
Acting Secretary.

[F.R. Doc. 69–10666; Filed, Sept. 5, 1969; 8:47 a.m.]

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