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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Army

Section 213.3307 is amended to show that one Special Assistant to the Director of Civil Defense is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (14) is added to paragraph (a) of § 213.3307 as set out below.

§ 213.3307 **Department of the Army.**

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

(14) One Staff Assistant to the Director of Civil Defense.

* * * * *

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

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

[F.R. Doc. 69–11682; Filed, Sept. 29, 1969; 8:48 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 112—AMCHITKA NUCLEAR TEST

On August 19, 1969, the Atomic Energy Commission issued public notice of a safety area (i.e., a "warning area" for airmen and mariners) to be effective for the period September 25, 1969, to October 15, 1969 in connection with the forthcoming MILROW nuclear test to be conducted underground on Amchitka Island. The efficient and early completion of this test is of major importance to the defense of the United States.

To avoid any unnecessary delay or interruption of the test activity, the Atomic Energy Commission is issuing the following regulations which will be effective as indicated in § 112.5.

In view of the importance of this testing program to the national defense, and in view of the imminence of the MILROW test, the Atomic Energy Commission has found that general notice of proposed rule-making and the public procedure thereon would be contrary to the public interest; and that good cause exists why these rules should be made effective without the customary period of notice.

Pursuant to the Administrative Procedure Act, as amended (see specifically 5 U.S.C. 551–53), the following regulations are published as a document subject to codification, to be effective as indicated in § 112.5:

Sec.
112.1 Purpose.
112.2 Scope.
112.3 Definition.
112.4 Prohibition.
112.5 Effective period.

AUTHORITY: The provisions of this Part 112 issued under sec. 161p., 72 Stat. 337; 42 U.S.C. 2201(p). Interpret or apply secs. 2, 3, 91, 68 Stat. 921, as amended, 922, 936; 42 U.S.C. 2012, 2013, 2121.

§ 112.1 **Purpose.**

The regulations in this part are issued in order to permit the Atomic Energy Commission in the interest of the United States to exercise its authority pursuant to section 91a. of the Atomic Energy Act of 1954, as amended, as efficiently and expeditiously as possible.

§ 112.2 **Scope.**

This part applied to all U.S. citizens and to all other persons subject to the jurisdiction of the United States, its territories and possessions.

§ 112.3 **Definition.**

As used in this part, the term "warning area" means that area consisting of a zone (encompassing Amchitka Island) which is a circle of 50 nautical miles radius extending from the surface to an altitude of 18,000 feet, centered at the following geographic coordinates:

51°25′ N., and 179°10′ E.

§ 112.4 **Prohibition.**

No U.S. citizen or other person who is within the scope of this part shall enter, attempt to enter, conspire to enter, or remain in the defined warning area (§ 112.3) during the effective period (§ 112.5) of the regulations in this part except with the express approval of appropriate officials of the Atomic Energy Commission, and, in the case of Amchitka Island, of the Atomic Energy Commission and the Department of the Interior.

§ 112.5 **Effective period.**

The regulations in this part are effective immediately and shall remain in effect until October 15, 1969, unless sooner terminated.

Dated at Germantown, Md., this 25th day of September 1969.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 69–11665; Filed, Sept. 29, 1969; 8:48 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 13]

PART 101—ADMINISTRATION

Alteration of Seal

Section 101.5–1 of Part 101 of Title 13 of the Code of Federal Regulations is hereby amended by adding the year date "1953" to the seal of the Small Business Administration. The seal, as altered by this amendment, is:

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

Dated: September 22, 1969.

HILARY SANDOVAL, Jr.,
Administrator.

[F.R. Doc. 69–11588; Filed, Sept. 29, 1969; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9875; Amdt. 21–26]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Eligibility

The purpose of this amendment to Part 21 of the Federal Aviation Regulations is to clarify § 21.173 and to delete from that section references to obsolete FAA Forms.

Amendment 21–21 (33 F.R. 6858) published in the FEDERAL REGISTER on May 7, 1968, amended Part 21 of the FARs to establish the new classification of special airworthiness certificates. As a result of this change, FAA Forms 305 and 1779, presently referred to in § 21.173, are now

obsolete. In view of the fact that the FAA form numbers are constantly subject to change, it is not considered appropriate to refer to such numbers in the regulations. Instead, this amendment merely requires that an application be made in a form and manner prescribed by the Administrator. This is consistent with various other application requirements in the FARs.

In addition to the foregoing, § 21.173 has been amended to make it clear that airworthiness certificates are issued only for U.S.-registered aircraft. Since the registered owner of a U.S.-registered aircraft must be a citizen of the United States, the additional requirement that he must be a U.S. citizen is unnecessary and the regulation has been amended accordingly.

Since this is a minor, clarifying amendment that imposes no additional burden on any person, I find that notice and public procedure hereon are unnecessary and that it may be made effective in less than 30 days.

In consideration of the foregoing, § 21.173 of Part 21 of the Federal Aviation Regulations is amended, effective September 30, 1969, to read as follows:

§ 21.173 Eligibility.

Any registered owner of a U.S.-registered aircraft (or the agent of the owner) may apply for an airworthiness certificate for that aircraft. An application for an airworthiness certificate must be made in a form and manner acceptable to the Administrator, and may be submitted to any FAA office.

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

Issued in Washington, D.C., on September 22, 1969.

D. D. THOMAS,
Deputy Administrator.

[F.R. Doc. 69-11589; Filed, Sept. 29, 1969; 8:46 a.m.]

[Docket No. 9244; Amdts. Nos. 91-68; 121-53; 135-10]

PYROTECHNIC SIGNALING DEVICES

The purpose of these amendments to Parts 91, 121, and 135 of the Federal Aviation Regulations is to eliminate inconsistent requirements for signaling devices on aircraft operated for compensation or hire.

These amendments are based on a notice of proposed rule making (Notice 68-29) issued on November 13, 1968, and published in the FEDERAL REGISTER on November 16, 1968 (33 F.R. 17114). The notice indicated the proposal might be changed in the light of comments received. As a result of the comments, two minor changes are being made in the amendments as adopted.

As explained in the notice, § 91.33(b)(11), which prohibits the operation of a powered civil aircraft with a standard category U.S. airworthiness certificate for hire over water beyond power-off gliding distance from shore unless that aircraft contains a Very pistol, applies to aircraft operated under Parts 121 and 135. In addition, air carriers and commercial operaotrs are required by present § 121.339 to have suitable pyrotechnic signaling devices on airplanes while flown in extended overwater operations. Air taxi and commercial operators of small aircraft are required by present § 135.163 to carry one pyrotechnic pistol and six cartridges on each life raft aboard aircraft operated in extended overwater operations. As proposed in the notice, the requirement that the device be of a pistol configuration for Part 135 operations has been dropped, allowing the use of any pyrotechnic signaling device which is appropriate for the operation being conducted considering time of day, distance from shore and rescue facilities, means of rescue expected, and so forth.

This amendment deletes the requirement for a "Very pistol" in Part 91 and substitutes a requirement for at least one "pyrotechnic signaling device," thus making the terminology in Part 91 consistent with that used in Parts 121 and 135 as amended herein.

One comment pointed out that proposed § 91.33(b)(11) can be interpreted as requiring one pyrotechnic signaling device for each occupant of the aircraft. The intent of the amendment adopted herein is to require at least one such device for each aircraft. The carriage of additional devices is a discretionary matter which rests with the operator of the aircraft.

Under Part 135, at least one pyrotechnic signaling device is required by this amendment for each life raft carried aboard the aircraft. As proposed, the requirement for Part 121 operations was not related to the number of life rafts aboard. One comment pointed out that it is not realistic to require only one signaling device for operations under Part 121 in aircraft which may have several life rafts. The FAA agrees and the amendment of § 121.339 as adopted requires that at least one pyrotechnic signaling device be carried for each life raft.

In the case of a cartridge type device, responsibility for determining the number of individual signal flares to be carried for a particular operation will rest with the operator of the aircraft.

Several other comments are considered to be outside the scope of the notice. These include comments with respect to suggested specifications for signaling devices such as shelf life, color, and flotation capability, the use of other kinds of signaling devices such as strobe lights, and comments with respect to the kinds of operations to which the signaling device requirement should be applied, such as flights over uninhabited areas and flights not for hire. However, each of these comments has merit and may be considered by the FAA in future rule-making actions.

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

In consideration of the foregoing, Parts 91, 121, and 135 of the Federal Aviation Regulations are amended effective October 30, 1969, as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. By amending § 91.33(b)(11) to read as follows:

§ 91.33 Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements.

* * * * *

(b) * * *

(11) If the aircraft is operated for hire over water and beyond power-off gliding distance from shore, approved flotation gear readily available to each occupant, and at least one pyrotechnic signaling device.

* * * * *

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

2. By amending § 121.339(a)(3) to read as follows:

§ 121.339 Equipment for extended overwater operations.

(a) * * *

(3) At least one pyrotechnic signaling device for each life raft.

* * * * *

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

3. By amending § 135.163(o) to read as follows:

§ 135.163 Emergency equipment: overwater operations.

* * * * *

(o) At least one pyrotechnic signaling device.

* * * * *

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

Issued in Washington, D.C., on September 22, 1969.

D. D. THOMAS,
Deputy Administrator.

[F.R. Doc. 69-11591; Filed, Sept. 29, 1969; 8:46 a.m.]

[Docket No. 9873; Amdt. 171-5]

PART 171—NONFEDERAL NAVIGATION FACILITIES

Revocation of Notice Form

The purpose of this amendment to Part 171 of the Federal Aviation Regulations is to revoke §§ 171.13(d) and 171.53(d), and to delete a reference to an FAA form number in § 171.73.

Sections 171.13(d) and 171.53(d) require owners of nonfederal navigation facilities to file reports on FAA Form 3092 of each equipment failure that removes the facility from service. Reference to this form is made in § 171.73.

In the past, this form was used to develop statistical information, reliability standards and other relevant data for nonfederal navigation aids. Inasmuch as FAA Form 406c, Facility Maintenance Log, is a record of all equipment malfunctioning, a determination has been made that the data provided by FAA Form 3092 is no longer required.

Since this amendment eliminates a procedural requirement and further reduces a burden on the public, compliance with notice and public procedure hereon is unnecessary and it may be made effective in less than 30 days.

In consideration of the foregoing, Part 171 of the Federal Aviation Regulations is amended, effective September 30, 1969, as follows:

§§ 171.13, 171.53 [Amended]

1. Paragraph (d) of §§ 171.13 and 171.53 is revoked.

2. Section 171.73 is amended to read as follows:

§ 171.73 Alternative forms of reports.

On a case-by-case basis, a Regional Director may accept any report in a format other than the FAA form required by this part if he is satisfied that the report contains all the information required on the FAA form and can be processed by FAA as conveniently as the FAA form.

(Secs. 307, 313(a), 601, 606, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, 1426); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on September 22, 1969.

D. D. THOMAS,
Deputy Administrator.

[F.R. Doc. 69-11590; Filed, Sept. 29, 1969; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 503—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Status of Specific Items

The Federal Trade Commission published in the FEDERAL REGISTER on August 9, 1969 (34 F.R. 12944), a policy statement interpreting the definition of the term "consumer commodity" as contained in section 10(a) of the Fair Packaging and Labeling Act. That same publication repealed formerly published § 503.2 of the regulations which enumerated the status of specific items under the Act. The Commission has since received a number of inquiries concerning coverage of the commodities listed below.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 4, 6, 10, 80 Stat. 1297, 1299, 1300, 1301; 15 U.S.C. 1453, 1455, 1459), Subchapter E, Part 503, is amended by adding thereto the following new section:

§ 503.2 Status of specific items under the Fair Packaging and Labeling Act.

Recent questions submitted to the Commission concerning whether certain articles, products or commodities are included under the definition of the term "consumer commodity", as contained in section 10(a) of the Fair Packaging and Labeling Act, have been considered in the light of the Commission's interpretation of that term as set forth in § 503.5 as follows:

(a) The Commission is of the opinion that the following commodities or classes of commodities are not "consumer commodities" within the meaning of the Act:

Artificial flowers and parts.
Automotive chemical products.
Bicycle tires and tubes.
Books.
Brooms and mops.
Cameras.
Cigarette lighters.
Compacts and mirrors.
Diaries and calendars.
Flower seeds.
Footwear.
Garden tools.
Gift ties and tapes.
Greeting cards.
Hand tools.
Handicraft and sewing thread.
Hardware.
Household cooking utensils.
Inks.
Jewelry.
Luggage.
Magnetic recording tape.
Musical instruments.
Paintings and wall plaques.
Pictures.
Plastic table cloths, plastic placemats and plastic shelf paper.
School supplies.
Sewing accessories.
Silverware, stainless steelware and pewterware.
Souvenirs.
Sporting goods.
Toys.
Typewriter ribbons.
Woodenware.

(b) The Commission is of the opinion that the following commodities or classes of commodities are "consumer commodities" within the meaning of the Act:

Adhesives and sealants.
Aluminum foil cooking utensils.
Aluminum wrap.
Camera supplies.
Christmas decorations.
Cordage.
Disposable diapers.
Dry cell batteries.
Light bulbs.
Liquefied petroleum gas for other than heating and cooking.
Lubricants for home use.
Pressure sensitive tapes, excluding gift tapes.
Solvents and cleaning fluids for home use.
Sponges and chamois.
Waxes for home use.

Issued: September 25, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-11606; Filed, Sept. 29, 1969; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 33-5005]

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

Guide Relating To Misleading Character of Certain Registrants' Names

One April 7, 1969, the Commission published in Securities Act Release No. 4959 (34 F.R. 6575) a proposed guide of the Division of Corporation Finance relating to the misleading character of the names of certain registrants and invited the views and comments of interested persons thereon. The comments received having been considered by the Division, the text of the guide is set forth below in definitive form, unchanged from the language of the proposal.

54. *Misleading character of certain registrants' names.* A registrant's name may be materially misleading if it indicates a line of business in which the registrant is not engaged or is engaged only to a limited extent. If the registrant is not engaged to any substantial extent in the business indicated by the name, a change of name may be the only way to cure its misleading character. If the registrant is substantially engaged in the line of business, even though it does not comprise the major portion of the business, it may be sufficient to disclose under the name of registrant on the cover page of the prospectus the limited extent to which the registrant is engaged in the business indicated by its name. This paragraph does not apply, however, to an established company which over a period of years has changed the general character of its business and where the investing public is generally aware of the change and the character of the registrant's present business.

A registrant's name may also be misleading if it is the same or substantially the same as the name of another well-known company. If it appears likely that the registrant's name may be confused with the name of the other company, consideration should be given to changing the name. However, if both companies are new or small and relatively unknown and are located in different parts of the country, so that investors are not likely to mistake one company

for the other, it would be sufficient to disclose on the cover page of the prospectus, under the name of the registrant, the lack of any relationship between the two companies.

By the Commission, September 17, 1969.

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

[F.R. Doc. 69-11583; Filed, Sept. 29, 1969; 8:46 a.m.]

[Release 34-8697]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Beneficial Ownership of Equity Securities

The Securities and Exchange Commission has adopted certain amendments to Rule 16a-1 (17 CFR 240.16a-1) under the Securities Exchange Act of 1934. That rule relates to the filing of statements of beneficial ownership of equity securities, and changes in such ownership, pursuant to section 16(a) of the Act. Notice of the proposed amendments was published on April 17, 1969, in Securities Exchange Act Release No. 8574 (34 F.R. 7250). A number of helpful comments were received and have been considered in the preparation of the definitive draft of the amendments.

One of the amendments as published in preliminary form for comment would have required all directors and officers of an issuer, upon becoming subject to section 16(a) of the Act, to include in their initial statements of beneficial ownership of equity securities of the issuer which occurred within 6 months prior to their becoming subject to section 16(a) of the Act. The amendment as adopted requires the furnishing of information only as to such changes which have occurred within 6 months prior to any changes after the director or officer became subject to that section. Thus, the first Form 4 filed to report transactions within 6 months after the person became subject to such reporting requirements must contain information for all transactions for the previous 6 months.

The other amendment to the rule requires any person who has ceased to be a director or officer of a company, or who was a director or officer at the time the company ceased to have equity securities registered pursuant to section 12 of the Act, to file a report with respect to any change in beneficial ownership which occurs within 6 months after any change in such ownership which occurred prior to such cessation. Thus, one or more Form 4 reports will be required after the person ceases to be subject to such reporting requirements only if and so long as transactions occur which are within 6 months of other transactions which occurred before he ceased to be so subject.

As indicated in Release No. 8574, the purpose of the amendments is to provide disclosure under section 16(a) of the Act with respect to all transactions which may be subject to section 16(b) of the Act.

Section 240.16a-1 of the chapter is amended by the addition of the following:

§ 240.16a-1 Filing of statements.

* * * * *

(d) Any director or officer who is required to file a statement on Form 4 with respect to any change in his beneficial ownership of equity securities which occurs within 6 months after he became a director or officer of the issuer of such securities, or within 6 months after equity securities of such issuer first became registered pursuant to section 12 of the Act, shall include in the first such statement the information called for by Form 4 with respect to all changes in his beneficial ownership of equity securities of such issuer which occurred within 6 months prior to the date of the changes which requires the filing of such statement.

