FEDERAL REGISTER

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Pages 14455–14506

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The President
Agricultural Stabilization and Conservation Service
Civil Aeronautics Board
Consumer and Marketing Service
Customs Bureau
Federal Aviation Administration
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
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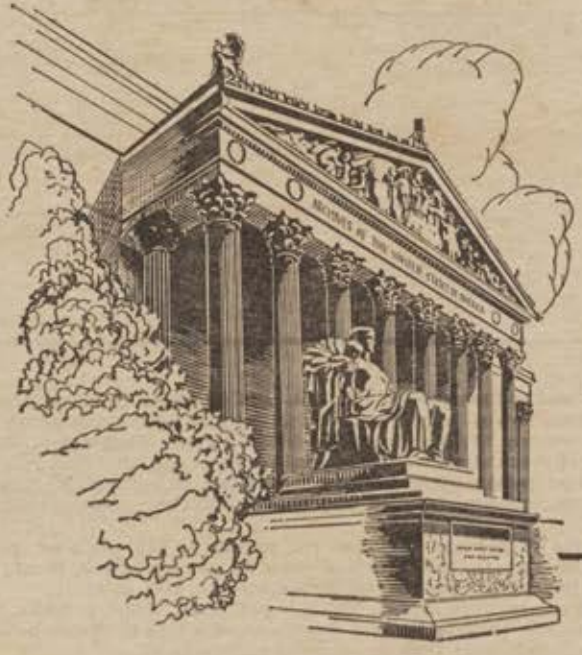

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Title 3—THE PRESIDENT

Proclamation 3932

NATIONAL FOREST PRODUCTS WEEK, 1969

By the President of the United States of America

A Proclamation

From the time of the first settlers, the forests of America have been valued for their beauty and their usefulness. The beauty and majesty of the great American forests have given us incomparable benefits; the utility of the forests has given us shelter, furnishings, chemicals, papers, and a host of other products essential to our well-being and comfort.

American forests grow on one-third of our entire country and provide us with over ten billion cubic feet of raw material every year. Equally important, they have yielded even more benefits in the form of water conservation, forage, and recreation for the additional betterment of life for all Americans.

The Congress, in order to re-emphasize the importance and heritage of our forest resources, has by a joint resolution of September 13, 1960 (74 Stat. 898), designated the seven-day period beginning on the third Sunday of October in each year as National Forest Products Week, and has requested the President to issue an annual proclamation calling for the observance of that week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby call upon the people of the United States to observe the week beginning October 19, 1969, as National Forest Products Week, with activities and ceremonies designed to direct public attention to the forest resources with which we have been so abundantly blessed and to the riches which they provide for our material and spiritual advantage.

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

Richard Nixon

[F.R. Doc. 69-11156; Filed, Sept. 15, 1969; 4:47 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

PART 29—TOBACCO INSPECTION

Subpart A—Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets

SCOPE OF HEARING AND BURDEN OF PROOF

Pursuant to the Tobacco Inspection Act (7 U.S.C. 511) and interpreting and applying 7 U.S.C. 1421, 1423, it is hereby found and determined that:

(a) Subpart A, the policy statement and regulations governing the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets shall be amended as follows:

§ 29.2 [Amended]

1. Section 29.2(a)(1) is amended by placing a comma after the words "auction sale" and deleting the words "and has firm commitments from an adequate set of buyers that they will participate in the sale if inspection and price support services are provided".

2. Section 29.3(e) is amended to read as follows:

§ 29.3 Procedures for filing, hearing and determination of applications.

* * * * *

(e) *Scope of hearing and burden of proof.* Each applicant shall have the burden of presenting evidence relative to the factors specified in 29.2(a).

3. The proviso in § 29.3(j) is amended by deleting the period after the word "false" and inserting the following: "or that the new market or additional sale in question is not functioning as a bona fide auction sale or auction sale as defined in § 29.1(a) with an adequate set of buyers as defined in § 29.1(b)."

(b) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and a good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that:

(1) Compliance with this amendment will not require any special preparation on the part of those who will be affected thereby.

(2) This amendment relieves restrictions with regard to the application and determinations relating to new markets and additional sales on designated markets.

(3) Under this amendment an applicant for a new market or an applicant for an additional sale on a designated market will no longer have the burden of proving that it has firm commitments from an adequate set of buyers that they will participate in a sale if inspection and price support services are provided. The amendment also provides that any determination that such services will be provided may be reviewed and may be vacated if it is subsequently found that the new market or the additional sale in question is not functioning as a bona fide auction sale or auction sale as defined in section 29.1(a) with an adequate set of buyers as defined in section 29.1(b).

(4) It is hereby found that the requirement that the applicant show that it has firm commitments that an adequate set of buyers will participate in the sale before inspection and price support services may be provided to a new market or an additional sale on a designated market is no longer necessary in the interest of producers or in the public interest. It is considered that the interests of the producers and the public interest can be adequately protected under the provision in section 29.3(j) which provides that such services may be vacated in the event it is determined that a new market or additional sale on a designated market is not functioning as a bona fide auction sale with an adequate set of buyers.

(Sec. 14, 49 Stat. 734, as amended; 7 U.S.C. 511m. Interpret or apply secs. 401, 403, 63 Stat. 1054, as amended; 7 U.S.C. 1421, 1423)

Effective date: Dated September 10, 1969, to become effective September 10, 1969.

J. PHIL CAMPBELL,
Under Secretary.

[F.R. Doc. 69-11141; Filed, Sept. 16, 1969; 8:50 a.m.]

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 Peanuts: Acreage Allotments and Marketing Quotas

COUNTY NORMAL YIELD DETERMINATIONS

Correction

In F.R. Doc. 69-10629, appearing at page 14121 in the issue of Saturday, September 6, 1969, the normal yield for the county of Tulsa in Oklahoma is corrected to read "622".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-EA-73]

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

Alteration of Federal Airway Segment and Revocation of Reporting Point

On July 11, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11500) stating that the Federal Aviation Administration was considering realigning VOR Federal airway No. 167 segment between Hartford, Conn., and Providence, R.I., and revoking the Sterling Intersection reporting point.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., November 13, 1969, as hereinafter set forth.

1. In § 71.123 (34 F.R. 4509) V-167 is amended by deleting "Hartford 076°" and substituting "Hartford 081°" therefor.

2. In § 71.203 (34 F.R. 4792) "Sterling INT" is revoked.

(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 11, 1969.

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

[F.R. Doc. 69-11064; Filed, Sept. 16, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WE-22]

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

Alteration of Federal Airway

On May 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 7545) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations

(FARs) that would extend VOR Federal Airway No. 197 from Palmdale, Calif., to Bakersfield, Calif.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable. However, the Western Region Department of Air Force Representative pointed out that the proposed airway would traverse Edwards AFB low level routes No. 6 and No. 7 and recommended that a floor of 2,000 feet AGL be established on the airway to provide separation between the airway traffic and aircraft operating on the low level routes.

This segment of the proposed airway traverses a transition area floored at 700/1,200 feet AGL and is so depicted on aeronautical charts. As only the lowest floor of controlled airspace is depicted on charts, a 2,000 feet AGL floor for the airway could not be identified on aeronautical charts and would therefore serve no useful purpose. However, a minimum enroute altitude of 6,000 feet MSL will be established for this segment of the airway. Thus adequate separation will be provided between airway traffic and aircraft on the low level routes.

In consideration of the foregoing, Part 71 of the FARs is amended, effective 0901 G.m.t., November 13, 1969, as hereinafter set forth.

In § 71.123 (34 F.R. 4509) V-197 is amended to read as follows:

V-197 From Ontario, Calif.; Pomona, Calif.; Palmdale, Calif.; INT Palmdale 314° and Bakersfield, Calif., 137° radials; Bakersfield.

(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 10, 1969.

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

[F.R. Doc. 69-11065; Filed, Sept. 16, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-58]

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

Designation of Additional Control Area

On August 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 12596) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area from Bozeman, Mont., direct to Livingston, Mont.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 13, 1969, as hereinafter set forth.

In § 71.163 (34 F.R. 4549) the following additional control area is added:

BOZEMAN, MONT.

From Bozeman, Mont., VOR, 10,700 MSL Livingston, Mont., VORTAC.

(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 10, 1969.

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

[F.R. Doc. 69-11067; Filed, Sept. 16, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SO-74]

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

Designation of Transition Area

On July 25, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 12291), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Starkville, Miss., transition area.

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

Subsequent to publication of the notice, the geographic coordinate (lat. 33°26'-00" N., long. 88°50'45" W.) for George M. Bryan Field was obtained from Coast and Geodetic Survey. It is necessary to alter the description by appropriately inserting the geographic coordinate for the airport.

Since this amendment is editorial in nature, notice, and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 13, 1969, as hereinafter set forth.

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

STARKVILLE, MISS.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of George M. Bryan Field (lat. 33°26' 00" N., long. 88°50'45" W.); within 9.5 miles north and 4.5 miles south of Columbus, Miss. VORTAC 260° radial, extending from 23 miles to 42 miles west of the VORTAC, excluding the portion within Columbus, Miss. transition area.

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

Issued in East Point, Ga., on September 8, 1969.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 69-11048; Filed, Sept. 16, 1969; 8:46 a.m.]

[Airspace Docket No. 69-AL-4]

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

PART 75—ESTABLISHMENT OF JET ROUTES

Extension of Jet Route

On August 21, 1969, F.R. Doc. No. 69-9938, was published in the FEDERAL REGISTER (34 F.R. 13467) and in part extended Jet Route No. 125 to Chandalar Lake, Alaska, RBN. This action is to become effective October 16, 1969. The designator "RBN" was inadvertently omitted from the description of J-125. Corrective action is taken herein.

Since this amendment is corrective in nature and no substantive change in the regulation is affected, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice, and for that reason, it may be made effective upon publication.

In consideration of the foregoing, F.R. Doc. 69-9938 (34 F.R. 13467) is corrected upon publication as follows:

In Item 2.a. "to Chandalar Lake, Alaska." is deleted and "to Chandalar Lake, Alaska, RBN." is substituted therefor.

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

Issued in Washington, D. C., on September 10, 1969.

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

[F.R. Doc. 69-11066; Filed, Sept. 16, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WA-30]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the size of the Savannah River Plant, S.C., Restricted Area R-6004.

The U.S. Atomic Energy Commission has concurred in the modification of the boundaries of R-6004 which will permit realignment of the airways and Jet Route No. 75 in the vicinity of the restricted area to reduce the mileage on those segments.

Since this amendment will restore airspace to the public use and is minor in nature, notice and public procedure hereon are unnecessary and for that reason this amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.60 (34 F.R. 4846) R-6004 Savannah River Plant, S.C., is amended by deleting the present boundaries and substituting therefor "Boundaries. Beginning at lat. 33°22'00" N., long. 81°43'15"

W.; to lat. 33°20'30" N., long. 81°27'40" W.; to lat. 33°10'20" N., long. 81°29'05" W.; to lat. 33°05'50" N., long. 81°37'05" W.; to lat. 33°09'35" N., long. 81°45'50" W.; to lat. 33°16'25" N., long. 81°50'55" W.; to the point of beginning."

(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 11, 1969.

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

[F.R. Doc. 69-11068; Filed, Sept. 16, 1969; 8:47 a.m.]

[Airspace Docket No. 69-PC-5]

PART 73—SPECIAL USE AIRSPACE

Alteration and Revocation of Restricted Areas

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to revoke Restricted Area R-3101 PMRFAC Four, Subareas B and D, Hawaii, and to alter Restricted Area R-3120 PMRFAC Five, Hawaii.

The Department of the Navy has determined that there is no longer a requirement for those portions of R-3101 and R-3120 that encompass land area and have requested that R-3101, Subareas B and D, and the portion of R-3120 that encompasses land area be revoked. Such action is taken herein. For continuity in recordskeeping and ease of identification, action is also taken herein to redesignate R-3101 Subarea "C" as Subarea "B".

Since these amendments restore airspace to the public use and relieve a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing § 73.31 (34 F.R. 4824) is amended, effective upon publication, as follows:

1. R-3101 PMRFAC Four, Hawaii, Subareas B and D are revoked.

2. In R-3101 PMRFAC Four, Hawaii, "Subarea C" is deleted and "Subarea B" is substituted therefor.

3. In R-3120 PMRFAC Five, Hawaii, "Boundaries" is amended to read as follows:

Boundaries: Beginning at latitude 21°58'30" N., longitude 159°48'55" W., thence to latitude 21°58'25" N., longitude 159°43'35" W., thence southeasterly along the shoreline of the Island of Kauai to latitude 21°57'45" N., longitude 159°42'00" W., thence to latitude 21°54'45" N., longitude 159°42'00" W., thence clockwise along a line 3 nautical miles from and parallel to the shoreline of the Island of Kauai to the point of beginning.

(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 11, 1969.

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

[F.R. Doc. 69-11069; Filed, Sept. 16, 1969; 8:47 a.m.]

[Airspace Docket No. 69-CE-57]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Advisory Areas

On August 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 12597) stating that the Federal Aviation Administration was considering amendments to Part 75 of the Federal Aviation Regulations that would alter the nonradar jet advisory areas associated with Jet Route Nos. 32, 36, 515, and 533.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 13, 1969, as hereinafter set forth.

In § 75.200 (34 F.R. 4872) the following changes are made:

1. Jet Route No. 32 Jet Advisory Area is amended by deleting "FL 370 to FL 390, inclusive." and substituting therefor "FL 330 to FL 370, inclusive."

2. Jet Route No. 36 Jet Advisory Area is amended by deleting "Fargo." and substituting therefor "Fargo from FL 240 to FL 280 and FL 370 to FL 410, inclusive."

3. Jet Route No. 515 Jet Advisory Area is amended by deleting "border." and substituting therefor "border from FL 240 to FL 280 and FL 370 to FL 410, inclusive."

4. Jet Route No. 533 Jet Advisory Area is amended by deleting "FL 370 to FL 390, inclusive." and substituting therefor "FL 330 to FL 370, inclusive."

(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 11, 1969.

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

[F.R. Doc. 69-11063; Filed, Sept. 16, 1969; 8:47 a.m.]

[Docket No. 9548; Amendment No. 121-52]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Deviation From Qualifications Requirements for Chief Pilots

The purpose of this amendment to § 121.61(b)(2) of the Federal Aviation Regulations is to allow deviation from the requirement of 3 years pilot-in-command experience for a chief pilot where the Administrator finds that the applicant's aeronautical experience is equivalent to 3 years of experience as pilot in command of a large aircraft with an air carrier or commercial operator. This amendment is based on a notice of proposed rule making (Notice 69-18) published in the FEDERAL REGISTER on May 1, 1969 (34 F.R. 7175).

The FAA has granted exemptions to persons requesting approval to serve as chief pilot where it has been shown that these persons have sufficient aeronautical and managerial experience to fulfill the purpose of the regulation even though they did not have the pilot-in-command experience required in § 121.61 (b)(2). This amendment implements that policy in the form of a rule.

The Air Line Pilots Association (ALPA) commented that 3 years experience as pilot in command of a large aircraft with an air carrier or commercial operator is a minimal requirement. However, the ALPA recognized that the time factor is a small part of the total specification imposed to assure a high level of supervisory management competence. While the FAA recognizes that experience is an important factor, it also recognizes that experience may be obtained in ways other than those required under § 121.61. There are many operations with large aircraft in which potential chief pilots may gain aeronautical and managerial experience valuable to an air carrier, and exercise that experience with a concomitant level of safety. Because of the unprecedented demand for experienced pilots, the FAA believes that otherwise qualified individuals should be allowed to serve as chief pilots.

The Air Transport Association concurred with the rule insofar as it is designed to relax present requirements, but reaffirmed its view that it is an improper exercise of authority for the FAA to set qualification requirements for management personnel. This view was also expressed by another commentator who stated that management qualifications should be the exclusive concern of management, not of the FAA.

These views were thoroughly considered when the rule was originally adopted into the Civil Air Regulations during the overall revision of Part 42 in 1962 and 1963, and the FAA has not changed its position since then, either as to the authority of the FAA to establish qualification requirements, or as to the need for such requirements.

The rule was supported by two commentators who expressed complete appreciation of the many possibilities for acquiring the skills necessary to permit one to safely perform the function of chief pilot.

One other comment received was not considered because it was outside the scope of the notice.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, § 121.61(b)(2) of the Federal Aviation Regulations is amended, effective October 17, 1969, to read as follows:

§ 121.61 Management personnel: qualifications.

* * * * *

(b) * * *

(2) Has had at least 3 years of experience as pilot in command of a large

aircraft with an air carrier or commercial operator. However, the administrator may grant a deviation from the requirement of this subparagraph if he finds that the person has had equivalent aeronautical experience; and

* * * * *

(Secs. 313(a), 601, and 604, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1424, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

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

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69-11047; Filed, Sept. 16, 1969; 8:46 a.m.]

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

PART 183—REPRESENTATIVES OF THE ADMINISTRATOR

Issuance of Experimental Certificates by Designated Manufacturing Inspection Representatives

Correction

In F.R. Doc. 69-10647, appearing at page 14124 of the issue for Saturday, September 6, 1969, the first figure in the authority citation is corrected to read "Secs. 313(a)".

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-1567]

PART 13—PROHIBITED TRADE PRACTICES

Chemetron Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, Chemetron Corp., Chicago, Ill., Docket C-1567, July 28, 1969]

Consent order prohibiting a Chicago, Ill., manufacturer of arc welding apparatus from acquiring any manufacturer or distributor of arc or gas welding equipment for a period of 10 years without prior Commission approval.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That, for a period of ten (10) years from the date this order becomes final, Chemetron Corp. (hereinafter referred to as "Chemetron") a corporation, through its officers, directors, agents, representatives, and employees shall cease and desist from acquiring, without prior approval of the Federal Trade Commission, directly or indirectly, through subsidiaries or otherwise, the whole or part of the stock, share capital or assets of any concern, engaged in the business of manufacturing, distributing or selling in the United States arc and gas welding apparatus as herein defined. Arc or gas welding apparatus shall include all products enumerated by the 1967 Census of Manufacturers (Numerical List of Manufactured Products Bureau of the Census) within the following Standard Industrial Classification (SIC) Code Numbers: Arc Welding Machines Components, and Accessories, Except Electrodes, SIC product codes 36231 11-35; Arc Welding Electrodes, Metal, SIC product codes 36232 11-53; Welding Apparatus, Except Electric, SIC product code 35483 25 (Gas Welding Apparatus). In addition, arc welding apparatus is to include the following accessories within SIC product code 36231 98: Arc torches, automatic welding heads, semiautomatic welding guns and standard positioners; and gas welding apparatus is to include such other nonelectric welding equipment as is within SIC product code 35483 29.

The prohibition of acquisitions contained in the above paragraph of this order shall include but not be confined to the entering into of any arrangement between Chemetron and any concern engaged in the manufacture, distribution, or sale of arc or gas welding apparatus (see above paragraph) pursuant to which Chemetron acquires the market share, in whole or in part, of such concern in any of the above-mentioned product lines (a) through such concern discontinuing the manufacture, distribution or sale of arc or gas welding apparatus (see above) under its own trade name or labels and thereafter distributing such products under Chemetron's trade name or labels or (b) by reason of such concern discontinuing the manufacture, distribution or sale of such products and thereafter transferring to respondent customer lists or in any other way making available to Chemetron access to customers or customer accounts.

Nothing in this section shall require prior approval of an acquisition of the stock or assets of a concern, corporate or noncorporate, when that concern is a distributor offering for sale arc welding apparatus and/or gas welding apparatus (as herein defined in the body of this order) purchased from Chemetron and (a) the acquired concern has gross annual sales of arc and/or gas welding apparatus not in excess of two hundred and fifty thousand dollars ($250,000): *Provided*, That the number of such acquisitions shall be limited to three (3) or (b) whose financial condition is such that it is unable to pay its current obligations when due, and for both (a) and (b) above, respondent shall divest its ownership interest in such distributor(s) within a period not in excess of three (3) years from the date(s) of such acquisition(s).

It is further ordered, That Chemetron Corp. shall notify the Commission at least 90 days prior to the consummation of any merger or acquisition wherein Chemetron acquires any part of the assets or stock or any other ownership of any enterprise engaged in the manufacture, distribution or sale of Resistance Welding Apparatus (Resistance Welders, Components, Accessories and Electrodes, SIC product codes 36233 13-81) and engaged in commerce in the United States.

It is further ordered, That Chemetron shall within sixty (60) days following the effective date of this order, and at such further times as the Commission may require, submit a verified report in writing to the Federal Trade Commission setting forth in detail the manner and form in which it intends to comply, is complying or has complied with this prohibition on acquisitions.

It is further ordered, That Chemetron shall forthwith distribute a copy of this order to each of its operating divisions.

Issued: July 28, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-11053; Filed, Sept. 16, 1969; 8:46 a.m.]

[Docket 8647]

PART 13—PROHIBITED TRADE PRACTICES

Clairol Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Modified order to cease and desist, Clairol Inc., New York, N.Y., Docket 8647, Aug. 6, 1969]

The Court of Appeals, Ninth Circuit, in an opinion dated April 27, 1969, 410 F. 2d 647, having modified the cease and desist order dated June 24, 1966, 31 F.R. 10262, which prohibited a manufacturer of beauty preparations from paying discriminatory promotional allowances, the Commission, in accordance with the court's opinion, modified the order by deleting the two subparagraphs pertaining to wholesalers, and adding to each of the two remaining provisions pertaining to retail stores and beauty salons a phrase to include retailer customers who do not purchase directly from respondent.

The modified order is as follows:

It is ordered, That respondent, Clairol Inc., its officers, agents, representatives, and employees, directly or indirectly, through any corporate or other device, in or in connection with the offering for sale, sale, or distribution of its products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith:

1. Cease and desist from paying or contracting to pay anything of value to or for the benefit of any retailer customer engaged in the resale of respondent's hair care products to home use consumers, as compensation or consideration for any services or facilities furnished by or through such customer in connection

with the processing, handling, sale or offering for sale of such products, unless such payment or consideration is available on proportionally equal terms to all other retailer customers of respondent, including retailer customers who do not purchase directly from respondent, who compete with the favored retailer customer in the distribution of such products to consumers for home use.

2. Cease and desist from paying or contracting to pay anything of value to or for the benefit of any customer engaged in rendering hair care services, in the course of which such customer uses respondent's hair care products, for advertising services furnished by or through such customer in the promotion of such products, unless such payment or consideration is available on proportionally equal terms to all other beauty salon customers of respondent, including beauty salon customers who do not purchase directly from respondent, who compete with the favored beauty salon customer in the rendering of hair care services and the use of respondent's hair care products.

Issued: August 6, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-11054; Filed, Sept. 16, 1969; 8:46 a.m.]

[Docket 8549]

PART 13—PROHIBITED TRADE PRACTICES

Knoll Associates, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.700 *Arbitrary or improper functional discounts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Order withdrawing complaint, Knoll Associates, Inc., New York, N.Y., Docket 8549, July 25, 1969]

The Court of Appeals, Seventh Circuit, in an opinion dated June 18, 1968, 397 F. 2d 530, having remanded the cease and desist order dated August 2, 1966, 31 F.R. 12055, to the Commission for reconsideration and the court having excepted from the record all evidence or testimony of the witness Herbert Prosser, the Commission order this proceeding in which a New York City furniture company was prohibited from price discrimination be withdrawn from adjudication.

Order withdrawing complaint is as follows:

It is ordered, That this matter be, and it hereby is, withdrawn from adjudication.

By the Commission, with Commissioner Elman concurring in the result, and Commissioner MacIntyre not participating.

Issued: July 25, 1969.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-11055; Filed, Sept. 16, 1969; 8:46 a.m.]

[Docket 8769]

PART 13—PROHIBITED TRADE PRACTICES

New Home Sewing Center et al.

Subpart—Advertising falsely or misleading: § 13.15 *Business status, advantages, or connections:* 13.15-195 Nature; § 13.155 *Prices:* 13.155-10 Bait; 13.155-78 Repossession balances; § 13.-157 *Prize contests.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.-1490 *Nature.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1705 *Prize contests.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1779 *Bait;* § 13.1825 *Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, New Home Sewing Center et al., Allentown, Pa., Docket 8769, Aug. 5, 1969]

In the Matter of New Home Sewing Center, a Partnership, and Harry Epstein, and Dennis W. Hart, Individually and as Copartners Trading and Doing Business as the New Home Sewing Center.

Order requiring an Allentown, Pa., retailer of sewing machines and other products to cease using bait advertising, false pricing and savings claims, fictitious contests, and other deceptive practices in the sale of its merchandise.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents New Home Sewing Center, a partnership, and Harry Epstein and Dennis W. Hart, individually and as copartners trading and doing business as New Home Sewing Center or under any other name or names and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of sewing machines or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that sewing machines or other products have been repossessed or are being offered for sale for the unpaid balance of the original purchase price: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that said advertised products actually were repossessed and offered for sale and sold for the balance of the unpaid purchase price.

2. Representing, directly or by implication, that respondents are engaged in the business of lending money or providing credit to purchasers of merchandise or of buying, selling, or otherwise dealing in commercial paper incident to the purchase of merchandise on credit; or misrepresenting, in any manner, the nature or status of respondents' business.

3. Representing, directly or by implication, that any products are offered for sale when such offer is not a bona fide offer to sell said products on the terms and conditions stated; or using any sales plan or procedure involving the use of false, deceptive or misleading statements to obtain leads or prospects for the sale of other merchandise.

4. Advertising or offering any product for sale, unless the product shown or demonstrated to the prospective purchaser does in all respects conform to the representations and description thereof as contained in the advertisement or offer.

5. Disparaging, in any manner, or discouraging the purchase of any products advertised or displayed to prospective purchasers.

6. Representing, directly or by implication, that names of winners are obtained through "drawings" or by chance when all the names selected are not chosen by lot; or misrepresenting, in any manner, the method by which names of contest winners are selected.

7. Representing, directly or by implication, that awards or prizes are of a certain value or worth when recipients thereof are not in fact benefited by or do not save the amount of the represented value of such prizes or awards.

8. Representing, directly or by implication, that any price for respondents' products is a special price or reduced price, unless such price constitutes a significant reduction from an established selling price at which such products have been sold in substantial quantities by respondents in the recent, regular course of their business; or misrepresenting, in any manner, the prices at which such products have been sold or offered for sale by respondents or other sellers in respondents' trade area.

9. Representing, directly or by implication, that any savings, discount or allowance is given purchasers from respondents' selling price for specified merchandise unless said selling price is the amount at which such merchandise has been sold or offered for sale in good faith by respondents for a reasonably substantial period of time in the recent, regular course of their business.

10. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That respondents New Home Sewing Center, a partnership, and Harry Epstein and Dennis W. Hart, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 5, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-11056; Filed, Sept. 16, 1969; 8:46 a.m.]

[Docket 8725]

PART 13—PROHIBITED TRADE PRACTICES

Thermochemical Products, Inc., et al.

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1390 *Concealed subsidiary, fictitious collection agency, etc.*; § 13.1395 *Connections and arrangements with others.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1647 *Guarantees;* § 13.1710 *Qualities or properties;* § 13.1757 *Surveys.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Thermochemical Products, Inc., et al., New York, N.Y., Docket 8725, July 25, 1969]

In the Matter of Thermochemical Products, Inc., a Corporation, and Jeannette Vine, and Beatrice Freeman, Also Known as Beatrice Jacobs, Individually and as Officers of Said Corporation, and Charles A. Jacobs and David Jacobs, Individually and as Managers of Said Corporation, and Wolmart Discount Corp., a Corporation

Order requiring a New York City marketer of water repellent paints and coatings to cease misrepresenting that it is a division of Union Carbide Co. or any other large company, exaggerating the earnings of prospective franchised dealers, misrepresenting the quality of its paints, using a fictitious subsidiary to collect its accounts, failing to reveal that its purchase contracts may be negotiated to third parties, making false guarantees, and using other deceptive means to recruit salesmen and dealers to sell its products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Thermochemical Products, Inc., a corporation, and its officers, and respondents Jeannette Vine and Beatrice Freeman, also known as Beatrice Jacobs, individually and as officers of said corporation, and Charles A. Jacobs and David Jacobs, individually and as managers of said corporation, and Wolmart Discount Corp., a corporation, and its officers, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of any paint or paint products or coatings or franchises in connection therewith, or any other articles of merchandise or franchises, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Respondents are a subsidiary of, a division of, or are affiliated with Union Carbide Co., General Electric Co., or Aluminum Company of America or any other corporate entity; or misrepresenting, in any manner, respondents' trade or business connections or affiliations;

(b) Any of respondents' products were manufactured or developed, in whole or in part, by any of the aforementioned companies or misrepresenting, in any manner, the company or organization which developed or manufactured, in whole or in part, any of the products manufactured or sold by the respondents.

2. Representing, directly or by implication, that respondents' products are guaranteed, unless the nature, conditions and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed and further, unless all such guarantees are in fact fully honored and all the terms thereof fulfilled.

3. Representing, directly or by implication, that:

(a) Dealers selling respondents' products will earn any stated gross or net amount; or representing, in any manner, the past earnings of dealers, unless in fact the past earnings reported are those of a substantial number of dealers and accurately reflect the average earnings of these dealers under circumstances similar to those of the dealer to whom the representation is made;

(b) Respondents' dealers may return any unsold merchandise or that respondents will transfer unsold merchandise to other dealers;

(c) A survey has been made of the territory in which a prospective dealer is located for the purpose of ascertaining the sales potential of said territory;

(d) Respondents will send a representative to contact prospective customers of their dealers, or erect billboards and other displays, or furnish newspaper mats free of charge, or prepare suitable mailings on the dealer's letterhead; or misrepresenting, in any manner, the assistance which will be given the dealer in making sales of the product purchased.

4. Representing, directly or by implication, that:

(a) Respondents' products are waterproof or will cause any surface to which they are applied to become waterproof or misrepresenting, in any manner, the characteristics and capabilities of respondents' products and the manner in which respondents' products will perform;

(b) Respondents' products are suitable for use on the interior of a structure; or misrepresenting, in any manner, the uses for which respondents' products are suitable.

(c) One or more coats or applications of respondents' products is sufficient to achieve or to produce any result other than that which normally is attained by such action.

5. Representing, directly or by implication, that:

(a) Any respondent is a holder in due course, or is entitled to the rights of a holder in due course, of any negotiable instrument executed in payment for a sale of respondents' products;

(b) Any person, firm, or corporation controlled by, or affiliated with, Thermochemical Products, Inc., or any other person, firm, or corporation controlled by, or affiliated with, the individual respondents, jointly or severally, is a holder in due course, or is entitled to the rights of a holder in due course, of negotiable paper executed in payment of products purchased from respondents.

6. Using the trade name Wolmart Discount Corp., or any other name or names other than the names of payees or actual creditors, in seeking to collect any notes, trade acceptances, or other instruments of indebtedness or other accounts receivable.

7. Failing to reveal, clearly and conspicuously, to the debtor, respondents' identity, when any other names are used by respondents or their agents in the sale of merchandise and collection of any notes, trade acceptances or other instruments of indebtedness or accounts receivable in connection therewith;

8. Participating in any plan or arrangement whereby others may falsely allege to be holders in due course, or entitled to the rights of a holder in due course, of negotiable instruments arising out of the sale of merchandise by respondents or services performed for respondents.

9. Failing to disclose orally prior to the time of sale, and in writing on any trade acceptance, promissory note or other instrument of indebtedness executed by a purchaser of respondents' products, and with such conspicuousness and clarity as is likely to be observed and read by such purchaser:

(a) The disclosures, if any, required by the Federal law or by the law of the State in which the instrument is executed;

(b) Where negotiation of the instrument to a third party is prohibited or otherwise limited under the law of the state in which the instrument is executed, that the negotiation or assignment of the trade acceptance, promissory note or other instrument of indebtedness to a finance company or other third party will not cut off any rights or defenses that the purchaser may have under the contract;

(c) Where negotiation of the instrument to a third party is not prohibited by the law of the State in which the instrument is executed, that the trade acceptance, promissory note or other negotiable instrument may, at the option of the seller and without notice to the purchaser, be negotiated or assigned to a finance company or other third party;

(d) Where the law of the State in which the instrument is executed does not preserve as against any holder of the instrument all of the legal and equitable defenses the purchaser may assert against the seller, that in the event the instrument is negotiated or assigned to a finance company or other third party, the purchaser may have to pay to such finance company or other third party the full amount due under his contract whether or not he has claims against the seller or defects in merchandise, nondelivery or the like.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions and to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and shall secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form of their compliance with this order.

Issued: July 25, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-11057; Filed, Sept. 16, 1969; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Tripartite Promotional Assistance Plan

§ 15.367 Tripartite promotional assistance plan.

The Commission advised a requesting party that the Commission would not proceed against it or its customers, or suppliers if the following described promotional assistance plan were implemented under the following circumstances:

(a) "The requesting party has two plans for displaying advertising signs to be attached to grocery store shelves. Suppliers of grocery store products will pay the requesting party for the advertising of their products on these signs. Signs will be of two kinds. One sign will be a back-lighted moving color transparency; the other will be a fixed sign of approximately the same dimensions. The moving sign will be used as part of the requesting party's Plan A; the fixed sign as part of the requesting party's Plan B. Both fixed and moving signs will advertise one product and the same product during any given 2-week period.

(b) "All customers competing in the resale of the advertised product may elect to adopt Plan A, if they will. All such customers having an outlet doing in excess of $25,000 per week average gross business may have Plan A and Plan A only. Smaller customers may elect Plan B.

(c) "Outlets will be paid for the use of their space in one of two ways as they initially elect: (1) A percentage of the dollar value of the advertised product purchased during the 2 weeks in which the advertisement runs; (2) a fixed sum per 2-week period determined as a percentage of average weekly gross sales during the preceding fiscal year.

(d) "Those customers electing to have the moving display will be charged a service charge for each 2-week period. This will be computed at 2 dollars per display per period. There will be no service charge for those electing to have the fixed display.

(e) "The requesting party will, as third party intermediary, enter into written agreement with suppliers, if suppliers so desire, to undertake supplier obligations under sections 2 (d) and (e) of the amended Clayton Act as provided in Guide 13 of the Commission's Guides for Advertising Allowances and Other Merchandising Payments and Services. If there is a supplier-third party agreement that the requesting party will undertake supplier obligations, suppliers will perform as set forth in paragraph (b) of Guide 13."

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: September 16, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-11084; Filed, Sept. 16, 1969; 8:49 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Imported Plastic Vinegar Bottles

§ 15.368 Disclosure of origin of imported plastic vinegar bottles.

(a) The Commission had rendered an advisory opinion to a manufacturer of domestically-made vinegar that it would not be necessary to disclose the origin of its imported plastic vinegar bottles.

(b) In the absence of any affirmative representation that the imported plastic bottles are made in the United States, the Commission said that it will not be necessary to disclose the Canadian origin of the containers.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: September 16, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-11083; Filed, Sept. 16, 1969; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 69-203]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Coastwise Transportation

Section 4.93(b)(2), Customs Regulations, relating to the coastwise transportation of equipment for use with vans, tanks etc., by certain vessels, amended to add France to the list of authorized nations.

On the basis of information obtained and furnished by the Department of State, it is found that the Government of France extends to vessels of the United States in ports of France privileges reciprocal to those provided for in section 27 of the Merchant Marine Act of 1920, as further amended by Public Law 90-474 (82 Stat. 700). Therefore, vessels of France are permitted to transport coastwise equipment for use with vans and tanks, empty barges designed for carriage aboard a vessel, empty instruments of international traffic, and stevedoring equipment and material under the conditions specified in the applicable proviso to 46 U.S.C. 883.

Accordingly, § 4.93(b)(2), Customs Regulations, is amended by the insertion of "France" in appropriate alphabetical order in the list of nations in that section.

(80 Stat. 379, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 46 U.S.C. 883)

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

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

Approved: September 5, 1969.

EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

[F.R. Doc. 69-11074; Filed, Sept. 16, 1969; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SURFACE LUBRICANTS USED IN THE MANUFACTURE OF METALLIC ARTICLES

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 9B2374) filed by Emery Industries, Inc., 4300 Carew Tower, Cincinnati, Ohio 45202, and other relevant material, concludes that § 121.2531 should be amended to provide for the safe use of partial methyl esters of dimers and trimers of C_{18} unsaturated fatty acids in surface lubricants used in the manufacture of metallic food-contact articles under conditions such that the total residual lubricant does not exceed 0.015 milligram per square inch of food-contact surface. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2531(a)(2) is amended by revising the item "Dimers and trimers * * *" to read as follows:

§ 121.2531 Surface lubricants used in the manufacture of metallic articles.

* * * * *

(a) * * *
(2) * * *

List of substances	*Limitations*
* * *	* * *
Dimers, trimers, and/or their partial methyl esters; such dimers and trimers are of unsaturated C_{18} fatty acids derived from animal and vegetable fats and oils and/or tall oil, and such partial methyl esters meet the following specifications: Saponification value 187–193, acid value 75–95, and maximum iodine value 15.	For use only at a level not to exceed 10 percent by weight of finished lubricant formulation.
* * *	* * *

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

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

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

Dated: September 9, 1969.

J. K. KIRK,
Associate Commissioner for Compliance

[F.R. Doc. 69-11031; Filed, Sept. 16, 1969; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

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

Arkansas Post National Memorial, Arkansas

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), and the Act of July 6, 1960 (74 Stat. 333; 16 U.S.C. 431nt.), 245 DM1 (27 F.R. 6395), as amended, National Park Service Order No. 34. (31 F.R. 4255), as amended, Regional Director, Southeast Region Order No. 4 (31 F.R. 3135), as amended, Part 7 of Title 36 of the Code of Federal Regulations is amended as set forth below.

The purpose of this amendment is to restrict the launching, beaching, or landing of vessels within Arkansas Post National Memorial.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Superintendent, Hot Springs National Park, Post Office Box 1219, Hot Springs, Ark. 71901, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Section 7.72 is added as follows:

§ 7.72 Arkansas Post National Memorial.

(a) *Launching, beaching, or landing of vessels.* Except in emergencies, no vessel shall be launched, beached, or landed from or on lands within the Arkansas Post National Memorial.

B. T. CAMPBELL,
Superintendent, Hot Springs National Park.

[F.R. Doc. 69-11045; Filed, Sept. 16, 1969; 8:45 a.m.]

PART 7—SPECIAL REGULATIONS, NATIONAL PARK SYSTEM

Grand Teton National Park, Wyo.

OVERSNOW VEHICLES, MOUNTAIN CLIMBING, AND WINTER TOURING

On July 19, 1969, notice was published in the FEDERAL REGISTER (Volume 34, No. 138, Page 12140) as a "Proposed Rule Making" a proposed amendment of 36 Code of Federal Regulations, 7.22 relating to regulations on Oversnow Vehicles, Mountain Climbing, and Winter Touring.

That notice afforded all interested parties 30 days from date of publication within which to submit to the Superintendent of Grand Teton National Park comments, suggestions or objections. In view of the few comments by the general public, the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of its publication in the FEDERAL REGISTER.

By authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), the act of September 14, 1950 (64 Stat. 849; 16 U.S.C. 406d–1), 245 DM1 (27 F.R. 6395), as amended, National Park Service Order No. 34 (31 F.R. 4255), as amended, National Park Service Order No. 4 (31 F.R. 5769), as amended, 7.22 of Title 36 of the Code of Federal Regulations is amended as set forth below.

Section 7.22 Grand Teton National Park.

* * * * *

(f) *Oversnow Vehicles.* (1) The term "oversnow vehicle" shall include all devices propelled by a motor that are designed for oversnow travel.

(2) Registration of each oversnow vehicle with the Superintendent is required prior to operation in the Park.

(3) An adequate lighting system is required if the vehicle is traveling during darkness.

(4) An adequate propeller guard is required if the vehicle is a snowplane.

(5) Oversnow vehicle use is permitted only in areas designated by the Superintendent, and is not permitted on plowed roads. A map of the designated areas is located in the Superintendent's office.

(6) No person under the age of 16 shall operate an oversnow vehicle without direct supervision of an adult.

(7) Racing, other competitive uses, and operation of an oversnow vehicle in an unsafe manner is prohibited.

(8) Oversnow vehicles used to carry passengers for hire will be deemed commercial, and will be subject to section 5.3 of this chapter.

* * * * *

(h) *Mountain Climbing and Off-Trail Hiking.* (1) Solo climbing is prohibited. Registration with the Superintendent is required prior to any climbing or hiking off designated trails west of the Snake River above the 7,000-foot level. The registrant is required to sign in immediately upon return from the climb or hike. All established trails are designated on a map located in the Superintendent's office.

(i) *Winter touring.* (1) The Superintendent may, by posting or official notice, establish on the basis of weather and snow conditions, a winter touring season.

(2) Registration with the Superintendent is required prior to any winter travel using skiis, snowshoes, or other nonmechanical means, away from plowed roads. The registrant is required to sign in immediately upon return from a trip.

(3) Solo winter touring is prohibited.

FOY L. YOUNG,
Acting Superintendent, Grand Teton National Park.

[F.R. Doc. 69-11046; Filed, Sept. 16, 1969; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart A—Vocational Rehabilitation Under 38 U.S.C., Chapter 31

SUBSISTENCE ALLOWANCE

In § 21.130, paragraphs (a)(2) and (b)(2) are amended to read as follows:

§ 21.130 Subsistence allowance.

(a) *Payments.* * * *

(2) He is in approved leave status. (A veteran will continue to be paid subsistence allowance even though he is hospitalized while in a leave status; receiving drill pay, flight pay or commuted

rations as a member of a Reserve force; or while not on active duty, is receiving service department retirement or retainer pay.)

(b) *Restrictions.* * * *

(2) He is receiving Veterans Administration hospital or domiciliary care following discharge from service, except as provided in paragraph (a)(2) of this section. (He is not precluded from receiving subsistence allowance if as a part of his training he is receiving certain assistance in the day clinic of the hospital but is providing his own room and board, either at home or otherwise.)

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

This VA regulation is effective August 26, 1965.

Approved: September 11, 1969.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[F.R. Doc. 69-11095; Filed, Sept. 16, 1969; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 69-977]

PART 1—PRACTICE AND PROCEDURE

Grants Without Authorizations Other Than Licenses Pursuant to Construction Permits

1. Section 1.591(b)(1) of the rules and regulations provides that, if certain applications for authorizations in the broadcast radio services are to be considered with a prior filed mutually exclusive or conflicting application, they must be filed by "the close of business on the day preceding the day on which the Commission takes action with respect to the" prior-filed application. For many years, as a result of consistent application of this provision, it has been understood that, to be considered with a prior-filed application, conflicting applications must be filed by the day preceding the day that the Commission votes to grant the prior-filed application or designate it for hearing or, in the case of staff action, the day on which the appropriate official signs the document by which such action is taken. Nevertheless, since it has recently been contended that the "effective date" of the action (see § 1.102) or the "release date" of the pertinent document is the "day on which the Commission takes action," we deem it advisable to add a note to § 1.591(b) spelling out in precise detail the meaning which has consistently been given to that phrase. The note is set forth in the attached appendix.

2. Authority for the amendment set forth in the attached appendix is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Because the amendment relates to matters of procedure and is purely explanatory, the procedural and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, are inapplicable.

3. In view of the foregoing: *It is ordered*, Effective September 19, 1969, That § 1.591 of the rules and regulations is amended as set forth below.

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

Adopted: September 10, 1969.

Released: September 12, 1969.

FEDERAL COMMUNICATIONS COMMISSION [1]

[SEAL] BEN F. WAPLE,
Secretary.

1. In Part 1 of Chapter I of Title 47 of the Code of Federal Regulations, § 1.591 is amended by adding a note at the end of paragraph (b) and immediately preceding the existing note to that paragraph, to read as follows:

§ 1.591 Grants without hearing of authorizations other than licenses pursuant to construction permits.

* * * * *

(b) * * *

NOTE: As used in paragraph (b)(1) of this section, the "day on which the Commission takes action" is the day on which the Commission votes to grant the prior-filed application or to designate it for hearing or, in the case of action by delegated authority, the day on which the person acting under such delegated authority signs the document by which such action is taken. The "release date" of the document and the "effective date" of the action (see § 1.102 are significant in other respects but are not considered in making the determination under paragraph (b)(1) of this section as to whether an application was filed by "the close of business on the day preceding the day on which the Commission takes action."

* * * * *

[F.R. Doc. 69-11076; Filed, Sept. 16, 1969; 8:48 a.m.]

[Docket No. 18573; FCC 69-985]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations, Estherville and Fort Dodge, Iowa

1. On June 18, 1969, the Commission adopted a notice of proposed rule making (FCC 69-668, released June 20, 1969) in the above-entitled matter pursuant to a petition (RM-1438) jointly filed by the State Educational Radio and Television Facility Board of Iowa (Iowa Educators) and Northwest Television Co., licensee of Station KVFD-TV, Fort Dodge, Iowa (KVFD-TV). Interested parties were afforded an opportunity to comment on or before July 28, 1969, and to reply to such comments on or before August 8, 1969. A brief joint comment was filed by petitioners.

2. Our notice, in response to the joint petition of the Iowa Educators and KVFW-TV, proposed to replace reserved Channel *28 with reserved Channel *49 at Estherville, Iowa (this community has no other television assignments) and to make a new reserved assignment of Channel *46 to Fort Dodge, Iowa, thereby giving that community its first reserved assignment and second television assignment. Channel 21 presently serves Fort Dodge as a commercial operation. The channel proposed to be deleted, Channel *28 at Estherville, is unoccupied and has no application pending for its use. According to the 1960 U.S. census, Estherville (located in Emmet County with a population of 14,871) has 7,927 residents, while Fort Dodge (located in Webster County with a population of 47,810) contains 28,399 persons.

3. The Iowa Educators are desirous of establishing an educational television service to serve Fort Dodge, as part of a State-wide educational television network. Hence, they support the assignment of Channel *46 to that community. In an attempt to minimize their construction cost they propose to share the new television tower proposed to be constructed by KVFD-TV (Fort Dodge's commercial service) approximately 25 miles from Fort Dodge, near Bradgate, Iowa. KVFD-TV's new tower location is sought in order to bring television service to segments of the population presently underserved. Both petitioners are of the view that the addition of an educational service to Fort Dodge is in the public interest and that the sharing of the Bradgate antenna site will both improve service and contribute to the economic health of KVFD-TV and the educational service advocated by the Iowa Educators on Channel *46. Because of the mileage separation requirements specified in the Commission's rules as to UHF assignments seven channels apart, the proposed location of the Channel 21 tower requires the substitution of another channel for Channel *28 at Estherville. (See §§ 73.611(d) and 73.698, Table IV of our rules.) Petitioners emphasize that the shifts in television assignments proposed in their petition, set out in our notice and presently advanced by them, in no way deprive any other community of existing or potential commercial or educational television service. The Iowa Educators specifically state that the replacement of reserved Channel *28 with reserved Channel *49 at Estherville, in their view, in no way diminishes the hope of educational television service for that community.

4. With the above in mind, as well as the results of a computer analysis of television channel availabilities in the Estherville-Fort Dodge area, we have come to the conclusion that it is in the public interest to replace Channel *28 with Channel *49 at Estherville, Iowa and to assign Channel *46 to Fort Dodge, Iowa. Such action should further the early activation of educational television service to Fort Dodge, and an improved commercial operation on Channel 21.

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

[1] By the Commission: Commissioner Johnson dissenting.

6. *Accordingly, it is ordered,* That effective October 20, 1969, the Table of Assignments in § 73.606(b) of the Commission's rules is amended, insofar as the cities listed below are concerned, to read as follows:

City	Channels
Fort Dodge, Iowa	21, *46
Estherville, Iowa	*49

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

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

Adopted: September 10, 1969.

Released: September 12, 1969.

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

[F.R. Doc. 69-11077; Filed, Sept. 16, 1969; 8:48 a.m.]

[FCC 69-652]

PART 93—LAND TRANSPORTATION RADIO SERVICES

Interim Basic Land Transportation Industries Communications Emergency Plan for Emergency Operation

1. The Commission has under consideration a formal recommendation of the Executive Committee of the National Industry Advisory Committee (NIAC), which was submitted April 3, 1969, for an Interim Basic Land Transportation Industries Communications Emergency Plan (LATICEP) for operation during a grave National crisis or war.

2. Executive Order 11092 places upon the Commission various functions including the development of plans and procedures covering authorization, operation and use of Safety and Special Radio Service facilities and personnel in the national interest in an emergency.

3. The adoption of the proposed Interim Basic LATICEP will permit work to commence upon development of detailed regional and local emergency plans which, after approval will become part of the LATICEP. The Interim Basic Plan will be further refined and revised as experience dictates and will be reissued at a later date as a Final Basic Plan.

4. The immediate adoption of the Interim Basic Plan is justified for reasons of national security. It may therefore be adopted without regard to the notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553).

5. *It is ordered,* Pursuant to sections 4(i), 606 (c) and (d) of the Commmunications Act of 1934, as amended, and Executive Order 11092, that the Interim Basic Land Transportation Industries Emergency Communications Plan (Mar. 20, 1969) is adopted, and

6. *It is further ordered,* That, effective September 19, 1969, Part 93 of the Commission's rules is amended as set forth below.

[1] Chairman Hyde absent.

Adopted: June 18, 1969.

Released: September 12, 1969.

(Secs. 4, 606, 48 Stat., as amended, 1066, 1104; 47 U.S.C. 154, 606, and E.O. 11092 of Feb. 26, 1963)

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

Subpart D of Part 93 is amended by adding new §§ 93.161, 93.162, and 93.163 to read as follows:

§ 93.161 Land Transportation radio services emergency operation.

Scope and objective. This section applies to those stations licensed under this part and operating in a system for which a National Defense Emergency Authorization has been issued. The section provides for operation of stations within the United States during a grave national crisis or war. The objective is to provide for flexible operation of communications equipment during such an emergency to fulfill emergency communication requirements and needs.

§ 93.162 Definition of terms.

(a) *National Defense Emergency Authorization (NDEA).* A National Defense Emergency Authorization is an authorization issued by the Federal Communications Commission to the licensees of land transportation stations, subject to the provisions of this part, for operation in accordance with the Interim Basic Land Transportation Industries Communications Emergency Plan (LATI CEP) including the annexes and supplements to that plan.

(b) *Emergency action notification.* The Emergency Action Notification is the notice (with or without an Attack Warning) to all licensees and regulated services of the Federal Communications Commission and to the general public of the existence of an Emergency Action Condition. The Emergency Action Notification is released upon direction of the President of the United States and is disseminated only via the Emergency Action Notification System.

(c) *Emergency action condition.* The Emergency Action Condition is the period of time between the transmission of an Emergency Action Notification and the transmission of the Emergency Action Condition Termination.

(d) *Emergency action notification system.* The Emergency Action Notification System is the system by which all licensees and regulated services of the Federal Communications Commission, and the general public, are notified (with or without an Attack Warning) of the existence of an Emergency Action Condition resulting from a grave national crisis or war. The Emergency Action Notification System consists only of the following approved facilities, systems, and arrangements:

(1) *First method.* From the President of the United States via the White House Communications Agency to the Associated Press (AP) and United Press International (UPI); thence via automatic selective switching and teletype Emergency Action Notification to all standard, FM and television broadcast and other stations (including Land Transportation stations) subscribing to the AP and UPI Radio Wire Teletype Networks.

(2) *Second method.* From the President of the United States via the White House Communications Agency to specified control points of the nationwide commercial Radio and Television Broadcast Networks, the American Telephone and Telegraph Co. and other specified points via a dedicated teletypewriter network; thence to all affiliates via any available commercial Radio and Television internal network alerting facilities.

(3) *Third method.* Off-the-air monitoring of a standard, FM or television broadcast station by other standard, FM, and television broadcast stations and FCC licensees (including Land Transportation licensees) for receipt of the Emergency Action Notification. All broadcast station licensees are required to install, maintain, and operate radio receiving equipment for receipt of the Emergency Action Notification at this level.

(4) *Fourth method.* Off-the-air monitoring of standard, FM, and TV broadcast stations by the general public who are listening or viewing or whose receivers can be activated by standardized selective signalling transmitted by said stations.

(e) *Emergency action condition termination.* The Emergency Action Condition Termination is the notice to all licensees and regulated services of the Federal Communications Commission and to the general public of the termination of an Emergency Action Condition. The Emergency Action Condition Termination is released upon direction of the President of the United States and is disseminated only via the Emergency Action Notification System.

§ 93.163 Emergency operation.

(a) A National Defense Emergency Authorization will be issued on a system basis by the Commission to those licensees who are engaged in essential activities for which an approved National Industry Advisory Committee Emergency Plan has been adopted, provided, the licensee has submitted to the Commission a certification of willingness to participate in and conform to the emergency communications plan applicable to his stations licensed under this part for which coverage is desired, has certified thereon a willingness to interconnect facilities where necessary with those of similar licensees and to cooperate with such licensees in providing emergency communications. Once issued, a National Defense Emergency Authorization is effective for each station in the system concurrently with the regular license for that station. A National Defense Emergency Authorization may be terminated by the Commission upon a finding that,

for any reason, the facilities are no longer capable of providing effective emergency communications in accordance with the National Industry Advisory Committee Emergency Plan concerned.

(b) Over and above the permissive provisions of all applicable rules and not withstanding any provisions of this chapter or license restrictions to the contrary, systems covered by a National Defense Emergency Authorization and operated by licensees participating in the Land Transportation Industries Communications Emergency Plan (LATI CEP) are authorized to operate in accordance with the provisions of this paragraph under the emergency conditions and for the periods of time specified above:

(1) To share facilities with, or interconnect with, any other communications facilities necessary to accomplish transportation industry's communications requirements where such sharing and/or interconnection is mutually acceptable.

(2) To use mobile frequencies to provide point-to-point services and to effect tie-ins between established fixed services.

(3) To use any type of modulation, including multiplex, so long as the occupied bandwidth does not exceed that normally authorized on the frequency involved, and to use any operating power not exceeding the maximum specified under Part 93, subject to mutual resolution of any resulting interference.

(4) To test periodically any facility established for emergency use under this section.

[F.R. Doc. 69-11078; Filed, Sept. 16, 1969; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Certain National Wildlife Refuges in Alaska

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER. These regulations apply to public hunting on portions of certain national wildlife refuges in Alaska.

General conditions. Hunting shall be in accordance with applicable State regulations. Information relative to hunting may be obtained from Refuge Managers addressed to respective refuges.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds may be hunted on the following refuge areas:

Aleutian Islands National Wildlife Refuge, Cold Bay, Alaska 99571.

Special condition. Hunting permitted only on Unimak, Adak, Attu, Shemya, and Atka.

Arctic National Wildlife Range, 1412 Airport Way, Fairbanks, Alaska 99701.

Clarence Rhode National Wildlife Range, Post Office Box 346, Bethel, Alaska 99559.

Izembek National Wildlife Range, Cold Bay, Alaska 99571.

Kenai National Moose Range, Box 500, Kenai, Alaska 99611.

Kodiak National Wildlife Refuge, Box 825, Kodiak, Alaska 99615.

Nunivak National Wildlife Range, Post Office Box 346, Bethel, Alaska 99559.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Upland game may be hunted on the following refuge areas:

Aleutian Islands National Wildlife Refuge, Cold Bay, Alaska 99571.

Special condition. Exception Amchitka, Alaska.

Arctic National Wildlife Range, 1412 Airport Way, Fairbanks, Alaska 99701.

Clarence Rhode National Wildlife Range, Post Office Box 346, Bethel, Alaska 99559.

Izembek National Wildlife Range, Cold Bay, Alaska 99571.

Special condition. The landing of aircraft is prohibited except in the event of emergency.

Kenai National Moose Range, Box 500, Kenai, Alaska 99611.

Special conditions. (1) Except in the event of an emergency, the landing of aircraft on that portion of the Kenai National Moose Range located south of the Sterling Highway is restricted to the following:

a. All lakes, streams, and other bodies of water except the following named lakes which are closed to aircraft use: Cirque, Benchland, Timberline, Trophy, Upper Jean, Watson, and those lakes in the Skilak Loop Recreational Area between the Sterling Highway and Skilak Lake.

b. The landing of wheeled aircraft south of the Sterling Highway and the landing of aircraft on any glacier or snow field is prohibited.

(2) The use of motorized vehicles is restricted to the established maintained road system.

Kodiak National Wildlife Refuge, Box 825, Kodiak, Alaska 99615.

Special condition. Except in the event of an emergency, the landing of aircraft on the Kodiak National Wildlife Refuge is restricted to the lakes, streams, and other bodies of water.

Nunivak National Wildlife Range, Post Office Box 346, Bethel, Alaska 99559.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

Big game animals may be hunted on the following refuge areas:

Aleutian Islands National Wildlife Refuge, Cold Bay, Alaska 99571.

Special conditions. (1) Species permitted to be taken: Caribou on the islands of Atka, Unimak, and Adak; brown bear on the island of Unimak.

(2) A Federal permit is required to take brown bear on Unimak Island. Permits may be obtained from the Refuge Manager, Aleutian Islands National Wildlife Refuge, Cold Bay, Alaska 99571.

(3) Landing of aircraft on Unimak Island or taking aircraft off from Unimak Island, while transporting big game or big game hunters, is restricted to the following areas:

Area No. 1. The airstrip situated at the village of False Pass.

Area No. 2. The airstrip situated at Cape Sarichef.

Area No. 3. The waters of all lakes, bays, and lagoons on or adjacent to Unimak Island.

Arctic National Wildlife Range, 1412 Airport Way, Fairbanks, Alaska 99701.

Bering Sea National Wildlife Refuge, Post Office Box 346, Bethel, Alaska 99559.

Special condition. A Federal permit is required to enter the refuge. Permits may be obtained from the Refuge Supervisor, Bureau of Sport Fisheries and Wildlife, Room 412, Cordova Building, 550 Cordova Street, Anchorage, Alaska 99501.

Izembek National Wildlife Range, Cold Bay, Alaska 99571.

Special condition. The landing of aircraft is prohibited except in the event of emergency.

Kenai National Moose Range, Box 500, Kenai, Alaska 99611.

Special conditions. (1) Except in the event of an emergency, the landing of aircraft on that portion of the Kenai National Moose Range located south of the Sterling Highway is restricted to the following:

a. All lakes, streams, and other bodies of water except the following named lakes which are closed to aircraft use: Cirque, Benchland, Timberline, Trophy, Upper Jean, Watson and those lakes in the Skilak Loop Recreational Area between the Sterling Highway and Skilak Lake.

b. The landing of wheeled aircraft south of the Sterling Highway and the landing of aircraft on any glacier or snow field is prohibited.

(2) The use of motorized vehicles is restricted to the established maintained road system.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1970.

HENRY BAETKEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oreg.

SEPTEMBER 9, 1969.

[F.R. Doc. 69-11081; Filed, Sept. 16, 1969; 8:48 a.m.]

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kans.

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of pheasants, quail, cottontail rabbits, crows, and fox squir-

rels on the Kirwin National Wildlife Refuge, Kans., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,300 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kans., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, quail, cottontail rabbits, crows, and fox squirrels subject to the following special conditions:

(1) The open season for hunting pheasants on the refuge extends from November 8, through December 31, 1969, inclusive.

(2) The open season for hunting quail on the refuge extends from November 15, 1969, through January 15, 1970, inclusive.

(3) The open season for hunting crows on the refuge extends from October 4, 1969, through January 15, 1970, inclusive.

(4) The open season for hunting cottontail rabbits and fox squirrels on the refuge shall be only on those days during the open season for the hunting of pheasants and quail.

(5) Shotguns and bow and arrows are legal weapons. Rifles or handguns will not be permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1970.