(e) Any person who has ceased to be a director or officer of an issuer which has equity securities registered pursuant to section 12 of the Act, or who is a director or officer of an issuer at the time it ceased to have any equity securities so registered, shall file a statement on Form 4 with respect to any change in his beneficial ownership of equity securities of such issuer which shall occur on or after the date on which he ceased to be such director or officer, or the date on which the issuer ceased to have any equity securities so registered, as the case may be, if such change shall occur within 6 months after any change in his beneficial ownership of such securities prior to such date. The statement on Form 4 shall be filed within 10 days after the end of the month in which the reported change in beneficial ownership occurs.

The foregoing amendments, which have been adopted pursuant to the authority contained in the Securities Exchange Act of 1934, particularly sections 16(a) and 23(a) thereof, 48 Stat. 896 and 901, as amended, 15 U.S.C. 78*l* and 78w, shall become effective October 20, 1969.

By the Commission, September 18, 1969.

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

[F.R. Doc. 69-11584; Filed, Sept. 29, 1969; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 12B—Coast Guard, Department of Transportation

[69-99]

PART 12B-1—GENERAL

Subpart 12B-1.7—Small Business Concerns

SMALL BUSINESS PROGRAM

The purpose of this document is to amend the Coast Guard Procurement Regulations to be consistent with Small Business Administration policies on small business set-asides for proposed construction procurements as published in General Services Administration Bulletin 11 dated March 14, 1969. Since this amendment relates to agency management and contracts, notice and public procedures thereon is unnecessary under the provision of the Administrative Procedures Act (5 U.S.C 553).

§ 12B-1.706-1 [Revoked]

1. Subpart 12B-1.7 is amended by revoking § 12B-1.706-1.

2. Section 12B-1.702-50 is added reading as follows:

§ 12B-1.702-50 Small business set-aside policies for construction procurements.

In addition to the small business policies set forth in § 1-1.702 of this title the following specific small business policies shall be followed with respect to proposed construction procurements.

(a) A total set-aside preference for the participation of small business should be initiated in every action to procure construction services between $2,500 and $500,000 in amount, subject only to a finding by the contracting officer that such preference would not serve the best interests of the Government. When the contracting officer determines not to set-aside, such determination will require the written concurrence of the Chief, Supply Division for procurements originating at Coast Guard Headquarters, and the Comptroller or Commanding Officer as applicable for procurements originating in the field.

(b) Small business set-aside preferences should be considered for construction procurements in excess of $500,000 on a case by case basis, favoring the preferential participation of small business whenever appropriate.

(Sec. 633, Stat. 545, sec. 205(c), 63 Stat. 389, as amended, secs. 2301-2314 (Ch. 137), 70A Stat. 127-133, as amended, sec. 6(b), 80 Stat. 938; 14 U.S.C. 633, 40 U.S.C. 486(c), 10 U.S.C. 2301-2314, 49 U.S.C. 1655(b); 41 CFR 12-1.008)

Effective date. These amendments shall become effective on the date of publication in the FEDERAL REGISTER.

Dated: September 24, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 69-11617; Filed, Sept. 29, 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

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

Bacitracin

1. The Commissioner of Food and Drugs, having evaluated the information submitted in an application filed by Dawe's Laboratories, Inc., 4800 South Richmond, Chicago, Ill. 60632, and Premier Malt Products, Inc., 1037 West McKinley Avenue, Milwaukee, Wis. 53201, and other relevant material, concludes that the regulations pertaining to bacitracin should be amended to provide for the safe and effective use of bacitracin in the feed of beef cattle for specified conditions. Pending recodification of previously established regulations in Part 121 under regulations to be established under the provisions of section 512(i) of the Federal Food, Drug, and Cosmetic Act, this order is issued in accordance with § 3.517 *New animal drugs; transitional provisions re section 512 of the act.*

Therefore, pursuant to the provisions of the act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517, and under authority delegated to the Commissioner (21 CFR 2.120), § 121.232(d) is amended by adding thereto a new table, as follows:

§ 121.232 Bacitracin.

* * * * * * *

(d) * * *

TABLE 3—BACITRACIN IN CATTLE FEED

Amount	Limitations	Indications for use
1. Bacitracin..... 35 mg. per head per day.	For feedlot beef cattle; as bacitracin; administer in dry feed.	For increased weight gain in cattle being fattened for slaughter under feedlot conditions. These results may be expected in the presence of growth-suppressing micro-organisms sensitive to the drug.
* * *	* * *	* * *

* * * * * * * *

2. Pursuant to the provisions of the act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357), delegated as cited above, § 144.26(b)(51) is revised to read as follows to exempt from certification cattle feed containing bacitracin in accordance with § 121.232 as amended above:

§ 144.26 Animal feed containing certifiable antibiotic drugs.

* * * * * * *

(b) * * *

(51) It is a medicated beef cattle, chicken, or turkey feed containing bacitracin, bacitracin methylene disalicylate, or zinc bacitracin or a combination of one of these with penicillin, in the amounts and for the purposes indicated in §§ 121.232, 121.233, and 121.252 of this chapter, and its labeling bears adequate directions and warnings for such use.

* * * * * * *

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

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: September 23, 1969.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 69-11572; Filed, Sept. 29, 1969; 8:45 a.m.]

Title 7—AGRICULTURE

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

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE, CLAIRGEAU PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Expenses and Rate of Assessment

On September 10, 1969, notice of rule making was published in the FEDERAL REGISTER (34 F.R. 14224) regarding proposed expenses and the related rate of assessment for the fiscal period July 1, 1969, through June 30, 1970, pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 927.209 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and necessary to be incurred by the Control Committee during the period July 1, 1969, through June 30, 1970, will amount to $49,700.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 927.41, is fixed at $0.01 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of fresh pears are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable pears handled during the aforesaid period; and (3) such period began on July 1, 1969, and the rate of assessment will automatically apply to all such pears beginning with such date.

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

Dated: September 25, 1969.

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

[F.R. Doc. 69-11621; Filed, Sept. 29, 1969; 8:48 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 103]

PART 1103—MILK IN MISSISSIPPI MARKETING AREA

Order Amending Order

§ 1103.0 Findings and determinations.

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

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

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

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

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

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not to exceed 5 cents per hundredweight as the Secretary may prescribe, with respect to:

(i) Receipts of producer milk (including such handler's own production);

(ii) Other source milk allocated to Class I pursuant to § 1103.46(a) (3) and (7) and the corresponding steps of § 1103.46(b);

(iii) Class I milk disposed of from a partially regulated distributing plant as route disposition in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants; and

(iv) Receipts from a cooperative association in its capacity as a handler pursuant to § 1103.13(d).

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Mississippi marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Revise § 1103.6 to read as follows:

§ 1103.6 Mississippi marketing area.

The "Mississippi marketing area" hereinafter called the "marketing area", means all of the territory geographically within the places listed below, all waterfront facilities connected therewith and all territory wholly or partially therein occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments all in the State of Mississippi:

COUNTIES

Adams.
Attala.
Bolivar.
Calhoun (Beats 1 and 4 only).
Carroll.
Choctaw.
Claiborne.
Clarke.
Coahoma (Beats 4 and 5 only).
Copiah.
Covington.
Forrest.
Franklin.
George.
Greene.
Grenada.
Hancock.
Harrison.
Hinds.
Holmes.
Humphreys.
Jackson.
Jasper.
Jefferson.
Jefferson Davis.
Jones.
Lamar.
Lauderdale.
Lawrence.
Leake.
Leflore.
Lincoln.
Lowndes.
Madison.
Marion.
Montgomery.
Neshoba.
Newton.
Noxubee.
Oktibbeha.

COUNTIES—Continued

Pearl River.
Perry.
Quitman (Beats 2, 3, 4, and 5 and the village of Crowder including that portion in Panola County).
Rankin.
Scott.
Sharkey.
Simpson.
Smith.
Stone.
Sunflower.
Tallahatchie.
Walthall.
Warren.
Washington.
Wayne.
Webster (except Beat 5).
Winston.
Yazoo.
Yalobusha (Beats 1, 4, and 5 only).

2. In § 1103.11 *Pool plant*, revise paragraphs (a) and (b) to read as follows:

§ 1103.11 Pool plant.

* * * * *

(a) A distributing plant, other than that of a producer-handler or one described in § 1103.61, from which during the month route disposition of fluid milk products is not less than 50 percent of its total receipts of Grade A milk and the volume so disposed of in the marketing area is at least 20 percent of the plant's total route disposition of fluid milk products;

(b) A supply plant from which a volume of fluid milk products not less than 50 percent of the Grade A milk received at such plant from dairy farmers is transferred during the month to a distributing plant(s) from which a volume of Class I milk not less than 50 percent of its receipts of Grade A milk from dairy farmers and from other plants is disposed of as route disposition during the month and the volume so disposed of in the marketing area is at least 20 percent of its total Class I route disposition: *Provided*, That any plant which was a pool plant pursuant to this paragraph in each of the months of September through January shall be a pool plant in each of the following months of February through August in which it does not meet the shipping requirements unless written request is filed with the market administrator prior to the beginning of any such month for nonpool status for the remaining months through August;

* * * * *

3. In § 1103.15 *Producer*, revise paragraph (b) to read as follows:

§ 1103.15 Producer.

* * * * *

(b) Diverted to a nonpool plant(s) by the operator of a pool plant or by a cooperative association as a handler pursuant to § 1103.13(c) during any of the months of December through August pursuant to subparagraphs (1) through (4) of this paragraph: *Provided*, That diversion to an other order plant shall be limited to Class II use;

(1) Diverted as milk of a dairy farmer whose milk is received for at least 10 days of production at pool plants during the month unless diverted pursuant to subparagraph (2) or (3) of this paragraph;

(2) Diverted as milk of a member of a cooperative association not diverting pursuant to subparagraph (1) of this paragraph, for the account of such cooperative association, if milk of the dairy farmer is delivered to a pool plant for at

least 1 day's production during the month and the total quantity so diverted by the cooperative for all producer members does not exceed 50 percent of the volume of Grade A milk from all producer members of such cooperative received at pool plants during the month;

(3) Diverted as milk of a dairy farmer not a member of a cooperative association for the account of a handler as the operator of a pool plant(s) not diverting pursuant to subparagraph (1) of this paragraph if milk of the dairy farmer is delivered to the handler's pool plant(s) for at least 1 day's production during the month and the total quantity so diverted by the handler from his pool plant(s) for nonmember producers does not exceed 50 percent of the total Grade A receipts of milk at his pool plant(s) from nonmember producers during the month;

(4) A dairy farmer shall be a producer with respect to only his milk received at a pool plant if delivery of milk of his production to nonpool plants does not comply with the limitations of subparagraphs (1), (2), and (3) of this paragraph. In the case of a handler diverting pursuant to subparagraphs (2) and (3) of this paragraph, if milk of the dairy farmers is moved to nonpool plants in a total quantity exceeding the percentages specified, the diverting handler shall designate the dairy farmers whose milk is not to be producer milk diverted pursuant to such subparagraph (2) or (3) of this paragraph and the quantities excluded for each dairy farmer. If the handler fails to make such designation the dairy farmers shall be producers only with respect to their milk delivered to pool plants.

* * * * *

4. In § 1103.53(a) subparagraph (1) is revised to read as follows:

§ 1103.53 Location differential to handlers.

(a) * * *

(1) For milk received at a pool plant located in the Mississippi marketing area except that part in George, Greene, Hancock, Harrison, Jackson, Pearl River, and Stone Counties-----	16.0

* * * * *

5. In § 1103.90 paragraph (b) is revised to read as follows:

§ 1103.90 Time and method of payment.

* * * * *

(b) On or before the last day of each month to each producer (1) for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section, and (2) who had not discontinued shipping milk to such handler before the 18th day of the month, a partial payment equal to the Class II price for the preceding month for milk testing 3.5 percent butterfat multiplied by the hundredweight of milk received from such producer during the first 15 days of the current month.

* * * * *

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

Effective date: November 1, 1969.

Signed at Washington, D.C., on September 25, 1969.

ELVIN A. ADAMSON,
Deputy Assistant Secretary.

[F.R. Doc. 69-11624; Filed, Sept. 29, 1969; 8:48 a.m.]

[Milk Order 126]

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

Order Terminating Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the North Texas marketing area (7 CFR Part 1126), it is hereby found and determined that:

(a) The provision in § 1126.41(b)(2)(i) of the order which reads: "during the months of March through August", relating to the classification of milk disposed of to commercial bakeries or food product manufacturing plants, no longer tends to effectuate the declared policy of the Act.

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This termination order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) Termination of the provision will permit milk moved to commercial bakeries and food product manufacturing plants to be classified as Class II milk in every month. The order presently provides for Class II classification for such disposition during the months of March through August and a Class I classification in all other months.

Termination was requested by a cooperative association of producers supplying the market which uses a food manufacturing plant as an outlet for milk not needed by handlers for Class I uses.

(4) Interested persons were afforded opportunity to file written data, views or arguments concerning this termination (34 F.R. 14226). Views were filed in support of the termination order by a handler operating a pool distributing plant and two cooperative associations representing more than 80 percent of the producers supplying the North Texas market.

These cooperatives are engaged in supplying milk to handlers for Class I needs. Certain food manufacturing plants serve as outlets for milk handled by the cooperative association but not needed by handlers for Class I uses. These plants would not be outlets for such milk in the months of September through February if it were priced as Class I. The termination of the provision therefore will not reduce Class I outlets for producer milk and will promote the efficient handling of market milk supply.

Therefore, good cause exists for making this order effective September 1, 1969.

It is therefore ordered, That the aforesaid provision of the order is hereby terminated.

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

Effective date: September 1, 1969.

Signed at Washington, D.C., on September 25, 1969.

ELVIN A. ADAMSON,
Deputy Assistant Secretary.

[F.R. Doc. 69-11625; Filed, Sept. 29, 1969; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.3 is amended by adding in alphabetical sequence two new entries to the table, the first entry to follow "Louisiana Jefferson (Parish) Metairie I 22 051 1545 01 * * *", such new entries to read as follows:

§ 1914.3 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Louisiana..	Jefferson (Parish).	Metairie....	I 22 061 1545 02.	Louisiana Department of Public Works, Baton Rouge, La. 70804. Commissioner of Insurance, State of Louisiana, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Jefferson Parish Department of Sanitation, 648 Helois St., Metairie, La. 70005. West Bank Drainage District, 1972 Ames Blvd., Post Office Box 335, Marrero, La. 70072.	Sept. 30, 1969.
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Virginia....	Arlington....	Four Mile Run.	I 51 013 0000 01.	Division of Water Resources, Seventh Floor, 911 East Broad St., Richmond, Va. 23219. Commissioner of Insurance, State Corporation Commission, Richmond, Va. 23209.	Department of Transportation, County Court House, Arlington, Va. 22201.	Oct. 6, 1969.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968, 42 U.S.C. 4001–4127), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968); Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: September 26, 1969.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 69–11666; Filed, Sept. 29, 1969; 8:48 a.m.]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Virginia....	Arlington...	Four Mile Run.	H 51 013 0000 01.	Division of Water Resources, Seventh Floor, 911 East Broad St., Richmond, Va. 23219. Commissioner of Insurance, State Corporation Commission, Richmond, Va. 23209.	Department of Transportation, County Court House, Arlington, Va. 22201.	Oct. 1, 1969.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968, 42 U.S.C. 4001–4127), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968); Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: September 26, 1969.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc. 69–11667; Filed, Sept. 29, 1969; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 241]

PART 1033—CAR SERVICE

Investigation of Adequacy of Railroad Freight Car Ownership, Car Utilization, Distribution, Rules and Practices; Postponement of Effective Date

SEPTEMBER 25, 1969.

By order of the Commission, Commissioner Tuggle, dated September 24, 1969, the effective date of the amendments to Part 1033 of Title 49 of the Code of Federal Regulations published on page 14172 of the September 9, 1969, issue of the FEDERAL REGISTER is postponed to November 10, 1969.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–11611; Filed, Sept. 29, 1969; 8:48 a.m.]

[S.O. 1030, Amdt. 1]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Tracks of the Atchison, Topeka and Santa Fe Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23d day of September 1969.

Upon further consideration of Service Order No. 1030 (34 F.R. 11211), and good cause appearing therefor:

It is ordered, That § 1033.1030 *Service Order No. 1030* (Chicago, Rock Island and Pacific Railroad Co. authorized to operate over tracks of the Atchison, Topeka and Santa Fe Railway Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1969, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., September 30, 1969.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69–11618; Filed, Sept. 29, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 1, 91]

[Docket No. 9880; Notice 69-41]

"TERMINAL CONTROL AREAS": GENERAL

Notice of Proposed Rule Making

The Federal Aviation Administration is considering the adoption of air traffic rules for the control or segregation of all aircraft operated within airspace designated by the Administrator as "terminal control areas." Specific designations of individual terminal control areas will be proposed in separate notices of proposed rule making. The initial terminal control area is proposed in 69-42 for the Washington, D.C.—Andrews AFB Area. This will be followed by individual area notices for the following airports, which should be studied in conjunction with the proposal for this notice.