KEITH S. HANSEN,
Refuge Manager, Kirwin National Wildlife Refuge, Kirwin, Kans.

SEPTEMBER 8, 1969.

[F.R. Doc. 69-11043; Filed, Sept. 16, 1969; 8:45 a.m.]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minn.

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of ruffed grouse, gray and fox squirrels, cottontail, jack and snowshoe rabbits on the Tamarac National Wildlife Refuge, Rochert, Minn., is permitted in the area designated by signs as open to hunting. This open area comprising 12,500 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

An additional area of 18,000 acres will be open for public hunting of ruffed grouse only. This ruffed grouse only public hunting area is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations during the seasons specified below. The hunting of upland game species as may be otherwise authorized by Minnesota State regulations is prohibited.

Open seasons: Ruffed grouse—(1st season) Sunrise September 27, 1969, through November 22, 1969. Ruffed grouse—(2d season) Sunrise November 19, 1969, through November 30, 1969. Gray and fox squirrels—Sunrise September 27, 1969, through December 31, 1969. Cottontail, jack, and snowshoe rabbits—Sunrise September 27, 1969, through March 1, 1970.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 1, 1970.

CLAUDE R. ALEXANDER,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minn.

SEPTEMBER 1, 1969.

[F.R. Doc. 69-11059; Filed, Sept. 16, 1969; 8:46 a.m.]

PART 32—HUNTING

Bear River Migratory Bird Refuge, Utah

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

The public hunting of pheasants on the Bear River Migratory Bird Refuge, Utah, is permitted from November 1, 1969, through November 30, 1969, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 9,495 acres, is delineated on maps and shown as Area A which are available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants subject to the following special conditions:

(1) No hunting is permitted from roadways or within 100 yards of roadways.

(2) Checking in and out—Each hunter who enters Area A is required to register at the checking station and check out before leaving the refuge.

(3) Parking—Hunters may park cars only at designated area within refuge.

(4) To reach open hunting area, travel is permitted on foot or bicycle from refuge checking station over roads between Units 1 and 2 and Units 2 and 3.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1969.

LLOYD F. GUNTHER,
Refuge Manager, Bear River Migratory Bird Refuge, Brigham City, Utah.

SEPTEMBER 5, 1969.

[F.R. Doc. 69-11044; Filed, Sept. 16, 1969; 8:45 a.m.]

PART 32—HUNTING

Holla Bend National Wildlife Refuge, Ark.

The following regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ARKANSAS

HOLLA BEND NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Holla Bend National Wildlife Refuge is permitted on 2,906 acres. The hunting area is delineated on maps available at refuge headquarters, Russellville, Ark., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following special conditions:

(1) Hunting dates are October 4, 5, 11, 12, 18, 19, 25, 26, 1969.

(2) Hunters may not enter the refuge earlier than 1 hour before official sunrise.

(3) No firearms permitted. Long bow and arrow only.

(4) No camping or fires permitted on the refuge.

(5) All deer taken must be checked by refuge personnel before leaving the area.

(6) No Federal permit required.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Part 32, and are effective through October 31, 1969.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 8, 1969.

[F.R. Doc. 69-11096; Filed, Sept. 16, 1969; 8:49 a.m.]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minn.

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Tamarac National Wildlife Refuge, Rochert, Minn., is permitted over the entire refuge with the exception of those areas designated as "Area Beyond This Sign Closed". The open area, comprising 42,000 acres, is delineated on maps available at refuge headquarters, Rochert, Minn. 56578, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and black bear and subject to the following conditions.

(1) The open season for hunting deer and black bear, with legal firearms, is from sunrise to sunset, November 8, 1969, through November 10, 1969.

(2) The open season for hunting deer and black bear, with legal bow and arrow is permitted from sunrise October 4, 1969, through October 31, 1969, on the 12,500 acre area designated by signs as open to hunting. This area is delineated on maps available at refuge headquarters, Rochert, Minn. 56578, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, 55111.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, code of Federal Regulations, Part 32, and are effective through November 10, 1970.

CLAUDE R. ALEXANDER,
Refuge Manager, Tamarac National Wildlife Refuge, Rochert, Minn.

SEPTEMBER 1, 1969.

[F.R. Doc. 69-11058; Filed, Sept. 16, 1969; 8:46 a.m.]

PART 32—HUNTING

Lostwood National Wildlife Refuge, N. Dak.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

LOSTWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Lostwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting during the period November 7 through 16, 1969. This open area, comprising 25,300 acres, is delineated on a map available at the refuge headquarters, Lostwood, N. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations and the following special conditions:

1. Vehicle travel restricted to public highways and refuge entrance road from State Highway No. 8 to refuge headquarters. All other roads and trails are closed to vehicles.

2. A 1-square-mile area around the headquarters complex will be closed to hunting, and marked by "Closed Area" signs.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 1, 1970.

JAMES E. FRATES,
Refuge Manager, Lostwood National Wildlife Refuge, Lostwood, N. Dak.

SEPTEMBER 9, 1969.

[F.R. Doc. 69-11042; Filed, Sept. 16, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 32, 33]

HUNTING AND FISHING

List of Open Areas; Migratory Birds and Sport Fishing

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), it is proposed to amend 50 CFR 32.11 and 33.4 by the addition of the Bear Lake National Wildlife Refuge, Idaho, to the list of wildlife refuge areas open to the public for the hunting of migratory game birds and sport fishing as legislatively permitted.

It has been determined that the regulated hunting of migratory game birds and sport fishing may be permitted on the Bear Lake National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory birds.

* * * * *

IDAHO

Bear Lake National Wildlife Refuge.

* * * * *

2. Section 33.4 is amended by the addition of the following area as one where sport fishing is authorized:

§ 33.4 List of open areas; sport fishing.

* * * * *

IDAHO

Bear Lake National Wildlife Refuge.

* * * * *

September 12, 1969.

ABRAM V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 12, 1969.

[F.R. Doc. 69-11060; Filed, Sept. 16, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposal To Change Desirable Free Tonnage for Natural Thompson Seedless Raisins

Notice is hereby given of a proposal to change the "desirable free tonnage" as set forth in § 989.54(a) for natural Thompson Seedless raisins from 140,000 tons to 134,000 tons. This action would be in accordance with § 989.54(a) of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the Raisin Administrative Committee, established under the said marketing agreement and order.

The tonnage of raisins of any varietal type which can be sold as free tonnage during a crop year is designated in § 989.54(a) as "desirable free tonnage" and, until changed, such tonnage for natural Thompson Seedless raisins is fixed at 140,000 tons. The Committee has reviewed, as provided in § 989.54(a), shipment data and other matters relating to the desirable free tonnage for 1969–70.

Shipments of free tonnage natural Thompson Seedless raisins for the 1968–69 crop year are reported by the Committee to be 135,283 tons, with average shipments of such raisins for the 4 crop years ending with the 1967–68 crop year to be 139,923 tons. The carryover of free tonnage on September 1, 1969, also is reported to be 28,332 tons. The proposed desirable free tonnage of 134,000 tons of 1969–70 crop natural Thompson Seedless raisins when added to the carryover should provide ample tonnage for shipment as free tonnage during the 1969–70 crop year and a satisfactory carryout at the end of the crop year for free tonnage shipments early in the 1970–71 crop year until new crop raisins become available.

No desirable free tonnage is proposed for varietal types other than natural Thompson Seedless raisins because no volume regulation is contemplated for them in the 1969–70 crop year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20240, not later than 5 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 12, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 69-11099; Filed, Sept. 16, 1969; 8:49 a.m.]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposals To Designate Preliminary Free Tonnage Percentage for Natural Thompson Seedless Raisins and To Designate Certain Countries for Export Sale by Handlers of Reserve Tonnage Raisins

Notice is hereby given of proposals to designate for natural Thompson Seedless raisins for the 1969–70 crop year: (1) a preliminary free tonnage percentage which would release not less than 65 percent of the proposed desirable free tonnage for such raisins of 134,000 tons, as set forth in the notice of proposed rule making with respect thereto which is also published in this issue of the FEDERAL REGISTER; and (2) certain countries for export sale by handlers of reserve tonnage raisins. The designations would be in accordance with §§ 989.54, 989.55, and 989.67 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposals were recommended by the Raisin Administrative Committee, established pursuant to said marketing agreement and order.

As to the first proposal, release of not less than 65 percent of the proposed desirable free tonnage of natural Thompson Seedless raisins of 134,000 tons would provide an ample quantity (i.e., approximately 87,100 tons) of such raisins for shipment as free tonnage during the September–February period of the 1969–70 crop year. During the same period of the 1968–69 crop year, actual shipment of free tonnage raisins amounted to approximately 79,200 tons. By February 15, 1970, at the latest, a final

free tonnage percentage is to be recommended to the Secretary by the Committee which would tend to release the full desirable free tonnage. As provided in § 989.54(b), the difference between any preliminary or final free tonnage percentage and 100 percent shall be the reserve percentage.

As to the second proposal, the Committee has, pursuant to § 989.67(c), given consideration to the pertinent factors enumerated in § 989.54 of the amended marketing agreement and order and has recommended the countries to which sale in export of reserve tonnage natural Thompson Seedless raisins may be made by handlers. The countries recommended are the same as those currently in § 989.221, which reads as follows:

The countries to which sale in export of reserve tonnage natural Thompson Seedless raisins may be made by handlers shall be all of those countries, other than Australia, outside of the Western Hemisphere. For the purposes of this section, "Western Hemisphere" means the area east of the international dateline and west of 30° W. longitude but excluding all of Greenland and Mexico. All of the countries covered by this section to which sale in export of such reserve tonnage may be made shall be deemed listed in this section for purposes of § 989.67(c).

All person who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 4, 1969. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 12, 1969.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 69-11100; Filed, Sept. 16, 1969; 8:40 a.m.]

[7 CFR Parts 1001, 1015]

[Dockets Nos. AO-14-A47, AO-305-A24]

MILK IN THE MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE AND CONNECTICUT MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Sheraton Yankee Drummer Inn, Exit 10, Massachusetts Turnpike, Auburn, Mass., beginning at 10 a.m., on October 21, 1969, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Massachusetts-Rhode Island-New Hampshire and Connecticut marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposal relative to a redefinition of the Massachusetts-Rhode Island-New Hampshire marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Cabot Farmers' Cooperative Creamery Co., Inc.; Concord Dairy; Connecticut Valley Dairy, Inc.; Consolidated Milk Producers Association; Dairymen's League Cooperative Association, Inc.; Maine Dairymen's Association; Milton Cooperative Dairy Corporation; New England Milk Producers Association, Inc.; Northern Farms Cooperative, Inc.; Producers Dairy Co., Brockton; Producers Dairy Co., Nashua; Richmond Cooperative Association, Inc.; St. Albans Cooperative Creamery, Inc.; United Farmers of New England; and White River Valley Dairies, Inc.:

Proposal No. 1. Expand the presently defined Massachusetts-Rhode Island-New Hampshire marketing area to include all of Massachusetts except Berkshire and Nantucket Counties. To this end, § 1001.2 is proposed to be amended as follows:

§ 1001.2 Massachusetts-Rhode Island-New Hampshire marketing area.

"Massachusetts - Rhode Island - New Hampshire marketing area" referred to in this part as the "marketing area", means all territory within the places listed below, all waterfront facilities connected therewith and craft moored thereat, and all territory therein occupied by any governmental installation, institution, or other establishment:

MASSACHUSETTS

All counties except Berkshire and Nantucket.

NEW HAMPSHIRE

COUNTIES

Belknap.	Rockingham.
Hillsboro.	Stafford.
Merrimack.	

CITIES AND TOWNS

Ashland.	Keene.
Bridgewater.	Marlborough.
Bristol.	Nelson.
Dublin.	Plymouth.
Harrisville.	Roxbury.
Holderness.	Sullivan.
Jaffrey.	

RHODE ISLAND

All cities and towns except New Shoreham (Block Island).

Proposal No. 2. Amend the Massachusetts-Rhode Island-New Hampshire and Connecticut orders to define as dairy farmer for other market milk and to exclude from producer milk status, milk of a dairy farmer received at a pool plant, if milk from the same farm(s) was received and priced as base producer milk during the month at a plant fully subject to another Federal order providing a base-rating seasonal incentive payment plan, or, if any milk was marketed as base milk under such other order as a result of transfer of earned base by such dairy farmer.

Proposal No. 3. Amend § 1001.84 of the Massachusetts-Rhode Island-New Hampshire order and § 1015.89 of the Connecticut order, respectively, by increasing the rate of adjustment for overdue producer-settlement fund accounts from one-half of 1 percent to 1 percent.

Proposed by Cabot Farmers' Cooperative Creamery Co.; Milton Cooperative Dairy Corp.; Richmond Cooperative Association, Inc.; St. Albans Cooperative Creamery, Inc.; United Farmers of New England, Inc.; and White River Valley Dairies, Inc.:

Proposal No. 4. Amend § 1001.27 of the Massachusetts-Rhode Island-New Hampshire order to revise the basis for limiting diversions as specified in subparagraph (a)(1) of said section. In lieu thereof, provide that milk reported as diverted pursuant to paragraph (a) shall be subject to the following conditions:

1. In any month the total of such diversions shall not exceed 50 percent of the combined volume of producer milk to be accounted for by the handler at all his pool plants, except that no more than 25 percent of such combined volume may be diverted to nonpool plants; and

2. During any month of August through November, such milk may be moved as diverted milk from individual farms no more than 14 days (7 days in the case of every other day delivery), except as the provisions of present subparagraph (2) may apply.

Proposal No. 5. Amend § 1001.57 of the Massachusetts-Rhode Island-New Hampshire order by reversing paragraphs (c) and (d) to provide the same Class I assignment sequence with regard to receipts from a handler's pool plant or system of pool plants as is now provided with respect to receipts from pool plants of other handlers pursuant to paragraph (b).

Proposal No. 6. Amend § 1001.25 of the Massachusetts-Rhode Island-New Hampshire order by deleting paragraphs (c), (d) and (f).

Proposed by Massachusetts Cooperative Milk Producers Federation, Inc.:

Proposal No. 7. Amend § 1001.10(d) of the Massachusetts-Rhode Island-New Hampshire milk marketing order so as to permit producer-handlers with route sales of less than 2,150 pounds per day per month to purchase fluid milk products from other producer-handlers in

the same volume category without loss of exemption from the pooling provisions of the order.

Proposed by Idlenot Farm Dairy, Inc.:

Proposal No. 8. Amend § 1001.35(b)(1) of the Massachusetts-Rhode Island-New Hampshire order to provide that a pool distributing plant must have not less than 40 percent of its total receipts of fluid milk products disposed of as route disposition in the marketing area or in the alternative, amend the order to provide for the pricing of Class I milk sold outside the marketing area at the blend price for that area rather than at the Class I price. In conjunction with the latter alternative, provide also that the same percentage of Class II milk be exempt from pooling as the percentage of the "out of area" sales bears to total fluid milk products received at the plant.

Proposed by Massachusetts Cooperative Milk Producers Federation, Inc.:

Proposal No. 9. Amend § 1001.37 of the Massachusetts-Rhode Island-New Hampshire order as follows:

a. Substitute the following new paragraph (b):

(b) For the month of July it is a plant from which at least 25 percent, and for any of the months of August through November it is a plant from which at least 35 percnt of its total receipts of milk from dairy farmers' farms is shipped as fluid milk products, other than as diverted milk:

(1) To pool distributing plants; or

(2) To plants to which qualifying shipments may be made under any New England Federal order and a greater quantity of fluid milk products is shipped to pool distributing plants under this order than to the other plants.

(b) Substitute the following new subparagraphs (2) and (3) in paragraph (c):

(2) The plant does not qualify for pool plant status under another New England Federal order on the basis of shipments of fluid milk products which exceed those made to pool distributing plants under this order, and the group of plants, considered as a unit, meets shipping requirements at least 5 percent above those specified in paragraph (b) of this section.

(3) To qualify as a pool supply plant under this paragraph in November of any year, the plant, considered individually, shall have met the shipping requirements specified in paragraph (b) of this section in at last two of the months of July through October of that year.

c. Amend the first sentence of paragraph (d) by striking the numeral "15" and substituting therefor the numeral "25".

Proposal No. 10. Amend paragraph (b) of § 1015.16 of the Connecticut order to comport with the modifications set forth in Proposal No. 9 for the Massachusetts-Rhode Island-New Hampshire order.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 11. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the market administrators of the respective orders at 230 Congress Street, Room 403, Boston, Mass. 02110; and 1049 Asylum Avenue, Hartford, Conn. 06105; or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

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

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 69-11101; Filed, Sept. 16, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 128a]

HUMAN FOODS; CURRENT GOOD MANUFACTURING PRACTICE (SANITATION) IN MANUFACTURING, PROCESSING, PACKING OR HOLDING

Proposal Regarding Frozen Breaded Shrimp

Observations by the Food and Drug Administration in plants preparing frozen breaded shrimp have revealed a need for uniform sanitation standards. In view of this, the Commissioner of Food and Drugs proposes the following regulations setting forth specific manufacturing practice (sanitation) requirements regarding frozen breaded shrimp.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402(a)(4), 701(a), 52 Stat. 1046, 1055; 21 U.S.C. 342(a)(4), 371(a)) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that the following new Part 128a be added to Chapter I of Title 21:

PART 128a—FISH AND SEAFOOD PRODUCTS

Subpart E—Frozen Raw Breaded Shrimp

Sec.

128a.401 Definitions.
128a.402 Current good manufacturing practice (sanitation).
128a.403 Plants and grounds.
128a.404 Equipment and utensils.
128a.405 Sanitary facilities and controls.
128a.406 Sanitary operations.
128a.407 Processes and controls.

AUTHORITY: The provisions of this Part 128a issued under secs. 402(a)(4), 701(a), 52 Stat. 1046, 1055; 21 U.S.C. 342(a)(4), 371(a).

§ 128a.401 Definitions.

(a) *Breaded shrimp.* As used in this Part 128a, the term "breaded shrimp" means any form of frozen raw breaded shrimp or frozen raw lightly breaded shrimp which complies with or is in semblance of that defined in §§ 36.30 and 36.31 respectively of this chapter.

(b) *Peeling.* For the purpose of this Subpart E, the term "peeling" shall include the operation whereby raw shrimp are prepared to comply with § 36.30(c) of this chapter and, where applicable, the alimentary canal or vein is removed.

§ 128a.402 Current good manufacturing practice (sanitation).

The criteria in Part 128 of this chapter shall apply in determining whether the facilities, methods, practices, and controls for the manufacture, processing, packing, or holding of fish and seafood products are in conformance with and are operated or administered in conformity with good manufacturing practice to produce, under sanitary conditions, food for human consumption. The criteria in §§ 128a.403 through 128a.407 set forth requirements in addition to those in §§ 128.3 through 128.8 of this chapter for the breaded shrimp industry.

§ 128a.403 Plants and grounds.

(a) Unloading platforms shall be:

(1) Made of a readily cleanable material.

(2) Equipped with drainage facilities adequate to accommodate all seepage and wash water.

(b) The product shall be so processed as to prevent contamination by exposure to areas involved in earlier processing steps, refuse, or other objectionable areas.

§ 128a.404 Equipment and utensils.

(a) All food-contact surfaces (tanks, belts, tables, flumes, utensils, and other equipment) shall be of metal or other readily cleanable materials.

(b) All seams shall be smoothly soldered, welded, or bonded to prevent accumulation of shrimp, shrimp material, and debris.

(c) Each freezer and cold storage compartment used for raw materials, materials in process, or finished products shall be fitted with at least the following:

(1) An automatic control for regulating temperature, or an automatic alarm system to indicate a significant temperature change in a manual operation.

(2) An indicating thermometer so installed as to show accurately the temperature within the compartment.

(3) A recording thermometer so installed as to indicate accurately at all times the temperature within the compartment.

(d) Thermometers or other temperature measuring devices shall have an accuracy of ± 2° F.

§ 128a.405 Sanitary facilities and controls.

(a) Adequate hand-washing and sanitizing facilities shall be located in the processing area, easily accessible from

the peeling and subsequent processing operations.

(b) Readily understandable signs directing employees handling shrimp to wash and sanitize their hands after each absence from post of duty shall be conspicuously posted in the peeling and subsequent processing areas and elsewhere in the plant as conditions require.

(c) Offal, debris, or refuse from any source whatsoever shall not be allowed to accumulate. Offal shall be placed in suitable, covered containers and shall be removed not less than once daily, or shall be continuously removed by flumes, conveyors, or chutes.

§ 128a.406 Sanitary operations.

(a) Batter application equipment, except that prescribed under § 128a.407(d)(3), shall be flushed and sanitized at least every 3 hours during plant operations. All batter application equipment shall be cleaned and sanitized at the end of the day's operation.

(b) Breading application equipment, excluding holding tanks and pneumatic systems, shall be thoroughly cleaned and sanitized at the end of the day's operation.

(c) All utensils used in processing and product-contact surfaces of equipment shall be thoroughly cleaned and sanitized at least every 4 hours during operation; however, this shall not apply to equipment for which other specific minimum cleaning times are established or to freezing equipment.

(d) Before beginning the day's operation, all utensils and product-contact surfaces of equipment, except for those prescribed under paragraph (b) of this section, shall be rinsed and sanitized.

(e) Containers used to convey or store food shall not be handled in a manner conducive to direct or indirect contamination of the contents.

§ 128a.407 Processes and controls.

(a) *Raw materials.* (1) Fresh shrimp shall be adequately washed, inspected, and culled to remove shrimp that are filthy, putrid, or decomposed, and to remove all nonshrimp material.

(2) Every lot of shrimp that has been partially processed in another plant, including frozen shrimp, shall be adequately inspected, and only clean, wholesome shrimp shall be processed.

(3) Fresh or partially processed shrimp shall be so iced or otherwise refrigerated at the time of receipt as to result in an internal temperature of 40° F. or below, and the shrimp shall be maintained at 40° F. or below until they are to be processed.

(4) Frozen shrimp shall be stored at a temperature of 0° F. or below.

(5) Ingredients capable of supporting rapid bacterial growth shall be adequately examined to assure that only clean, wholesome materials are used in production.

(b) *Defrosting of frozen shrimp.* (1) Defrosting shall be carried out in a sanitary manner and by such methods that the wholesomeness of the shrimp is not adversely affected; for example, in air at 45° F. or below until other than hard frozen or in a continuous waterflow thaw tank or spray system.

(2) When a thaw tank is used, shrimp should not remain in the tank any longer than ½ hour after they are thawed.

(3) Shrimp entering the thaw tank should be free of exterior packaging material and substantially free of liner material.

(4) Shrimp exiting from the thaw tank shall be washed with a vigorous water spray.

(c) *Peeling operation.* (1) Shrimp shall be peeled into flumes that immediately transport the meat portion from the machines or peeling tables, except that shrimp may be peeled into seamless containers if the peeled meats are not held in such containers for more than 20 minutes before being flumed or conveyed from peeling tables. If shrimp are peeled into such containers, the containers shall be cleaned and sanitized as often as may be necessary to maintain them in a sanitary condition, but in no case less frequently than every 3 hours. Whenever a peeler is absent from his post of duty, the container used by such peeler shall be cleaned and sanitized before peeling is resumed.

(2) Adequate sanitary drainage shall be provided to remove liquid waste from the peeling tables.

(3) Peeled shrimp being transported from one building of the plant to another shall be properly iced or refrigerated, covered, and protected.

(d) *Batter and breading operation.* (1) Shrimp shall be washed with a low-velocity water spray just prior to the initial batter or breading application, whichever comes first, except in those instances where a predust application is included in the process.

(2) In removing the batter or breading mixes or other dry ingredients from multiwalled bags;

(i) The outer layer of the bag shall first be removed.

(ii) The bag shall be slit in the exposed area.

(iii) If the entire contents are not removed at one time, the remainder shall be protected against contamination.

(3) Batter in enclosed equipment that assures a batter temperature of not more than 40° F. shall be disposed of at the end of each work day, but under no circumstances less often than every 12 hours.

(4) Batter, except for that prescribed under subparagraph (3) of this paragraph, shall be maintained at a temperature of 50° F. or below and shall be disposed of at least every 3 hours during operations and at the end of each day's operation.

(5) Breading may be reused during a day's operation if it is sifted through a screen of ¼ inch or smaller mesh. Breading remaining in the breading application equipment at the end of the day's operation may be reused within 20 hours if it is sifted as set forth above and placed in freezer storage in a covered sanitary container. All material removed by sifting shall be discarded.

(e) *Packing.* (1) Manual manipulation of breaded shrimp shall be kept to a minimum.

(2) The outer layers of the finished product package and the master carton shall bear a caution to keep the product thoroughly frozen and not to refreeze.

(3) Permanently legible code marks shall be placed on every finished package and master carton. Such marks should identify at least the date of packing and the plant where packed.

(4) The aggregate processing time, excluding the time required for thawing frozen raw material, shall be less than 2 hours. Processing time does not include time in iced or refrigerated storage.

(5) Breaded shrimp shall be placed into the freezer within 30 minutes after it is packaged.

(f) *Freezing and cold storage.* (1) The freezing method used shall reduce the temperature of the food product in all size packages to 32° F. within 12 hours and shall produce a thoroughly frozen product within 24 hours.

(2) After freezing, the food shall be stored in such a manner that its temperature does not exceed 0° F. and shall be handled in such manner as will maintain the thoroughly frozen condition.

(g) *Testing.* The microbiological condition of the operation shall be evaluated by the periodic collection and analysis of the in-line and finished product samples coupled with sample-related inspections. This evaluation should be made at least weekly; more often when problems are encountered.

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: September 8, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-11032; Filed, Sept. 16, 1969; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SO-86]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Paris, Tenn., transition area.

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

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

The Paris transition area described in § 71.181 (34 F.R. 4637) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Henry County Airport (lat. 36°20'15" N., long. 88°23'00" W.); within 3 miles each side of the 210° bearing from Paris RBN (lat. 36°20'28" N., long. 88°22'46" W.), extending from the 5-mile radius area to 8.5 miles southwest of the RBN; within 3 miles each side of the 353° bearing from Paris RBN, extending from the 5-mile radius area to 8.5 miles north of the RBN; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles east and 4.5 miles west of the 353° bearing from Paris RBN, extending from the RBN to 18.5 miles north; within 5 miles each side of the 331° bearing from Paris RBN, extending from the RBN to the Paducah, Ky., transition area, excluding the portion within the State of Tennessee.

The application of Terminal Instrument Approach Procedures (TERPs) and current airspace criteria to the Paris terminal area requires the following actions:

1. Increase the extension predicated on the 210° bearing from Paris RBN 1 mile in width and 0.5 mile in length.

2. Increase the extension predicated on the 353° bearing from Paris RBN 1 mile in width and 0.5 mile in length.

3. Increase the 1,200-foot transition area extension predicated on the 353° bearing from Paris RBN 1 mile in width and 6.5 miles in length.

The proposed alteration is required to provide controlled airspace protection for IFR operations in climb above 700 feet above the surface and in descent to 1,000 feet above the surface.

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

Issued in East Point, Ga., on September 9, 1969.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 69-11050; Filed, Sept. 16, 1969; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-WE-28]

ADDITIONAL CONTROL AREA AND REPORTING POINT

Proposed Designation

NOTICE OF WITHDRAWAL AND NOTICE OF PROPOSED RULE MAKING

On June 21, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9718) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate Control 1155 from the Avenal, Calif., VORTAC via the 226°T radial to the Oakland Oceanic CTA/FIR boundary (Gateway Cypress INT). This was proposed to provide an alternate access route for western Pacific air traffic to and from the Los Angeles, Calif., terminal area when existing routes are temporarily closed for national defense operations.

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

Subsequent to publication of the notice, it was determined that the proposed Control 1155 would also be subject to temporary closure by the national defense operations. Accordingly, notice is hereby given that the proposal contained in the original notice of proposed rule making (34 F.R. 9718) is hereby withdrawn and the following proposal is submitted in lieu thereof.

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would designate Control 1155 as that airspace extending upward from 5,000 feet MSL within 5 miles each side of the San Luis Obispo, Calif., VORTAC 242° True (226° Magnetic) radial, including the additional airspace within lines diverging at angles of 5° from the centerline at the VORTAC, extending from the U.S. coastline to the Oakland Oceanic CTA/FIR boundary. It is also proposed to designate the intersection of the San Luis Obispo VORTAC 242° True radial and the Oakland Oceanic CTA/FIR boundary as a reporting point at all altitudes (Gateway Pine).

This action would locate the access route farther to the north which would be more compatible with national defense operations. It would also improve air traffic service to inbound transpacific aircraft, cleared via the alternate route, by providing a diversion point from Bravo route at a greater distance from the U.S. coastline. The designated reporting point would provide a more exact position of aircraft in transition between international and domestic operating procedures. A joint-use letter of procedure between the Los Angeles ARTC Center and the Commander, PMR, Point Mugu, Calif., for use of Warning Area W-532 will be executed prior to the effective date of Control 1155.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

These amendments are proposed under the authority of secs. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

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

[F.R. Doc. 69-11071; Filed, Sept. 16, 1969; 8:47 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 69-AL-7]

FEDERAL AIRWAYS ET AL.

Proposed Designation, Alteration and Revocation

The Federal Aviation Administration is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would provide for expanded radar air traffic control service in the Fairbanks, Alaska, area and alter the controlled airspace over the north slope of Alaska to improve air navigation and flight planning and to facilitate air traffice control service in that airspace.

To implement these amendments, the following actions would be taken:

1. Extend Amber Federal airway No. 2 from Bettles, Alaska, RBN, 69 miles, 166 miles, 95 MSL, Point Barrow, Alaska, RBN (PBA).

2. Extend Amber Federal airway No. 15 from Fairbanks, Alaska, RR via Chandalar Lake, Alaska, RBN; 30 miles, 60 miles, 95 MSL, Sagwon, Alaska, RBN; Prudhoe Bay, Alaska, RBN; to Oliktok, Alaska, RBN.

3. Extend VOR Federal airway No. 504 from Bettles, 69 miles, 66 miles, 95 MSL, to a VOR to be commissioned in the vicinity of Prudhoe Bay at approximate lat. 70°15′ N., long. 148°22′ W.; including a west alternate 66 miles, 62 miles 95 MSL.

4. Alter and extend VOR Federal airway No. 438 from Fairbanks via Fort Yukon, Alaska, including an east alternate; 86 miles, 76 miles, 95 MSL; to Prudhoe Bay.

5. Amend Red Federal airway No. 39 from McGrath, Alaska RR, 28 miles, 64 miles, 45 MSL, Minchumina, Alaska, RR.

6. Amend Blue Federal airway No. 26 from Fairbanks RR, via Fort Yukon RBN, 86 miles, 75 miles, 115 MSL, Barter Island, Alaska RBN.

7. Amend VOR Federal airway No. 480 from McGrath, 28 miles, 64 miles, 45 MSL, Nenana, Alaska.

8. Amend the Bettles/Umiat, Alaska additional control area from Bettles, 66 miles, 24 miles, 95 MSL, Umiat.

9. Extend J-515 from Bettles to the Point Barrow RBN (PBA).

10. Extend J-115 from Fairbanks via the INT of Fairbanks 356°T (328°M) and Prudhoe Bay 181°T (149°M) radials, to Prudhoe Bay.

11. Designate J-137 from Bettles to Prudhoe Bay.

12. Designate a segment of J-507 from Fort Yukon to Prudhoe Bay.

13. Alter the Fairbanks transition area to read as follows:

FAIRBANKS, ALASKA

That airspace extending upward from 700 feet above the surface within a 20-mile radius of latitude 64°49′40″ N., longitude 147°34′00″ W., within a 7-mile radius of Eielson AFB (latitude 64°39′55″ N., longitude 147°05′55″ W.), and within 2 miles each side of the Eielson VOR 122° radial, extending from the 7-mile radius area to 7 miles southeast of the VOR within 8 miles west and 5 miles east of the 018° radial of the Fairbanks VORTAC, extending from the 20-mile radius area to 35 miles north of the VORTAC; and within 8 miles east and 5 miles west of the 168° radial of the Fairbanks VORTAC, extending from the 20-mile radius area to 35 miles south of the VORTAC; that airspace extending upward from 1,200 feet above the surface beginning at: 68°00′00″ N., 153°00′00″ W. to 68°00′00″ N., 144°00′00″ W. to 63°10′00″ N., 144°00′00″ W. to 62°38′00″ N., 145°41′00″ W. to 62°45′00″ N., 148°48′00″ W. to 62°59′00″ N., 150°15′00″ W. to 63°00′00″ N., 151°10′00″ W. to 64°00′00″ N., 153°00′00″ W. to point of beginning excluding the portion within restricted areas R2202A, R2202B, R2205, and R2206.

14. Designate the Bettles VOR, the Point Barrow RBN (PBA) and the Nenana VORTAC as Alaskan high altitude reporting points.

15. Designate associated control area for those segments of J-515, J-115, J-507, and J-137 outside the continental control area.

16. Revoke the following controlled airspace.

a. Bettles additional control area.

b. Bettles/Prudhoe Bay additional control area.

c. Fairbanks/Oliktok additional control area.

d. Nenana 1,200-foot AGL transition area.

e. Summit 1,200-foot AGL transition area.

f. Big Delta 1,200-foot AGL transition area.

g. Bettles 1,200-foot AGL transition area.

h. Fort Yukon 1,200-foot AGL transition area.

i. Tanana 1,200-foot AGL transition area.

j. Minchumina control area extension.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 96812. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

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

The substitution of A-2 for the Bettles additional control area and the substitution of A-15 for the Fairbanks/Oliktok additional control area would improve flight planning and facilitate air traffic control by providing a numbered airway. The designation of the segments of V-504 and V-438 would provide airways for VOR navigation equipped aircraft. The designation of J-515, J-137, J-115, and J-507 and their associated control area, is necessary to provide controlled airspace for operation above 18,000 feet MSL, the ceiling of Federal airways. The amendment to the floors of R-39, B-26, V-480, and the Bettles/Umiat additional control area are for compatibility with the floor of the altered Fairbanks 1,200-foot AGL transition area. Alteration of the Fairbanks 1,200-foot AGL and 700-foot AGL transition area would provide for expanded radar air traffic control service and revised IFR approach and departure procedures at Fairbanks International Airport, Wainwright AAF, and Eielson AFB respectively. Designation of the Bettles VOR, Point Barrow RBN (PBA) and Nenana VORTAC would assist air traffic control in determining the position of aircraft. The location of the Prudhoe Bay VORTAC will be subject to refinement depending upon the exact siting of this facility. The floors of V-504 and V-438 will be subject to a slight change pending flight inspection of the Prudhoe VORTAC when commissioned. The revocation of the transition areas, and control area extension cited in paragraph 16 would simplify aeronautical charting and records keeping as they would be replaced by the expanded Fairbanks 1,200-foot AGL transition area.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

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

[F.R. Doc. 69-11070; Filed, Sept. 16, 1969; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 21420; EDR-169]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Redefinition of "Operations, Domestic" and Other Revisions With Respect to Entity Reporting

SEPTEMBER 11, 1969.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 241

of its Economic Regulations (14 CFR Part 241) which would redefine the term "Operations, domestic" to include all the 50 States. Other revisions with respect to entity reporting are also proposed.

The principal features of the proposed amendment are described in the attached explanatory statement and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before October 15, 1969, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Section 21 of Part 241 requires separate entities for the purpose of the submission of reports by carriers. As a general rule separate reports are presently made for entities comprised of: (1) Domestic or combined domestic and Canadian transborder operations; (2) territorial or combined territorial and domestic operations, and (3) international and territorial operations.[1] "Operations, domestic" is presently defined, in brief, as the 48 contiguous States.

In line with these provisions, Pan American and Northwest fall within classification (3) with respect to their Hawaii and Alaska operations, while United's Hawaiian and Western's Alaska operations fall within classification (2), thus unnecessarily confusing the reporting of these two areas. The situation becomes further aggravated by the fact that five carriers have recently entered the Hawaiian market. Furthermore, the present arrangement does not respond to the fact that Alaska and Hawaii are now States and that operations to them from the 48 States are in effect domestic.

In view of the foregoing, it is proposed herein to revise the definition of "operations, domestic" so that the term will embrace all of the 50 States rather than the 48 contiguous States, as presently defined. Accordingly, under this proposal, all carriers performing operations between the 50 States (and the District of Columbia) would report such operations on CAB Form 41 in the domestic category. In addition, it is proposed that the three general entity classifications described above be simplified as follows: Domestic, Atlantic, Pacific, and Latin America. This proposal would reduce confusion and in some instances eliminate entity reports presently required. However, data for certain markets are essential to the Board's regulatory purposes and would not be identifiable in the proposed entity reports. The markets involved are:

Mainland-Hawaii.	Mainland-Bermuda.
Mainland-Alaska.	Mainland-Bahamas.
Mainland-Puerto Rico.	Mainland-Mexico.
	Hawaii-Alaska.

Data for these markets would be reported in new Schedule P-2(a), and other markets would be designated as need arises.

It is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) as follows:

1. Amend the definitions of "domestic" and "territorial" in § 03 to read:

Section 03—Definitions for Purposes of This System of Accounts and Reports

* * * * *

Operations—for purposes of reporting on Schedule T-1(a);

Domestic—flight stages with both terminals within the 50 States of the United States and the District of Columbia.

Territorial—flight stages with both terminals within territory under United States jurisdiction where at least one of the terminals is not within a State or the District of Columbia.

International—flight stages with one or both terminals outside of territory under United States jurisdiction.

* * * * *

2. Delete § 05 in its entirety.

3. Amend § 21(1) to read:

Section 21—Introduction to System of Reports

* * * * *

(1) Four separate entities shall be established for the purpose of submitting the reports hereinafter prescribed. They are as follows: (1) Domestic operations; (2) operations via the Atlantic Ocean; (3) operations via the Pacific Ocean; and (4) operations within the Latin American areas. With respect to the first classification, the domestic entity shall embrace all operations within the 50 States of the United States and the District of Columbia, and shall also include Canadian transborder operations. The reports to be submitted by each entity shall be comparable to those required of a distinct legal entity whether the reporting entity constitutes such an entity, a semi-autonomous physically separated operating division of the air carrier, or an entity established for reporting purposes only.

The entities for which separate reports shall be made by the different air carriers are set forth below in the list entitled Route Air Carrier Reporting Entities.

ROUTE AIR CARRIER REPORTING ENTITIES

Air Carriers	*Entities*
Airlift International, Inc.	Domestic, Latin America.
Air West, Inc.	Domestic.
Alaska Airlines, Inc.	Domestic.
Allegheny Airlines, Inc.	Domestic.
Aloha Airlines, Inc.	Domestic.
American Airlines, Inc.	Domestic, Pacific, Latin America.
Aspen Airways, Inc.	Domestic.
Braniff Airways, Inc.	Domestic, Latin America.
Caribbean-Atlantic Airlines, Inc.	Latin America.
Chicago Helicopter Airways, Inc.	Domestic.
Continental Air Lines, Inc.	Domestic.
Delta Air Lines, Inc.	Domestic, Latin America.
Eastern Air Lines, Inc.	Domestic, Latin America.
The Flying Tiger Line Inc.	Domestic, Pacific.
Frontier Airlines, Inc.	Domestic.
Hawaiian Airlines, Inc.	Domestic.
Kodiak Airways, Inc.	Domestic.
Los Angeles Airways, Inc.	Domestic.
Mohawk Airlines, Inc.	Domestic.
National Airlines, Inc.	Domestic, Atlantic, Latin America.
New York Airways, Inc.	Domestic.
North Central Airlines, Inc.	Domestic.
Northeast Airlines, Inc.	Domestic.
Northwest Airlines, Inc.	Domestic, Pacific.
Ozark Air Lines, Inc.	Domestic.
Pan American World Airways, Inc.	Domestic, Atlantic, Latin America, Pacific.
Piedmont Aviation, Inc.	Domestic.
Reeve Aleutian Airways, Inc.	Domestic.
San Francisco & Oakland Helicopter Airlines, Inc.	Domestic.
Seaboard World Airlines, Inc.	Atlantic.
Southern Airways, Inc.	Domestic.
Trans Caribbean Airways, Inc.	Latin America.
Texas International Airways, Inc.	Domestic.
Trans World Airlines, Inc.	Domestic, Atlantic, Pacific.
United Air Lines, Inc.	Domestic.
Western Air Lines, Inc.	Domestic, Latin America.
Western Alaska Airlines, Inc.	Domestic.
Wien Consolidated Airlines, Inc.	Domestic.

4. Amend the list of schedules in paragraph (a) of Section 22—General Reporting Instructions by adding new schedule P-2(a) so that the list in pertinent part reads:

Schedule No.		Filing: Frequency	Filing: Postmark interval (days)
* * *	* * *	* * *	* * *
P-2	Notes to Income Statement	Quarterly	40
P-2(a)	Market Report	Quarterly	40
P-3	Transport revenues, depreciation and amortization; nonoperating income and expense (net).	Quarterly	40
* * *	* * *	* * *	* * *

[1] With respect to the latter two general classifications, separate reporting entities are established for operations via the Atlantic or Pacific Oceans and within Alaskan or Latin American areas.

5. Amend Section 24—Profit and Loss Elements by adding instructions for new Schedule P–2(a) Market Report to read:

* * * * *

Schedule P–2(a)—Market Report

(a) This schedule shall be filed by all route air carriers conducting operations set forth in paragraph (c) below.

(b) Data reflected on this schedule shall be supplements to the related entity report in which the data are included.

(c) Markets to be reported are: Mainland-Hawaii, Mainland-Alaska, Mainland-Puerto Rico, Mainland-Bermuda, Mainland-Bahamas, Mainland-Mexico, Hawaii-Alaska, and such other markets as may be designated by the Board.

6. Amend CAB Form 41 by adding new Schedule P–2(a) Market Report as shown in Exhibit A attached hereto [2] and incorporated herein by reference.

[F.R. Doc. 69–11097; Filed, Sept. 16, 1969; 8:49 a.m.]

[2] Filed as part of original document.

Notices

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additive Famphur

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (34-266V) has been filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of famphur (*O,O*-dimethyl *O*-*p*-(dimethylsulfamoyl) phenyl phosphorothioate) in the feed of beef cattle, dairy heifers, and nonlactating dairy cows for the control of grubs, to aid in the control of sucking lice, and to aid in the control of horn flies.

Dated: September 9, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-11033; Filed, Sept. 16, 1969; 8:45 a.m.]

W. R. GRACE & CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP OB2451) has been filed by W. R. Grace & Co., 62 Whittemore Avenue, Cambridge, Mass. 02140, proposing that § 121.2550 *Closures with sealing gaskets for food containers* (21 CFR 121.2550) be amended to provide for the safe use of zinc dibenzyldithiocarbamate in the manufacture of closure-sealing gasket compounds for food containers.

Dated: September 9, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-11034; Filed, Sept. 16, 1969; 8:45 a.m.]

YAWATA IRON & STEEL CO., LTD.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2115) has been filed by Yawata Iron & Steel Co., Ltd., 375 Park Avenue, New York, N.Y. 10032, proposing that § 121.2531 *Surface lubricants used in the manufacture of metallic articles* (21 CFR 121.2531) be amended to provide for the safe use of diisodecyl phthalate in surface lubricants used in the manufacture of metallic food-contact articles under conditions such that total residual lubricant does not exceed 0.2 milligram per square inch of food-contact surface.

Dated: September 9, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-11035; Filed, Sept. 16, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 20781; Order 69-9-57]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Transatlantic Fares

Issued under delegated authority September 11, 1969.

Agreement adopted by Joint Conference 1-2 of the International Air Transport Association relating to Philadelphia/Baltimore/Washington transatlantic fares.

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 Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

The agreement establishes proportional fares to be applied in constructing through transatlantic contract bulk inclusive tour fares to/from Philadelphia/Baltimore/Washington. These contract bulk fare proportionals conform with proportionals which were earlier adopted for application to other special fares and which the Board approved by Order 69-7-149 (July 29, 1969).

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 Resolution JT12 (Mail 712) 079a, which is incorporated in Agreement CAB 21275, is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Action on Agreement CAB 21275 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 10 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. 69-11098; Filed, Sept. 16, 1969; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 17624, 17625; FCC 69R-368]

FRED KAYSBIER AND SIERRA BLANCA BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Fred Kaysbier, Alamagordo, N. Mex., File No. BP-16965; Edward D. Hyman, trading as Sierra Blanca Broadcasting Co. (KRRR), Ruidoso, N. Mex., File No. BP-17487; for construction permits.

1. This proceeding involves the mutually exclusive applications of Fred Kaysbier (Kaysbier) and Sierra Blanca Broadcasting Co. (Sierra Blanca), for new standard broadcast stations in Alamogordo, N. Mex., and Ruidoso, N. Mex., respectively. These applications were designated for hearing on various issues (Mimeo No. 4437, released Aug. 8, 1967) and were later consolidated with Kaysbier's application for renewal of FM station KXXI, Alamogordo, by Commission Order (FCC 69-470, released May 6, 1969). Kaysbier subsequently surrendered his FM license to the Commission for cancellation, and the examiner thereafter dismissed his renewal application (FCC 69M-846, released July 9, 1969). Presently before the Review Board is a petition to enlarge issues, filed June 26, 1969, by Sierra Blanca seeking the addition of a lack of candor issue; issues as to whether Kaysbier has engaged in deceptive advertising practices; a Rule 1.65 issue; and an adequacy of staff issue.[1]

Lack of Candor. 2. In support of the requested lack of candor issue, petitioner first notes that the Commission designated an issue against KXXI to determine:

Whether Kaysbier is indebted to Arizona Factors, Inc., United Press International, Inc., and the State of New Mexico's Bureau of Revenue and, if so, whether his failure to disclose this indebtedness in the balance

[1] Related pleadings before the Board are: Opposition, filed July 18, 1969, by Fred Kaysbier; and comments, filed July 22, 1969, by the Broadcast Bureau.

sheet, as amended, submitted as an exhibit to his application for renewal of license of Station KXXI evidences a lack of candor which reflects upon his basic qualifications to be the licensee of Station KXXI.

Petitioner points out that this issue, by its terms, is confined to Station KXXI. However, Sierra Blanca notes, the Examiner has ruled that an applicant's candor is always in issue; that evidence with respect to the candor issue specified by the Commission has already been adduced; and that findings and conclusions as to Kaysbier's candor can and will be made. Apparently concerned that the Examiner can make findings as to candor, but cannot disqualify Kaysbier without a specific candor issue, petitioner requests enlargement "[i]n order to clarify this matter". Petitioner would frame the issue to include any indebtedness of Kaysbier's which may remain undisclosed and which might, thereby, reflect adversely on Kaysbier's candor. Kaysbier opposes the requested issue, arguing that, in view of the Examiner's ruling, it is unnecessary. The Bureau interprets the requested issue as an expansion of the candor issue specified by the Commission: according to the Bureau, Sierra Blanca would include any creditor at all of Kaysbier's, not just the three named in the issue as originally framed. The Broadcast Bureau adverts to the Hearing Examiner's ruling that although the candor issue in the FM renewal proceeding is not applicable to the instant AM proceeding "per se", evidence concerning United Press International, Inc., Arizona Factors, Inc., and the New Mexico Bureau of Revenue having been adduced, findings regarding lack of candor could and would be made, if warranted. The Broadcast Bureau agrees that an applicant's candor is always in issue and would not, consequently, oppose inclusion of a specific issue; but urges that the issue be confined to the three creditors named by the Commission because the petitioner has offered no grounds for further expansion.

3. The requested issue, in the Board's opinion, is warranted. While the wording of the lack of candor issue as framed by the Commission encompasses only the renewal application, it is clear that lack of candor goes to an applicant's basic character qualifications, a consideration of equal importance as to applications for new facilities as well as to renewal applications. Thus, the considerations which prompted the Commission to specify the candor issue as to KXXI apply with equal force to Kaysbier's qualifications to operate an AM station, and an appropriate issue will be added. However, petitioner has made no showing to warrant expansion of the issue to encompass any creditor of Kaysbier other than the three named by the Commission (Rule 1.229(c)), and the added issue will, therefore, be confined to those creditors.

Deceptive Advertising; Rule 1.65. 4. In support of its request to include deceptive advertising practice issues, petitioner notes that the State of New Mexico, on May 24, 1969, obtained a preliminary injunction in the State Courts on a complaint charging KXXI (owned by Kaysbier) with deceptive representation of goods and services and false advertising.[3] Petitioner apparently infers that the pendency of this complaint, of itself, raises a substantial question whether Kaysbier has engaged in deceptive advertising and whether an appropriate issue should be added. In addition, petitioner asserts, Kaysbier's failure timely to report the pendency of the New Mexico complaint requires addition of a Rule 1.65 issue. In further and separate support of the requested 1.65 issue, petitioner points out that a default judgment entered against Kaysbier in favor of United Press International, Inc., on August 8, 1966, has not been disclosed to the Commission.[4] On these grounds, petitioner concludes, both the deceptive advertising and Rule 1.65 issues are warranted.

5. In opposition to petitioner's request for issues as to false and deceptive advertising, Kaysbier has submitted an affidavit of Assistant District Attorney Huber (who filed the New Mexico complaint) stating that the preliminary injunction and order to show cause were dissolved on July 2, 1969, for failure of the parties to appear. The affiant further relates that his own misinformation as to the time of the hearing was the cause of Kaysbier's failure to appear; that, if and when trial is eventually held, it will be shown that the unfair practices were committed by another defendant named in the complaint; and that, to the affiant's knowledge, "the advertising of KXXI Radio was not false or misleading and that advertising was not the subject of the Injunction Proceeding." Kaysbier reasons that the Assistant District Attorney's recitation in the affidavit of July 14, 1969, renders prosecution wholly unlikely and that Sierra Blanca's request for a false advertising issue is entirely unsupported. Even were this not so, Kaysbier continues, while the case admittedly remains pending, its inactive and unresolved status is, by virtue of National Broadcasting Company, Inc., 15 RR 965, 975 (1957), reason enough to deny the requested false advertising issue. Against that portion of the requested § 1.65 issue which stems from Kaysbier's failure to report the filing of the Assistant District Attorney's complaint, Kaysbier urges flatly that such information is not called for as part of his application and that the subject of the complaint "is not within the scope of the issues" in the instant proceeding. Against that portion of the requested section 1.65 issue which stems from Kaysbier's failure to inform the Commission of his indebtedness to United Press International, Inc., Kaysbier argues that petitioner's request is "a flagrant abuse of Commission process" because the United Press International, Inc., default judgment was entered against Kaysbier by mistake; was subsequently vacated; and was so reported to the petitioner by letter, dated March 17, 1969, along with a certified copy of the court's order vacating the judgment. Thus, Kaysbier concludes, neither the deceptive advertising nor Rule 1.65 issue is warranted.

6. In its comments, the Broadcast Bureau opposes addition of the false advertising issues, claiming that in view of the Assistant District Attorney's representations, it is clear that Kaysbier did not "knowingly" engage in deceptive activities. The Bureau also relies on the facts that the future of the suit is uncertain, even unlikely, and that Sierra Blanca's petition has presented no further allegations which might provide a basis for an issue. The Broadcast Bureau likewise opposes addition of the requested section 1.65 issue. While the Bureau admits that section II, paragraph 10(e) of the Commission's Application Form (301) makes provision for the reporting of such pending civil actions as those involving State prosecutions for the use of "unfair methods of competition," and that "unfair methods of competition" can justifiably be construed to include deceptive advertising, the Bureau nonetheless feels that owing to a "lack of specific directions on the form requiring Kaysbier to report this action," a section 1.65 issue ought not be added as a result of the New Mexico complaint.[5] The Bureau also states that however "assailable" was Kaysbier's failure to amend his application so as to include the United Press International, Inc., default judgment of August 8, 1966, it is "too late to launch into further hearings," on this matter; at most, asserts the Bureau, Kaysbier's failure to report "a judgment he knew to be defective" affects his comparative qualifications and, in view of the fact that the proceeding is well advanced, addition of a nondisqualifying issue is not warranted.

7. Petitioner's request for false advertising issues rests entirely upon the complaint filed in the New Mexico State Court charging Kaysbier with false and deceptive advertising. In view of the Assistant District Attorney's affidavit, both exonerating Kaysbier from the charges and evidencing substantial uncertainty as to the continued prosecution of the suit, the Review Board believes a substantial question as to deceptive advertising has not been raised. In considering the request for a section 1.65 issue, however, the Board notes that section II, paragraph 10(d) of FCC Application Form 301 asks whether the applicant has "been found guilty by any Court of * * * (4) using unfair methods of competition" and that paragraph 10(e) asks further whether "there [is] now pending in any Court or administrative body against the applicant * * * any action involving

[3] Sierra Blanca has attached to its petition a copy of the complaint as well as a copy of the preliminary injunction and order to show cause granted by the New Mexico Court.

[4] Sierra Blanca affixes to its petition a copy of the judgment.

[5] At the same time, the Bureau suggests that a Board statement evincing Commission concern with deceptive advertising would place all applicants on notice that pending actions of this nature must hereafter be reported.

any of the matters referred to in paragraph[s] * * * 10 * * * (d) above." The Board cannot agree with the Bureau's contention that these provisions of Form 301 "lack specific directions." In the Board's view, it is abundantly clear that "unfair methods of competition" include false and deceptive advertising practices of the type involved here. Since, therefore, information as to the New Mexico complaint would have been required in the original application form had the complaint then been pending, § 1.65 requires its reporting if the complaint is filed subsequent to the original application. More importantly, even if disclosure were not required under 10(e) of the application, it should be obvious that a complaint of this sort, relating directly to the applicant's performance as a licensee, is "any other matter which may be of decisional significance" within the purview of § 1.65. Lorain Community Broadcasters, FCC 69–820, released July 31, 1969, reflects the Commission's view that "any lawsuit alleging misconduct must be considered a substantial and significant matter without regard to the validity of the allegations" and is to be reported to the Commission. In Lorain the Commission denied a petition for rehearing, finding that the nondisclosure was inadvertent; here, however, no explanation of the circumstances is offered and addition of the issue is required. The absence of any explanation by Kaysbier of the circumstances surrounding his failure to disclose the New Mexico complaint also makes it impossible to determine whether the issue should be regarded as disqualifying or considered only in the comparative context; and the issue will, therefore, be framed to encompass both basic and comparative qualifications. Medford Broadcasters, Inc., FCC 69R–309, released July 23, 1969.[2]

Adequacy of Staff Issue. 8. Claiming that Kaysbier, as sole announcer, cannot effectuate his program proposal, the petitioner requests addition of a staffing issue. In opposition, Kaysbier pleads the untimeliness of the request which originates from testimony taken in the proceeding four months prior to the filing of the instant petition. The Broadcast Bureau also advises against the addition of a staffing issue in view of the unexplained untimeliness of the request.

9. The Board will deny the request for the staffing issue. The petitioner has made no attempt to comply with § 1.229 (b), which requires a late-filing petitioner to "set forth the reason why it was not possible to file the petitioner" within the prescribed time limits. More importantly, petitioner's support for the requested issue consists of no more than a recitation of the type (i.e., entertainment, news, religious) and source (i.e., live, wire, recorded) of Kaysbier's programing proposal by percentages of time and a bold assertion that the proposed staff is inadequate. Section 1.229(c) demands that a request for an issue "contain specific allegations of fact supported by affidavits of a person or persons having personal knowledge thereof." The allegations here do not approach compliance with this requirement and the issue has, therefore, not been shown to be warranted.

10. *Accordingly, it is ordered,* That the petition to enlarge issues, filed June 26, 1969, by Edward D. Hyman, trading as Sierra Blanca Broadcasting Co., is granted to the extent hereinafter indicated and in all other respects is denied; and

11. *It is further ordered,* That the issues in this proceeding are enlarged by addition of the following issues:

a. To determine whether Fred Kaysbier has complied with the provisions of section 1.65 of the Commission's rules by keeping the Commission advised of substantial changes on matters affecting his application; and, if not, to determine the effect of such noncompliance on the basic and comparative qualifications of Fred Kaysbier to be a Commission licensee;

b. To determine whether Fred Kaysbier is indebted to Arizona Factors, Inc., United Press International, Inc., and the State of New Mexico's Bureau of Revenue, and if so, whether the failure to disclose such debts evidences a lack of candor reflecting upon Fred Kaysbier's basic and comparative qualifications to be a Commission licensee; and

12. *It is further ordered,* That the burden of proceeding and the burden of proof as to the issues added herein is upon Fred Kaysbier.

Adopted: September 10, 1969.

Released: September 11, 1969.

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

[F.R. Doc. 69–11080; Filed, Sept. 16, 1969; 8:48 a.m.]

[Docket No. 18610; FCC 69–972]

MANATEE CABLEVISION, INC.

Memorandum Opinion and Order

In the matter of Petition by Manatee Cablevision, Inc., to stay construction and operation of CATV distribution facilities in Manatee County, Fla., by General Telephone System, General Telephone Company of Florida, and GT&E Communications, Inc., modifying and clarifying FCC 69–821 (34 F.R. 12919).

1. Before the Commission for consideration is a petition filed on September 4, 1969, by Manatee Cablevision, Inc. Therein petitioner, holder of a franchise for the operation of a CATV system in Manatee County, Fla., requests that GT&E Communications, Inc. (GTEC), General Telephone Company of Florida (GTF), and General Telephone and Electronics Corp. (GT&E)[1] be prohibited from constructing or installing any additional CATV facilities in Manatee County. An opposition was filed on September 9, 1969, by GTEC and GTF.

2. By a memorandum opinion and order and order to show cause, FCC 69–821, released August 4, 1969, respondents were directed to show cause why they should not be ordered to cease and desist from the further construction of CATV channel distribution facilities in Manatee County, Fla., until a certificate of public convenience and necessity pursuant to section 214 of the Communications Act is obtained from the Commission; or from the operation of any such uncertificated facilities which had not been completed and in operation on June 26, 1968. Since there appeared to be a reasonable likelihood that, absent Commission action forbidding it, service would be commenced prior to the issuance of a decision in this proceeding, respondents were prohibited from placing into operation CATV distribution facilities in Manatee County pending conclusion of the show cause proceeding or the certification of consrtuction by the Commission, whichever first occurs. In view of the need for expedition the Hearing Examiner was directed to certify the record to the Commission for final decision. A prehearing conference before Hearing Examiner David I. Kraushaar is scheduled for September 15, and the hearing is scheduled to commence on October 13.

3. In its petition, Manatee Cablevision asserts that subsequent to the release of our show cause order, GTEC has continued to construct new facilities and that it has continued to initiate CATV service to additional houses and business. It further alleges that GTEC is installing coaxial cable and strand in "as many new sections of the county as it can reach and with as much speed as it and its construction contractor are able to generate." Manatee Cablevision charges that GTEC, in its haste, has violated national safety standards, departed from standard CATV pole-attachment provisions, and has violated the terms and provisions of its pole-attachment contracts with General Telephone Company of Florida (GTF), and Florida Power and Light Co. Petitioner further argues that although Manatee Cablevision has encountered numerous delays in the construction of its CATV system due to the refusal of GTF to enter into a pole-attachment agreement or to rearrange its facilities on the poles of the power company (with which Manatee Cablevision has an agreement in order to provide space for Manatee Cablevision's

[2] Petitioner's claim that nondisclosure of the UPI judgment raises a Rule 1.65 issue, is misdirected and redundant. The UPI judgment was outstanding and should have been disclosed in Kaysbier's original AM application (FCC Form 301, section II, item 10(g)). Thus, the nondisclosure of the judgment does not come within the scope of § 1.65 because the rule has no application to omissions from the original submission. Such nondisclosure does, however, enter into consideration with respect to Kaysbier's alleged lack of candor, and has been considered in that context (see paragraphs 2 and 3, supra).