Chicago O'Hare.	Philadelphia.
Atlanta.	Pittsburgh.
Los Angeles.	St. Louis.
San Francisco.	Cleveland.
New York Complex (La Guardia, Kennedy, Newark).	Minneapolis.
	Houston.
	Kansas City.
Dallas.	Seattle.
Boston.	New Orleans.
Miami.	Cincinnati.
Detroit.	Las Vegas.
Denver.	

Interested persons are invited to participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before October 27, 1969, will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In view of the rapid increase in the number of flight operations, particularly in the vicinity of the major terminal areas, the FAA has reviewed the airspace structure in these areas and has developed a plan that will accommodate the increasing number of IFR and VFR operations and reduce, to the extent possible, the risk of mid-air collisions. This plan, in general terms, consists of the following:

1. Designating described airspace in the vicinity of certain major terminal areas as "terminal control areas."

2. Adopting the following rules for operation of aircraft within those areas—

(a) An ATC clearance requirement for both VFR and IFR flights;

(b) A requirement that the aircraft be equipped with a transponder beacon, 2-way radio, and VOR or TACAN receiver;

(c) A requirement that the pilot of a civil aircraft hold at least a private pilot certificate;

(d) A requirement that the reported ceiling be at least 1,500 feet for VFR aircraft to operate to or from an airport within the area.

(e) A requirement for VFR traffic to report position to ATC in relation to published VFR entry points; and

(f) A requirement for turbine-powered aircraft operating to or from the primary airport to operate at or above the designated floor while within the lateral limits of the terminal control area.

3. Permitting VFR transient traffic to operate through the terminal control area between specified altitudes at locations where ATC has the resource capability to handle such traffic. Notices in the Airman's Information Manual or on appropriate aeronautical charts, or both, will specify whether or not VFR transient traffic will be permitted to operate through the terminal control area. If such operations are to be permitted, notices as to the hours for such operations and altitudes will also be so specified.

4. Adopting a limitation on the speed of aircraft operating in airspace underlying the terminal control area.

It is the FAA's intent to follow this proposal with another general notice which will address the collision potential at all other airports where turbine-powered air carrier aircraft operate. Two categories of airports will be covered in the succeeding proposal. First, some 97 other radar locations (nonlarge hubs) would have terminal airspace configurations similar to those for the 22 hub locations. However, less stringent rules may be required. For example, VFR transient traffic may be permitted at all hours.

Second, the remaining airports of air carrier operations would be provided with a climb corridor concept of protection. Generally, these airports would have two arrival/departure corridors designed to encompass the flight paths of air carrier turbine-powered aircraft while in the vicinity of the terminals. VFR traffic would be required to avoid these corridors, and air carrier aircraft would be confined to these corridors.

The plan proposed herein is the culmination of months of effort devoted to finding ways of reducing the mid-air collision potential in the increasingly congested airspace surrounding the nation's major airports. Various users and user organizations have proposed types of segregation and control service for busy terminal areas. The FAA believes that this proposal will provide a safer terminal airspace environment where congestion is reaching a critical level.

The data collected by the FAA in its Near Mid-Air Collision Study Program supports the rule-making action proposed herein. During the year 1968 there were 2,230 near mid-air collision reports made to the FAA under this program. Also, there is statistical rationale to support a minimum estimate of four additional nonreported near-miss incidents for every one which was reported to this program.

In the study program, the circumstances of each report were carefully analyzed and each incident was classified as "Hazardous" or "No Hazard." In the "Hazardous" group there were two subgroups—"Critical" and "Potential." A "Critical" situation was one where collision avoidance was due to chance rather than an act on the part of the pilot. "Potential" covered an incident which would probably have resulted in a collision if no action had been taken by either pilot. The study reveals that 1,128 of the 2,230 reported incidents were "Hazardous" in that the aircraft missed only by chance or after evasive action by one or both pilots.

Seven hundred and nineteen of these near collisions occurred in terminal airspace, i.e., within a 30-nautical mile radius of the airport. Obviously, most of these take place near the large metropolitan areas which naturally have the heaviest concentration of air traffic. In fact, 52 percent of the 1,128 total hazardous incidents happened in 30 selected high-density traffic areas. As examples, these include 97 in the Los Angeles area, 74 in New York, 48 in San Francisco, 33 in Washington, D.C., and 26 in the Chicago area.

Of the terminal area incidents, 97 percent occurred below 8,000 feet above ground level. Nearly half involved one aircraft which was approaching the airport in descent or climbing out on departure. The vast majority concerned conflict between general aviation aircraft and either an air carrier, military, or another general aviation aircraft.

Certain basic causal factors for near misses were isolated in this study. The uncontrolled mixture of VFR and IFR traffic was a basic cause in 166 of the terminal incidents and the difficulty of the "see and be seen" principle in 114 cases. The latter included problems of

pilot distraction, high versus low speed, and conspicuity problems.

In summary, these are some of the important facts brought to light by this study program. Most significantly, 95 percent of the terminal incidents occurred during excellent VFR weather conditions; about 64 percent of the hazardous near misses were in terminal areas; and 60 percent of those in the terminals involved en route traffic through the terminal area which was unknown to air traffic control. This reflects the congestion in the high density terminal areas and the exposure to unknown random air traffic. The rules proposed herein are designed to reduce the risk of collision in areas of dense air traffic.

The major problem inherent in a terminal airspace operation is the mixture of controlled and uncontrolled traffic. Current regulations permit an aircraft to enter or transit congested terminal airspace in VFR conditions within 5 miles of the airport and above 2,000 feet without any use of the air traffic control system. For aircraft operating outside this system, collision avoidance is based upon the pilot's ability to see and avoid other traffic. This results in a dual responsibility—with ATC responsible for separation of IFR aircraft as they relate to each other and the IFR pilot assuming responsibilities for separation from the "see and avoid" traffic. The risk of a mid-air collision in any given segment of airspace is related to the number of aircraft therein, and, of those aircraft, the proportion that is relying solely upon seeing and avoiding other aircraft, the weather conditions, the operating characteristics of the aircraft, the dispersal of aircraft within the given airspace, and whether the aircraft are climbing, descending or in cruise.

The safest environment is one within which all aircraft are provided separation. Unfortunately, at this time, it is not feasible to provide separation to all aircraft operating near a high density terminal area. However, measures may be taken to increase safety, and specifically to reduce the risk of mid-air collision. A system should be established which would segregate traffic operating to or from the airports within the designated terminal control area from other traffic operating near that terminal control area. All traffic operating within the terminal control area would be separated and controlled by ATC.

Some operational restrictions would necessarily be encountered by all users in achieving this segregation. However, these restrictions are considered to be the minimum restraints necessary to achieve the desired operational advantages. Adjustment of present IFR arrival and departure procedures may be necessary to achieve the segregation of controlled and uncontrolled traffic. However, the restrictions imposed by this proposal should be far outweighed by the resultant increased safety.

The basis for this proposal is to diminish the potential for mid-air collision in areas of dense traffic and to afford the greatest protection for the greatest number of people. Therefore, the criteria used for formulating the airspace and air traffic rules proposed herein are based on factors, or combinations of factors, which include the number of people in the airspace, the number of aircraft, the area potential for mid-air collision because of density of traffic, and the type or nature of operations being conducted.

On March 7, 1968, the FAA discussed a preliminary concept of this proposal with representatives of the major airspace user groups and the military services. Many meaningful comments and recommendations were received as a result of that meeting from user organizations and from a large cross section of the aviation community. The airspace configurations proposed in the concurrently and subsequently issued notices have been tailored and modified considerably as a result of those discussions.

After the March 7th briefing and the resultant publicity, there was some misinterpretation of the concept. Some persons concluded that general aviation would be prohibited from using major airports. This, of course, is not the case. The plan would not ban any segment of aviation from using these airports, either under IFR or VFR.

The proposed "terminal control areas" would generally be centered on the primary airport. They would extent upward from the surface in the area which is generally comparable to the present control zone; from the surface or higher in a number of corridors required for specific approach and departure procedures; and from a varying higher altitude (AGL) within an area of sufficient adequacy to contain the necessary maneuvering and radar vectoring airspace. However, in each case, the floors and lateral limits of the proposed terminal control areas will be tailored to fit the actual airspace needs of the particular terminals and to allow the maximum freedom of operation for satellite and transient traffic.

Before operating within the terminal control area, each aircraft operation, IFR or VFR, would require an ATC clearance. Properly equipped VFR transient traffic will be permitted to operate only within those areas where ATC has the resource capability to handle them. All aircraft operating within the terminal control area will be controlled and separated by the ATC system. To the extent practicable, satellite airports would be excluded from the terminal control area to allow for independent operation of VFR aircraft to and from those airports.

The proposed rule would require that all aircraft, VFR and IFR, operating within the terminal control area during published hours to be equipped with an operable coded radar beacon transponder having at least a Mode A/3 64-code capability, replying to Mode A/3 interrogation with the code specified by ATC. The beacon requirement is considered as a necessary aid to rapid radar identification and as a means to expeditious service within the area. However, this provision may be waived for aircraft operating at airports within the designated area in accordance with § 91.63.

In view of the possibility of numerous uncontrolled operations in the airspace underlying these terminal control areas, a more restrictive maximum airspeed may be necessary in that airspace. The proposal would, therefore, establish 200 knots as the maximum airspeed within airspace underlying a terminal control area unless the aircraft operating limitations or military operating procedures make a greater speed necessary. This airspeed would be consistent with the speed limit which has been applicable to turbine-powered aircraft within airport traffic areas for many years.

VFR fixed-wing aircraft (operating to airports within the area) would enter the area at its outer lateral limit at or between specified altitudes, and report in relation to specified entry points. These altitudes and entry points would be published in the Airman's Information Manual and noted on appropriate aeronautical charts for the terminal control area involved. The specific VFR entry altitudes would not apply if the aircraft cannot be flown at those altitudes in accordance with the VFR distance from cloud criteria. VFR rotorcraft flights would enter the terminal control area at any point and altitude after receiving an ATC clearance.

VFR fixed-wing operations would not be permitted at any airport within the terminal control area unless the reported ceiling is at least 1,500 feet at the primary airport of intended landing. The pilot of civil aircraft operated to or from airports within a terminal control area would be required to hold at least a private pilot's license. Also, the aircraft must be equipped with an operable VOR/TACAN receiver and the capability to communicate with air traffic control on listed frequencies which would be carried in the AIM and on appropriate aeronautical charts. However, each of these provisions may be waived in accordance with § 91.63.

If this proposal is adopted as a final rule, the VFR requirements of Amendment 93-15 of Part 93 of the Federal Aviation Regulations, effective June 1, 1969, would be amended to conform with these provisions.

In consideration of the foregoing, it is proposed to amend Parts 1 and 91 of the Federal Aviation Regulations as follows:

1. By adding the following definitions to § 1.1 of Part 1:

§ 1.1 General definitions.

* * * * *

"Primary airport" means an airport located within a terminal control area and designated as such in Part 71 of this chapter.

* * * * *

"Terminal control area" means that airspace designated in the vicinity of certain major terminal areas within which all aircraft are subject to air traffic control.

2. By amending § 91.1(b)(3) by adding: "and with § 91.70 and § 91.90 of Subpart B as applicable."

3. By amending § 91.61 to read as follows: "This subpart prescribes flight rules governing the operation of aircraft within the United States; and outside the United States as applicable in § 91.70 and § 91.90."

4. By amending § 91.70 of Part 91 to add:

(c) No person may operate an aircraft in the airspace underlying a terminal control area at an indicated airspeed of more than 200 knots (230 m.p.h.).

However, if the minimum safe airspeed for any particular operation is greater than the maximum speed prescribed in this section, the aircraft may be operated at that minimum speed.

5. By adding a new § 91.90 to Subpart B of Part 91 to read as follows:

§ 91.90 Flight in terminal control areas; operating rules and pilot and equipment requirements.

(a) *Operating rules.* No person operating an aircraft may enter or operate an aircraft within a terminal control area except in compliance with the following rules:

(1) No person may operate an aircraft within a terminal control area unless he has received an appropriate authorization from ATC.

(2) No person operating an airplane under VFR may land or take off from an airport within a terminal control area unless the ceiling is at least 1,500 feet at the primary airport in the control zone of operation.

(3) Unless otherwise required by applicable distance from cloud criteria, the pilot of an airplane entering a terminal control area under VFR shall report his position to ATC in relation to VFR entry points, and enter the terminal control area at the VFR entry altitudes, as published in the Airman's Information Manual, appropriate aeronautical charts, or both.

(4) When the distance from cloud criteria requires an airplane to be operated beneath the terminal control area, entry shall be made in accordance with an ATC clearance obtained before passing under the outer limit of the terminal control area.

(5) Subparagraphs (3) and (4) of this paragraph do not apply to any airplane taking off from an airport located beneath the terminal control area and landing at an airport within the terminal control area.

(6) Unless otherwise authorized by ATC, each person operating a turbine powered airplane to or from a primary airport shall operate at or above the designated floors while within the lateral limits of the terminal control area.

(b) *Pilot requirements.* No person operating a civil aircraft may land or take off from an airport within a terminal control area unless he holds at least a private pilot certificate.

(c) *Equipment requirements.* Unless otherwise authorized by ATC in the case of in-flight failure, no person may operate an aircraft within a terminal control area unless that aircraft is equipped with—

(1) An operable VOR or TACAN receiver;

(2) An operable two-way radio capable of communicating with ATC on appropriate frequencies, as published in the Airman's Information Manual, appropriate aeronautical charts, or both; and

(3) An operable coded radar beacon transponder having at least a Mode A/3 64-code capability, replying to A/3 interrogation with the code specified by ATC. However, this beacon transponder is required only during the hours as published in the Airman's Information Manual, appropriate aeronautical charts, or both.

These amendments are proposed under the authority of sections 307 (a) and (c), and 313 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a) and (c), and 1354(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1665(c)).

Issued in Washington, D.C., on September 25, 1969.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 69-11599; Filed, Sept. 26, 1969; 8:49 a.m.]

[14 CFR Part 71]

[Docket No. 9881; Notice 69-42]

WASHINGTON, D.C., TERMINAL CONTROL AREA

Proposed Designation

The Federal Aviation Administration is considering the adoption of a "Terminal Control Area" for Washington, D.C. Rules for the control or segregation of all aircraft operated within Terminal Control Areas are proposed, concurrently with this notice, in Notice 69-41. This notice should, therefore, be studied in conjunction with Notice 69-41, which also contains the reasons for the designation of the Terminal Control Area described herein. The FAA does not now have the capability to handle VFR transient traffic in the Washington area. Therefore, VFR transients will not be permitted except during hours published by NOTAM.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before October 27, 1969, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the reasons stated in Notice 69-41, it is proposed to amend Part 71 of the Federal Aviation Regulations as follows:

By adding a new § 71.167 to Part 71 reading as follows:

§ 71.167 Designation of terminal control areas.

The parts of airspace described below are designated as terminal control areas including their designated primary airports. Except as otherwise specified, all mileages are nautical miles.

WASHINGTON, D.C., TERMINAL CONTROL AREA

PRIMARY AIRPORTS

1. Washington National Airport (lat. 38°-51'05" N., long. 77°02'20" W.).

2. Andrews AFB (lat. 38°48'40" N., long. 76°52'05" W.).

BOUNDARIES

That airspace up to and including 7,000 feet MSL—

1. *Area A.* Extending upward from the surface within the area bounded by a line beginning at the 10-mile radius of the Washington National Airport and the 295° magnetic radial of the Washington VORTAC, thence clockwise along the 10-mile radius to and south along the 360° magnetic radial of the Washington VORTAC to and clockwise along the Washington National control zone to and east along an east-west line 0.6 mile north of the Andrews AFB control zone to and clockwise along a 10-mile radius of the Washington National Airport to and clockwise along the Andrews control zone to and west along a line 7 miles south of the Washington VORTAC to and north along a line 5 statute miles west of and parallel to the 187° magnetic radial of Washington VORTAC to lat. 38°47'08" N., long. 77°07'-30" W., to lat. 38°50'20" N., long. 77°05'08" W., to lat. 38°53'00" N., long. 77°07'15" W., thence northwest along the 295° magnetic radial of the Washington VORTAC to the point of beginning; excluding the airspace within a 1-mile radius of Prince Georges Airpark and Hyde Airports;

2. *Area B.* Extending upward from 1,500 feet MSL within the area bounded by a line 5 statute miles west of and parallel to the 187° magnetic radial of Washington VOR TAC, Area A, a line 5 miles east of and parallel to the extended centerline of Andrews Runway 19L, and the 10-mile radii of Washington Airport and Andrews VOR TAC; and within the area bounded by the 360° magnetic radial of Washington VOR TAC, Area A, the 080° magnetic radial of Andrews VORTAC, and the 10-mile radii of Washington National Airport and Andrews VORTAC; and the area bounded by a line beginning at lat. 38°53'00" N., long. 77°07'-15" W., thence to lat. 38°50'20" N., long. 77°05'08" W., to lat. 38°47'08" N., long. 77°07'30" W., thence to point of beginning.

3. *Area C.* Extending upward from 3,000 feet MSL within the 10-mile radii of the Washington National Airport and the Andrews VORTAC, excluding Areas A and B.