[1] Collectively, the said parties are referred to herein as the respondents or the General System Companies.

lines) and because of the power company's insistence upon strict compliance with the safety provisions of the contract, GTEC is faced with no similar obstacles. GTF did execute a pole-attachment agreement with GTEC, it permits the latter to lash its cable to GTF strand and to occupy space on the poles reserved for use by GTF, and apparently GTF is not requiring compliance with safety standards. Such conduct is not only adverse to the public interest, Manatee Cablevision urges, but to its own private interests in that "the economics of CATV installation militate against the duplication of cable facilities thus handing an effective monopoly to the first CATV operator to enter any given territory." To avoid the withdrawal of CATV service from the public in the event of the issuance of a cease and desist order and to prevent injury to Manatee Cablevision, the petitioner requests that the General System companies be prohibited from constructing or installing any additional CATV facilities in Manatee County, Fla.

4. In the opposition filed by GTEC and GTF, the respondents deny that GTEC has undertaken any construction in Manatee County since August 13, 1969, except for the installation of drops from distribution facilities energized prior to August 4, 1969. GTEC also asserts that it has no intention of constructing additional facilities in the unincorporated areas of the county pending the conclusion of this proceeding; and that it has not commenced operation of any distribution facilities in Manatee County since the issuance of the Commission's August 4, 1969, order. With respect to Manatee Cablevision's charges that its construction program was delayed by GTF's failure promptly to comply with requests for rearrangement of its facilities on poles in order to make space available for Manatee Cablevision, respondents assert that prompt attention was given to such requests; that GTF has not, and will not, treat Manatee Cablevision any differently from other CATV operators. Respondents further state that in all but two of the instances of alleged violations of safety standards and pole-attachment agreements charged by Manatee Cablevision, the violations occurred on poles of the power company; and that with respect to the remainder the alleged violations were without the knowledge or concurrence of GTF. Respondents therefore request that the petition of Manatee Cablevision be denied.

5. The provision in the memorandum initiating this show cause proceeding which prohibited the respondents from placing into operation any CATV distribution facilities was intended to maintain the status quo in Manatee County until it could be determined whether the construction undertaken was in violation of the certification provisions of section 214. We wished to avoid to the extent possible a situation where existing CATV service would be withdrawn from the public in the event a decision is reached that construction of the facilities was unlawful. It did not appear necessary at the time to require a prohibition against construction of the facilities since the General System companies had been placed on notice that any such construction might be the subject of a cease and desist order and the issuance of such an order with respect to facilities which had not become operational would affect only the private interests of the respondents rather than the public interest. Manatee Cablevision's assertions, however, that not only are respondents continuing with construction but that they are providing service to new subscribers from facilities constructed after the issuance of our stay order raise a serious question which merits our consideration. If respondents are in fact expediting construction and the commencement of new service to subscribers in Manatee County and are engaging in anticompetitive tactics by reason of GTF's control over some or all of the utility poles, it would be inconsistent with the public interest to permit respondents to take advantage of the pendency of the proceeding to expand service throughout the area.

6. The petition and the opposition contain conflicting factual allegations which cannot be resolved on the basis of the pleadings before us. However, we do not believe that a hearing or an informal investigation to resolve these conflicts solely for the purpose of determining whether the requested stay order should issue is advisable or in the public interest. We have directed that the show cause proceeding be expedited and a preliminary hearing on the stay request would delay the disposition of this matter on the merits. Since respondents have stated that they have no intention of proceeding with construction pending the conclusion of the show cause proceeding, a stay order would result in no injury to them. In view of the substantial public interest in maintaining the status quo until it is determined whether section 214 is applicable to the construction under consideration, we conclude that a stay order against further construction of CATV distribution facilities in Manatee County should issue. Our action should not be construed, however, as a determination that respondents have engaged in the activities charged by Manatee Cablevision or have violated our outstanding stay order.

7. From the pleadings submitted, it appears that the question of whether respondents should be prohibited from installing drops from distribution facilities energized before August 4, 1969, is presently before the Review Board. In view of the foregoing, we express no views with respect to that question.

8. *Accordingly, it is ordered,* That General Telephone and Electronics Corp., General Telephone Company of Florida, and GT&E Communications, Inc. are prohibited during the pendency of this proceeding and until further order of the Commission from:

(a) Constructing any CATV channel distribution facilities in Manatee County, Fla., without first obtaining from the Commission a certificate of public convenience and necessity pursuant to section 214 of the Communications Act.

(b) Operating or placing into operation any CATV channel distribution facilities in Manatee County, Fla., which had not been completed and in operation before August 4, 1969, the release date of our memorandum initiating this show cause proceeding.

Adopted: September 10, 1969.

Released: September 12, 1969.

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

[F.R. Doc. 69-11079; Filed, Sept. 16, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 69-47; Agreements Nos. T-2271, T-2272]

TERMINAL LEASE AND USE AGREEMENTS FOR PASSENGER FACILITIES AT NEW YORK

Order of Investigation

Two agreements have been filed with the Commission for approval pursuant to section 15, Shipping Act, 1916. The first (T-2271) is a passenger terminal lease between the City of New York (City) and the Port of New York Authority (Authority), and an agreement to construct new consolidated steamship passenger facilities in New York. The second (T-2272) is a use agreement between the City, Authority, and passenger vessel operators serving the Port of New York (Carriers), providing arrangements for interim terminal facilities, and for final use of the new terminal facilities when completed.

Agreement No. T-2271 provides for the lease by City to Authority of certain waterfront property on Manhattan Island for construction of a new consolidated passenger terminal for an initial term of twenty (20) years, commencing upon completion of the new terminal. Pending completion, four existing piers will be leased to the Authority for operation as an interim terminal.

The Authority will construct the terminal at an estimated cost in excess of $60 million. The project will be financed by the City through the sale of bonds.

Rental for the new terminal will be in accordance with a schedule attached to the lease, designed to amortize the construction cost plus debt service costs over 20 years. Receipts over and above the basic rental and operation and maintenance costs will be disbursed as follows: The first $750,000 to the City; the second $750,000 to a Reserve Fund for the Authority; and money remaining in the Reserve Fund at the end of 20 years, plus interest, will be paid to the City.

Prior to executing the lease, the Authority will pay the City $1,500,000 which represents the residual value of structures now occupying the premises, and $2,579,131 as rent for the new terminal during the period of construction (now estimated at 3 years).

Rental for the interim premises will be $1,821,451 per year.

Any surplus of receipts over payments required by the agreement will be held by the Atuhority for distribution to users of the facility through a reduction of tariff charges in subsequent determinations of such charges.

The City and Authority agree to take all possible measures to assure that future passenger vessel operations to and from New York will be conducted only through the new terminal. The City is cancelling existing leases for passenger terminals, and both parties agree, so long as the new terminal continues to be used, not to:

> * * * promote, finance, establish, construct, operate, or maintain any pier, wharf, bulkhead, dock, terminal or other facilities for the accommodation of passenger vessels, or authorize any other person to do so.

They agree not to make further leases for passenger terminals which would extend more than 30 days beyond operation of the new terminal. Both agree not to issue work permits or construction approval or consent for construction of a passenger terminal anywhere in either jurisdiction.

The Authority will fix rates for dockage, wharfage, and other fees and publish tariffs on an annual basis. All users will be charged under the tariff. Tariffs will be structured to return funds necessary to amortize construction, pay operating and maintenance costs, and provide for the Reserve Fund.

The necessary planning of the new terminal is complete and construction could commence promptly.

Agreement No. T–2272 between the city, Authority, and passenger carriers[1] serving New York is a use agreement whereby signatory Carriers agree to use only the interim facilities and then the new terminal for seventy (70 years).

During construction the Carriers will use the interim terminal provided for in Agreement No. T–2271 on a tariff basis without leases, agreements, or other agreements covering any fixed term or area. Operations at the new terminal will likewise be on a tariff basis. The Carriers will also pay a fee, prescribed by Authority, covering the sale of passenger tickets routed to and from the port of New York. Users of the new terminal will share in any surplus of receipts over expenses (as defined in Agreement T–2271); the surplus being a factor towards reduction of subsequent tariff charges.

The Carriers agree that, except in specified emergencies during construction, all of their New York passenger operations will be conducted at the interim terminal.

The City and Authority agree that they will make no arrangement with operators of passenger vessels, other than the Carriers, which would grant any economic or other provisions more advantageous than those contained in Agreement No. T–2272.

All operators of passenger service will be accepted as signatories to the agreement and no carrier will be permitted to use the interim or new terminal except as a signatory to Agreement No. T–2272 or under other contractual arrangement having the identical effect as the agreement.

In no event will the Authority get revenue from carriers exceeding $20 per passenger average per year.

Agreements Nos. T–2271 and T–2272 were filed with the Commission on February 20, 1969, and published in the FEDERAL REGISTER on February 28, 1969. At the request of the Authority, joined by the Mayor of the City, the usual 20-day notice period was shortened to 12 days. Both parties urged that expedited action be taken by the Commission. A protest against approval of the agreements was filed by Marine Space Enclosures, Inc. This protest was concurred in by American Dock Company of Staten Island, N.Y.

Comments were received from other interested parties[2] urging that the agreements are in the public interest and should be approved by the Commission.

On April 7, 1969, the Commission issued a memorandum order of approval. The FMC found that there was a "demonstrated need" for the agreements and that they were not "unjustly discriminatory or unfair or detrimental to the commerce of the United States and are not contrary to the public interest." Petitioner's protest was dismissed on the ground that Marine Space Enclosures had only an "indirect and remote interest". Noting, however, that the contract provisions were "unique" and had "especially anticompetitive character and effect", the Commission asserted continuing jurisdiction "to cancel or modify" the agreements and to monitor operations by requiring reports from the Authority.

Subsequent to the April 7 Order of Approval, the Commission received requests from several carriers for further informal discussion of the proposals for the new terminal. In a supplemental order of May 12, the Commission discounted the significance of this request; the April 7 order was reaffirmed, relying on the stipulation of the City and Authority to resubmit the agreements for approval at the end of the amortization period.

Subsequently, Marine Space Enclosures, Inc., brought an action to review the orders of the Commission. In Marine Space Enclosures, Inc. v. Federal Maritime Commission, D.C. Cir., No. 22,936, decided July 30, 1969, the court of appeals remanded the matter to the Commission for further proceedings.

Therefore, it is ordered, That the Commission institute a proceeding pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814, 821). The proceeding shall determine whether the aforementioned agreements are: (1) Unjustly discriminatory or unfair as between carriers; (2) detrimental to the commerce of the United States; (3) contrary to the public interest; or (4) otherwise in violation of the Shipping Act, 1916. The Commission is particularly interested in developing a record, under the aforementioned public interest criterion, whether a new terminal, to be established under the restrictive provisions of the proposed agreements placed under investigation herein, is, in fact, needed and whether a 70-year exclusive dealing arrangement is necessary to provide for return of capital and maintenance costs; whether the carriers will, in fact, use the terminal and whether, if there is resistance to the plan, traffic will be diverted from New York, and to what extent; whether it is feasible to reduce the restraints proposed by projecting a smaller terminal providing high quality facilities for part of the traffic, yet leaving carriers free to employ more modest private port terminal facilities. Upon the basis of this record, the Commission shall determine whether to approve, disapprove, or modify the subject agreements as provided in section 15.

It is further ordered, That the parties signatory to the proposed agreement, as shown in attached Appendix A, shall be respondents in this proceeding.

It is further ordered, That this matter be assigned for an expedited hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined and announced by the presiding examiner.

It is further ordered, That notice of this order shall be published in the FEDERAL REGISTER and that a copy thereof shall be served upon respondents. Persons, other than the respondents, regardless of whether they previously protested this agreement or were parties in the aforementioned court of appeals proceeding, who now desire to become parties to this proceeding and to participate herein, shall promptly file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Future notices issued by or on behalf of the Commission in the proceeding, including notice of time and place of hearing, or prehearing conference, shall be mailed directly to parties of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

Port of New York Authority, 111 Eighth Avenue, New York, N.Y. 10011.

[1] The agreement contains signature space for eighteen (18) carriers. Six carriers have signed the agreement, namely: Compagnie Generale Transatlantique (French Line), The Cunard Steam-Ship Co., United States Lines, Inc., Moore-McCormack Lines, Inc., Norwegian American Line, and Swedish American Line. Other lines may become parties by signing the agreement.

[2] New York Chamber of Commerce; the New York City Council on Port Development and Promotion, comprised of Industry and Labor representatives; The Cunard Steam-Ship Co. Ltd.; French Line; and the International Longshoremen's Association, A.F.L.–C.I.O.

City of New York, City Hall, New York, N.Y. 10007.
U.S. Lines, 1 Broadway, New York, N.Y. 10004.
Moore McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.
Norwegian American Line, 29 Broadway, New York, N.Y. 10006.
Swedish American Line, 21 West Street, New York, N.Y. 10006.
French Line, 17 Battery Place, New York, N.Y. 10004.
Cunard Steamship Co., Ltd., 25 Broadway, New York, N.Y. 10004.

[F.R. Doc. 69-11085; Filed, Sept. 16, 1969; 8:49 a.m.]

AUSTRALIA/U.S. ATLANTIC & GULF CONFERENCE

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, 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 petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of proposed modifications to an approved dual rate contract system filed for approval by:

Elmer C. Maddy, Esq., Kirlin, Campbell and Keating, 120 Broadway, New York, N.Y. 10005.

Modification 9450-DR-2 of the Australia/U.S. Atlantic & Gulf Conference's approved exclusive patronage contract system amends the contract form circulated among shippers located in Australia in the following respects:

(a) Clause 3: Imposes a more affirmative obligation upon the carriers to provide those shipping services required by the shippers;

(b) Clause 7: Eliminates the "prima facie" presumption that the shipper has the legal right to select the ocean carrier in certain situations where the shipment has gone forward via nonconference carrier;

(c) Clause 11: Redefines the "natural routing" clause;

(d) Clause 12: Specifies that the "rates of freight" under the arrangement are to remain in force until August 31, 1971, and from year to year thereafter as mutually agreed. If no agreement can be reached concering rates to be charged contract shipments, then the entire contract system is terminated;

(e) Clause 19: Specifies, where a shipper's contract rate privileges have been suspended because of his failure "to pay or dispute" his liability to do so because of a breach of the agreement, that the shipper's cargo shall continue to be carried by the Conference lines at noncontract rates;

(f) Clause 23: Specifies, in effect, that where force majeure circumstances necessitate an increase in rates, that the amount of increase will be negotiated between the shippers and the carriers. If no agreement is reached, the contract system is automatically terminated.

(g) Clause 14: Excludes cargo carried in containers from the "ambit of" the agreement. Rules and conditions governing shipments of cargo in containers are to be the subject of negotiations "between the parties to this agreement."

Dated: September 12, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-11086; Filed, Sept. 16, 1969; 8:49 a.m.]

TRANSATLANTIC 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. George F. Galland, Galland, Kharasch, Calkins and Lippman, 1824 R Street, NW., Washington, D.C. 20009.

By notice published in the FEDERAL REGISTER of August 30, 1969, Vol. 34-167, page 13953, comments on Agreement No. 9813, were required to be filed within 20 days, or by September 19, 1969. The North Atlantic Mediterranean Freight Conference, one of a number of conferences that could be affected by the implementation of the subject agreement, has requested additional time to consider its position regarding the matter. In view of the obvious importance of the proposed agreement to carriers, conferences and shippers in the United States and abroad, and because of the difficulties that could be encountered in marshalling the views of members of conferences in many countries, the time for filing comments or requests for hearing is extended to October 10, 1969. The original notice published August 30, 1969, remains the same in all other respects.

Dated: September 12, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-11087; Filed, Sept. 16, 1969; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

BROWARD BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Broward Bancshares, Inc., Fort Lauderdale, Fla., for prior approval by the Board of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of each of the following banks: Broward National Bank of Fort Lauderdale, Fort Lauderdale, Fla.; Fort Lauderdale National Bank, Fort Lauderdale, Fla.; and Coral Ridge National Bank of Fort Lauderdale, Fort Lauderdale, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary,

Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

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

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-11051; Filed, Sept. 16, 1969; 8:46 a.m.]

DOMINION BANKSHARES CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Dominion Bankshares Corporation, which is a bank holding company located in Roanoke, Va., for prior approval by the Board of Governors of the acquisition by Applicant of more than 80 percent of the voting shares of Cumberland Bank and Trust Co., Grundy, Va.

Section 3(c) of the Act provides that the Board shall not approve:

(1) any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

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

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-11052; Filed, Sept. 16, 1969; 8:46 a.m.]

[Regs. G, T, and U]

OTC MARGIN STOCK

Changes in List

The following changes have been made, effective September 4, 1969, in the List of OTC Margin Stocks, published in the FEDERAL REGISTER on August 16, 1969, at 34 F.R. 13343:

1. Additions (stocks now subject to margin requirements): Friendly Ice Cream Corp., $1 par common; Tassette, Inc., Class A common.

2. Deletions (stocks now listed on a national securities exchange): D.P.A., Inc., $1 par common; Lincoln National Corp., $2.50 par common; University Computing Co., no par common.

3. Changes: Continental Computer Associates, Inc., no par common, becomes Banister Continental Corp., no par common; Crocker-Citizens National Bank, capital, becomes Crocker-National Corp., capital; Dayton Corp., $1 par common, becomes Dayton-Hudson Corp., $1 par common; Girard Co., $1 par common, is corrected to read The Girard Co., $1 par common; Philadelphia Suburban Water Co., $3.75 par common, becomes Philadelphia Suburban Corp., $1 par common; and Provident National Bank, $12 par capital, becomes Provident National Corp., $1 par capital.

Board of Governors of the Federal Reserve System, September 10, 1969.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-11030; Filed, Sept. 16, 1969; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 12, 1969.

On May 3, 1969, there was published in the FEDERAL REGISTER (34 F.R. 7311) a letter of April 28, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning May 1, 1969, and extending through April 30, 1970, be limited to designated levels. The aforesaid letter also provided that cotton textiles and cotton textile products which were exported from Mexico to the United States prior to May 1, 1969, in categories for which the levels of restraint for the 12-month period ending April 30, 1969, were filled, were, at the request of the Government of Mexico, to be denied entry.

Consultations will be held between the Governments of the United States and Mexico in the near future to determine the disposition of any cotton textiles and cotton textile products which are being denied entry under the terms of the aforesaid letter. In order to provide United States Government with the information necessary for consultation with the Government of Mexico, all interested parties are advised to report, as soon as possible and not later than 20 days from the date of publication of this notice, to the Office of Textiles, Trade Analysis Division, Department of Commerce, Washington, D.C. 20230, on any cotton textiles or cotton textile products in Categories 1 through 64 produced or manufactured in Mexico and exported from Mexico prior to May 1, 1969, which have been denied entry or which are in the United States held in either a bonded warehouse, a general order warehouse, or a foreign trade zone, on the date of publication of this notice. Reports should include the following information: Complete description of the goods, category or categories under which classified, quantities involved expressed in units or pounds, location of the goods, bond number, and general order lot number or foreign trade zone number and lot number assigned.

Failure to so report within the designated period of time may result in the goods not being eligible for entry into the United States for consumption.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[F.R. Doc. 69-11075; Filed, Sept. 16, 1969; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

CAPITOL HOLDING CORP.

Order Suspending Trading

SEPTEMBER 11, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp. is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 12, 1969, through September 21, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-11061; Filed, Sept. 16, 1969; 8:47 a.m.]

TELSTAR, INC.

Order Suspending Trading

SEPTEMBER 11, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 12, 1969, through September 21, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 69-11062; Filed, Sept. 16, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-3072 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Findings and Order After Statutory Hearing

SEPTEMBER 4, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, dismissing applications, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceedings, making successors co-respondents, substituting respondents, redesignating proceedings, making rate changes effective, accepting surety bonds for filing, accepting agreement and undertaking for filing, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, abandon, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Hilda B. Weinert and Jane W. Blumberg, Applicants in Docket No. G-4598, propose to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to H. H. Weinert Estate et al., FPC Gas Rate Schedule No. 3. Said rate schedule will be redesignated as that of Applicants and the other parties heretofore covered by said rate schedule. On December 27, 1968, H. H. Weinert Estate et al., filed with the Commission a notice of change in rate under their FPC Gas Rate Schedule No. 3. By order issued January 17, 1969, in Docket No. RI69-471 et al., the Commission suspended the proposed change in Docket No. RI69-473 until June 27, 1969, and thereafter until made effective. The notice of change was designated as Supplement No. 12 to the subject rate schedule. On May 19, 1969, Hilda B. Weinert and Jane W. Blumberg et al., filed a motion to make the change in rate effective subject to refund on July 1, 1969; and on July 28, 1969, they filed a surety bond to assure the refund of any amounts collected by them in excess of the amount determined to be just and reasonable in Docket No. RI69-473. Therefore, Hilda B. Weinert and Jane W. Blumberg will be substituted in lieu of H. H. Weinert Estate as co-respondents in the proceeding pending in Docket No. RI69-473; the proceeding will be redesignated accordingly; the change in rate will be made effective subject to refund; and the surety bond submitted by Hilda B. Weinert and Jane W. Blumberg et al., will be accepted for filing.[1]

Koch Development Corp., Applicant in Dockets Nos. G-7726, CI62-861, and CI 66-543, proposes to continue the sales of natural gas heretofore authorized in said dockets to be made pursuant to Fred Koch FPC Gas Rate Schedule Nos. 1, 3, and 4, respectively. Said rate schedules will be redesignated as those of Applicant. The presently effective rates under the predecessor's FPC Gas Rate Schedule Nos. 1 and 3 are in effect subject to refund in Docket No. RI65-639. On January 13, 1969, the predecessor filed with the Commission notices of changes in rate under his FPC Gas Rate Schedule Nos. 1 and 4. By order issued February 12, 1969, in Docket No. RI69-536 the Commission suspended the proposed changes until July 13, 1969, and thereafter until made effective. The notices of change were designated as Supplement No. 4 to Fred Koch FPC Gas Rate Schedule No. 1 and Supplement No. 1 to Fred Koch FPC Gas Rate Schedule No. 4. On July 16, 1969, Koch Development Corp. filed a motion to make the changes in rate effective subject to refund. Therefore, on May 20, 1969, Koch Development Corp. filed a general agreement and undertaking in accordance with the provisions of Order No. 377, 40 FPC 1449, to assure the refund of any amounts collected by it or its predecessor in interest in excess of the amounts determined to be just and reasonable in any present or future rate proceedings. Therefore, Applicant will be substituted in lieu of Fred Koch as respondent in the proceedings pending in Dockets Nos. RI65-639 and RI69-536; said proceedings will be redesignated accordingly; the changes in rate will be made effective subject to refund; and the general agreement and undertaking will be accepted for filing.

Austin Brady, Applicant in Docket No. CI69-940, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-8581 to be made pursuant to Petroleum, Inc., et al., FPC Gas Rate Schedule No. 19. The contract comprising said rate schedule will also be accepted for filing as the rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65-620. Applicant has submitted a surety bond to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Applicant will be made a co-respondent in the proceeding pending in Docket No. RI65-620; the proceeding will be redesignated accordingly; and the surety bond will be accepted for filing.[2]

John H. Hill (Operator) et al., Applicant in Docket No. CI69-1000, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-10723 to be made pursuant to Champlin Petroleum Co. (Operator) et al., FPC Gas Rate Schedule No. 65. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI67-402. Applicant has submitted a surety bond to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Applicant will be made a co-respondent in the proceeding pending in Docket No. RI67-402; the proceeding will be redesignated accordingly; and the surety bond will be accepted for filing.[3]

Whittington Oil Co., Inc. (Operator), et al., Applicant in Docket No. CI69-1072,

[1] The bond states that the increased rate was made effective subject to refund by notice issued June 17, 1969. Said reference should be to the instant order, and the bond will be construed accordingly.

[2] The surety bond refers to the date of the notice of effectiveness of the proposed change in rate as June 23, 1969. The actual date was Nov. 23, 1965, and the bond will be construed accordingly. Also, the bond is applicable only to those sales made by Applicant after Apr. 1, 1969, the filing date of his certificate application. If Applicant desires to collect the increased rate subject to refund as of Feb. 12, 1969, the date of transfer of the producing properties and the effective date of his rate schedule, he and his surety should modify the bond accordingly.

[3] The bond states that the subject sale will be continued pursuant to Applicant's FPC Gas Rate Schedule No. 11. The related rate schedule is herein designated as Applicant's FPC Gas Rate Schedule No. 10 and the bond will be construed accordingly.

proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI66–278 to be made pursuant to Skelly Oil Co., FPC Gas Rate Schedule No. 211. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. On December 2, 1968, Skelly filed with the Commission a notice of change in rate under its FPC Gas Rate Schedule No. 211. By order issued December 30, 1968, in Docket No. RI69–374, et al., the Commission suspended the proposed change in Docket No. RI69–389 until June 2, 1969, and thereafter until made effective. The notice of change was designated as Supplement No. 10 to the subject rate schedule. In its certificate application filed May 9, 1969, Applicant proposes to collect the increased rate. Therefore, Applicant will be made a co-respondent in the proceeding pending in Docket No. RI69–389; the proceeding will be redesignated accordingly; the change in rate will be made effective subject to refund as of June 2, 1969, with respect to sales from Applicant's properties; and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, petitions to intervene and notices of intervention were filed in the following dockets:

Docket No.	*Interveners*
CI69–662	The Brooklyn Union Gas Co.
	Philadelphia Gas Works Division of UGI Corp.
	Long Island Lighting Co.
	Consolidated Edison Co. of New York, Inc.
	The Public Service Commission of the State of New York.
CI69–1093	The Brooklyn Union Gas Co.

Said petitions and notices have either been withdrawn or are not in opposition to the granting of the applications. No other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on August 28, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption; subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the applications filed by Mineral Resources Corp. in Docket No. CI68–1013 on January 21, 1969, and February 10, 1969, should be dismissed as moot.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered and conditioned.

(7) The sales of natural gas proposed to be abandoned as hereinbefore described and as more fully described in the applications and in the tabulation herein are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(8) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(10) The revenues received for sales at the increased rate under Atlantic Richfield Co. FPC Gas Rate Schedule No. 292 which were collected subject to refund in Docket No. RI68–544 are de minimis. No revenues were received for sales at increased rates under Atlantic's FPC Gas Rate Schedule No. 292 subject to refund in Docket No. RI69–156. Therefore, the proceedings in Dockets Nos. RI68–544 and RI69–156 should be terminated with respect to said rate schedule and Atlantic should be relieved from any refund obligation with respect to such sales.

(11) The revenues received for sales at the increased rate under Sun Oil Co. FPC Gas Rate Schedule No. 175 which were collected subject to refund in Docket No. RI68–288 are de minimis; and, therefore the proceeding in Docket No. RI68–288 should be terminated with respect to said rate schedule, and Sun should be relieved from any refund obligation with respect to such sales.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Hilda B. Weinert and Jane W. Blumberg should be substituted as co-respondents in lieu of H. H. Weinert Estate in the proceeding pending in Docket No. RI69–473; that said proceeding should be redesignated accordingly; and that the surety bond submitted by Hilda B. Weinert and Jane W. Blumberg et al., in said proceeding should be accepted for filing.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Koch Development Corp. should be substituted in lieu of Fred Koch as respondent in the proceedings pending in Dockets Nos. RI65–639 and RI69–536, that said proceedings should be redesignated accordingly, that the proposed changes in rate suspended in the latter proceeding should be made effective subject to refund, and that the general agreement and undertaking submitted by Koch Development Corp. should be accepted for filing.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Austin Brady should be made a co-respondent in the proceeding pending in Docket No. RI65–620, that said proceeding should be redesignated accordingly, and that the surety bond submitted by him should be accepted for filing.

(15) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that John H. Hill (Operator) et al., should be made a co-respondent in the proceeding pending in Docket No. RI67–402; that said proceeding should be redesignated accordingly; and that the surety bond submitted by him in said proceeding should be accepted for filing.

(16) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Whittington Oil Co., Inc. (Operator) et al., should be made a co-respondent in the proceeding pending in Docket No. RI69–389; that said proceeding should be redesignated accordingly; that the proposed change in rate suspended in said proceeding should be made effective subject to refund with respect to sales by Whittington; and that Whittington should be required to file an agreement and undertaking.

(17) It is necessary and appropriate in carrying out that provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of Section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on certain applications filed after July 1, 1967, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d)(3) of the Commission's statement of general policy No. 61–1, as amended, shall be filed prior to the applicable date indicated in the tabulation herein.

(E) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rate for the sale authorized in Docket No. CI64–902 shall be the applicable area base rate prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rate, whichever is lower.

(b) The initial rate for the sale authorized in Docket No. CI69–1231 shall be the applicable area base rate (15.5 cents per Mcf at 14.65 p.s.i.a. plus applicable State and local taxes in effect on Sept. 1, 1965) as adjusted for quality of gas pursuant to ordering paragraph (B) of Opinion No. 468, as modified by Opinion No. 468–A, or the contract rate whichever is lower. Such rate is to be effective on the date of this order.

(c) If the quality of the gas delivered by Applicants in Dockets Nos. CI64–902 and CI69–1231 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however*, That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(d) Within 45 days from the date of this order Applicant in Docket No. CI69–1231 shall file three copies of a rate schedule quality statement as specified by ordering paragraph (F) of Opinion No. 468, as modified by Opinion No. 468–A, reflecting the rate determined in paragraph (b) above.

(e) The initial rates for sales authorized in Docket No. CI69–662 shall be 20 cents per Mcf at 15.025 p.s.i.a. (gas-well gas) and 18.5 cents per Mcf at 15.025 p.s.i.a. (casinghead gas), the applicable area base rates prescribed in Opinion No. 546, as modified by Opinion No. 546–A, as adjusted for quality of gas, or the contract rates, whichever are lower. If the quality of the gas delivered by Applicant deviates at any time from the quality standards set forth in Opinion No. 546, as modified by Opinion No. 546–A, so as to require a downward adjustment of the existing rate, a notice of in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however*, That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate. Within 90 days from the date of initial delivery Applicant shall file a rate schedule quality statement in the form prescribed in Opinion No. 546.