These amendments are proposed under the authority of sections 307(a) and 313 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1665(c)).

Issued in Washington, D.C., on September 25, 1969.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 69-11600; Filed, Sept. 26, 1969; 8:49 a.m.]

Federal Highway Administration

[49 CFR Parts 392, 393]

[Docket No. MC-12; Notice 69-17]

MOTOR CARRIER SAFETY REGULATIONS

Safe Loading of Motor Vehicles

The Steel Carriers Conference of the American Trucking Associations, Inc., has filed a petition for rule making, seeking an amendment to § 393.85 (formerly § 293.85) of the Motor Carrier Safety Regulations. The petition requests an amendment to specify means of securing iron and steel articles being transported by motor vehicle.

The securing of iron and steel articles presents a problem in the safety of operation of motor vehicles. According to the Bureau of Motor Carrier Safety report, "1967 Accidents of Large Motor Carriers of Property," 8.31 percent of the accidents covered in the report involved motor vehicles transporting metal and metal products.

The securing of cargoes other than those consisting of metal articles also presents a problem in the safety of operation of motor vehicles over the highway. For this reason, the Administrator believes that the entire area of safe loading and protection against shifting cargo should be considered for possible rule making. Therefore, he proposes to amend the Motor Carrier Safety Regulations by revising §§ 392.9 and 393.85.

Interested persons are invited to submit written data, views, or arguments pertaining to the proposed rule. Comments must identify the docket (No. MC-12) and must be submitted in three copies to the Federal Highway Administration, Sixth and D Streets SW., Washington, D.C. 20591, Attention: Bureau of Motor Carrier Safety. All comments received before the close of business 120 days after the publication of this notice in the FEDERAL REGISTER will be considered by the Administrator. All comments will be available for examination in the docket at the above address before and after the closing date for comments.

In consideration of the foregoing, the Administrator proposes to revise §§ 392.9 and 393.85 of Title 49 CFR to read as set forth below.

This notice of proposed rule making is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegation of authority by the Secretary of Transportation in 49 CFR 1.4(c).

Issued on September 22, 1969.

F. C. TURNER,
Federal Highway Administrator.

I. Section 392.9 of the Motor Carrier Safety Regulations would be revised to read as follows:

§ 392.9 Safe loading.

(a) *General.* No person shall drive a motor vehicle and a motor carrier shall not require or permit a person to drive a motor vehicle unless—

(1) The vehicle's cargo is properly distributed and adequately secured as specified in § 393.85 of this subchapter;

(2) The vehicle's tailgate, tailboard, tarpaulins, doors, equipment used in its operation, and means of fastening the vehicle's cargo are securely in place;

(3) The vehicle's cargo or any other object does not obscure the driver's view ahead or to the right or left sides, interfere with the free movement of his arms or legs, prevent his free and ready access to accessories required for emergencies or prevent the free and ready exit of any person from the vehicle's cab or driver's compartment;

(4) The driver of the vehicle assures himself that the cargo is properly secured before the vehicle is dispatched; and

(5) The driver of the vehicle examines the cargo and its load-securing devices, and, if necessary, tightens and repositions those devices at least during the first 10 miles after the vehicle is dispatched and within 100-mile intervals thereafter.

(b) *Buses.* No person shall drive a bus and a motor carrier shall not require or permit a person to drive a bus unless—

(1) All standees on the bus are rearward of the standee line or other means prescribed in § 393.90 of this subchapter;

(2) All aisle seats in the bus conform to the requirements of § 393.91 of this subchapter; and

(3) Baggage, freight, or express on the bus is stowed and secured in a manner which assures—

(i) Unrestricted freedom of movement to the driver and his proper operation of the bus;

(ii) Unobstructed access to all exits by any occupant of the bus; and

(iii) Protection of occupants of the bus against injury resulting from the falling or displacement of articles transported in the bus.

II. Section 393.85 of the Motor Carrier Safety Regulations would be revised to read as follows:

§ 393.85 Protection against shifting or falling cargo.

(a) *General.* Except as provided in paragraph (g) of this section, each truck, semitrailer, full trailer, or pole trailer shall be loaded and equipped to prevent the shifting or falling of cargo in the manner prescribed by the rules in this section.

(b) *Tie-downs and sideboards.* (1) Each cargo-carrying vehicle must be equipped with either—

(i) Sides, sideboards, or stakes and a rear end-gate, end-board, or stakes, all of which are at least as high as the height of the vehicle's cargo and are strong enough to assure protection against shifting cargo and none of which has an aperture large enough to permit any item of cargo to pass through it;

(ii) At least one tie-down device meeting the requirements of paragraph (c) of this section for each 10 feet of load length (except for a pole trailer which must have at least two such tie-down devices) and as many additional tie-down devices meeting the requirements of paragraph (c) of this section as are necessary to secure all cargo being transported by either direct contact between the cargo and the tie-down devices or by dunnage which is in contact with the cargo and is secured by tie-down devices; [1] or

(iii) Other similar means of protecting against shifting cargo which are at least as effective as those specified in subdivision (i) or (ii) of this subparagraph.

(c) *Fastening devices.* Load binders, chains, cables, and other fastening devices which, under the rules in this section, must be used to secure cargo shall conform to the following requirements:

(1) *Tie-down device.* Each tie-down device and the means of adjusting it, tightening it, and securing it to the vehicle must be at least as strong as common coil steel chain having a nominal size of ⅜ inch or larger and a minimum break test load of 9,800 pounds. After December 31, 1971, each tie-down device and the means of adjusting it, tightening it, and securing it to the vehicle must—

(i) Be at least as strong as chain which conforms to the requirements for Type 1001 or Type 2001 chain set forth in the 1961 edition of the National Association of Chain Manufacturers Welded Chain Specifications [2] and which has a minimum test load of 16,200 pounds; and

(ii) Be identified with the manufacturer's distinctive mark or symbol at linear intervals of 5 feet or less indicating that the device complies with the requirements for Type 1001 or Type 2001 chain specified in subdivision (i) of this subparagraph.

(2) *Load binders.* Load binders must be at least as strong as the chains to which they are attached. After December 31, 1971, load binders must be marked to indicate that they conform to the requirements of this subparagraph.

(3) *Attachment to the vehicle.* Fastening devices must be attached to the vehicle by hooks or similar connectors. After December 31, 1971, each hook or similar connector must be attached to the vehicle by connection with—

(i) A stake pocket, the metal of which is at least ¼-inch thick, having exterior dimensions of 1½-inch deep and 3 inches long or a similar pocket of equivalent strength; or

(ii) A chain or ring which is at least as strong as the binder chain and which is securely anchored to a structural member of the vehicle by a device which is at least as strong as the binder chain.

[1] Tie-down devices or dunnage in contact with sufficient exterior (including top-most) pieces of the cargo and securely holding each interior or lower piece comply with this requirement.

[2] Copies of these specifications may be secured by writing to the National Association of Chain Manufacturers, 111 West Washington Street, Chicago, Ill. 60602.

(4) *Other fastening devices.* Cables or other fastening devices which conform to the strength and securement requirements which this section provides for chains may be used in any application for which the chains are specified. Winches and other load-securing devices used with cables must be anchored to the vehicle by devices which have a combined tensile strength at least twice the strength of the cables. Ratchets must be designed, constructed, and maintained to hold the cable drum securely.

(5) *Adjustability.* All fastening devices required by this section and all other devices for fastening or securing cargo must be designed, constructed, and maintained so that they can be tightened by the driver of a vehicle which is in transit.

(d) *Blocking and bracing.* (1) When a vehicle carries cargo that is not firmly braced against the forward bulkhead, the vehicle must have blocking and bracing or tie-downs in addition to the bulkhead to prevent the forward movement of the cargo when the vehicle is subjected to a deceleration of 1 "g".

(2) When a vehicle carries cargo that may shift sideways in transit, even though the vehicle is equipped with sides, sideboards, or stakes that comply with paragraph (b)(1)(i) of this section, the cargo must be securely blocked to or braced against the sides, sideboards, or stakes of the vehicle or secured by devices which conform to the requirements of paragraph (b)(1)(ii) of this section.

(3) The requirements of subparagraph (1) or (2) of this paragraph may be met by the use of devices and equipment performing the same function as the devices and equipment prescribed in those subparagraphs if they are at least as strong as, and provide protection against shifting cargo at least equal to the devices and equipment which are prescribed.

(e) *Bulkheads.* (1) Except as provided in paragraph (g) of this section, all cargo-carrying vehicles must have bulkheads. After December 31, 1971, bulkheads required by the rules in this section or used to comply with a requirement of this section must conform to the following requirements:

(i) *Height and width.* Each bulkhead must extend either to a height of 4 feet above the vehicle's floor or to a height at which it blocks forward movement of any item of cargo being transported on the vehicles. Each bulkhead must have a width which is either equal to the width of the vehicle or which blocks forward movement of any item of cargo being transported on the vehicle.

(ii) *Strength.* Each bulkhead must be capable of withstanding a horizontal forward load equal to one-half of the static weight of the cargo being transported on the vehicle distributed over the portion of the bulkhead that is either 4 feet or less above the vehicle's floor or at or below a height above the vehicle's floor which blocks the forward movement of any item of cargo being transported on the vehicle, whichever is less.

(iii) *Penetration resistance.* Each bulkhead must be designed, constructed, and maintained so that it cannot be penetrated by any item of cargo being transported on the vehicle when the vehicle is subjected to a forward deceleration of 1 "g". A bulkhead must have no aperture large enough to permit any item of cargo to pass through it.

(2) The requirements of subparagraph (1) of this paragraph may be met by the use of devices performing the same function as bulkheads if those devices are at least as strong as, and provide protection against shifting cargo at least equal to, bulkheads which comply with those requirements.

(f) *Metal articles*—(1) *General requirements.* Cargo consisting of metal articles must be secured as specified in this paragraph and paragraphs (a) through (e) of this section.

(2) *Coils.* Whenever a motor carrier transports one or more coils of metal which, individually or as a combination banded together, weigh 5,000 pounds or more, the coils shall be secured in the following manner:

(i) Coils with eyes vertical: One or more coils which are grouped and loaded side by side in a transverse or longitudinal row must be secured by—

(*a*) A chain against the front of the coil or row of coils, restraining against forward motion;

(*b*) A chain against the rear of the coil or row of coils, restraining against rearward motion; and

(*c*) A chain over the top of each coil or transverse row of coils, restraining against vertical motion.

The same length of chain shall not be used to comply with more than one of the requirements in (*a*), (*b*), or (*c*) of this subdivision.

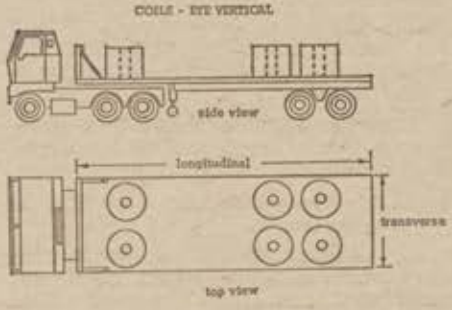

Illustration of terms used in § 393.85(f)(2)(i).

(ii) Coils with eyes crosswise: Each coil or transverse row of coils loaded side by side and having approximately the same outside diameters must be secured by—

(*a*) A chain through the eye of each coil, restricting against forward motion and making an angle of less than 45° with the horizontal when viewed from the side of the vehicle;

(*b*) A chain through the eye of each coil, restricting against rearward motion and making an angle of less than 45° with the horizontal when viewed from the side of the vehicle; and

(*c*) Timbers, having a nominal cross-section of 4×4 inches or more and a length which is at least 75 percent of the width of the coil or row of coils, tightly placed against both the front and rear sides of the coil or row of coils and restrained to prevent movement of the coil or coils in the forward and rearward directions. If coils are loaded to contact each other in the longitudinal direction and relative motion between coils, and between coils and the vehicle, is prevented by chains and timbers—

(*1*) Only the foremost and rearmost coils must be secured with timbers; and

(*2*) A single chain, restricting against forward motion, may be used to secure any coil except the rearmost one, which must be restrained against rearward motion.

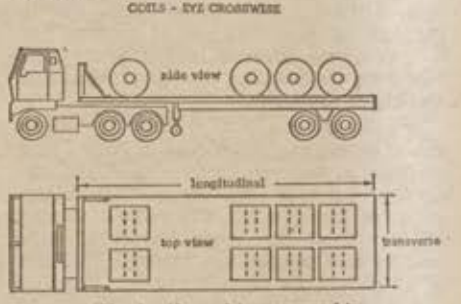

Illustration of terms used in § 393.85(f)(2)(ii).

(iii) Coils with eyes lengthwise: A coil or transverse row of coils having approximately equal outside diameters and loaded side by side or a longitudinal row of coils having approximately equal outside diameters and loaded end to end must be secured as follows:

(*a*) The coil or coils must be restrained against side-to-side and fore-and-aft movement by—

(*1*) One or more chains over the top of each coil or transverse row;

(*2*) Two chains through the eye of each coil or longitudinal row; or

(*3*) One or more chains, crossing from one side of the vehicle to the other, through the eye of each coil or longitudinal row of coils in a transverse row.

(*b*) Timbers having a nominal cross-section of 4 x 4 inches or more must be tightly placed against the sides of each coil or against the outboard sides of each transverse row of coils which are loaded side by side to restrain against side-to-side movement.

(*c*) If, in accordance with (*a*)(*1*) of this subdivision, only one chain over the top of each coil or transverse row of coils is used to restrain against side-to-side and fore-and-aft movement, timbers having a nominal cross-section of 2 x 4 inches or more which are firmly secured to longitudinal blocking must be tightly placed against the front and back of each coil, each longitudinal row of coils, and each transverse row of coils in a manner which restricts forward and rearward movement.

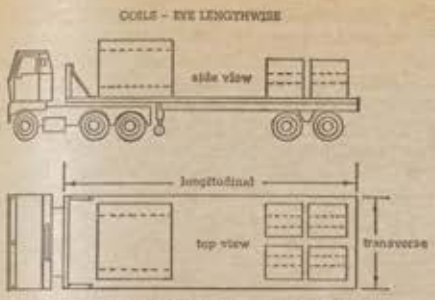

Illustration of terms used in § 393.85(f)(2)(iii)

(iv) Timber which is used for blocking must be sound lumber which is free of defects (such as knots or cracks) that materially reduce its strength.

(v) Timbers need not be used on vehicles which have depressions in the floor or are equipped with other restraining devices which perform the functions specified for timbers by the rules in this section.

(vi) As used in this section—

(*a*) The term "coil" includes a roll; and

(*b*) The term "nominal," when used to describe timber, means commercially dressed sizes generally designated by the dimensions indicated.

(3) *Miscellaneous metal articles.* Except as provided in subdivision (iv) of this subparagraph, whenever a motor carrier transports metal articles consisting of cut-to-length bars, plates, rods, sheet, and tin mill products, billets, blooms, ingots, slabs, structural shapes, or pipe and other tubular products, which, either individually or as a combination of articles banded or boxed together and handled as a single unit, weigh more than 2,000 pounds, the articles shall be secured in the following manner:

(i) A single article, a group of articles, or a combination of articles loaded side-by-side across the width of the vehicle must be secured by one chain or cable over its top for at least every 8 feet of its length and at least two chains or cables securing each individual article or combination of articles banded or otherwise secured together and handled as a single unit. However, articles which individually have a length of 8 feet or less and are securely butted against each other in the fore-and-aft direction may be secured by metal angles secured by chains or they may be secured by a timber having a nominal cross-section of 4 x 4 inches or more placed longitudinally over the articles and secured by chains. Chains may not be located beyond the end of the article which they secure.

(ii) If articles are tiered and each tiered article rests securely on the one beneath it, the tier may be secured in the same manner as a single level of those articles is secured in accordance with the rules in this section.

(iii) Pole trailers must have at least two binder chains or cables securing the load to the forward bolster and at least two binder chains or cables to securing the load to the rear bolster.

(iv) The rules in this subparagraph do not apply to special loads consisting of machinery or fabricated structural items, such as beams, girders, and trusses, which are fastened by special methods. However, those loads must be securely and adequately fastened.

(g) *Exemptions.* (1) The rules in this section do not apply to a vehicle which is being operated under a permit prescribing a reduced speed of 30 m.p.h. or less and which is transporting one or more articles which, because of their size, shape, or weight, must be carried on special purpose vehicles or must be fastened by special methods.

(2) The rules in paragraph (d)(1) of this section do not apply to a truck-tractor which tows a pole trailer if that truck-tractor is equipped with a bulkhead that complies with the requirements of paragraph (e) of this section mounted behind the driver's compartment of the truck-tractor.

(3) The rules in paragraph (e) of this section do not apply to a vehicle which is designed and used exclusively to transport other vehicles if each vehicle it transports is securely tied down by devices that conform to the requirements of paragraph (b) of this section.

[F.R. Doc. 69-11502; Filed, Sept. 29, 1969; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18683; FCC 69-1031]

FM BROADCAST STATIONS

Table of Assignments; Freeport, Ill., etc.

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

1. Notice is hereby given of proposed rule making in the above-entitled matters, concerning amendments of the FM Table of Assignments contained in § 73.202 of the Commission's rules. Except as noted, all proposed assignments are alleged and appear to meet the separation requirements of the rules. All population figures, except as otherwise stated, are from the 1960 U.S. Census. There are involved here three technically related petitions requesting changes in the Table of Assignments, each of which, either directly or indirectly, conflicts with one or both of the other two, and the details of which are set forth below.

2. *RM-1403, Freeport, Ill.* In a petition filed January 3, 1969, Francis X. Mahoney & Associates (Mahoney) seeks assignment of a second FM channel at Freeport, Ill., by one of the following alternate plans:

City	Channel No.	
	Present	Proposed
Plan I		
Freeport, Ill.	253	221A, 253
Mount Horeb, Wis.	221A	292A
Middleton, Wis.	292A	221A
Plan II		
Freeport, Ill.	253	253, 257A
Plan III		
Freeport, Ill.	253	253, 257A
Platteville, Wis.	257A	249A

Freeport, with a population of 26,628 persons, is located in northwestern Illinois and is the county seat of Stephenson County, population 46,207. The two aural outlets presently operating in Stephenson County consist of a daytime-only AM and a Class B FM station (WFRL/WELL-FM), both operated by a common licensee at Freeport.

3. Mahoney's showing in support of a second Freeport FM assignment includes citation of population data indicating that the city's estimated population is 31,750 persons and that it serves a retail trading area of 120,000, a 20-percent increase in 8 years for the latter, which includes all or parts of seven counties in Illinois and Wisconsin. The estimated population of its county, Davidson, is placed at 49,000. Various statistics are furnished indicating rapid development of the agricultural, industrial, retail sales, housing, and educational activities and facilities in the Freeport area. Noting that Freeport and its county are limited to two aural outlets, it is urged that the broadcast facilities have not kept pace with the city's and county's rapid movement forward in other areas of development. Proponent submits that a second FM assignment for Freeport's dominant population and trading area would conform with the general population criterion for assigning two FM channels to a community.

4. Petitioner's Plan I would exchange Channels 221A and 292A between Mount Horeb and Middleton so as to permit assignment of Channel 221A to Freeport. However, during the pendency of this petition, an application (BPH-6750) was filed and granted for Channel 292A presently assigned to Middleton. As a consequence, substitution of Channel 221A for Channel 292A at the site authorized for the newly authorized Middleton station (about 3 miles south) would preclude use of Channel 221A at Freeport. In view of this conflict, and since an alternate plan is being proposed herein which would provide for an assignment of Channel 221A to Freeport without disturbing Middleton, Mahoney's Plan I need not be considered further.

5. By Plan II, petitioner would assign Channel 257A to Freeport without making any other changes in the table. According to petitioner, a site is available from which all separation requirements

could be met, except for a 4.5-mile short-spacing with Station WSWW–FM, co-channel 257A, Platteville, Wis., and a "minor clipping" of the minimum signal intensity required to be delivered to Freeport. Thus, it is noted by petitioner that Plan II would necessitate waivers of §§ 73.207 (minimum spacing) and 73.315(a) (minimum signal) of the rules.

6. As an alternative to the deficiencies in Plan II, Mahoney proposes Plan III, whereby Channel 249A would be substituted for Channel 257A occupied by Station WSWW–FM at Platteville. This plan would then permit assignment of Channel 257A to Freeport in full compliance with the minimum spacing requirements in an area near the Freeport western city limits, from where the minimum required signal intensity could be easily provided to the entire city of Freeport. Southwest Wisconsin Co., licensee of Station WSWW–FM, Platteville, strenuously objects to the Mahoney petition insofar as it involves requiring the change of WSWW–FM from Channel 257A to 249A. Also, as is further detailed in paragraph 15, substitution of Channel 249A for WSWW–FM at Platteville would preclude assignment of that channel to Clinton, Iowa, and therefore is opposed by Valley Broadcasting Co., in its petition, RM–1423.

7. *RM–1425, Waupun, Wis.* By a petition filed on March 18, 1969, Collins Broadcasting Corp. (Collins) seeks rule making to delete Channel 221A from Mount Horeb, Wis., and reassign the channel to Waupun, Wis., as a first FM assignment, as follows:

City	Channel No.	
	Present	Proposed
Mount Horeb, Wis.	221A	.....
Waupun, Wis.	.....	221A

In order to accomplish the assignment of Channel 221A to Waupun in conformity with the separation requirements of the rules with other stations, the petitioner also requests that the licenses of Sations WHRM, Channel 220, Wausau, and WHMD, Channel 218, Suring, be modified to specify operations on Channels 219 and 217 respectively. Stations WHRM and WHMD are operated as noncommercial educational Class C FM stations as a part of a statewide educational radio network by the State of Wisconsin, Educational Communications Division.[3]

8. Waupun is a community of 7,935 persons astride the boundary between Fond du Lac and Dodge Counties, populations 75,085 and 63,170, respectively. Waupun has one aural outlet, a daytime AM station, WLKE, licensed to petitioner. Collins states that the nearest other AM station is over 13 miles away at Beaver Dam (daytime-only) and that other AM (fulltime) stations are located at Ripon (15 miles) and Fond du Lac (17 miles), neither of which, it is alleged, provides a nighttime service to Waupun. Each of the last three places mentioned also has an operating Class A FM station, but petitioner alleges that only one provides a nighttime 1 mv/m signal to Waupun. Thus, it is contended that the only means to provide a full-time aural service to Waupun is by the assignment of an FM channel.

9. Petitioner claims that the only channel that can be used in the Waupun area is Channel 221A. It is shown that, even after changing the operating assignments of Stations WHRM and WHMD, a site meeting all spacing requirements under the proposed changes would need to be located about 7 miles northwest of the city to maintain the required spacing with other stations in the area. The latter is especially significant in this case, since it appears that actually a site more than 9 miles from the farthest Waupun city boundary would be required; thus, it is highly questionable that the minimum required signal intensity (3.16 mv/m) could, in fact, be provided over all of Waupun by a maximum Class A facility. It is alleged that a maximum Class A facility could provide the required minimum signal coverage to Waupun at such a distance; however, the availability of a suitable site meeting all the technical requirements of the rules, as is required to be shown by § 73.208(a)(4) in instances of this sort, is not indicated by petitioner. With respect to deletion of the only FM assignment at Mount Horeb (population 1,991), the petitioner suggests that since no interest has been displayed in reactivating the formerly licensed operation there, there should be no bar to reassigning the channel to provide a first local (FM) service to Waupun.[3]

10. Informal objections in response to the Collins petition were submitted in letters by two interested parties. One, the State of Wisconsin, opposes assigning Channel 221A to Waupun on the grounds that it would require changing the channels of its educational stations, WHRM and WHMD. The other, West Bend Broadcasting Co., licensee of Station WBKV–FM, Channel 223, West Bend, Wis., objects on the assumption that the proposed assignment would result in a short-spaced separation with its operation on Channel 223, since Waupun is only 32 miles from its station. It is because of the latter distance that a site northeast of Waupun would be required for the proposed channel.

11. Mahoney opposes the Collins petition and requests its outright dismissal. The opposition is based primarily on the fact that the Waupun proposal would directly conflict with its own proposal to switch the assignments at Mount Horeb and Middleton in order to accommodate its objective of assigning Channel 221A to Freeport. See herein Mahoney's alternate Plan I, RM–1403. By a further alternate plan being proposed herein, which includes deletion of Channel 221A from Mount Horeb, the conflict between Mahoney's Plan I and the Waupun proposal is resolved. Thus, Mahoney's contentions as to the conflict with its proposal becomes moot. Mahoney further submits, however, that Collins fails to demonstrate any public interest benefits to offset the adverse impact that would result from the compulsory shifting of the operations of the two educational stations, WHRM and WHMD.

12. *RM–1423, Clinton, Iowa.* Valley Broadcasting Co. (Valley) licensee of daytime-only AM station KCLN, Clinton, Iowa, filed a petition on March 17, 1969, supplementing it on April 10, 1969, requesting assignment of Channel 249A as a second FM channel to Clinton, Iowa, as follows:

City	Channel No.	
	Present	Proposed
Clinton, Iowa	241	241, 249A

Clinton is a city of 33,589 persons at the western boundary of Iowa, about 30 miles northeast of Davenport, the nearest larger population center. Clinton County, of which Clinton is the largest city and county seat, has a population of 55,060. The three existing aural outlets in the county consist of a daytime-only AM (operated by petitioner), a Class IV AM, and a Class C FM station. The latter two full-time stations are operated by a common licensee (KROS AM–FM).

13. The Clinton proponent shows that the proposed assignment can be made without requiring any other changes in the table. It is further shown that only the proposed channel would involve an area from which future assignments would be precluded, assuming the requested assignment is adopted. The impact area for Channel 249A would include Galena, Ill., population 4,410, the only community so involved without an FM assignment with a population greater than 2,500. Petitioner suggests that nearby Dubuque has four assignments, of which two are unoccupied and could be used at Galena in the event a future need should develop. Records of the Commission show that the only unoccupied channel listed in the table for Dubuque is Channel 272A, which it does appear could be used at Galena and meet all

[1] A similar petition filed on Dec. 26, 1968, by Collins seeking assignment of Channel 221A to Waupun was dismissed on Jan. 2, 1969, as defective because it violated the minimum separation requirements of the rules with respect to Station WHRM, Channel 220, Wausau, Wis. The instant petition, in effect, represents an amendment to the first petition so as to remove the defect by requesting that the Wausau assignment be changed to Channel 219, which in turn requires a change in the Suring assignment to Channel 217.

[3] Station WFMK formerly operated in Mount Horeb on Channel 221A, and this was the reason for assigning an FM channel there in the 1963 Table of Assignments. The station, originally authorized in September 1961, was permitted to suspend operation on Jan. 30, 1967, because of financial difficulties. A subsequent renewal of license application was dismissed and authority to operate was terminated on Dec. 22, 1967. No application has been filed for use of the channel at Mount Horeb subsequent to termination of the station's operating authority.

technical requirements of the rules if a site immediately west of Galena were specified.

14. In further support of its proposal, Valley notes that the two full-time facilities authorized at Clinton are licensed to the same company and that the requested facility would provide a second full-time independent service to Clinton and its surrounding area, and submits that it would actively seek the channel if assigned. Seven other Iowa cities of comparable or smaller size are cited as examples of where two FM channels have been assigned.

15. Valley's proposed assignment of 249A to Clinton conflicts with Mahoney's Alternate Plan III, which would substitute Channel 249A for Channel 257A for WSWW–FM, Plattesville, in order to assign the latter channel, 257A, to Freeport. In commenting on this aspect, Valley points out that Freeport and Clinton each have a single Class B assignment, but that Clinton has the larger population, 33,589 persons compared to 26,628 for Freeport. (The respective county populations are 55,060 and 46,207.) Thus, Valley contends that, based on population alone, Clinton is more deserving than Freeport of a second FM assignment (insofar as Valley's petition conflicts with Mahoney's Plan III).

16. We are presented here with three conflicting petitions which seek, respectively, to assign a second FM channel to two communities (Freeport, Ill., and Clinton, Iowa), and to reassign an only assignment from one Wisconsin community (Mount Horeb) to another (Waupun). Each of the three alternate plans for Freeport either conflicts (Plans I and III) with one or the other two petitions, or else (Plan II) involves waivers of the technical rules. Under ordinary circumstances, each of the allocation objectives sought in these petitions would be regarded as enough merit to warrant consideration in rule making. However, as noted above there are conflicts between the proposals, and some additional problems are presented independent of the conflicts, so that the proposals cannot simply be put forward as such.

17. The conflict between Freeport Plan I and the Waupun proposal, as noted above (par. 11), is being resolved by an alternate plan being offered herein below. As to the Collins (Waupun) proposal itself, not only would it require changing the operating assignments of two Class C educational stations, but it raises a serious and unresolved question as to the technical feasibility of an assignment requiring a site so far removed from the proposed community of assignment, particularly in light of the other changes that would also have to be made to make such an assignment possible. We again note here that the original petition filed by the Waupun proponent was promptly dismissed because it overlooked the spacing violation involved with an educational station at Wausau, Wis. Thus, a further question is raised whether the instant petition in its present form, especially in view of its brevity, represents more than an attempt to correct a fatal and defective oversight in the original petition, since no showing or comments are directed by petitioner to support the serious public interest considerations that would be involved in its bare request that the licenses of Stations WHRM and WHMD be modified to specify substitute channel assignments. We are always reluctant to disturb existing licensed operations unless there is an overriding public interest consideration involved. This the petitioner has conspicuously failed to establish in its proposal. Moreover, we are hesitant to unnecessarily disturb educational channel assignments in face of our current study being conducted on the development of a nationwide educational FM Table of Assignments. See notice of inquiry issued on November 14, 1966 (FCC 66–1007, 31 F.R. 14755), concerning a table of assignments for educational FM stations. In consideration of these factors, and without regard to the relative merits of the Waupun proposal as it might conflict with the Freeport alternate Plan I, we are not persuaded that institution of rule making for the petition (RM–1425) filed by Collins Radio Corp., seeking assignment of an FM channel to Waupun, Wis., by the plan proposed therein would serve the public interest at this time. We are therefore proposing to deny the petition, RM–1425, filed by Collins Broadcasting Corp.

18. As to Mahoney's Plan II to assign Channel 257A to Freeport, we are unable to find that any public interest showing has been made by petitioner to warrant departure from our usual position of steadfastly adhering to the minimum mileage separation requirements of the rules in FM rule making proceedings. See Livingston, Tex., FCC 66–1034, 8 R.R. 2d 1626 (1966); Rock Hill, S.C., FCC 67–387 (1967); and Lake Geneva, Wisc., 15 R.R. 2d 1600, 17 F.C.C. 2d 284 (1969). We are therefore proposing that no further consideration be given to Mahoney's Plan II to assign Channel 257A to Freeport short-spaced to Station WSWW–FM, Plattesville, Wis.

19. With respect to the conflict between Mahoney's Freeport Plan III and Valley's proposed assignment for Clinton, based on the showings provided by the petitioners, we find a definite preference for the Clinton assignment. It appears that Valley's proposed assignment of Channel 249A could be made in full conformity with results without affecting any other assignment or existing operation, whereas Mahoney's proposal to assign Channel 257A (Plan III) would necessitate a change in an operating station at Plattesville and preclude thereby the Clinton assignment. Finally, we agree with Valley that, based on the comparative populations between the two communities and their counties above, providing for a second full-time FM facility in the larger community of Clinton appears more desirable than a similar assignment at Freeport.

20. In consideration of the above factors, we are proposing an alternate plan, which will accommodate assignments at both Freeport and Clinton and reassign Channel 221A at Mount Horeb so as to make it available to one of at least three other communities in full conformity with the rules, as follows:

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

21. The above-modified plan would have the advantages of (a) use of Channel 221A at Freeport in full conformity with the separation rules and without restricting selection of an optimum site within the city proper; (b) making a first aural assignment available to one of three cities of equivalent or larger population than Mount Horeb, whose assignment would be deleted, for example: Columbus, 3,467, Sun Prairie, 4,008, or Waterloo, 1,947; and (c) not requiring changes in the channels of any operating or authorized stations.

22. In view of the foregoing, we are instituting a rule making proceeding and inviting comments with pertinent supporting data from all interested parties on the proposed plan outlined in paragraph 22, above. We make special note here of the fact that the above plan involves assignment of Channel 221A, which ordinarily might be expected to have a preclusionary impact on the top three channels in the educational FM band (218, 219, and 220). It is for this reason that we have recently avoided in several instances making proposed assignments on channels 221A, 222, or 223 in order to prevent potential impact on the development of an Educational FM Table of Assignments currently under study in Docket No. 14185. It appears from our analysis, however, that the assignments for Channel 221A last proposed herein will not adversely affect potential assignments on the top three educational channels (218 through 220) because of other existing educational and commercial channel assignments in the general area. Nevertheless, we invite comments from interested parties on this particular aspect of the proposals.

23. Finally, under the proposals being considered here, there would result a mixture of Class A with Class B or C channels in Clinton and Freeport, a result we have avoided where possible. Therefore, comments directed to this aspect of the proposals are also invited from interested parties.

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

25. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before November 4, 1969, and reply comments on or before November 14, 1969. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in

written comments, reply comments, or other appropriate pleadings.

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

Adopted: September 24, 1969.

Released: September 26, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-11603; Filed, Sept. 29, 1969; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 18685; FCC 69-1045]

TELEVISION BROADCAST STATIONS

Table of Assignments; Wilmington, Del.

In the matter of amendment of § 73.606 of the Commission's rules, Table of Assignments, Television Broadcast Stations (Wilmington, Del.); Docket No. 18685.

1. As it has since its adoption in 1952, the Television Table of Assignments (§ 73.606 of the rules) contains the assignment of Channel 12 at Wilmington, Del., as an "unreserved" channel, available for commercial or noncommercial educational use. After various unsuccessful commercial operations in the 1950's, and a comparative hearing for the assignment in the early 1960's, WHYY, Inc., was granted a construction permit in December 1962, its application contemplating a noncommercial educational operation. It began operating in September 1963 and has operated since as a noncommercial educational station featuring service to areas in Delaware, New Jersey, and Pennsylvania. Wilmington is now also assigned UHF Channel 61, unreserved.