(f) The initial rate for the sale authorized in Docket No. CI66–888 shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement.

(g) The initial rate for the sale authorized in Docket No. CI69–1093 shall be 18.5 cents per Mcf at 15.025 p.s.i.a.

(h) The initial rate for the sale authorized in Docket No. CI66–304 (Oklahoma Panhandle area only) shall be 17 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement and subject to B.t.u. adjustment.

(i) The initial rate for sales authorized in Dockets Nos. CI66–304 (Oklahoma "Other" area only), CI67–1650, CI69–951, and CI69–1184 shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61–1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area so as to increase the initial wellhead price for new gas, Applicants thereupon may substitute the new rates reflecting the amounts of such increases and thereafter collect the new rates prospectively in lieu of the initial rate herein authorized in said dockets.

(j) Applicant in Docket No. CI66–304 shall file a billing statement to reflect the 15-cent and 17-cent rates as required by the regulations under the Natural Gas Act.

(k) Applicant in Docket No. CI69–1087 shall not require buyer to take-or-pay for an annual quantity of gas which is in excess of an average of 1 Mcf per day for each 7,300 Mcf of determined gas reserves.

(l) The authorizations granted in Dockets Nos. CI67–1650, CI69–951, CI69–1087, and CI69–1184 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(m) In the event that Applicant in Docket No. CI69–118 under Article IX of the subject contract exercises its options to process the gas, Applicant shall submit to the Commission for acceptance, not less than 30 nor more than 90 days prior to the commencement of such processing, a rate schedule supplement setting forth the conditions and details of the contemplated actions.

(n) The authorizations granted in Dockets Nos. CI69–118 and CI69–983 involving the sales of gas by Appalachian Exploration & Development, Inc., to its affiliate, Mountain Gas Co., determine the rates which legally may be paid by the buyer to the seller, but are without prejudice to any action which the Commission may take in any rate proceedings involving either company.

(F) Within 30 days from the date of this order Applicants in Dockets Nos. CI68–1013 (additional acreage only) and CI69–1245 shall file billing statements as required by the regulations under the Natural Gas Act.

(G) The applications filed by Mineral Resources Corp. in Docket No. CI68–1013 on January 21, 1969, and February 10, 1969, are dismissed as moot.

(H) The orders issuing certificates in Dockets Nos. G–3072, G–7526, CI63–234, CI64–902, CI65–536, CI66–888, and CI67–1650 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(I) The orders issuing certificates in Dockets Nos. G–8581, G–10723, G–11918, CI60–686, CI66–278, and CI67–1687 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Dockets Nos. CI69–940, CI69–1000, CI69–1093, CI69–1247, CI69–1072, and CI69–1247, respectively.

(J) The orders issuing certificates in Dockets Nos. G–4588, G–4598, G–7726, G–14198, G–16495, CI61–1462, CI61–1578,

CI62–861, CI66–304, CI66–543, and CI68–1013 are amended by substituting the successors in interest as certificate holders.

(K) The orders issuing certificates in Dockets Nos. G–10769, G–11255, G–12366, and CI68–649 are amended to reflect the change in corporate name as described in the tabulation herein.

(L) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(M) Permission for and approval of the abandonment in Docket No. CI69–1226 shall not be construed to relieve Applicant of any refund obligations which may be ordered in the related rate proceeding pending in Docket No. RI68–424.

(N) The certificates heretofore issued in Dockets Nos. G–6739, CI60–392, CI62–92, CI63–1154, CI65–116, and CI66–1171 are terminated.

(O) The temporary certificates heretofore issued in Dockets Nos. CI65–515 and CI68–1452 are terminated and the related rate schedules are canceled. Applicant in Docket No. CI68–1452 shall be liable for any refunds which may be ordered in said docket.

(P) The rate suspension proceedings pending in Dockets Nos. RI68–544 and RI69–156 are terminated with respect to Atlantic Richfield Co. FPC Gas Rate Schedule No. 292, and Atlantic is relieved from any refund obligation with respect to said rate schedule in Docket No. RI68–544.

(Q) The rate suspension proceeding pending in Docket No. RI68–288 is terminated and Sun Oil Company is relieved from any refund obligation in said proceeding.

(R) The name of the co-respondent, Highland Oil Co., in the proceeding pending in Docket No. RI65–478 is changed to Highland Resources, Inc., to reflect a change in corporate name and the proceeding is redesignated accordingly.

(S) Hilda B. Weinert and Jane W. Blumberg are substituted as co-respondents in lieu of H. H. Weinert Estate in the proceeding pending in Docket No. RI69–473; said proceeding is redesignated accordingly; and the surety bond submitted by Hilda B. Weinert and Jane W. Blumberg et al., in said proceeding is accepted for filing. The rates, charges, and classifications set forth in Supplement No. 12 to Hilda B. Weinert and Jane W. Blumberg et al., FPC Gas Rate Schedule No. 3 shall be effective subject to refund as of July 1, 1969. Said effective rates shall be charged and collected as of the effective date subject to any future orders of the Commission in Docket No. RI69–473. Hilda B. Weinert and Jane W. Blumberg et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the surety bond filed by them in Docket No. RI69–473 shall remain in full force and effect until discharged by the Commission.

(T) Koch Development Corp. is substituted in lieu of Fred Koch as respondent in the proceedings pending in Dockets Nos. RI65–639 and RI69–536, said proceedings are redesignated accordingly, and the general agreement and undertaking submitted by Koch Development Corp. is accepted for filing. The rates, charges, and classifications set forth in Supplement No. 4 to Koch Development Corp. FPC Gas Rate Schedule No. 1 and Supplement No. 1 to Koch Development Corp. FPC Gas Rate Schedule No. 4 shall be effective as of July 16, 1969. Said effective rates shall be charged and collected as of the effective date subject to any future orders of the Commission in Docket No. RI69–536. Koch Development Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(U) Austin Brady is made a co-respondent in the proceeding pending in Docket No. RI65–620, the proceeding is redesignated accordingly, and the surety bond submitted by him in said proceeding is accepted for filing. Austin Brady shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the surety bond filed by him in Docket No. RI65–620 shall remain in full force and effect until discharged by the Commission.

(V) John H. Hill (Operator), et al., is made a co-respondent in the proceeding pending in Docket No. RI67–402; the proceeding is redesignated accordingly; and the surety bond submitted by him in said proceeding is accepted for filing. John H. Hill (Operator), et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the surety bond filed by him in Docket No. RI67–402 shall remain in full force and effect until discharged by the Commission.

(W) Whittington Oil Co., Inc. (Operator) et al., is made a co-respondent in the proceeding pending in Docket No. RI69–389, and said proceeding is redesignated accordingly. The rates, charges, and classifications set forth in Supplement No. 10 to Skelly Oil Co. FPC Gas Rate Schedule No. 211 shall be effective subject to refund as of June 2, 1969, with respect to sales from the properties acquired by Whittington from Skelly from which sales are authorized herein in Docket No. CI69–1072. Whittington shall charge and collect 14 cents per Mcf at 15.025 p.s.i.a. for sales from December 24, 1968, until June 2, 1969, and 15 cents per Mcf at 15.025 p.s.i.a., subject to refund in Docket No. RI69–589, for sales after June 2, 1969. The latter rate shall be charged and collected subject to any future orders of the Commission in Docket No. RI69–589. Whittington shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder.

(X) Within 30 days from the date of this order, Whittington Oil Co., Inc. (Operator), et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in Docket No. RI69–589. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(Y) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

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

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–3072 D 6–18–69	Humble Oil & Refining Co.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Sun and North Sun Fields, Starr County, Tex.	Letter agreement 5–29–69.[1 2]	11	33
G–4588 E 6–20–69	MACPET (successor to Mendota Oil Co.).	El Paso Natural Gas Co., Jack Herbert Field, Upton County, Tex.	Mendota Oil Co., FPC GRS No. 8.	2	.....
			Supplement Nos. 1–16	2	1–16
			Notice of succession 5–16–69.		
			Assignment 12–31–68 [3]		17
			Effective date: 12–31–68		
G–4598 E 1–3–69	Hilda B. Weinert and Jane W. Blumberg, et al. (successor to H. H. Weinert Estate et al.).	United Gas Pipe Line Co., North Pettus Field, Bee et al., Counties, Tex.	H. H. Weinert Estate, et al., FPC GRS No. 3.	3	.....
			Supplement Nos. 1–12	3	1–12
			Notice of succession 12–16–68.		
			Effective date: 1–1–68		
G–7526 C 6–30–69 [4]	Pan American Petroleum Corp. (Operator) et al.	El Paso Natural Gas Co., Blanco and Flora Vista Fields, San Juan County, N. Mex.	Supplemental agreement 6–12–69.[5]	117	30

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

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G-7726 E 5-20-69	Koch Development Corp. (successor to Fred Koch).	El Paso Natural Gas Co., San Juan Basin Area, San Juan County, N. Mex.	Fred Koch, FPC GRS No. 1.	1	
			Supplement Nos. 1-4	1	1-4
			Notice of succession 5-19-69.		
			Assignment 10-14-68	1	5
			Effective date: 10-1-68		
G-10709 10-28-68 [1]	Highland Resources, Inc. (formerly Highland Oil Co.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Government Wells Field, Duval County, Tex.	Highland Oil Co., FPC GRS No. 1.	1	
			Supplement Nos. 1-4	1	1-4
			Notice of succession 10-25-68.		
			Certificate of merger 7-17-68.[1a]	1	5
			Effective date: 7-17-68		
G-11255 10-30-68 [1]	do	do	Highland Oil Co., FPC GRS No. 2.	2	
			Supplement Nos. 1-4	2	1-4
			Notice of succession 10-28-68.		
			Certificate of merger 7-17-68.[1a]	2	5
			Effective date: 7-17-68		
G-12366 E 5-20-69	Koch Development Corp. (successor to Fred Koch).	El Paso Natural Gas Co., Pictured Cliffs Formation, San Juan Basin, San Juan County, N. Mex.	Fred Koch, FPC GRS No. 2.	2	
			Supplement Nos. 1-2	2	1-2
			Notice of succession 5-19-69.		
			Assignment 10-14-68	2	3
			Effective date: 10-1-68		
G-14198 E 6-27-69	Triton Oil & Gas Corp. et al. (successor to Landa Oil Co. et al.).	United Gas Pipe Line Co., North LaRosa Field, Refugio County, Tex.	Landa Oil Co. et al., FPC GRS No. 9.	2	
			Supplement Nos. 1-4	2	1-4
			Notice of succession		
			Assignment 2-1-68 [1]	2	5
			Effective date: 10-1-68		
G-16495 E 6-19-69	MACPET (successor to William L. McKnight d.b.a. LaGorce Oil Co. et al.).	El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex.	William L. McKnight, d.b.a. LaGorce Oil Co. et al., FPC GRS No. 1.	1	
			Supplement Nos. 1-4	1	1-4
			Notice of succession 5-16-69.		
			Assignment 12-31-68 [1]	1	5
			Effective date: 12-31-68		
CI61-1462 E 2-26-69	ZRN Company, et al. (successor to Appell Petroleum Corp., et al.).	The Alter Corp., Tsemells Field, Jim Wells County, Tex.	Appell Petroleum Corp. et al., FPC GRS No. 7.	2	
			Notice of succession 2-20-69.		
			Assignment 2-11-69 [11]	2	1
			Effective date: 2-11-69		
CI61-1578 E 2-26-69	ZRN Co. (Operator) et al. (successor to Appell Petroleum Corp. (Operator) et al.).	The Alter Corp., Tom Graham Field, Jim Wells County, Tex.	Appell Petroleum Corp. (Operator) et al., FPC GRS No. 6.	1	
			Notice of succession 2-20-69.		
			Assignment 2-11-69 [11]	1	1
			Effective date: 2-11-69		
CI62-861 E 5-20-69	Koch Development Corp. (successor to Fred C. Koch).	El Paso Natural Gas Co., Dakota Formation, San Juan Basin, San Juan County, N. Mex.	Fred C. Koch, FPC GRS No. 3.	3	
			Supplements Nos. 1-2	3	1-2
			Notice of succession 5-19-69.		
			Assignment 10-14-68	3	3
			Effective date: 10-1-68		
CI63-234 D 9-25-67	Mobil Oil Corp. (Operator) et al.	Arkansas Louisiana Gas Co., Red Oak Area, LeFlore County, Okla.	Notice of partial cancellation 9-22-67, [2] [12]	333	29
CI63-234 D 6-27-69	Mobil Oil Corp. (Operator) et al.	Arkansas Louisana Gas Co., Red Oak Area, Latimer, LeFlore and Haskell Counties, Okla.	Notice of partial cancellation 6-25-69,[2] [12]	333	27

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI64-902 C 3-21-69	Delta Drilling Co.[14] (Operator) et al.	Northern Natural Gas Co., Orona Area, Crockett County, Tex.	Supplemental agreement 7-23-68.	30	13
CI64-902 C 3-26-69	do	do	Supplemental agreement 9-16-68.	30	14
CI65-515 [15] B 6-18-69	Atlantic Richfield Co.	Texas Eastern Transmission Corp., North Lansing Field, Harrison County, Tex.	Notice of cancellation 6-13-69,[2] [16]	[17] 292	10
CI65-536 C 6-27-69 [3]	Mobil Oil Corp.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Supplemental agreement 5-23-69.[3]	370	3
CI66-304 E 5-5-69	Consolidated Production Corp. (successor to GMC Oil & Gas Corp.).	Panhandle Eastern Pipe Line Co., Acreage in Dewey and Woodward Counties, Okla.	GMC Oil & Gas Corp., FPC GRS No. 3.	2	
			Notice of succession 5-2-69.		
			Assignment 12-1-67	2	1
			Effective date: 12-1-67		
CI66-543 E 5-29-69	Koch Development Corp. (successor to Fred C. Koch).	El Paso Natural Gas Co. Basin-Dakota Field, Rio Arriba and San Juan Counties, N. Mex.	Fred C. Koch, FPC GRS No. 4.	4	
			Supplement No. 1	4	1
			Notice of succession 5-19-69.		
			Assignment 10-14-68	4	2
			Effective date: 10-1-68		
CI66-888 C 6-23-69 [3]	Pan American Petroleum Corp.	Natural Gas Pipeline Co. of America, Putnam Field, Dewey County, Okla.	Amendment 4-14-69 [4]	436	2
CI67-1650 C 6-10-69 [3] [13]	Continental Oil Co.[13] (Operator) et al.	Panhandle Eastern Pipe Line Co., South Peek Field, Roger Mills County, Okla.	Agreement 10-7-68 [4] [13]	326	7
CI68-649 11-4-68 [1]	Highland Resources, Inc. (formerly Highland Oil Co.).	Texas Eastern Transmission Corp., Brushy Creek Field, DeWitt and Lavaca Counties, Tex.	Highland Oil Co., FPC GRS No. 6.	6	
			Supplement Nos. 1-8	6	1-8
			Notice of succession 11-1-68.		
			Certificate of merger 7-17-68 [1a].	6	9
			Effective date: 7-17-68		
CI68-1013 E 6-16-69	Royal Oil & Gas Corp. (successor to Mack R. Worl et al.[13]).	Equitable Gas Co., Troy District, Gilmer County, W. Va.	Mack R. Worl et al., FPC GRS No. 1.	1	
			Assignment 5-11-68 [13] (Assignment No. 3457).	1	1
			Assignment 5-11-68 [13] (Assignment No. 4073).	1	2
			Assignment 6-8-68 [13]	1	3
			Effective date: 12-23-68		
C 6-16-69 [3]	do	do	Letter Agreement 1-10-69.[4]	1	4
			Notice of succession 6-12-69.		
			Certificate of merger 2-6-69.[13]	1	5
			Effective date: 12-23-68		
CI68-1452 [18] B 5-9-69	Pubco Petroleum Corp.	Southern Natural Gas Co., South Marrero Field, Jefferson Parish, La.	Notice of cancellation 4-15-69,[2] [16]	19	1
CI69-118 A 5-1-68 [3]	Appalachian Exploration & Development, Inc.	Mountain Gas Co., Rocky Fork Field, Kanawha County, W. Va.	Contract 7-25-68 [4] [13]	14	
CI69-662 A 1-22-69 [17]	Atlantic Richfield Co.[16]	United Gas Pipe Line Co., Bayou Rambio Field, Terrebonne Parish, La.	Contract 12-13-68 [3]	626	
CI69-940 (G-8581) F 4-1-69	Austin Brady (successor to Petroleum, Inc. et al.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Hugoton Field, Haskell County, Kans.	Contract 9-1-59 [13]	8	
			Assignment 2-12-69 [13]	8	1
			Effective date: 2-12-69		

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI69-861 A 4-11-69[1]	Cities Service Oil Co.	Panhandle Eastern Pipe Line Co., South Peek Field, Roger Mills County, Okla.	Contract 3-10-69 Compliance 5-12-69 [2 21]	307 307	 1
CI69-983 A 4-23-69 [3]	Appalachian Exploration & Development, Inc.	Mountain Gas Co., Poca District, Kanawha County, W. Va.	Contract 1-30-69 [4 20]	15	
CI69-1000 (G-10723) F 4-23-69	John H. Hill (Operator) et al. (successor to Champlin Petroleum Co.).	Colorado Interstate Gas Co. a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	Contract 5-9-56 [22] Supplement 10-28-58 Amendment 2-18-59 Amendment 8-6-60 Amendment 10-11-66 Assignment 3-3-69 [4 22]	10 10 10 10 10 10	 1 2 3 4 5
CI69-1001 A 4-25-69 [3]	Monsanto Co. (Operator and Agent) et al.	Arkansas Oklahoma Gas Corp., Arkoma Area, LeFlore County, Okla.	Contract 3-24-69 [24] Contract 3-24-69 [22] Contract 4-3-69 [4 24]	97 97 97	 1 2
CI69-1072 (CI66-278) F 5-2-69	Whittington Oil Co., Inc. (Operator), et al. (successor to Skelly Oil Co.).	El Paso Natural Gas Co., Ignacio-Blanco Field, LaPlata County, Colo.	Contract 6-15-56 [27] Assignments 1-21-64 Assignments 1-21-64 Assignment 12-24-68 [28] Effective date: 12-24-68	3 3 3 3	 1 2 3
CI69-1077 (G-6730) B 5-21-69	Ryeade Oil Corp.[29]	United Gas Pipe Line Co., Iowa Field, Jefferson Davis Parish, La.	Notice of cancellation 5-20-69.[2 18]	1	5
CI69-1087 A 5-22-69 [3]	Skelly Oil Co. (Operator) et al.	Southern Natural Gas Co., Kokomo Field, Walthall and Marion Counties, Miss.	Contract 5-7-69 Letter 7-14-69 [4 25]	329 329	 1
CI69-1093 (G-11918) F 5-23-69	Three S & T Oil Co., Inc. (successor to Mobil Oil Corp.).	United Gas Pipe Line Co., Iowa Field, Calcasieu and Jefferson Davis Parishes, La.	Contract 1-13-49 [22] Amendment 11-1-51 Amendment 5-29-58 Letter agreement 12-1-58 Amendment 8-6-59 Notice of change 9-26-68 [22] Assignment 7-3-68 [22] Assignment 4-10-69 [22]	1 1 1 1 1 1 1 1	 1 2 3 4 5 6 7
CI69-1184 A 6-16-69 [3]	Union Oil Co. of California.	Panhandle Eastern Pipe Line Co., South Peek Field, Roger Mills County, Okla.	Contract 3-17-69 [22] Amendment 5-23-69 Compliance 7-14-69 [4 25]	202 202 202	 1 2
CI69-1209 A 6-20-69 [3]	David A. Paschkst	Equitable Gas Co., Skin Creek District, Lewis County, W. Va.	Contract 6-12-69 [3]	2	
CI69-1213 A 6-23-69 [3]	King Resources Co.	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla.	Contract 5-13-69 [3]	[30] 21	
CI69-1216 A 5-23-69 [2 22]	J.C. Baker & Son, Inc., et al.	Equitable Gas Co., Collins Settlement District, Lewis County, W. Va.	Contract 5-12-69 [3]	7	
CI69-1217 A 6-2-69 [1 22]	J. C. Baker & Son, Inc.	Equitable Gas Co., Otter District, Braxton County, W. Va.	Contract 5-17-69 [3]	8	
CI69-1235 (CI67-1667) F 6-17-69	Francis Oil & Gas, Inc., et al. (successors to Humble Oil & Refining Co.).	Panhandle Eastern Pipe Line Co., Seiling Field, Dewey County, Okla.	Contract 5-1-67 [22] Assignment 5-26-69 [22]	4 4	 1
CI69-1221 (CI66-1171) B 6-23-69	Coastal States Gas Producing Co.	South Texas Natural Gas Gathering Co., Manchester Field, Calcasieu Parish, La.	Notice of cancellation 6-18-69.[2 31]	63	1
CI69-1224 A 6-24-69 [3]	Tenneco Oil Co.	Montana-Dakota Utilities Co., Rattlesnake Field, Washakie County, Wyo.[32]	Contract 6-12-69 [3]	255	
CI69-1226 (CI63-1154) B 6-25-69	Sun Oil Co. (DX Division).	Panhandle Eastern Pipe Line Co., Acreage in Woods County, Okla.	Notice of cancellation 6-20-69.[2 18]	230	5
CI69-1228 (CI60-892) B 6-27-69	Mobil Oil Corp.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Northwest Chalkley Field, Calcasieu Parish, La.	Notice of cancellation 6-25-69.[2 18]	231	5
CI69-1230 A 6-30-69 [3]	Woodrow Dingess, agent for Payne Gas Co.	United Fuel Gas Co., Laurel Hill District, Lincoln County, W. Va.	Contract 8-11-61 [4 22]	1	
CI69-1231 (CS67-76) F 6-23-69	Estate of Elizabeth R. Sharp, deceased (successor to Kermit Oil Co.).	El Paso Natural Gas Co., Red Hills Area, Lea County, N. Mex.	Contract 7-30-57 [24] Assignment 8-25-66 [2 22]	1 1	 1
CI69-1233 A 6-30-69 [3]	Commonwealth Gas Corp.	Consolidated Gas Supply Corp., Ripley District, Jackson County, W. Va.	Contract 4-29-69	15	
CI69-1238 (CI65-116) B 6-27-69	Sun Oil Co. (Southwest Division).	El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex.	Notice of cancellation 6-16-69.[2 18]	[33] 175	4
CI69-1241 A 6-30-69 [3]	Yale Oil Association	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	Contract 6-11-69 [4]	4	
CI69-1242 (CI63-92) B 6-30-69	Coastal States Gas Producing Co.	Transcontinental Gas Pipe Line Corp., Mission Valley Area, Victoria County, Tex.	Notice of cancellation 6-26-69.[2 18]	43	2
CI69-1245 A 6-26-69 [3]	Elkland Oil & Gas Co., by Opal Jarvis.	United Fuel Gas Co., Union District, Clay County, W. Va.	Contract 6-30-61 [2 22]	1	
CI69-1247 (CI60-686) F 6-30-69	Pan American Petroleum Corp. (successor to Depco, Inc., et al.).	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Contract 5-9-60 [22] Amendment 6-25-63 Assignment 10-21-68 [22] Farmout agreement 11-15-68.[2 22]	535 535 535 535	 1 2 3

See footnotes at end of table.

[1] Deletes Garza and Pena Leases; Applicant states it would cost $57,000 to construct 38,000 feet of gathering line necessary to make deliveries (cost of 12 cents per Mcf for 465,000 Mcf recoverable reserves).
[2] Effective date: Date of this order.
[3] From William L. McKnight d.b.a. Mendota Oil Co. to MACPET.
[4] Amendment to the application providing for an initial rate of 13 cents per Mcf at 15.025 p.s.i.a. (filed July 8, 1969); Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[5] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[6] Amendment to the certificate to reflect change in name.
[6a] Reflects change in name.
[7] Assigns acreage from Landa Oil Co. and Landa Industries, Inc., to Triton Oil & Gas Corp.
[8] From William L. McKnight d.b.a. LaGorce Oil Co. et al. to MACPET.
[9] Omitted.
[10] Assigns acreage from Appell Petroleum Corp. to ZRN Co.
[11] Deletes acreage assigned to Gose Petroleum Co.
[12] Nonproducing leases have expired or have been canceled.
[13] By letter filed May 7, 1969, Applicant agreed to accept permanent authorization for the additional acreage with opinion No. 408 conditions as stipulated in the temporary certificate issued Apr. 24, 1969.
[14] No permanent certificate issued in Docket No. CI65-815 (temporary certificate issued Feb. 25, 1965); therefore, the abandonment will be permitted in said docket, the temporary certificate will be terminated and the related rate schedule canceled.
[15] Source of gas depleted.
[16] Rate of 15.6 cents per Mcf effective subject to refund in Docket No. RI68-544. Proposed rate increase to 18.6 cents currently suspended in Docket No. RI69-156 and never made effective. Inasmuch as only a *de minimis* amount was collected subject to refund in Docket No. RI68-544 and no money was collected subject to refund in Docket No. RI69-156, said proceedings will be terminated with respect to FPC GRS No. 202.
[17] Amendment to the certificate filed to cover the interest of nonoperator, Lone Star Producing Co.
[18] Present contract rate is 17 cents per Mcf, subject to upward and downward B.t.u. adjustment. Applicant is filing for an initial rate of 15 cents per Mcf subject to upward and downward B.t.u. adjustment. By letter of June 26, 1969, Applicant agreed to accept permanent authorization conditioned to the outcome of the proceedings in Docket No. R-338.
[19] Between Lone Star Producing and Panhandle Eastern Pipe Line Co.; ratifies Continental-Panhandle contract of Feb. 10, 1967, which comprises Continental's FPC GRS No. 326.
[20] Mineral Resources Corporation filed in Docket No. CI68-1013 on Jan. 21, 1969 (amendment to add acreage) and Feb. 10, 1969, to continue the sales of natural gas heretofore authorized to be made pursuant to Mack E. Worl et al., but never received certificate authorization. Due to the filing made by Royal Oil & Gas Corp., in Docket No. CI68-1013 the applications filed by Mineral on Jan. 21, 1969, and Feb. 10, 1969, will be dismissed as moot.

[22] From Mack R. Worl et al. to Mineral Resources Corp.
[23] Merges "et al." party and Mineral Resources into Royal Oil & Gas Corp.
[24] No permanent certificate issued in Docket No. CI68-1452 (temporary certificate issued July 19, 1968); therefore, the abandonment will be permitted in said docket, the temporary certificate will be terminated and the related rate schedule canceled.
[25] Limited to production from above the base of the Newburg Formation.
[26] By letter filed Aug. 4, 1969, Applicant advised willingness to accept a permanent certificate at 18.5 cents per Mcf for casinghead gas adjusted for quality as prescribed in Opinion No. 546.
[27] Jan. 1, 1974, moratorium provided by Opinion No. 546-A.
[28] Currently on file as Petroleum, Inc., et al., FPC GRS No. 19.
[29] Assigns acreage from Petroleum, Inc., et al., to Austin Brady.
[30] Accepts conditioned temporary certificate issued May 8, 1969 (filed May 14, 1969). By letter filed July 22, 1969, Applicant indicated willingness to accept a permanent certificate conditioned to the area ceiling rate of 15 cents per Mcf and subject to the outcome of the proceedings in Docket No. R-338.
[31] Limited to production from the Newburg Formation.
[32] Currently on file as Champlin Petroleum Co. (Operator) et al., FPC GRS No. 65.
[33] Assigns acreage from Champlin Petroleum Co., to John H. Hill (Operator) et al.
[34] Between Monsanto Co. and the purchaser.
[35] Between R. S. Littlefield and the purchaser.
[36] Between Allen Gattis and the purchaser.
[37] Currently on file as Skelly Oil Co., FPC GRS No. 211.
[38] Assignment from F. H. Stevens, Jr., and Don E. Webber, who acquired the subject property from Skelly Oil Co., to Whittington Oil Co., Inc. Stevens and Weber made no filings with respect to the subject acreage.
[39] Filing submitted by Midhurst Oil Corp. Midhurst acquired all the stock of Rycade on Sept. 17, 1968, and on Sept. 18, 1968, Midhurst liquidated Rycade.
[40] Applicant stated its willingness to accept a permanent certificate conditioned to a 1 to 7,300 reserve ratio and subject to the outcome of the proceedings in Docket No. R-338, as provided in the temporary certificate.
[41] Contract between Mobil Oil Corp. and United Gas Pipe Line Co.; currently on file as Mobil Oil Corp. (Operator) et al., FPC GRS No. 2f.
[42] Instrument whereby Mobil filed up to base area rate of 18.5 cents per Mcf.
[43] Transfers acreage from Mobil to Iowa, Ltd.
[44] Transfers acreage from Iowa, Ltd. to Three S & T Oil Co., Inc.
[45] Acreage committed with respect to gas produced down to the base of the Tonkawa Formation which is found at 8,218 feet as shown on the Dresser Atlas Gamma Ray Neutron Log dated Nov. 2, 1968.
[46] Complies with temporary certificate issued July 3, 1969. Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf as stipulated in the temporary certificate and subject to the outcome of the proceedings in Docket No. R-338.
[47] Present contract rate is 19.5 cents per Mcf, plus tax reimbursement subject to upward and downward B.t.u. adjustment; Applicant is filing for 17 cents per Mcf, including tax reimbursement, subject to upward and downward B.t.u. adjustment.
[48] Applications previously noticed June 16, 1969, in Dockets Nos. G-4820 et al., as amendments to add acreage in Dockets Nos. CI69-591 and CI68-1407; applications have been reassigned Dockets Nos. CI69-1216 and CI69-1217, respectively, and are being processed as initial service applications.
[49] Currently on file as Humble Oil & Refining Co., FPC GRS No. 425.
[50] Assigns acreage from Humble Oil & Refining Co., to Francis Oil & Gas, Inc., et al.
[51] Filed pursuant to paragraph (E) of the Commission's order issued Aug. 19, 1966, as amended by order issued Aug. 16, 1967, which required an abandonment application at the expiration of the short term certificate.
[52] Processed at Union Oil of California's Worland Plant for the removal of liquids before delivery to buyer.
[53] Sale being rendered without prior Commission authorization.
[54] Between Kermit Oil Co., and El Paso Natural Gas Co. Kermit was issued a small producer certificate on Nov. 4, 1966, in Docket No. CS67-6.
[55] From Kermit to Estate of Elizabeth R. Sharp.
[56] Rate of 14 cents per Mcf effective subject to refund in Docket No. RI68-288. Applicant requests termination of the proceeding pending in Docket No. RI68-288 due to *de minimis* amounts collected ($193.34).
[57] Between Southwest Production Co., and El Paso Natural Gas Co.; currently on file as Beta Development Co., FPC GRS No. 1.
[58] From Beta Development Co., to Depco, Inc., and Husky Oil Co. Husky and Depco never made certificate filings to cover the subject acreage.
[59] From Husky and Depco to Pan American Petroleum Corp.