2. WHYY has tendered, and we have today accepted for filing, an application to move its transmitter location (now near Glassboro, N.J.) to the Philadelphia, Pa., antenna farm area. Whatever the merits of the proposal, since WHYY-TV is the only noncommercial educational station assigned to Delaware which is on the air it is desirable to assure that the channel will remain a Wilmington assignment (with the licensee having an obligation to serve the needs and interests of that city and State), and will remain committed to educational use.

3. In view of the foregoing, it is proposed to amend the Table of Television Assignments, § 73.606(b) of the Commission's rules, by reserving for noncommercial educational use Channel 12 at Wilmington, Del. Authority for this action is contained in sections 4(i), 303(r), and 307(b) of the Communications Act of 1934, as amended.

4. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before November 4, 1969, and reply comments on or before November 14, 1969. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

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

Adopted: September 24, 1969.

Released: September 26, 1969.

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

[F.R. Doc. 69-11604; Filed, Sept. 29, 1969; 8:47 a.m.]

[2] Commissioner H. Rex Lee absent.

FEDERAL POWER COMMISSION

[18 CFR Part 157]

[Docket No. R-367]

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY BY INDEPENDENT PRODUCERS

Temporary Authorization

SEPTEMBER 23, 1969.

1. Notice is given, pursuant to section 4 of the Administrative Procedure Act, that the Commission proposes to amend § 157.28 of the regulations under the Natural Gas Act relating to the time within which service must be commenced by natural gas producers under a temporary authorization. The Commission also proposes to revise the other provisions of § 157.28 to set them forth more clearly.

2. On June 18, 1962, we amended § 157.28 of the regulations under the Natural Gas Act, pertaining to temporary authorizations for independent producers so that the provisions of that section would apply to service proposed to commence within 90 days from the date temporary authorization is issued by the Commission, 27 FPC 1360. Prior thereto, it was necessary to commence service within 30 days of the issuance of a temporary certificate. We did so because, as we said then: "It has been brought to our attention that the pipeline purchaser will often not commence construction of its connection facilities until the temporary authorization to commence has been issued and accepted by the producer." (Supra, p. 1361)

3. Since that time, however, experience has shown that in many instances the 90-day limitation now provided for in § 157.28(a) does not afford the producer adequate time to commence deliveries due to the limited construction period for pipeline facilities, and difficulties encountered by producers and pipelines in promptly obtaining necessary equipment. The Commission therefore proposes to eliminate the time limitation with respect to the commencement of service.

4. The Commission also proposes to set forth with more clarity the circumstances and the procedures under which an independent producer may apply for and receive temporary authorization under § 157.28. These proposed changes, which are not substantive, involve elimination or revision of certain language now contained in these provisions.

5. The Commission proposes to amend § 157.28, regulations under the Natural Gas Act, Chapter I of Title 18 of the Code of Federal Regulations, so that as revised, § 157.28 is to read as follows:

§ 157.28 Temporary authorizations.

Upon the filing of an application for a certificate of public convenience and necessity under §§ 157.23 to 157.27, and a rate schedule under §§ 154.91 through 154.102 of this chapter, an independent producer in the event of an emergency may request temporary authorization to initiate the sale or transportation of natural gas in interstate commerce pending final Commission action under sections 4 and 7 of the Natural Gas Act.

(a) As part of its application hereunder, or separately, the applicant independent producer must file, or have on file (1) a statement setting forth the facts constituting the emergency requiring such action, which emergency may include, inter alia: Drainage, threatened loss of lease, flaring, economic hardship resulting from payment of shut-in royalties, or similar situations; (2) a statement identifying the contract tendered as the rate schedule intended to be effective for the sale or transportation under this temporary authorization; and (3) a statement describing, generally, the facilities necessary to enable the purchaser to take delivery of the gas proposed to be sold or transported.

(b) No temporary authorization under this section will be granted until such time as the purchaser or transporter of the natural gas to be sold thereunder is authorized under section 7 of the Natural Gas Act to construct and operate such facilities as may be necessary to receive and transport such gas.

(c) Within 30 days of the date of issuance of any temporary certificate under this section, the applicant shall file its acceptance, or rejection, in writing, of the temporary certificate. Upon acceptance of such temporary certificate the conditions contained in such certificate will become effective.

6. This amendment to the Commission's regulations under the Natural Gas Act is proposed to be issued under the authority granted by the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 thereof (52 Stat. 822, 823, 824, 825, and 830; 56 Stat. 83, 84; 61 Stat. 459; 79 Stat. 72; 15 U.S.C. 717c, 717d, 717f, and 717o).

[1] Commissioners Robert E. Lee and Johnson dissenting; Commissioner H. Rex Lee absent.

7. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, on or before November 7, 1969, data, views and comments in writing concerning the amendment proposed herein. An original and 14 copies of any such submittals shall be filed with the Secretary of the Commission. The Commission will consider all such submittals before acting on the proposed amendment.

By direction of the Commission.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-11568; Filed, Sept. 29, 1969; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 501]

SILICONES AND ADHESIVES PACKAGED IN PRESSURIZED CONTAINERS

Labels of Consumer Commodities; Proposed Exemption From Certain Labeling Requirements

Notice is given that Minnesota Mining and Manufacturing Co., 3M Center, Post Office Box 3428, St. Paul, Minn. 55101, has filed a petition requesting an exemption of 1 year's duration for silicones and adhesives packaged in aerosol containers from the requirements of § 500.20 of the Commission's Part 500 regulations (16 CFR § 500.20) prohibiting supplemental statements of net quantity from appearing on the principal display panels of packaged consumer commodities.

Grounds given in the petition in support of the requested exemption are that because of different specific gravities of the various types of propellants and solvents which may be used, the weight of a given volume of silicone or adhesive may vary greatly. It is the petitioner's position that by placing both net weight and liquid volume on the labels of pressurized silicone and adhesive containers, the consumer will have a better concept of the quantity of the product which is being purchased. Petitioner desires to be permitted 1 year in which it may continue to label in terms of liquid volume as well as net weight during which time petitioner would hope that the Commission and the industry can study the possibility of labeling on a permanent basis pressurized containers in some manner other than net weight.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (sections 5(b), 6(b), 80 Stat. 1298, 1300; 15 U.S.C. 1454, 1455), the following regulation is proposed:

§ 501.1 Silicones and adhesives packaged in aerosol containers.

Silicones and adhesives packaged in aerosol containers for retail sale shall be exempt from the prohibition contained in § 500.20 of this chapter that supplemental statements of net quantity may not appear on the principal display panel of the package, provided that the only supplemental statement of net quantity which may appear on the principal display panel shall be an accurate statement of the liquid volume of the contents of the container which will appear in the manner prescribed by the regulations in Part 500 of this chapter. This section shall terminate one year from its effective date.

Any interested person may, within 60 days from the date of this publication in the FEDERAL REGISTER, file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written views on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Issued: September 25, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-11607; Filed, Sept. 29, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 23, 1969.

Notice of a Bureau of Reclamation, U.S. Department of the Interior, application, Sacramento 2745, for withdrawal and reservation of land for the multipurpose Allen Camp Unit Project, Pit River Division of the Central Valley Project, was published as F.R. Doc. 69-10587 on pages 14083 and 14084 of the issue for September 5, 1969. The applicant agency has canceled its application insofar as it affects the following described land:

MOUNT DIABLO MERIDIAN

T. 39 N., R. 8 E.,
Sec. 18, SW¼SE¼.

The area described contains 40 acres in Modoc County.

Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands at 10 a.m. on October 27, 1969, will be relieved of the segregative effect of the above-mentioned application.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-11575; Filed, Sept. 29, 1969; 8:45 a.m.]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 23, 1969.

The Forest Service, U.S. Department of Agriculture has filed an application, Serial No. Sacramento 2827 for the withdrawal of the lands described below, subject to valid existing rights, from prospecting, location, entry, and patenting under the mining laws (Title 30 U.S.C. ch. 2), but not from leasing under the mineral leasing laws.

The applicant desires the land for a campground development on the East Fork of the Salmon River just above the confluence of the South Fork and East Fork of the Salmon River on Forest Highway 93.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2807, Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

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

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

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

KLAMATH NATIONAL FOREST

East Fork Camping Site

T. 38 N., R. 11 W.
Sec. 21. That portion of sec. 21 lying 1,500 feet along the East Fork of the Salmon River and upstream from the East Fork Bridge, and between the East Fork of the Salmon River and Forest Highway 93 on a line due north from the river.

The area described contains approximately 16 acres in Siskiyou County.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[F.R. Doc. 69-11576; Filed, Sept. 29, 1969; 8:45 a.m.]

[New Mexico PEC-2-1]

NEW MEXICO

Notice of Proposed Classification of Lands; Correction

SEPTEMBER 23, 1969.

In F.R. Doc. 69-9736 appearing on page 13376 of the FEDERAL REGISTER issue for Tuesday, August 19, 1969 (34 F.R. 13376), the following corrections should be made:

In the land description under T. 5 S., R. 11 W., sec. 6, add lots 6 and 7.

In the land description under T. 4 S., R. 12 W., sec. 28, change SW¼ to SE¼.

ROBERT O. BUFFINGTON,
Acting State Director.

[F.R. Doc. 69-11577; Filed, Sept. 29, 1969; 8:45 a.m.]

National Park Service

NATIONAL CAPITAL PARKS—CENTRAL

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, National Capital Parks—Central, proposes to issue a concession permit to Buzzard Point Boatyard Corp., authorizing it to provide marina services for the public at the foot of 1st Street SW., Washington, D.C., for a period of 1 year from September 1, 1969, through August 31, 1970.

The foregoing concessioner has performed its obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice.

Interested parties should contact the Superintendent, National Capital Parks—Central, 1100 Ohio Drive SW., Washington, D.C. 20242, for information as to the requirements of the proposed permit.

WILLIAM R. FAILOR,
Superintendent,
National Capital Parks—Central.

AUGUST 25, 1969.

[F.R. Doc. 69-11579; Filed, Sept. 29, 1969; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

GEORGE RICHARD SALBERT

Notice of Granting of Relief

Notice is hereby given that George Richard Salbert, 1315 Burnet Avenue, Syracuse, N.Y., has applied for relief from disabilities imposed by Federal laws

with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 6, 1943, in the Onondaga County Court, Syracuse, N.Y., of an offense punishable by imprisonment for a term exceeding 1 year, as defined in 18 U.S.C. 921(a)(20). Unless relief is granted, it will be unlawful for George Richard Salbert, because of such conviction to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be prevented under chapter 44, title 18, United States Code, from obtaining a license under that chapter as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236; 18 U.S.C., Appendix) it would be unlawful for Mr. Salbert to receive, possess, or transport in commerce or affecting commerce a firearm. Notice is hereby further given that I have considered George Richard Salbert's application and have found:

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

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

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

Signed at Washington, D.C., this 23d day of September 1969.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[F.R. Doc. 69-11609; Filed, Sept. 29, 1969; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

L. A. HORSE AND MULE AUCTION ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

L. A. Horse and Mule Auction, El Monte, Calif.
McNutt Livestock Auction, Modesto, Calif.
Gainesville Livestock Auction, Gainesville, Ga.
Carson Sale Co., Carson, Iowa.
Burnopp Stables, Inc., Millersville, Md.
Urbana Sale Barn, Urbana, Mo.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington D.C., this 23d day of September 1969.

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

[F.R. Doc. 69-11598; Filed, Sept. 29, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

JOHNS HOPKINS UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00419-33-46500. Applicant: The Johns Hopkins University School of Medicine, 725 North Wolfe Street, Baltimore, Md. 21205. Article: Ultramicrotome, Model "OmU2". Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article will be used to cut tissues and organs such as the blood, the spleen, bone marrow, and tissue cultures and cells derived from these tissues. These tissues and organs are to be studied under normal conditions and under the following circumstances: during the production of antibody; the rejection of skin and kidney grafts; the presence of anemia after administration of endotoxin, in inflammatory states, and after infection by virus. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The purposes for which the foreign article is intended to be used require a series of ultrathin sections to be produced with consistent accuracy and uniformity. The foreign article incorporates a thermal advance (feed), which allows uniform sections to be produced, which range in thickness 10,000 angstroms down to 5 angstroms. The only known comparable domestic instrument, Model MT-2 ultramicrotome manufactured by Ivan Sorvall Inc. (Sorvall), employs a mechanical advance, which has a minimum thickness capability down to 100 angstroms.

We are advised by the Department of Health, Education, and Welfare (HEW), in a memorandum dated August 4, 1969, that the foreign article with a thermal advance mechanism is capable of preparing long series (70-100) consecutive very thin sections, that have a relatively constant thickness as compared with the domestic instrument, which has a mechanical advance system.

We, therefore, find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-11566; Filed, Sept. 29, 1969; 8:45 a.m.]

OHIO STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the

regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00405-33-46500. Applicant: Ohio State University, Department of Anatomy, College of Medicine, 1645 Neil Avenue, Columbus, Ohio 43210. Article: Ultramicrotome, Model "OmU2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used in a research program that involves the electron microscopic nature of glial cells and nerve cells in the brains of both normal and experimental animals. Inherent in this work is a need for serial sections of uniform thickness, 70 angstroms. Serial sections of uniform thickness are necessary in order to reconstruct the exact three-dimensional nature of synaptic boutons on the cell bodies, dendrites and axons within the specific groups of nerve cells being studied. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a minimum thickness capability of at least 50 angstroms. The most closely comparable domestic instrument is the Model MT-2 ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 ultramicrotome provides a minimum thickness capability of 100 angstroms. The thinner the section, the greater is the possibility of utilizing the maximum resolving capabilities of the electron microscope for which the sections are being prepared. Therefore, the lower minimum thickness capability of the foreign article is a pertinent characteristic. (2) The applicant's research program requires long series of ultrathin sections which must be consistently uniform and accurate.

We are advised by the Department of Health, Education, and Welfare in its memorandum dated August 4, 1969, that "it has generally been conceded by expert microscopists that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required." The foreign article provides a thermal advance whereas the Sorvall Model MT-2 provides a mechanical advance.

For the foregoing reasons, we find that the Sorvall Model MT-2 ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-11567; Filed, Sept. 29, 1969; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00483-77-88600. Applicant: University of California, Lawrence Radiation Laboratory, East End of Hearst Avenue, Berkeley, Calif. 94720. Article: Shielding windows. Manufacturer: Schott Optical Glass, Inc., West Germany. Intended use of article: The article will be used for viewing radioactive specimens in Berkeley Boxes (radioactive sealed-lined glove boxes developed at the Lawrence Radiation Laboratory). This requires a lead shielding glass in which approximately 1 inch of glass is equal to one-half inch of lead. Glass must be free from visual distortion or waviness, with maximum light transmission, and allow one color to be distinguished from another. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a density of 5.2 grams per cubic centimeter and a light transmissibility of 93 percent for wavelengths from 520 to 600 millimicrons. We are advised by the National Bureau of Standards (NBS) in its memorandum dated May 23, 1969, that these characteristics are pertinent to the purposes for which the foreign article is intended to be used. NBS further advises, that it knows of no glass being manufactured in the United States, which provides the required density and transmissibility.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-11565; Filed, Sept. 29, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

E. I. DU PONT DE NEMOURS & CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP OF0882) has been filed by E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, proposing the establishment of a tolerance (21 CFR 120.253) of 5 parts per million for residues of the insecticide methomyl in or on the raw agricultural commodity cabbage.

The analytical method proposed in the petition for determining residues of the insecticide is that of H. L. Pease and J. J. Kirkland published in the "Journal of Agricultural and Food Chemistry," vol. 16, pp. 554-7 (1968).

Dated: September 22, 1969.

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

[F.R. Doc. 69-11573; Filed, Sept. 29, 1969; 8:45 a.m.]

ELANCO PRODUCTS CO.

Notice of Filing of Petition for Food Additives Tylosin and Sulfathiazole

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 (42-632V) has been filed by Elanco Products Co., Division of Eli Lilly & Co., Indianapolis, Ind. 46206, proposing that the food additives regulations (21 CFR Part 121) be amended to provide for the safe use of tylosin and sulfathiazole in the drinking water of swine for increasing weight gains and for the reduction of lung lesions and mortality in swine with pneumonia caused by bacterial pathogens (*P. multocida* and/or *C. pyogenes*) sensitive to tylosin and sulfathiazole, and for use in swine dysentery caused by bacterial pathogens (vibrionic) sensitive to such drugs.

Dated: September 22, 1969.

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

[F.R. Doc. 69-11574; Filed, Sept. 29, 1969; 8:45 a.m.]

Office of the Secretary

NOTICE OF INPATIENT HOSPITAL DEDUCTIBLE FOR 1970 UNDER PART A OF TITLE XVIII OF SOCIAL SECURITY ACT

Pursuant to authority contained in section 1813(b)(2) of the Social Security Act (42 U.S.C. 1395e(b)(2)), as

amended, I hereby determine and announce that the dollar amount which shall be applicable for the inpatient hospital deductible, for purposes of section 1813(a) of the Act, as amended, shall be $52 in the case of any spell of illness beginning during 1970.