Suggested general undertaking in accordance with order No 377:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent_____)

GENERAL UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to any present and future rate increases suspended under section 4(e) of the Natural Gas Act and collected subject to refund thereunder and has caused this undertaking to be executed and sealed in its name by a duly authorized officer this_____day of_____, 196__.

(Name of Respondent)

By _____

Attest:

_____

[F.R. Doc. 69-10864; Filed, Sept. 16, 1969; 8:45 a.m.]

[Docket Nos. RI70-173 etc.]

SHELL OIL CO., ET AL.

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

SEPTEMBER 5, 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 October 22, 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.
RI70-173..	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	305	7	El Paso Natural Gas Co. (South Andrews Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	$524	8-11-69	[2] 9-28-69	2-28-70	[4] [5] 13.5705	[3] [4] [5] 14.6620	RI69-716.
RI70-174..	Skelly Oil Co. (Operator), Post Office Box 1650, Tulsa, Okla. 74102.	31	6	El Paso Natural Gas Co. (Eunice Plant No. 2, Lea County, N. Mex.) (Permian Basin Area).	129,402	8-11-69	[2] 9-11-69	2-11-70	13.88	[6] [7] 16.50	
RI70-175..	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	108	7	El Paso Natural Gas Co. (South Andrews Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	5,307	8-13-69	[2] 9-13-69	2-13-70	12.81	[6] [7] 16.0	
	do	113	6	El Paso Natural Gas Co. and Pecos Co. (Amacker-Tippett Field, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	1,985	8-13-69	[2] 9-13-69	2-13-70	14.10	[6] [7] 16.0	
	do	167	3	El Paso Natural Gas Co. (Eunice Plant No. 2, Lea County, N. Mex.) (Permian Basin Area).	449,240	8-13-69	[2] 9-13-69	2-13-70	13.88	[6] [7] 16.50	
RI70-176..	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	104	1	Colorado Interstate Gas Co. (South Samsuttter Area, Sweetwater County, Wyo.).	519	8-11-69	[2] 9-11-69	2-11-70	17.20	[3] [4] 18.337	
RI70-177..	American Liberty Oil Co., 4100 First National Bank Bldg., Dallas, Tex. 75202.	1	9	Transwestern Pipeline Co. (Artesia Plant, Eddy County, N. Mex.) (Permian Basin Area).	37,884 217,780	8- 7-69	[2] 9- 7-69	2- 7-70	[8] 17.21 [10] 14.99	[4] [7] 20.2875 [4] [7] 20.2875	
RI70-178..	Signal Oil & Gas Co. (Operator) et al., 1010 Wilshire Blvd., Los Angeles, Calif. 90017.	4	6	El Paso Natural Gas Co. (South Andrews Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	3,201	8- 7-69	[2] 9- 7-69	2- 7-70	15.0	[3] [4] 16.0	RI69-96.
	do	7	8	do	61	8- 7-69	[2] 9- 7-69	2- 7-70	15.0	[3] [4] 16.0	RI69-632.
	do	12	6	El Paso Natural Gas Co. (Todd San Andres Field, Crockett County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	810	8- 7-69	[2] 9- 7-69	2- 7-70	16.50	[3] [4] 17.50	RI69-148.
RI70-179..	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	405	1	El Paso Natural Gas Co. (Tocito Dome Field, San Juan County, N. Mex.) (San Juan Basin Area).	3,475	8- 8-69	[2] 9-27-69	2-27-70	[12] 13.0	[3] [13] 15.0	
	do	204	3	Lone Star Gas Co. (Carter-Knox Field, Stephens and Grady Counties, Okla.) (Carter-Knox Area).	1,092	8-13-69	[2] 9-13-69	2-13-70	16.8	[4] [13] 19.0	
	do	297	3	do	273	8-13-69	[2] 9-13-69	2-13-70	16.8	[4] [13] 19.0	
RI70-180..	Pioneer Production Corp. (Operator) et al., Post Office Box 2542, Amarillo, Tex.	20	2	Northern Natural Gas Co. (Mammoth Creek (North Cleveland) Field, Lipscomb County, Tex.) (RR. District No. 10).	2,194	8-15-69	[2] 9-15-69	2-15-70	[14] 17.0	[3] [4] [14] 18.0	
	do	22	1	do	171	8-15-69	[2] 9-15-69	2-15-70	[14] 17.0	[3] [4] [14] 18.0	
	do	25	2	do	805	8-13-69	[2] 9-13-69	2-13-70	[14] 17.0	[3] [4] [14] 18.0	
	do	26	1	do	210	8-13-69	[2] 9-13-69	2-13-70	[14] 17.0	[3] [4] [14] 18.0	
	do	29	1	do	203	8-13-69	[2] 9-13-69	2-13-70	[14] 17.0	[3] [4] [14] 18.0	
	do	23	2	Northern Natural Gas Co. (Tonkowa Mammoth Creek (North Cleveland) Lipscomb County, Tex.) (R.R. District No. 10).	479	8-13-69	[2] 9-13-69	2-13-70	[14] 17.0	[3] [4] [14] 18.0	
	do	28	1	Northern Natural Gas Co. (Follett (Morrow) Field, Lipscomb County, Tex.) (RR. District No. 10).	4,241	8-12-69	[2] 9-12-69	2-12-70	[14] 17.0	[3] [4] [14] 18.0	
RI70-181..	Pioneer Production Corp.	21	1	Northern Natural Gas Co. (Lower Morrow Field, Beaver County, Okla.) (Panhandle Area).	174	8-15-69	[1] 10- 1-69	3- 1-70	[14] 17.0	[3] [4] [14] 18.0	
RI70-182..	Clinton Oil Co. (Operator) et al., 6810 West Hi-Way No. 54, Wichita, Kans. 67209.	12	5	Cities Service Gas Co. (Kay County, Okla.) (Oklahoma "Other" Area).	5,750	8-14-69	[2] 9-14-69	2-14-70	[14] 12.0	[3] [4] [14] 13.0	RI65-124.
RI70-183..	Cra, Inc., Post Office Box 7305, Kansas City, Mo. 64116.	32	2	Northern Natural Gas Co. (McLeod No. 1 Well, Beaver County, Okla.) (Panhandle Area).	1,822	8-11-69	[1] 9-11-69	2-11-70	[14] 17.0	[3] [4] [14] 18.015	
RI70-184..	Getty Oil Co. Post Office Box 1404, Houston, Tex. 77001.	98	2	Cities Service Gas Co. (Southeast Woodward Field, Woodward County, Okla.) (Panhandle Area).	1,358	8-13-69	[2] 9-13-69	2-13-70	[14] [15] 17.0	[3] [4] [14] [15] 18.0	RI65-136.
RI70-185..	Thomas N. Berry & Co. (Operator) et al., Post Office Box 111, Stillwater, Okla.	1	3	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	2,938	8-13-69	[2] 9-13-69	2-13-70	[16] [17] 18.560	[3] [4] [16] [17] 19.735	RI64-647.
	do	4	1	Cities Service Gas Co. (Northwest Lovedale Field, Harper County, Okla.) (Panhandle Area).	504	8-13-69	[2] 9-13-69	2-13-70	[14] 17.0	[3] [4] [14] 18.0	
RI70-186..	Atlantic Richfield Co. (Operator) et al., Post Office Box 2819, Dallas, Tex. 75221.	219	6	Transwestern Pipeline Co. (Northeast Elmwood and Southeast Griggs Fields, Beaver and Cimarron Counties, Okla.) (Panhandle Area).	3,600	8-13-69	[2] 9-13-69	2-13-70	[14] 19.0	[4] [14] [18] 20.5	RI68-91.

[1] The stated effective date is the effective date requested by Respondent.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Rate includes adjustments for quality.
[5] Motion has been filed to make rate effective upon expiration of the suspension period.
[6] Increase from applicable area ceiling rate to contract rate.
[7] The stated effective date is the first day after expiration of the statutory notice.
[8] Residue gas derived from new gas-well gas.
[9] Residue gas not derived from new gas-well gas.
[10] Pressure base is 15.025 p.s.i.a.
[11] Initial rate.
[12] Two-step periodic rate increase.
[13] Subject to a downward B.t.u. adjustment.
[14] Includes 1 cent for gathering, dehydration and delivery of gas paid by buyer to seller.
[15] Subject to upward and downward B.t.u. adjustment.
[16] Includes base rate of 16 cents plus 2.56 cents upward B.t.u. adjustment before increase and base rate of 17 cents plus 2.72 cents upward B.t.u. adjustment (1,100 B.t.u. gas) plus 0.015-cent tax reimbursement after increase.
[17] "Fractured" rate increase. Respondent contractly due 26 cents per Mcf.

American Liberty Oil Co. requests waiver of the statutory notice to permit an effective date of September 1, 1969, for its proposed rate increase. Signal Oil and Gas Co. (Operator) et al., also request waiver of the statutory notice to permit a retroactive effective date of August 1, 1969, for their proposed rate increases. Clinton Oil Co. (Operator) et al., request an effective date of September 12, 1969, for their rate increase. Cra, Inc., requests an effective date of September 1, 1969, for its proposed rate increase. 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 the aforementioned producers' rate filings and such requests are denied.

Shell Oil Co. (Shell) proposes a rate change related to a rate schedule under which the current rate is suspended. Shell has submitted the required motion to place the suspended rate in effect and proposes to make the instant rate change effective as of 1 day after expiration of the suspension period. Shell also requests that the instant filing be suspended for only 1 day, or if longer, the suspension period terminate on January 1, 1970, since the proposed rate was contractually due on August 1, 1969. Good cause has not been shown for limiting to 1 day the suspension period with respect to Shell's rate filing and such request is denied. We conclude that Shell's proposed rate increase should be suspended for 5 months from September 28, 1969.

Mobil Oil Corp. (Mobil) requests that if the Commission should suspend its proposed rate increase that the suspension period be limited to 1 day. Good cause has not been shown for limiting to 1 day the suspension period with respect to Mobil's rate filing and such request is denied.

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, ch. I, pt. 2, sec. 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.

[F.R. Doc. 69-10868; Filed, Sept. 16, 1969; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[19610]

BALTIMORE AND OHIO CHICAGO TERMINAL RAILROAD CO.

Switching Rates in the Chicago Switching District

SEPTEMBER 5, 1969.

Notice is hereby given that the Baltimore and Ohio Chicago Terminal Railroad Co., has filed a petition with the Interstate Commerce Commission for modification of the outstanding orders in this proceeding. The petitioner seeks permission to establish, via single-line route of the petitioner, a rate of 7 cents per 100 pounds, minimum weight 80,000 pounds per car, on motor fuel anti-knock compound, in tank cars, from Barr Yard (Blue Island, Ill.) to Clark Oil and Refining Corp. (Blue Island, Ill.). The present rate is 12 cents per 100 pounds plus $8.75 per car. The rate sought would apply only on shipper-furnished cars.

General public notification of the filing of this petition will be given by publication of the instant notice in the FEDERAL REGISTER.

Any persons interested in the matters involved in this petition may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of two copies upon Mr. John H. Gobel, attorney for petitioner, Baltimore and Ohio Chicago Terminal Railroad Co., Grand Central Station, Chicago, Ill. 60607. Thereafter a determination will be made as to the disposition of the petition. It is not contemplated that there will be any further general public notification published in the FEDERAL REGISTER of the succeeding procedural handling of this proceeding. Subsequent orders entered herein will be served solely on the persons responding to this notice and on petitioner.

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

[F.R. Doc. 69-11088; Filed, Sept. 16, 1969; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 12, 1969.

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

LONG-AND-SHORT HAUL

FSA No. 41754—*Anhydrous ammonia from Geismar, La.* Filed by Southwestern Freight Bureau, agent (No. B-50), for interested rail carriers. Rates on anhydrous ammonia, in tank carloads, as described in the application, from Geismar, La., to Marseilles, Ill., Sergeant Bluff, Iowa, Albert Lea and Fairmont, Minn.

Grounds for relief—Market competition.

Tariff—Supplement 65 to Southwestern Freight Bureau, agent, tariff ICC 4780.

FSA No. 41755—*Sugar from Hereford, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-78), for interested rail carriers. Rates on sugar, beet or cane, in carloads, as described in the application, from Hereford, Tex., to Scott City, Mo.

Grounds for relief—Market competition.

Tariff—Supplement 121 to Southwestern Freight Bureau, agent, tariff ICC 4514.

FSA No. 41756—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 630), for interested rail carriers. Rates on alumina, calcined or hydrated, iso-octyl alcohol, and feed and feed supplements, in carloads and tank carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 90 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41757—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 631), for interested rail carriers. Rates on hot topping compounds, and other commodities named in the application, in carloads and tank carloads, from, to and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 90 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

FSA No. 41758—*Passenger fares in southern territory.* Filed by Southern Passenger Association, agent (No. 4), for interested rail carriers. This is in relation to the transportation of passengers between points on lines of applicant carriers and between such points on the one hand, and points on lines of connecting carriers, on the other.

Grounds for relief—Establishment of increased first-class coach fares by applicant carriers and maintenance of depressed joint through fares.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-11089; Filed, Sept. 16, 1969; 8:49 a.m.]

[Notice 568]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 12, 1969.

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

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

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be

numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 7840 (Deviation No. 1), ST. LAWRENCE FREIGHTWAYS, INCORPORATED, 650 Cooper Street, Watertown, N.Y. 13601, filed September 3, 1969. Carrier's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, N.Y. 13202. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Watertown, N.Y., over Interstate Highway 81 to Binghamton, N.Y., thence over New York Highway 17 to the New York-New Jersey State line, thence over New Jersey Highway 17 to junction New Jersey Highway 3, thence over New Jersey Highway 3 through the Holland Tunnel to New York, N.Y.; (2) from Watertown, N.Y., over Interstate Highway 81 to Syracuse, N.Y., thence over Interstate Highway 90 to Albany, N.Y., thence over Interstate Highway 87 to New York, N.Y.; (3) from Watertown, N.Y., over New York Highway 12 to Utica, N.Y., thence over Interstate Highway 90 to Albany, N.Y., thence over Interstate Highway 87 to New York, N.Y.; (4) from Watertown, N.Y., over New York Highway 12 to junction New York Highway 28, thence over New York Highway 28 to junction New York Highway 5, thence over New York Highway 5 to junction New York Highway 5S at Canajoharie, N.Y., thence over New York Highway 5S to junction New York Highway 162, at or near Sprakers, N.Y., thence over New York Highway 162 to junction New York Highway 30A at a point just north of Sloansville, N.Y., thence over New York Highway 30A to junction New York Highway 7 at a point south of Central Bridge, N.Y., thence over New York Highway 7 to junction New York Highway 30, at a point east of Central Bridge, N.Y., thence over New York Highway 30 to junction New York Highway 145 at Middleburg, N.Y., thence over New York Highway 145 to junction New York Highway 32 at Cairo, N.Y., thence over New York Highway 32 to junction U.S. Highway 9W at Saugerties, N.Y., thence over U.S. Highway 9W to junction U.S. Highway 9, thence over U.S. Highway 9 to access road to the Holland Tunnel, thence through the Holland Tunnel to New York, N.Y.; and

(5) From Watertown, N.Y., over the route described in (4) above to Cairo, N.Y., thence over New York Highway 32 to junction Interstate Highway 87 at Saugerties, N.Y., thence over Interstate Highway 87 to New York, N.Y., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Ogdensburg, N.Y., over New York Highway 37 to Watertown, N.Y., thence over New York highway 3 to Carthage, N.Y., thence over New York Highway 26 to Lowville, N.Y., thence over New York Highway 12D to Booneville, N.Y., thence over New York Highway 12 to Barneveld, N.Y., thence over New York Highway 28 to Herkimer, N.Y., thence over New York Highway 5 to Albany, N.Y., thence over U.S. Highway 9W to Newburgh, N.Y., thence over New York Highway 32 to Harriman, N.Y., thence over New York Highway 17 to the New York-New Jersey State line, thence over New Jersey Highway 17 (formerly New Jersey Highway 2) to junction New Jersey Highway 3, thence over New Jersey Highway 3 via the Holland Tunnel to New York, N.Y., and return over the same route.

No. MC 48958 (Deviation No. 19), ILLINOIS-CALIFORNIA EXPRESS, INC., Post Office Box 9050, Amarillo, Tex. 79105, filed September 2, 1969. Carrier's representative: Morris G. Cobb, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 89 and Bell Road approximately 1.5 miles northwest of Surprise, Ariz., over Bell Road to junction Interstate Highway 17, thence over Interstate Highway 17 to junction U.S. Highway 89 at Phoenix, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Wickenburg, Ariz., and Phoenix, Ariz., over U.S. Highway 89.

No. MC 59680 (Deviation No. 78), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. 75222, filed September 4, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follows: (1) From St. Louis, Mo., over U.S. Highway 40 (or Interstate Highway 70) to Effingham, Ill., thence over Interstate Highway 57 to junction Illinois Highway 16 near Mattoon, Ill., thence over Illinois Highway 16 to Paris, Ill., thence over U.S. Highway 150 to East Terre Haute, Ind., thence over U.S. Highway 40 (or Interstate Highway 70) to junction U.S. Highway 42, west of Columbus, Ohio, thence over U.S. Highway 42 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction Ohio Highway 18, thence over Ohio Highway 18 to junction Ohio Highway 176, thence over Ohio Highway 176 to the site of Strickland Transportation Co., Inc., terminal at West Richfield, Ohio; (2) from St. Louis, Mo., over the route described in (1) above to West Terre Haute, Ind., thence over U.S. Highway 40 (or Interstate Highway 70) to junction Interstate Highway 71 at Columbus, Ohio, thence over Interstate Highway 71 to junction Ohio Highway 18, thence over Ohio Highway 18 to junction Ohio Highway 176, thence over Ohio Highway 176 to the site of Strickland Transportation Co., Inc., terminal at West Richfield, Ohio; (3) from St. Louis, Mo., over the route described in (1) and (2) above to Columbus, Ohio, thence over Interstate Highway 71 to junction Interstate Highway 271, thence over Interstate Highway 271 to junction Ohio Highway 176, thence over Ohio Highway 176 to the site of Strickland Transportation Co., Inc., terminal at West Richfield, Ohio;

(4) From St. Louis, Mo., over U.S. Highway 40 (or Interstate Highway 70) to Effingham, Ill., thence over Interstate Highway 57 to junction Illinois Highway 16 near Mattoon, Ill., thence over Illinois Highway 16 to Paris, Ill., thence over U.S. Highway 150 to West Terre Haute, Ind., thence over U.S. Highway 40 (or Interstate Highway 70) to Indianapolis, Ind., thence over U.S. Highway 36 to junction Indiana Highway 9, thence over Indiana Highway 9 to junction Interstate Highway 69, thence over Interstate Highway 69 to Fort Wayne, Ind., thence over U.S. Highway 24 to Toledo, Ohio, thence over Interstate Highway 75 to Detroit, Mich.; (5) from St. Louis, Mo., over U.S. Highway 40 (or Interstate Highway 70) to Effingham, Ill., thence over Interstate Highway 57 to junction Illinois Highway 16 near Mattoon, Ill., thence over Illinois Highway 16 to Paris, Ill., thence over U.S. Highway 150 to West Terre Haute, Ind., thence over U.S. Highway 40 (or Interstate Highway 70) to Indianapolis, Ind., thence over U.S. Highway 31 to South Bend, Ind.; and (6) from St. Louis, Mo., over the route described in (5) above to Terre Haute, Ind., thence over U.S. Highway 41 to Attica, Ind., thence over Indiana Highway 28 to junction Indiana Highway 25 at Odell, Ind., thence over Indiana Highway 25 to Rochester, Ind., thence over U.S. Highway 31 to South Bend, Ind., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows:

(1) From St. Louis, Mo., over U.S. Highway 66 to junction Illinois Highway 48, thence over Illinois Highway 48 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction U.S. Highway 24 at Gilman, Ill., thence over U.S. Highway 24 to junction U.S. Highway 6 at Napoleon, Ohio, thence over U.S. Highway 6 to Lorain, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland, Ohio, thence over Ohio Highway 176 to West Richfield, Ohio; (2) from St. Louis, Mo., over U.S. Highway 66 to junction Illinois Highway 48, thence over Illinois Highway 48 to junction U.S. Highway 54, thence over U.S. Highway 54 via Onarga, Gilman, and Kankakee, Ill., to Chicago, Ill., thence over U.S. Highway 12 to junction unnumbered highway (formerly U.S. Highway 12), at or near New Buffalo, Mich., thence over unnumbered highway via Union Pier, Lakeside, and Herbert, Mich., to junction Interstate Highway 94 (formerly U.S. Highway 12), thence over Interstate Highway 94 to junction Business Interstate Highway 94 (formerly U.S. Highway 12), thence over Business Interstate Highway 94 via Benton Harbor, Mich., to junction unnumbered highway (formerly U.S. Highway 12), thence over unnumbered highway via Coloma, Watervliet,

Hartford, Lawrence, Paw Paw, and Oshtemo, Mich., to junction Business Interstate Highway 94 (formerly U.S. Highway 12), thence over Business Interstate Highway 94 via Kalamazoo, Mich., to junction Interstate Highway 94 (formerly U.S. Highway 12), thence over Interstate Highway 94 to junction unnumbered highway (formerly U.S. Highway 12), thence over unnumbered highway via Battle Creek, Marshall, Marengo, Albion, and Parma, Mich., to junction Interstate Highway 94 (formerly U.S. Highway 12), thence over Interstate Highway 94 to junction unnumbered highway (formerly U.S. Highway 12), thence over unnumbered highway via Lima, Mich., to Ann Arbor, Mich., thence over Interstate Highway 94 (formerly U.S. Highway 12), to Detroit, Mich.; and (3) from St. Louis, Mo., over U.S. Highway 66 to junction Illinois Highway 48, thence over Illinois Highway 48 to junction U.S. Highway 54, thence over U.S. Highway 54 via Onarga, Gilman, and Kankakee, Ill., to Chicago, Ill., thence over U.S. Highway 20 to South Bend, Ind., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 531) (Cancels Deviation No. 502), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113 filed August 29, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Pleasant Valley Road and U.S. Highway 21 in Independence, Ohio, over Pleasant Valley Road to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Ohio Highway 176 southeast of Ghent, Ohio; (2) from junction U.S. Highway 21 and Ohio Highway 82 over Ohio Highway 82 to junction Interstate Highway 77; (3) from Akron, Ohio, over Interstate Highway 77 to Canton, Ohio; (4) from Canton, Ohio, over Interstate Highway 77 to junction U.S. Highway 21, 3 miles north of Pocatalico, W. Va.; (5) from Strasburg, Ohio, over U.S. Highway 21 to junction Interstate Highway 77; (6) from Dover, Ohio, over Ohio Highway 39 to junction Interstate Highway 77; (7) from New Philadelphia, Ohio, over U.S. Highway 21 to junction Interstate Highway 77; (8) from Newcomerstown, Ohio, U.S. Highway 36 to junction Interstate Highway 77; (9) from Newcomerstown, Ohio, over U.S. Highway 21 to junction Interstate Highway 77; (10) from junction Ohio Highway 541 and U.S. Highway 21 over Highway 541 to junction Interstate Highway 77; (11) from Cambridge, Ohio, over U.S. Highway 22 to junction Interstate Highway 77; (12) from junction Interstate Highway 70 and U.S. Highway 21 south of Cambridge, Ohio, over Interstate Highway 70 to junction Interstate Highway 77;

(13) From junction Ohio Highway 313 and U.S. Highway 21 over Ohio Highway 313 to junction Interstate Highway 77; (14) from junction U.S. Highway 21 and Interstate Highway 77, north of Caldwell, Ohio, over U.S. Highway 21 to Caldwell, Ohio; (15) from junction Ohio Highway 78 and U.S. Highway 21 just south of Caldwell, Ohio, over Ohio Highway 78 to junction Interstate Highway 77; (16) from Macksburg, Ohio, over Washington County Road 301 to junction Interstate Highway 77; (17) from Marietta, Ohio, over U.S. Alternate Highway 50 to junction Interstate Highway 77; (18) from Parkersburg, W. Va., U.S. Highway 50 to junction Interstate Highway 77; (19) from Ripley, W. Va., over U.S. Highway 33 to junction Interstate Highway 77, and return over the same routes, for operating convenience only. The notice indicate that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Cleveland over Ohio Highway 8 via Bedford and Akron, Ohio, to Dover, Ohio, thence over U.S. Highway 250 to New Philadelphia, Ohio; (2) from Cleveland over Ohio Highway 176 to junction Rockside Road, thence over Rockside Road to junction U.S. Highway 21, thence over U.S. Highway 21 to junction Ohio Highway 176, thence over Ohio Highway 176 to junction Ohio Highway 18, thence over Ohio Highway 18 to Akron, Ohio, thence over Ohio Highway 5 to junction U.S. Highway 21, and thence over U.S. Highway 21 via Navarre, Dover, and New Philadelphia, Ohio, to Marietta (also from Cleveland over Ohio Highway 176 to junction U.S. Highway 21); (3) from Massillon, Ohio, over U.S. Highway 30 to Canton; (4) from Richfield, Ohio, over Ohio Highway 303 to junction Ohio Highway 176; (5) from junction Ohio Highway 176 and Oaks Road over Oaks Road to junction 21; (6) from Massillon, Ohio, over Ohio Highway 241 via Greensburg to Akron, Ohio; (7) from Cleveland over new U.S. Highway 21 (Willow Freeway) to junction Rockside Road just north of Independence; and (8) from Bridgeport, Ohio, over Ohio Highway 7 to Belpre, Ohio, thence across the Ohio River to Parksburg, W. Va., thence over U.S. Highway 21 to Ripley, W. Va., thence over relocated U.S. Highway 21 to Fairplain, W. Va., thence over U.S. Highway 21 via Oak Hill and Glen Jean to Beckley, W. Va., and return over the same routes.

No. MC 3210 (Deviation No. 1), ST. LOUIS-CAPE BUS LINE, INC., 16 North Frederick Street, Cape Girardeau, Mo. 63701, filed September 5, 1969. Carrier's representative: James A Cochrane, Jr., Finch, Finch, Knehans & Cochrane, Post Office Box 679, 325 Broadway, Cape Girardeau, Mo. 63701. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From St. Louis, Mo., over Interstate Highway 55 to junction U.S. Highway 61 south of Festus and Crystal City, Mo., with the following access routes (a) from junction Interstate Highway 55 and U.S. Highways Bypass 61 and Bypass 67 over U.S. Highways Bypass 61 and Bypass 67 to junction U.S. Highway 67, (b) from junction Interstate Highway 55 and Missouri Highway 141 over Missouri Highway 141 to junction U.S. Highways 61–67, (c) from junction Interstate Highway 55 and Jefferson County Route M over Jefferson County Route M to junction U.S. Highways 61 and 67, (d) from junction Interstate Highway 55 and Jefferson County Route Z over Jefferson County Route Z to junction U.S. Highways 61 and 67, and (e) from junction Interstate Highway 55 and U.S. Highway 61 south of Festus and Crystal City, Mo., over U.S. Highway 61 to junction U.S. Highways 61 and 67, thence over U.S. Highways 61 and 67 to Festus and Crystal City, Mo., (2) from junction Interstate Highway 55 and U.S. Highway 61, 1 mile south of Fruitland, Mo., over Interstate Highway 55 to junction Missouri Highway Route K west of Cape Girardeau, Mo., with the following access routes: (a) from junction Interstate Highway 55 and Missouri Highway Route K over Missouri Highway Route K to junction U.S. Highway 61, and (b) from junction Interstate Highway 55 and U.S. Highway 61, 4 miles north of Cape Girardeau, Mo., over U.S. Highway 61 to Cape Girardeau, Mo., (3) from Cape Girardeau, Mo., over Interstate Highway 55 to junction U.S. Highway 62, 2 miles east of Sikeston, Mo., with the following access route:

(a) From Cape Girdardeau, Mo., over Missouri Highway Route K to junction Interstate Highway 55, and (b) from junction Interstate Highway 55 and U.S. Highway 62, over U.S. Highway 62 to Sikeston, Mo., and (4) from Sikeston, Mo., over Interstate Highway 57 to junction Missouri Highway 77, 1 mile south of Charleston, Mo., with the following access route: from junction Interstate Highway 57 and Missouri Highway 105 over Missouri Highway 105 to Charleston, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From St. Louis, Mo., over U.S. Highway 67 to junction U.S. Highway 61, thence over U.S. Highway 61 via Jackson, Mo., to Cape Girardeau, Mo., and (2) from Cape Girardeau, Mo., over U.S. Highway 61 to junction Missouri Highway 74, thence over Missouri Highway 74 to junction Missouri Highway 25 near Dutchtown, Mo., thence over Missouri Highway 25 to junction Missouri Highway 77 near Blomeyer, Mo., thence over Missouri Highway 77 to junction Scott County Road "A", thence over Scott County Road "A" to Chaffee, Mo., thence return over Scott County Road "A" to Missouri Highway 77, thence over Missouri Highway 77 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction Missouri Highway 91, thence over Missouri Highway 91 to junction U.S. Highway 61, thence over U.S. Highway 61 to Sikeston, Mo., thence over U.S. Highway 60 to Charleston, Mo., thence over Missouri Highway 77 to Anniston, Mo., thence return over Missouri Highway 77 to junction Missouri Highway 105, thence over

Missouri Highway 105 to East Prairie, Mo., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-11090; Filed, Sept. 16, 1969; 8:49 a.m.]