There follows a statement of the actuarial bases employed in arriving at the amount of $52 for the inpatient hospital deductible for the calendar year 1970 (as contrasted with the figures of $40 applicable for the period from July 1966 through December 1968 and $44 for calendar year 1969). Certain other cost-sharing provisions under the Hospital Insurance program are also affected by changes in the amount of the inpatient hospital deductible.

The law provides that, for calendar years after 1968, the inpatient hospital deductible shall be equal to $40 multiplied by the ratio of (1) the current average per diem rate for inpatient hospital services for the calendar year preceding the year in which the promulgation is made (in this case, 1968) to (2) the current average per diem rate for such services for 1966. The law further provides that, if the amount so determined is not an even multiple of $4, it shall be rounded to the nearest multiple of $4. Further, it is provided that the current average per diem rates referred to shall be determined by the Secretary of Health, Education, and Welfare from the best available information as to the amounts paid under the program for inpatient hospital services furnished during the year by hospitals who are qualified to participate in the program, and for whom there is an agreement to do so, for individuals who are entitled to benefits as a result of insured status under the Old-Age, Survivors, and Disability Insurance program or the Railroad Retirement program.

The data available to make the necessary computations of the current average per diem rates for calendar years 1966 and 1968 are derived from individual inpatient-hospital bills that are recorded on a 100 percent basis in the records of the program. These records show, for each bill, the total inpatient days of care, the interim reimbursement amount, and the total cost (the sum of interim reimbursement, deductible, and coinsurance). With respect to reimbursements to the hospitals by the program, no allowance is made for adjustments with the providers of services that may be made after their fiscal years are ended. There is currently no significant information available to modify the data for the effect of such adjustments, but it is believed that, since a relative comparison is made of one year with another, this factor is largely self-compensating and would have no appreciable effect on the final results.

Each individual bill is assigned both an initial month and a terminal month, as determined from the first day covered by the bill and the last day so covered. Insofar as the initial month and the terminal month fall in the same calendar year, no problems of classification occur.

Two tabulations are prepared, one summarizing the bills with each assigned to the year in which the period it covers begins, and the other summarizing the same bills with each assigned to the year in which the period it covers ends. The true value with respect to the costs for a given year on an accurate accrual basis should fall between the amount of total costs shown for bills beginning in that year and the amount shown for bills ending in that year.

The current average per diem rate for inpatient hospital services for calendar year 1966, on the basis described, is $37.95, while the corresponding figure for calendar year 1968 is $49.34. It may be noted that these averages are based on about 30 million days of hospitalization in 1966 and 65 million days of hospitalization in 1968. Accordingly, the ratio of the 1968 rate to the 1966 rate is 1.300. When this ratio is multiplied by $40, it produces an amount of $52.00, which need not be rounded. Accordingly, the inpatient hospital deductible for spells of illness beginning during calendar year 1970 is $52.

Dated: September 26, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-11693; Filed, Sept. 29, 1969; 8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY

Delegations of Authority

The Secretary's delegations of authority to the Assistant Secretary for Research and Technology, published at 32 F.R. 9325, June 30, 1967, as amended at 33 F.R. 3293, February 22, 1968, 34 F.R. 2681, February 27, 1969, and 34 F.R. 7873, May 17, 1969, are hereby further amended by adding at the end of section A the following:

9. Urban mass transportation research, development, and demonstration projects or activities under section 6(a), and research and training activities under section 11, and authority incidental thereto, of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601-1611), and as modified by Reorganization Plan No. 2 of 1968 (49 U.S.C. 1608 note).

(Sec. 7(d), Department of HUD Act of 1965, 42 U.S.C. 3535(d))

Effective date. This amendment of delegations of authority is effective as of August 26, 1969.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[F.R. Doc. 69-11593; Filed, Sept. 29, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF GEORGIA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Georgia for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of Georgia and summarizing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. A copy of the program, including proposed Georgia regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; March 19, 1966, 31 F.R. 4668; March 30, 1966, 31 F.R. 5120; December 2, 1966, 31 F.R. 15145; July 15, 1967, 32 F.R. 10432; June 27, 1968, 33 F.R. 9388; and April 16, 1969, 34 F.R. 6517. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Germantown, Md., this 19th day of September 1969.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF GEORGIA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the

State under chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Georgia is authorized under section 88-1307 of the Georgia Health Code (Georgia Laws 1964, pp. 499, 571) to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Georgia certified on August 29, 1969, that the State of Georgia (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on _____ that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ARTICLE VI

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ARTICLE VIII

This Agreement shall become effective on December 15, 1969, and shall remain in effect unless and until such time as it is terminated pursuant to Article VII.

Done at _____, in triplicate, this _____ day of _____.

FOR THE UNITED STATES ATOMIC ENERGY COMMISSION,

_____

FOR THE STATE OF GEORGIA,

_____

ORGANIZATION AND STAFF RESPONSIBILITIES

The Georgia Radiation Control Council, which consists of five members, is appointed by the Governor. This Council is responsible to and reports to the Georgia State Board of Health and has the duty of advising the Georgia Department of Public Health on matters pertaining to ionizing radiation and standards, rules, and regulations to be adopted, modified, promulgated, or repealed by the Department. The five (5) appointed Council members are selected from nominees of the Medical Association of Georgia, the Georgia Dental Society, the Georgia Radiological Society, the Associated Industries of Georgia, and the Georgia Veterinary Association. All members have recognized knowledge in the field of ionizing radiation and its biological effects.

The Radiological Health Service is located in the Branch of Environmental Health of the Georgia Department of Public Health. Personnel of the Service will be responsible for the technical evaluation of applications for radioactive material licenses, preparation of licenses, and for conducting inspections of licensees. This work will be under the immediate direction of the Chief of the Radioactive Materials Control Section, with the assistance of two Radiation Safety Officers I and one-time secretary.

Personnel of the X-Ray Control Section will be responsible for the registration and inspection of all radiation machines. Assisting the Chief of this Section will be one Radiation Safety Officer II, two Radiation Safety Officers I and one full-time secretary.

The Environmental Surveillance Section consists of a Chief and two technicians whose duties are to periodically monitor specified areas near nuclear reactors and to collect soil, water, and air samples in the environment.

All personnel of the Service will be involved on a part-time basis, with administrative duties and assignment to the Radiological Emergency Team.

FOREWORD

This document briefly describes some of the past activities and accomplishments of the Radiological Health Program within the Georgia Department of Public Health in the control and regulation of ionizing radiation for the protection of the State's citizens. Proposed programs, staffing, equipment, and facilities are presented for the assumption of additional responsibilities with respect to sources of ionizing radiation, as well as supporting information on authority, regulation, and organization.

The Governor, on behalf of the State of Georgia, is authorized to enter into an agreement with the Federal Government providing for discontinuance of certain of the Federal Government's responsibilities with respect to sources of ionizing radiation. This authority is granted in paragraph (a) section 88-1307 of the Georgia Radiation Control Act as amended by Act 297 (1965) and Act 971 (1968) of the Georgia General Assembly.

The Atomic Energy Commission (AEC) is authorized to enter into an agreement with the governor of a State whereby the Commission may transfer to the State certain licensing and regulatory control over byproduct material, source material, and special nuclear material in quantities not sufficient to form a critical mass. This authority is found in section 274b of the Atomic Energy Act of 1954, as amended.

HIGHLIGHTS IN THE HISTORY OF RADIATION PROTECTION ACTIVITIES CONDUCTED BY THE GEORGIA DEPARTMENT OF PUBLIC HEALTH

1943—Radium contamination surveys conducted by U.S. Public Health Service and Georgia Department of Public Health Industrial Hygiene personnel in a very large military dial refinishing facility at Warner Robins, Ga.

1949—First formal training of staff personnel in radiation safety and protection at National Institutes of Health courses.

1951—Additional staff training in X-ray control at Taft Sanitary Engineering Center in Cincinnati, Ohio.
—Surveyed all shoe fitting fluoroscopes in State to determine compliance with American Industrial Hygiene Association existing standards.
—Began systematic evaluation of X-ray equipment in offices of physicians and dentists.
—Radium Surveys made in all commercial airline dial painting facilities in the State.
1952—Radium surveys made in all military dial painting shops in the State.
1953—Began joint surveys of isotope users in company with Atomic Energy Commission personnel from Oak Ridge.
—Personnel participated in weapons testing program in Nevada.
—Began air surveillance program to determine amount of fallout from weapons testing program in Pacific and Nevada.
1955—Personnel again participated in weapons testing program in Nevada.
1956—Began environmental surveillance program (water, air and vegetation sampling) to support Lockheed Aircraft Corp. reactor development center at Dawsonville.
—Radiation protection activities given "Section" status in Industrial Hygiene Division.
1957—Personnel again participated in weapons testing program in Nevada.
1960—U.S. Public Health Service began state assignee program with Georgia Department of Public Health.
1961—Radiation stream monitoring program begun in Savannah, Chattahoochee and Etowah River systems.
—Laboratory capability for environmental surveillance greatly expanded.
—Milk surveillance begun in 10 major milk sheds in the State.
1962—Dental radiological health "Sur-Pak Survey" conducted in each dental office in State equipped with an X-ray machine.
1964—Radiation Control Act passed by the General Assembly of Georgia.
—Radiation Control Council appointed by Governor; meets for the first time in August.
—Proposed radiation control regulations dealing with X-ray and radioactive materials presented to Council for study.
1965—Radiological Health activities given "Service" status and separated from Industrial Hygiene program.
—Preregistration inventory performed to determine location of all users of radium and X-ray generating devices.
—Radium management studies begun in all hospitals and clinics throughout the State.
1966—Radium management studies begun in offices of all private practitioners in State.
1967—Radioactive materials control and X-ray control activities given Section status in Radiological Health Service.
1969—Regulations pertaining to "X-ray" and "Radioactive Materials" adopted by the State Board of Health.

Regulatory Procedures and Policy

Licensing and Registration

The Georgia radiation control program encompasses all sources of radiation. The regulations require licensing of all radioactive materials and registration of all radiation-producing machines except such sources or machines as may be specifically exempted from those requirements in accordance with the regulations.

The licensing procedures and criteria set forth in chapter 270-5-20 of the Georgia Department of Public Health Rules and Regulations will be consistent with those of the Atomic Energy Commission.

General licenses are issued for specified materials under specified conditions when it is determined that the issuance of a specific license is not necessary to protect the public and occupational health and safety. A general license is effective by regulation without the filing of applications with the Department or the issuance of a licensing document. A specific license or amendments thereto will be issued to named persons and will incorporate appropriate conditions and expiration date upon review and approval of an application. Prelicensing inspections will be conducted when deemed necessary by the Department.

When the Department determines such to be appropriate, it will request the advice of the Radiological Medical Advisory Committee, or appropriate members thereof, with respect to any matter pertaining to medical license application, or to criteria for reviewing such applications.

Members of the Radiological Medical Advisory Committee who have appropriate experience and training in nonroutine human uses of radioactive materials will be consulted. The Atomic Energy Commission's Advisory Committee on the medical use of isotopes will also be consulted when necessary. Appropriate research protocols will be required as part of an application. The Department will maintain knowledge of current developments, techniques and procedures for medical uses applicable to the licensing program through continuing contact and information exchange with the U.S. Atomic Energy Commission and other agreement States.

The registration program will be a continuation of the current activity except that (a) all radiation machines will be subject to the applicable provisions of the regulations, and (b) radium and accelerator produced radionuclides which were formerly registered, must now be licensed.

Inspections

Inspections for the purpose of evaluating radiation safety and determining compliance with appropriate regulations and provisions of licenses will be conducted as needed.

Inspection frequency will be based upon the extent of the hazard-potential and experience with the particular facility. It is expected that all specific licensees will be inspected at least once every 2 years. The following frequency is anticipated:

Specific Licenses:	
Waste Disposal Services.	Once each 6 months.
Industrial Radiography.	Once each 12 months.
Other Industrial	Once each 24 months.
Medical	Once each 24 months.
Academic	Once each 24 months.
Other	Based on hazards associated with licensee's program.
Broad Licenses	Once each 12 months.
Registered Facilities.	Based on hazards associated with registrant's program.

Inspections will be made by prearrangement with the licensee or may be announced at reasonable times, as the Department, in its judgment, determines to be most constructive. Consultation visits will be made frequently in the early years of the licensing and compliance program in order to establish understanding and cooperation.

Inspections will include the observation of pertinent facilities, operators, and equipment; a review of use procedures, radiation safety practices, and user qualifications; a review of records of radiation surveys, personnel exposure, and receipt and disposition of licensed materials—all as appropriate to the scope and conditions of the license and applicable regulations. In addition, independent measurements will be made as appropriate.

At the start and conclusion of an inspection, personal contact will be made at management-level whenever possible. Following inspections, results will be discussed with the licensee management.

Investigations will be made of all reported or alleged incidents to determine the conditions and exposure incident thereto and to determine the steps taken for correction, cleanup, and the prevention of similar incidents in the future.

Radiological assistance in the form of monitoring, liaison with appropriate authorities and recommendations for area security and cleanup will be available from the Department in the event of an emergency.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by the Chief of the Radioactive Materials Control Section and the Director of the Radiological Health Service.

Compliance and Enforcement

The status of compliance with regulations, registration, or license conditions will be determined through inspections and evaluations of inspection reports.

When there are items of noncompliance, the licensee will be so informed at the time of inspection. When the items are minor and the licensee agrees at the time of inspection to correct them, written notice at the completion of the inspection will list the items of noncompliance, confirm corrections made at the time, and inform the person that a review of other corrective action will be made at the next inspection.

Where items of noncompliance of a more serious nature occur, the licensee will be informed by letter of the items of noncompliance and required to reply within a stated time as to the corrective action taken and the date such action was completed or will be complete. Assurance of corrective action will be determined by a followup inspection or at the time of the next regular inspection.

Upon request by the licensee, the terms and conditions of a license may be amended, consistent with the Act or regulations, to meet changing conditions in operations or to remedy technicalities of noncompliance of a minor nature. The Department may amend, suspend, or revoke a license in the event of continuing refusal of the licensee to comply with terms and conditions of the license, the Act or regulations, or failure to take adequate action concerning items of noncompliance. Prior to such action, the Department shall notify the licensee of its intent to amend, suspend or revoke the license and provide the opportunity for a hearing.

The Department will use its best efforts to attain compliance through cooperation and education. Only in instances where real or potential hazards exist, or cases of repeated noncompliance or willful violation will the full legal procedures normally be employed.

Where the Department finds that the public health, safety, or welfare imperatively requires emergency action, and incorporates such findings in its order, it may summarily suspend the license pending proceedings for revocation which shall be promptly instituted upon request of any interested person.

In the event of an emergency relating to any source of ionizing radiation which endangers the public peace, health, or safety, the Department shall have the authority to

issue such orders for the protection of the public health and safety as may be appropriate, including orders to lay an embargo upon or impound radioactive materials and other source of ionizing radiation in the possession of any person who is not equipped to observe or fails to observe the provisions of the Act or any rules or regulations promulgated thereunder.

RADIATION EMERGENCIES

A Department of Health radiological emergency team was formed in 1964. The function of this team is to respond to all radiological emergencies that might involve the public health and safety. Emergency kits have been prepared with all the necessary apparatus and radiation surveying equipment. Members of this team have been called on to decontaminate one major facility. In addition, the team has responded to many calls to investigate and handle lost or ruptured radioactive shipments, minor contamination in hospitals and offices, and suspected overexposure from X-ray generators.

Plans are currently being made to involve Law Enforcement personnel in a Statewide Emergency Network so that the Department will be promptly notified should radiological accidents occur.

EFFECTIVE DATE OF LICENSE TRANSFER

Any person who, on the effective date of the agreement with the Atomic Energy Commission, possesses a license issued by the Federal Government shall be deemed to possess a like license issued under chapter 88-1301 through 88-1313, Georgia Health Code (as passed by the Legislature in 1964 and amended by Act 297 of the General Assembly in 1965 and Act 971 of the General Assembly in 1968) which shall expire either 90 days after the receipt from the Department of a notice of expiration of such license, or on the date of expiration specified in the Federal license, whichever is earlier.

RULES OF ADMINISTRATION, PRACTICE, AND PROCEDURE

The Georgia State Board of Health, pursuant to the authority granted in 88-110 of the Code of Georgia (Georgia Laws 1964, pages 499, 507), chapter 88-3 of the Code of Georgia (Georgia Laws 1964, pages 499, 518), and the Georgia Administrative Procedure Act, has established rules of practice and procedure governing administrative procedures with reference to promulgation of rules and regulations, conducting hearings, appeals, proceedings, decisions, and orders these rules provide for:

1. Due notice to interested persons and opportunity to present data or views either orally or in writing prior to the adoption, amendment, or repeal of any rule.

2. Whenever the Department in its opinion finds that an emergency exists requiring immediate action to protect the public health and safety, the Department may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as is necessary to meet the emergency.

3. An interested person may petition the Department requesting the promulgation, amendment, or repeal of a rule.

4. Declaratory judgment procedure available on petition by proper party to determine validity of statute, rule, or final decision of the Department.