[Notice 1330]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 12, 1969.

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

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

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

Nos. MC 8468 (Sub-No. 1), MC 8468 (Sub-No. 2), and MC 133481 (Republications). By their separate applications filed and published in the FEDERAL REGISTER on the dates indicated, each of the below-listed applicants seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as common carriers by motor vehicle, over irregular routes, as briefly stated herein, to transport household goods as defined by the Commission. The territorial descriptions vary with each applicant. An order of the Commission, Review Board Number 1, decided August 18, 1969, and served September 2, 1969, in MC 8468 (Sub-No. 1), and embracing all the below-listed applications, finds that the present and future public convenience and necessity require operation by each applicant respectively, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *used household goods* between the points indicated below, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic: (1) No. MC 8468 (Sub-No. 1), filed January 23, 1969, published in the FEDERAL REGISTER issue of February 20, 1969.

Applicant: SCOBEY MOVING & STORAGE CO., a corporation, 315 North Medina Street, San Antonio, Tex. 78207. Applicant's representative: W. Scott Clark, Fort Worth Club Building, Fort Worth, Tex. 76102.

Between points in Webb County, Tex.

(2) No. MC 8468 (Sub-No. 2), filed January 23, 1969, published in the FEDERAL REGISTER issue of March 20, 1969.

Applicant: SCOBEY MOVING & STORAGE COMPANY, a corporation, 315 North Medina Street, San Antonio, Tex. 78207. Applicant's representative: W. Scott Clark, Fort Worth Club Building, Fort Worth, Tex. 76102.

Between points in Bexar County, Tex., and

(3) No. MC 133481 filed February 12, 1969, published in the FEDERAL REGISTER issue of March 13, 1969.

Applicant: NEEL'S TRANSFER & STORAGE, INC., 101 Runnels Street, Big Spring, Tex. 79720. Applicant's representative: W. Scott Clark, Fort Worth Club Building, Fort Worth, Tex. 76102.

Between points in Howard, Scurry, Mitchell, Sterling, Glasscock, Midland, Andrews, Dawson, Martin, Ector, Borden, and Gaines Counties, Tex.; that each applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons who have relied upon the notice of the applications as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of certificates in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

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

MOTOR CARRIERS OF PROPERTY

No. MC-F-10570 (Republication) (FOX TRANSPORT SYSTEM—Purchase (Portion)—H. P. WESLEY, INC.), published in the August 13, 1969, issue of the FEDERAL REGISTER, on page 13133. This notice to show the correct authority sought to be transferred should read as follows in lieu of prior notice: *General commodities*, as a *common carrier*, over irregular routes, between Phillipsburg, N.J., on the one hand, and, on the other, Easton, Pa., including the boroughs of Wilson and Glendon, and points within one-half mile of the corporate limits of Easton, with restriction; *new furniture*, from Easton, Pa., to points in New Jersey within 40 miles of Easton; *refrigerators and stoves*, from Philadelphia, Pa., to Phillipsburg, N.J., from Phillipsburg, N.J., to points in Pennsylvania within 35 miles of Phillipsburg, *soap, oils, antifreeze, rosin, and alcohol*, from Easton, Pa., to points in New Jersey within 40 miles of Easton; and *such commodities* as are dealt in by retail grocery stores, between points in New Jersey and Pennsylvania within 30 miles of Phillipsburg, N.J., and Easton, Pa., including Phillipsburg and Easton.

No. MC-F-10603. Authority sought for purchase by REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Ga. 30050, of the operating rights of CARAVAN REFRIGERATED CARGO, INC., Post Office Box 1006, Opelousas, La. 70570, and for acquisition by LAMAR BEAUCHAMP, Post Office Box 1453, Winter Haven, Fla., and WINTON TEAGLE, Post Office Box 308, Forest Park, Ga., of control of such rights through the purchase. Applicants' attorney: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Operating rights sought to be transferred: *Bananas*, as a *common carrier*, over irregular routes, from New Orleans, La., to points in Illinois, Iowa, Minnesota, that part of Missouri on, east, and south of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 67 to Poplar Bluff, Mo., from Gulfport, Miss., to points in Alabama (except Montgomery), Arizona, Arkansas, California, Colorado, Georgia (except Atlanta and points within 15 miles of Atlanta), Idaho, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, West Virginia, Wisconsin, and Wyoming, from Mobile, Ala., to Evansville, Ind., Kansas City, Mo., Topeka, Kans., and Grand Rapids, Mich.; *bananas*, and *coconuts* when moving in the same vehicle with bananas, from New Orleans, La., to Rapid City, S. Dak., Gering, Nebr., Casper, Wyo., Grand Junction and Denver, Colo., and points in Utah, Idaho, Oregon, and Montana;

Canned and bottled foodstuffs, from Cade and Lozes, La., to points in Arizona, California, Idaho, New Mexico, Nevada, Oregon, Texas, Utah, and Washington, from St. Francisville, La., to points in Mississippi (except points within the Memphis, Tenn., commercial zone, as defined by the Commission), Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, Tennessee (except Memphis and points in the commercial zone of Memphis, as defined by the Commission), Kentucky, West Virginia, Ohio, Indiana (except points in Lake County), Michigan, and Wisconsin, from Belledeau, La., to points in Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, Tennessee, Kentucky, West Virginia, Ohio, Indiana, Michigan, Illinois,

and Wisconsin; *foodstuffs* (except bananas and commodities in bulk), from the plantsites and warehouse sites of Mississippi Federated Cooperatives (AAL) at or near certain specified points in Mississippi, to points in Colorado, Illinois, Kentucky, Louisiana, Michigan, North Dakota, Ohio, South Dakota, Texas, West Virginia, and Wisconsin, with restriction; *boxes and crates*, from certain specified points in Mississippi, to certain specified points in Texas; *canned foodstuffs*, from St. Francisville and Belledeau, La., to points in California, Arizona, Idaho, New Mexico, Nevada, Oregon, and Texas; *canned and bottled meats and meat products*, from points in St. Landry Parish, La., to points in California, Idaho, Nevada, Oregon, Utah, and Washington;

Canned sweet potatoes, from points in St. Martin Parish, La., except Cade, La., to points in California; *butter, cheese, eggs, dressed poultry*, and *dry milk*, from Minneapolis, Minn., and certain specified points in Wisconsin, to points in Georgia, Alabama, Tennessee, Mississippi, North Carolina, and South Carolina, with restriction; *pineapples, fresh fruits, and fresh vegetables*, when moving in the same vehicle with bananas otherwise authorized, from Gulfport, Miss., to points in Alabama (except Montgomery), Arizona, Arkansas, California, Colorado, Georgia (except Atlanta, and points within 15 miles of Atlanta), Idaho, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, West Virginia, Wisconsin, and Wyoming. Vendee is authorized to operate as a *common carrier* in Mississippi, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Louisiana, Nebraska, Arkansas, Illinois, Indiana, Iowa, Minnesota, Missouri, Oklahoma, Texas, Wisconsin, Kentucky, Michigan, Ohio, Kansas, Virginia, West Virginia, Nevada, Utah, Pennsylvania, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Wyoming, South Dakota, North Dakota, Colorado, New Mexico, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10604. Authority sought for purchase by PROPANE TRANSPORT, INC. (a California corporation), 27 Water Street, Milford, Ohio 45150, of the operating rights and property of PROPANE TRANSPORT, INC. (an Ohio corporation), 27 Water Street, Milford, Ohio 45150, and for acquisition by CALIFORNIA LIQUID GAS CORPORATION, Box 28397, Sacramento, Calif., and in turn by DILLINGHAM CORPORATION, Box 3468, Honolulu, Hawaii, of control of such rights and property through the purchase. Applicants' attorney and representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215 and Carl B. Swanson, Box 28397, Sacramento, Calif. Operating rights sought to be transferred: *Liquefied petroleum gas*, in bulk, in tank vehicles, as a *common carrier*, over irregular routes, from Tuscola, Ill., and points in Illinois within 5 miles thereof, to certain specified points in Ohio, from points in Kankakee County, Ill., to points in Ohio, from points in Douglass County, Ill., to certain specified points in Ohio, from the plantsite of the Mathieson Chemical Corp., at or near Dow Run (Meade County) Ky., to points in Illinois, Indiana, Michigan, and Ohio, and those in that part of Pennsylvania (with exception) on and east of U.S. Highway 220, from Lima, Ohio, and points in Hamilton County, Ohio, to points in Indiana, from points in Douglass County, Ill., to certain specified points in Ohio, from the sites of Todhunter's underground storage facilities, in Butler County, Ohio, to points in Indiana, Michigan, Kentucky, and West Virginia (with exceptions), from points in Wayne County, Mich., to points in Ohio and Indiana, from the pipeline terminal of Texas Eastern Transmission Co., at or near Greensburg, Pa., to points in Ohio and West Virginia; *liquefied petroleum gases and natural gasoline*, in bulk, in tank vehicles, from the site of the Columbia Hydrocarbon Corp., at or near Siloam, Ky., to points in Georgia, Indiana, Michigan, Ohio, Kentucky, South Carolina, Tennessee, and West Virginia; *anhydrous ammonia*, in bulk, in tank vehicles, from the terminal site of Tuloma Gas Products Co., at or near Wood River, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin, from the plantsite of Phillips Petroleum Co., at or near North Bend, Ohio, to points in Indiana, Kentucky, and Michigan, from the plantsite of the Agrico Chemical Co., Division of Continental Oil Co., at or near Wilder, Ky., to points in Illinois, Indiana, Michigan, and Ohio; *anhydrous ammonia, nitrogen fertilizer solutions, ammoniating solutions, and aqua ammonia*, from the plantsite of Southern Nitrogen Co., Inc., located at or near Columbia Park (Finney), Miami Township, Hamilton County, Ohio, to points in Illinois, Indiana, Kentucky, and the Lower Peninsula of Michigan; and *nitrogen fertilizer solutions*, in bulk, in tank vehicles, from North Baltimore, Ohio, to points in Indiana and Michigan. Vendee holds no authority from this Commission. However, its controlling stockholder is affiliate with Foss Launch & Tug Co., 660 West Ewing, Seattle, Wash., which is authorized to operate as a common carrier by water in Washington. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–10606. Authority sought for control by DAVID KIRSCHENBAUM, HENRY KIRSCHENBAUM, and RICHARD KIRSCHENBAUM, Individuals, 55 Weyman Avenue, New Rochelle, N.Y. 10805, of NEPTUNE WORLD WIDE MOVING (NORFOLK) INC., 120 Freight Lane, Virginia Beach, Va. 23502. Applicants' attorney: S. S. Eisen, 140 Cedar Street, New York, N.Y. 10006. Operating rights sought to be controlled: (The issuance of a certificate in MC–129369, is being withheld pending the Commission's approval of this section 5 application for common control, pursuant to the order dated July 15, 1969, by Division 1, acting as an Appellate Division). Household goods, as a common carrier, over irregular routes, between Virginia Beach, Va., on the one hand, and, on the other, Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Virginia Beach, and Williamsburg, Va., and points in Accomack, Nansemond, Northampton, and York Counties, Va., with restrictions.

DAVID KIRSCHENBAUM, HENRY KIRSCHENBAUM, nor RICHARD KIRSCHENBAUM, Individually hold no authority from this Commission. However, they control (1) NEPTUNE WORLD-WIDE MOVING, INC., 55 Weyman Ave., New Rochelle, N.Y., which is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii); and (2) NEPTUNE WORLD-WIDE MOVING, INC., OF CALIFORNIA, 3400 Broadway St., Oakland, Calif., which is authorized to operate as a *common carrier*, in the State of California and certificate not yet issued. Application has not been filed for temporary authority under Section 210a (b). NOTE: See also No. MC–F–10610 (DAVID KIRSCHENBAUM, et al.—Control—NEPTUNE WORLD-WIDE MOVING, INC, OF CALIFORNIA) published this same issue.

No. MC–F–10608. Authority sought for control by GEORGE BROWNING, JR. (an individual), 1321 Southeast Water Avenue, Portland, Oreg. 97214, of RICHLAND TRANSFER AND STORAGE, INC., 11 East Kennewick Street, Kennewick, Wash. 99336, and for acquisition by SITES SILVER WHEEL FREIGHT LINE, INC., also of Portland, Oreg., of control of RICHLAND TRANSFER AND STORAGE, INC., through the acquisition by GEORGE BROWNING, JR. Applicants' attorney: Ben D. Browning, 1020 Kearns Building, Salt Lake City, Utah 84101. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Kennewick, Wash., and Richland, Wash., serving no intermediate points; between Richland, Wash., and Hanford, Wash., serving all intermediate points; *household goods* as defined by the Commission, between Kennewick, Wash., and Richland, Wash., serving no intermediate points, but serving the off-route point of Pasco, Wash., between Richland, Wash., and Hanford, Wash., serving all intermediate points; *machinery* and *sawdust*, over irregular routes, between Kennewick and Pasco, Wash., on the one hand, and, on the other, points in Benton County, Wash., and those in Umatilla County, Oreg.; and *household goods*, between Kennewick and Pasco, Wash., on the one hand, and, on the other, points in that part of Idaho north of the southern boundary of Idaho County, and those in Oregon on and north of a line beginning at the Idaho-Oregon State line at Nyssa, Oreg., and extending in a westerly direction through Bend, Eugene, and Florence, Oreg., to

the Pacific Ocean. GEORGE BROWNING, JR., individually holds no authority from this Commission. However, he controls SITES SILVER WHEEL FREIGHTLINES, INC., 1321 Southeast Water Avenue, Portland, Oreg., which is authorized to operate as a *common carrier* in Oregon and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10609. Authority sought for purchase by DODDS TRUCK LINE, INC., 623 Lincoln, West Plains, Mo. 65775, of the operating rights and certain property of WALLACE W. HANDY, doing business as PIEDMONT TRANSFER, Post Office Box 62, Piedmont, Mo. 63957, and for acquisition by PAUL D. DODDS, MELBOURN DODDS, both also of West Plains, Mo., and DAVID D. DODDS, Mountain Grove, Mo. 65711, of control of such rights and property through the purchase. Applicants' attorney: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Patterson, Mo., and East St. Louis, Ill., serving the intermediate points of St. Louis and Ironton, Mo., and those between Ironton and Patterson; *livestock*, from Patterson, Mo., to National Stock Yards, Ill., serving the intermediate points of Ironton, Mo., and those between Patterson and Ironton; *livestock, fertilizer, and feed*, between Piedmont, Mo., and points 20 miles of Piedmont, on the one hand, and, on the other, East St. Louis, Ill; and *household goods*, as defined in *Practices of Motor Common' Carriers of Household Goods*, 17 M.C.C. 467, between Piedmont and Arcadia, Mo., and points within 20 miles of Piedmont and those within 20 miles of Arcadia, on the one hand, and, on the other, points in Illinois. Vendee is authorized to operate as a *common carrier* in Missouri, Arkansas, and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10610. Authority sought for control by DAVID KIRSCHENBAUM, HENRY KIRSCHENBAUM, and RICHARD KIRSCHENBAUM, Individuals, 55 Weyman Avenue, New Rochelle, N.Y. 10805, of NEPTUNE WORLD-WIDE MOVING, INC. OF CALIFORNIA, 3400 Broadway, Oakland, Calif. 94611. Applicants' attorney: S. S. Eisen, 140 Cedar Street, New York, N.Y. 10006. Operating rights sought to be controlled: (The issuance of a certificate in MC-126832 Sub-2, is being withheld pending the Commission's approval of this section 5 application for common control, pursuant to the order dated July 14, 1969, by the entire Commission) used household goods, as a common carrier, over irregular routes, between points in San Francisco, Alameda, Contra Costa, San Mateo, Santa Clara, Marin, Napa, Monterey, and Solano Counties, Calif., and between points in Los Angeles, Orange, and Riverside Counties, Calif., with restrictions. DAVID KIRSCHENBAUM, HENRY KIRSCHENBAUM nor RICHARD KIRSCHENBAUM, individually hold no authority from this Commission. However, they control (1) NEPTUNE WORLD-WIDE MOVING, INC., 55 Weyman Avenue, New Rochelle, N.Y., which is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii); and (2) NEPTUNE WORLD WIDE MOVING (NORFOLK) INC., 120 Freight Lane, Virginia Beach, Va. 23502, which is authorized to operate as a *common carrier* in the State of Virginia and certificate not yet issued. Application has not been filed for temporary authority under section 210a(b). NOTE: See also No. MC-F-10606 (DAVID KIRSCHENBAUM, et al.—Control—NEPTUNE WORLD WIDE MOVING (NORFOLK) INC.) published this same issue.

No. MC-F-10611. Authority sought for purchase by WILEY TRANSFER & STORAGE CO., 325 Elder Avenue, Seaside, Calif. 93955, of the operating rights and certain property of M. HARDY TRUCKING CO., 2338 Del Monte Avenue, Monterey, Calif. 93940, and for acquisition by NORMAN E. WILEY, also of Seaside, Calif., of control of such rights and property through the purchase. Applicants' attorney: Martin J. Rosen, 140 Montgomery Street, San Francisco, Calif. 94104. Operating rights sought to be transferred: *Processed fish and fish products*, as a *common carrier*, over irregular routes, from Monterey, Calif., to San Francisco, Oakland, Richmond, Alameda, Berkeley, Emeryville, Hayward, and San Jose, Calif.; *cannery machinery, cannery supplies, and fish livers*, from San Francisco, Oakland, Richmond, Alameda, Berkeley, Emeryville, Hayward, and San Jose, Calif., to Monterey, Calif.; *chrome ore and chrome ore concentrates*, from the millsite of Palo Alto Mining Corp., about 7 miles southwest of San Jose, Calif., and from the millsite of J. R. Holman, about 30 miles northwest of Coalinga, Calif., to Grants Pass, Oreg., from the millsite of Bonnell Mining Co., approximately 14 miles northwest of Coalinga, Calif., to Grants Pass, Oreg., WILEY TRANSFER & STORAGE CO., is authorized to temporarily operate as a common carrier in the State of California. Application has not been filed for temporary authority under section 210a(b). NOTE: This application was filed pursuant to order dated June 12, 1969, by the Motor Carrier Board, in MC-FC-71406.

No. MC-F-10612. Authority sought for control by MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050, of (1) SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. 40201, and (2) T. I. McCORMACK TRUCKING COMPANY, INC., 4107 Bells Lane, Louisville, Ky. 40201, and for acquisition by INTERNATIONAL BULK DISTRIBUTION CORPORATION, also of Lansdowne, Pa., of control of SOUTHERN TANK LINES, INC., and T. I. McCORMACK TRUCKING COMPANY, INC., through the acquisition by MATLACK, INC. Applicants' attorney and representatives: Maxwell A. Howell, 1120 Investment Building, 1511 K Street, NW., Washington, D.C. 20005, John Nelson, 10 West Baltimore Avenue, Lansdowne, Pa. 19050, and Joseph A. Gammon, 4107 Bells Lane, Louisville, Ky. 40201. Operating rights sought to be controlled: (1) *Petroleum products*, in bulk, in tank vehicles, and numerous other commodities, as a *common carrier*, over irregular routes, from, to, and between specified points in all States in the United States (except Alaska and Hawaii) and the District of Columbia, with certain restrictions, as more specifically described in Docket No. MC-109638 and Sub-numbers thereunder; and (2) *vegetable oils*, in bulk, in tank vehicles, and numerous other specified commodities, as a *common carrier*, over irregular routes, from, to, and between specified points in the States of New York, New Jersey, Pennsylvania, Connecticut, Delaware, Maryland, Massachusetts, Rhode Island, Ohio, North Carolina, Virginia, Maine, New Hampshire, Vermont, Alabama, Georgia, Illinois, Indiana, Kentucky, Michigan, South Carolina, Tennessee, West Virginia, Kansas, Wisconsin, Missouri, and the District of Columbia, with certain restrictions, as more specifically described in Docket No. MC-52458 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carriers involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of these carriers operating rights, without stating, in full, the entirety, thereof. MATLACK, INC., is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

PASSENGERS

No. MC-F-10605. Authority sought for purchase by SERVICE COACH LINE, INC., 455 East 10th Avenue, Post Office Box 100, Hialeah, Fla. 33011, of a portion of the operating rights of GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606. Applicants' attorneys: Joseph P. Tuohy and Robert J. Bernard, 10 South Riverside Plaza, Chicago, Ill. 60606. Operating rights sought to be transferred: Passengers and their baggage, and express, and newspapers, in the same vehicle with passengers, as a common carrier over regular routes, between Waycross and Jesup, over Georgia Highway 38. Vendee is authorized to operate as a *common carrier* in Georgia and Florida. Application has not been filed for temporary authority under section 210a(b). NOTE: This application is filed pursuant to order dated June 26, 1969 by Motor Carrier Board in No. MC-FC-71429.

No. MC-F-10607. Authority sought for purchase by THE KELLEY TRANSIT COMPANY, INC., Railroad Square, Torrington, Conn. 06790, of the operating rights of LAKELAND TRANSPORTATION CO., INC., Lakeville, Conn. 06039, and for acquisition by THE E. J. KELLEY COMPANY, also of Torrington, Conn., of control of such rights through

the purchase. Applicants' attorney: John R. Sims, Jr., Suite 605, 711 14th Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: Passengers and their baggage, and mail, express, and newspapers in the same vehicle with passengers, as a *common carrier*, over a regular route, between Winsted, Conn., and Millerton, N.Y., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Connecticut, New York, and Vermont. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-11091; Filed, Sept. 16, 1969; 8:49 a.m.]

[Notice 905]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 12, 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 111401 (Sub-No. 287 TA), filed September 2, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt rejuvenator* (Reclamite) in bulk, in tank vehicles, from Allied Materials Corp. Refinery at Stroud, Okla., to 35 miles west of Roswell, N. Mex., and within 50-mile radius around Clovis, N. Mex., to various highway jobs, and Holloman Airforce Base, N. Mex., for 180 days. Supporting shipper: Allied Materials Corp., Glen Bateman, Traffic Manager, 5101 North Pennsylvania, Oklahoma City, Okla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 113362 (Sub-No. 168 TA), filed September 2, 1969. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. 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 Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 126328 (Sub-No. 2 TA) (correction), filed August 8, 1969, published in the FEDERAL REGISTER issue of August 8, 1969, and republished as corrected this issue. Applicant: ACTON VALE MOTOR EXPRESS, LIMITED, 1193 Rocard Street, Acton Vale, Province of Quebec, Canada. Applicant's representative: Edwin W. Free, Jr., 25 Keith Avenue, Barre, Vt. 05641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic sleds and skis*, from the ports of entry on the international boundary line between the United States and Canada located in New York, Vermont, and Maine, to Rochester and New York, N.Y., Boston, Mass., and Bangor, Maine, for 150 days. NOTE: The purpose of this republication is to indicate the destination points involved herein which were inadvertently omitted in the previous publication. Supporting shipper: Blaines Plastics Co., Ltd., 2750 Dumesnil Street, St. Hyacinthe, Province of Quebec, Canada. 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 129107 (Sub-No. 3 TA), filed September 2, 1969. Applicant: R. H. HARDING CO., INC., 100 Centre Drive, Rochester, N.Y. 14623. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles* (except Government vehicles), from Rochester, N.Y., to Manheim, Pa., for 180 days. Supporting shippers: Royal Motors, 359 Mount Hope Avenue, Rochester, N.Y.; Ernie's Motor Sales, 299 Allen Street, Rochester, N.Y.; R.R. Motors, 1312 Buffalo Road, Rochester, N.Y.; Doren Motors, 331 East Linden Avenue, East Rochester, N.Y.; J. P. Motors, 221 West Carin Street, East Rochester, N.Y.; Riverdale Motors, 888 Broad Street, Rochester, N.Y. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard West, Syracuse, New York, N.Y. 13202.

No. MC 133027 (Sub-No. 3 TA), filed September 2, 1969. Applicant: FRANK MOLLICA, doing business as B & M TRUCKING COMPANY, 503 South 16½ Street, Reading, Pa. 19069. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper and corrugated paper products*, between Milltown, N.J., and points in Onondaga and Ontario Counties, N.Y., and Northumberland County, Pa., for 180 days. Supporting shipper: Middlesex Container Co., Inc., Milltown, N.J. 08850. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 133972 (Sub-No. TA) (Correction), filed August 26, 1969, and published in the FEDERAL REGISTER, issue of September 6, 1969, and republished this issue. 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 *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Winston-Salem, N.C., to Arlington, Va., for 180 days. NOTE: The purpose of this republication is to show contract carrier in lieu of common carrier and a change of MC number. 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. NOTE: The purpose of this republication is to show that applicant seeks to conduct operations as a contract carrier, and not as a common carrier as previously published under No. MC 7550 (Sub-No. 13 TA), on September 6, 1969.

No. MC 133986 TA, filed August 28, 1969. Applicant: FOUR CORNERS TRUCK SERVICE, INC., 1444 South Sixth West Street, Salt Lake City, Utah 84104. Applicant's representative: Robert M. McRae, 707 Boston Building, Salt Lake Ctiy, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities and classes A and B explosives* in shipments of 5,000 pounds or less, except commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Salt Lake City, Utah, and Monticello, Utah, over regular routes and return as follows; from Salt Lake City,

Utah, over Interstate Highway 15 (U.S. Highway 89) to Spanish Fork, Utah; thence over U.S. Highway 89 to Thistle, Utah; thence over U.S. Highway 50–6 to Price, Utah; thence over U.S. Highway 50–6 and Interstate Highway 70 as it is constructed to Crescent Junction, Utah; thence over U.S. Highway 160 to Monticello, Utah, serving all intermediate points on U.S. Highway 160 between Crescent Junction, Utah, and Monticello, Utah, and serving as off-route points all of Grand County, Utah, south of Interstate Highway 70, including Thompson, Utah, and its commercial zone, and in San Juan County, Utah, serving as off-route points on the north and east of U.S. 160 and points in San Juan County, Utah, west of U.S. Highway 160 that area north of a line drawn between Monticello, Utah, and the Colorado River, for 180 days. NOTE: Applicant states it does intend to interline with other carriers at Monticello, Salt Lake City, and Thompson, Utah. Supporting shippers: Moab National Bank, Moab, Utah; Reed's Monticello, Utah 84535; P & K Ford Sales Inc., Post Office Box 1608, Moab, Utah; Family Budget Clothing, Main & Center, Moab, Utah; The San Juan Record, Monticello, Utah 84535; Bean Capital Implement & Motor Co., Box 656, Monticello, Utah; La Sal Oil Co., Inc., Post Office Box No. 1518, Moab, Utah 84532. Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 133992 TA, filed September 2, 1969. Applicant: CAPITAL TRANSPORT, LTD., Box 3931 Station D, Edmonton 41, Alberta, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings and construction material* for the erection of prefabricated buildings, from the United States-Canada boundary line located on the Alcan highway on the boundary between Alaska and Yukon Territory, to Fairbanks and Anchorage, Alaska, and the commercial zones thereof, for 180 days. Supporting shipper; Muttart Builders' Supplies, 10930 84th Street, Edmonton, Alberta, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133998 TA (Correction), filed August 27, 1969, and published in the FEDERAL REGISTER, issue of September 6, 1969, under MC 128878 Sub No. 15 TA, and republished this issue. Applicant: SERVICE TRUCK LINE, INC., 3400 Mansfield Road, Post Office Box 3904, Shreveport, La. 71103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust, wood, chips, and wood residual*, from Shreveport, La., to Marshall, Tex., for 180 days. NOTE: The purpose of this republication is to show contract carrier in lieu of common carrier and a change of MC number. 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.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–11092; Filed, Sept. 16, 1969; 8:49 a.m.]

[Notice 409]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 12, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

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

No. MC–FC–71510. By order of September 9, 1969, the Motor Carrier Board approved the transfer to William E. Goodman, doing business as Miller Brothers Truck Line, Box 1169, Salmon, Idaho 83467, of the Certificates in Nos. MC–84759 and MC–84759 (Sub-No. 3) issued November 15, 1949, and June 28, 1954, respectively, to Leon E. Miller, doing business as Miller Brothers Truck Line, Box 1169, Salmon, Idaho 83467, authorizing the transportation of general commodities, with exceptions, between specified points in Idaho and Montana serving specified intermediate and off-route points.

No. MC–FC–71568. By order of September 9, 1969, the Motor Carrier Board approved the transfer to Guy W. Mangum, doing business as Guy Mangum Masonry Works, El Dorado, Ark., certificate No. MC–127574 (Sub-No. 1) issued April 14, 1966, to Jack B. Bivens, El Dorado, Ark., authorizing the transportation of: Concrete blocks, building blocks, masonry joint reinforcing and industrial sands, from specified points in Arkansas to points in designated portions of the State of Mississippi. Don A. Smith, Post Office Box 43, Fort Smith, Ark. 72901, attorney for applicants.

No. MC–FC–71569. By order of September 9, 1969, the Motor Carrier Board approved the transfer to Dugan Truck Line, Inc., General Delivery, Colwich, Kans. 67030 of certificates of Registration Nos. MC–120657 (Sub-No. 1) and MC–120657 (Sub-No. 2) issued May 20, 1964, and January 26, 1966, respectively, to John E. Dugan, doing business as Dugan Truck Line, Colwich, Kans. 67030, evidencing a right to engage in interstate or foreign commerce within the State of Kansas.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–11093; Filed, Sept. 16, 1969; 8:49 a.m.]

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