5. Right to hearing after reasonable notice in a case in which legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined.

6. Any person who has exhausted all administrative remedies available within the Department and who is aggrieved by a final decision in a contested case is entitled to judicial review.

COMPATIBILITY AND RECIPROCITY

The Georgia State Board of Health has adopted rules and regulations for the control of radiation which are consistent with those of the U.S. Atomic Energy Commission and those of the other agreement States. In promulgating rules and regulations, the Board has, insofar as practicable, avoided requiring dual licensing and has provided for reciprocal recognition of other State and Federal licenses.

Routine staff meetings will be conducted involving all members of the division who are involved with the radiological health program to determine and maintain compatible programs with the U.S. Atomic Energy Commission and other agreement States. Periodic internal evaluation exercises will be conducted concerning all phases of the program. Written reports, inspection reports, records, and statistics will be compatible with the current Atomic Energy Commission program.

[F.R. Doc. 69-11375; Filed, Sept. 22, 1969; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21047; Order 69-9-133]

OVERSEAS NATIONAL AIRWAYS, INC.

Application for Disclaimer of Jurisdiction or for Exemption or Approval; Order Setting Matter for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of September 1969.

On May 29, 1969, Overseas National Airways, Inc. (ONA), filed an application requesting that the Board disclaim jurisdiction over, or alternatively, exempt therefrom or approve under section 408 of the Federal Aviation Act of 1958, as amended (the Act), ONA's organization of a foreign subsidiary company (Subsidiary) to own and operate a passenger cruise vessel. On June 19, 1969, Pan American World Airways, Inc. (Pan American), filed an answer in opposition and requested that the Board assert jurisdiction, deny the request for exemption, and set the matter for hearing, or, alternatively, impose appropriate conditions upon any approval granted pursuant to the third proviso of section 408. ONA filed a reply to Pan American's answer on June 30, 1969.

On February 5, 1969, ONA entered into an agreement with De Rotterdamsche Droogdok Maatschappij N.V. (RDM) providing for the construction of a cruise passenger vessel configured for a maximum of 950 passengers and 230 crewmen, at a contract price of about $12,429,000 and granting ONA options to purchase two additional vessels. ONA states that the vessel will be delivered in February 1971 owned and operated by the Subsidiary, and possibly managed by an experienced ship operating company. ONA intends to market the ship's services on behalf of the Subsidiary.

Applicant states that the cruise vessel will be utilized to transport passengers from countries where ONA's aircraft are permitted to land to countries which are accessible by sea but because of restrictions on landing rights cannot be reached by air; will permit the development of affinity or inclusive tour charter programs providing air transportation from a point within the United States to a seaport, where passengers can be transferred to the ship for a cruise to various points and return by aircraft; will be available to individuals who wish to book cabin space only for a given cruise; and may be operated during the off-season periods in the Caribbean cruise trade between Miami and various points in the Caribbean area or South America. The applicant also states that its utilization of the Subsidiary's vessel is designed to improve the air carrier's ability to compete with scheduled air carriers in the commercial charter market and to overcome the perplexing problems caused by the grave shortage of hotel space and restrictions on landing rights in foreign countries.

The applicant contends that the Board should disclaim jurisdiction over the transaction since the plan of operation does not contemplate merger or consolidation of properties within the meaning of section 408(a)(1); the establishment or formation of the newly organized Subsidiary does not thereby constitute the Subsidiary a common carrier within the meaning of subsection 408(a)(5); and the transaction does not involve the acquisition of control of an air carrier by a surface carrier within the scope of subsection 408(a)(5).

In support of its alternative requests for exemption or approval under the third proviso of section 408, the applicant asserts that the transaction will not result in the creation of a monopoly, tend to restrain competition, or present a realistic possibility of conflicting interests. Further, applicant asserts that the transaction is not contrary to the public interest, since it will result in the development of the commercial passenger portion of its business, permit the more efficient use of its aircraft to public advantage, and remove the barriers to the expansion of its commercial charter traffic which result from existing hotel accommodation shortages and present restrictions upon landing rights in certificated service areas.

Upon consideration of the pleadings, the Board has concluded that it should deny ONA's requests for action without a hearing. The transaction involving ONA's establishment of a subsidiary to engage in common carriage by surface transport may be subject to the provisions of section 408, and in light of prior holdings, it would be inappropriate to disclaim jurisdiction at this time.[1] The Board also has concluded that ONA's request for an exemption under section 416(b) should be denied since the statutory requirements of that section have not been met. Moreover, the transaction

[1] Air Freight Forwarder Case, 9 CAB 473, 504 (1948); Trans Caribbean Airways, Order E-18893, Oct. 9, 1962. See also Transcontinental and W.A.—Ethiopian Agreement, 9 CAB 713 (1948).

poses complex questions of fact and policy with respect to the proposed air-sea operations of ONA and its subsidiary which would best be resolved in an evidentiary hearing.

Accordingly, it is ordered, That:

1. ONA's requests for disclaimer of jurisdiction over or approval of the transaction be and they hereby are set for hearing before an examiner of the Board at a time and place to be hereafter designated; and

2. To the extent not granted above, the outstanding applications and requests filed herein be and they hereby are denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 69-11622; Filed, Sept. 29, 1969; 8:48 a.m.]

[Docket No. 21320]

SERVICE TO GREENBRIER INVESTIGATION

Notice of Change of Date for Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the prehearing conference in the above-entitled proceeding assigned to be held on October 9, 1969, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Robert L. Park, is hereby reassigned to October 10, 1969, at the same time and location.

Dated at Washington, D.C., September 24, 1969.

[SEAL] ROBERT L. PARK, *Hearing Examiner.*

[F.R. Doc. 69-11623; Filed, Sept. 29, 1969; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

PACIFIC WESTBOUND CONFERENCE AND WILHELMSENS DAMPSKIBS-AKTIESELSKAB FERN LINE

Notice of Proposed Cancellation of Agreements

Notice is hereby given that the following agreements will be canceled by the Commission 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 agreements 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 10 days after publication of this notice in the FEDERAL REGISTER.

Notice to cancel Agreements 57-23 and 57-84 under section 15 filed by:

Mr. W. C. Galloway, Chairman, Pacific Westbound Conference, 635 Sacramento Street, San Francisco, Calif. 94111.

Agreements Nos. 57-23 and 57-84 are Associate Membership Agreements between Wilhelmsens Dampskibsaktieselskab (Wilhelmsens) and Fern Line (Fern) respectively, and the Pacific Westbound Conference Agreement No. 57 (PWC), as amended. All parties have requested the cancellation of these arrangements under section 15 of the Shipping Act. Upon approval of these petitions Wilhelmsens' and Fern's participation in PWC's affairs would be merged with those of Barber Lines A/S pursuant to approved FMC Agreement No. 9809.

Dated: September 25, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 69-11610; Filed, Sept. 29, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2978, etc.]

SUN OIL CO. ET AL.

Findings and Order After Statutory Hearing

SEPTEMBER 17, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, making successors co-respondents, redesignating proceedings, making rate change effective, discharging surety bond, accepting agreements and undertakings for filing, requiring filing of agreements and undertakings, 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.

Southwest Oil Industries, Inc., proposes to continue in part sales of natural gas heretofore authorized to be made pursuant to FPC gas rate schedules on file with the Commission. The contracts comprising said rate schedules will also be accepted for filing as rate schedules of Southwest. The presently effective rates under the predecessors' rate schedules are in effect subject to refund or motions to make suspended rates effective are pending. The predecessors' certificate dockets, rate dockets, and rate schedules related to Southwest's applications are as follows:

Southwest's certificate docket No.	Predecessor's certificate docket No.	Predecessor's rate proceeding docket No.	Predecessor's FPC gas rate schedule
CI69-648	G-12110	RI68-176	Harper Oil Co., FPC gas rate schedule No. 2.
CI69-649	G-13098	RI62-212 and RI68-90	Atlantic Richfield Co., FPC gas rate schedule No. 178.
CI69-650	G-13004	RI68-68	Gulf Oil Corp., FPC gas rate schedule No. 90.
CI69-716	CI61-1642	RI64-553 and RI68-157	Continental Oil Co., FPC gas rate schedule No. 191.
CI69-716	G-18916	RI65-365	Ashland Oil & Refining Co., FPC gas rate schedule No. 137.
CI69-716	G-13308	RI65-476	Shell Oil Co., FPC gas rate schedule No. 181.
CI69-716	G-13299	RI66-305	Atlantic Richfield Co., FPC gas rate schedule No. 414.
CI69-718	CI61-1024	RI67-270	Mobil Oil Corp., FPC gas rate schedule No. 266.

Southwest filed its application in Docket No. CI69-716 to continue in part at the rate of 17 cents per Mcf at 14.65 p.s.i.a. the sale heretofore authorized in Docket No. G-13299. In the summary form filed pursuant to § 154.92(d) of the regulations under the Natural Gas Act which accompanies the related rate schedule, Southwest requests that the sale be authorized at any increased rate which its predecessor has filed. On February 8, 1966, Sinclair Oil & Gas Co. filed with the Commission a notice of change in rate to 19.5 cents per Mcf at 14.65 p.s.i.a. under its FPC Gas Rate Schedule No. 165, now Atlantic Richfield Company FPC Gas Rate Schedule No. 414. By order issued March 9, 1966, in Docket No. RI66-304, et al., the Commission suspended the proposed change in Docket

No. RI66–305 until March 11, 1966, and thereafter until made effective. The notice of change was designated as Supplement No. 42 to Sinclair's rate schedule. Atlantic Richfield filed a motion to make the change effective subsequent to the assignment of the producing properties by Sinclair Oil Corp. to Southwest. Therefore, Southwest's request to be authorized to collect the increased rate will be construed as a motion to make the increased rate effective subject to refund with respect to sales under its FPC Gas Rate Schedule No. 21. Southwest has submitted agreements and undertakings in each of its certificate proceedings, guaranteed by the Headington Co., operator of Southwest's properties, to assure the refunds of any amounts collected by Southwest in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, Southwest will be made a co-respondent in each of its predecessors' rate proceedings; the proceedings will be redesignated accordingly; the change in rate proposed in Supplement No. 42 to Atlantic Richfield's FPC Gas Rate Schedule No. 414 will be made effective subject to refund with respect to sales under Southwest's FPC Gas Rate Schedule No. 21; and the agreements and undertakings submitted by Southwest will be construed as pertaining to each of said rate proceedings and will be accepted for filing.

CRA International, Ltd., Applicant in Docket No. CI63–729, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to Ridgely, Inc., FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI63–282. Applicant has filed a motion to be substituted in lieu of Ridgely, Inc., as respondent in said proceeding and has agreed to assume the entire refund obligation from the time that the increased rate was made effective subject to refund. Applicant has on file with the Commission a general agreement and undertaking to assure the refund of amounts collected in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act. Therefore, Applicant will be substituted in lieu of Ridgely, Inc., as respondent in the proceeding pending in Docket No. RI63–282; the proceeding will be redesignated accordingly; and the surety bond filed in said proceeding by Ridgely, Inc., as principal, and The Travelers Indemnity Co., as surety, will be discharged.

Prenalta Corp. (Operator) et al., Applicant in Docket No. CI69–1054, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI64–903 to be made pursuant to Pubco Petroleum Corporation FPC Gas Rate Schedule No. 15. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under Pubco's rate schedule is in effect subject to refund in Docket No. RI68–336. Therefore, Prenalta will be made a co-respondent in said proceeding; the proceeding will be redesignated accordingly; and Prenalta 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.

Harold J. Reedy, Applicant in Docket No. CI69–1086, and Edwin G. Staats, Applicant in Docket No. CI69–1094, each proposed to continue in part sales of natural gas heretofore authorized in Dockets Nos. CI61–1557 and CI68–63 to be made pursuant to Livingston Oil Co. (Operator), et al., FPC Gas Rate Schedule No. 1 and H. H. Champlin et al., FPC Gas Rate Schedule No. 4, respectively. The contract comprising said rate schedules will also be accepted for filing as rate schedules of Applicants. The presently effective rate under Livingston's and Champlin's rate schedules is in effect subject to refund in Docket No. RI66–228. Therefore, Applicants will each be made a co-respondent in the proceeding pending in Docket No. RI66–228; the proceeding will be redesignated accordingly; and Applicants will be required to file agreements and undertakings to assure the refunds of any amounts collected by them in excess of the amounts 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, a petition to intervene by The Brooklyn Union Gas Co. was filed in Docket No. CI70–22. Said petition is not in opposition to the granting of the application. 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 September 12, 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 Docket No. CI70–22 should be cancelled and that the application filed therein should be treated as a petition to amend the order issuing a certificate in Docket No. CI69–783.

(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 nautral 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) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Southwest Oil Industries, Inc., should be made a co-respondent in the proceedings pending in Dockets Nos. RI62–212, RI64–553, RI65–365, RI65–476, RI66–305, RI67–270, RI68–68, RI68–90, RI68–157, and RI68–176; that said proceedings should be redesignated accordingly; that the proposed change in rate suspended in Docket No. RI66–305 should be made effective subject to refund with respect to sales under Southwest's FPC Gas Rate Schedule No. 21; and that the agreements and undertakings submitted by Southwest should be accepted for filing.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that CRA International, Ltd., should be substituted in lieu of Ridgely, Inc., as respondent in the proceeding pending in Docket No. RI63–282;

that said proceeding should be redesignated accordingly; and that the surety bond filed in said proceeding by Ridgely, Inc., and The Travelers Indemnity Co. should be discharged.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Prenalta Corp. (Operator) et al., should be made a co-respondent in the proceeding pending in Docket No. RI68-336; that said proceeding should be redesignated accordingly; and that Prenalta should be required to file an agreement and undertaking.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Harold J. Reedy and Edwin G. Staats should each be made a co-respondent in the proceeding pending in Docket No. RI66-228, that said proceeding should be redesignated accordingly, and that each of them should be required to file an agreement and undertaking in said proceeding.

(14) It is necessary and appropriate in carrying out the 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. CI65-603 shall be 16.659 cents per Mcf at 14.65 p.s.i.a., the applicable area base rate prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality of gas. The initial rates for sales authorized in Dockets Nos. CI69-1155, CI69-1156, CI70-26, and CI70-46 shall be the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality of gas, or the contract rates, whichever are lower.

(b) If the quality of the gas delivered by Applicants in Dockets Nos. CI65-603, CI69-1155, CI69-1156, CI70-26, and CI70-46 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.

(c) Within 45 days from the date of this order Applicant in Dockets Nos. CI69-1155 and CI69-1156 shall file rate schedule quality statements in the form prescribed in Opinion No. 468-A. Applicant in Docket No. CI70-26 shall file a rate schedule quality statement within 90 days from the date of initial delivery.

(d) The initial rate for sales authorized in Dockets Nos. CI68-1274 and CI70-40 (Oklahoma "Other" area only) 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.

(e) The initial rate for sales authorized in Dockets Nos. CI68-1274 and CI70-40 (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.

(f) The authorization granted in Docket No. CI70-40 is 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.

(g) Applicant in Docket No. CI69-1225 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.

(F) The authorizations granted in Docket Nos. CI69-219 and CI70-6 involving the sales of gas by Colorado Oil and Gas Corp. and Appalachian Exploration & Development, Inc., respectively, to their affiliates, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. and Mountain Gas Co., respectively, determine the rates which legally may be paid by the buyers to the sellers, but are without prejudice to any action which the Commission may take in any rate proceedings involving said companies.

(G) Docket No. CI70-22 is canceled.

(H) The orders issuing certificates in Dockets Nos. G-2978, G-3264, G-4714, G-12273, G-13103, CI63-234, CI64-988, CI64-1007, CI65-603, CI67-190, CI69-219, CI69-783, and CI69-1021 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(I) The authorization granted in Docket No. G-2978 in paragraph (H) above shall not be construed to relieve Applicant of any refund obligation incurred in the related rate suspension proceeding in Docket No. RI69-752.

(J) The orders issuing certificates in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G-2712	G-4714
G-2978	CI70-46
G-12110	CI69-648
G-13004	CI69-650
G-13098	CI69-649
G-13299	CI69-716
G-13308	CI69-716
G-16579	CI69-716
G-18916	CI69-716
CI60-785	CI69-716
CI61-1024	CI69-716
CI61-1557	CI69-1086
CI61-1557	CI69-1094
CI61-1642	CI69-716
CI64-903	CI69-1054
CI65-586	CI65-603
CI66-1093	CI69-783
CI67-220	CI70-21
CI68-63	CI69-1086
CI68-63	CI69-1094
CI69-189	CI70-47

(K) Cities Service Co. FPC Gas Rate Schedule No. 7 and Walter Duncan FPC Gas Rate Schedule No. 1 are canceled.

(L) The orders issuing certificates in Dockets Nos. G-19299, CI61-1622, CI62-305, CI62-417, CI62-710, CI63-668, CI63-729, CI65-1219, CI66-132, CI66-819, and CI67-248 are amended by substituting the successors in interest as certificate holders.

(M) The authorization granted in Docket No. CI62-305 in paragraph (L)

above shall be subject to Opinion Nos. 436, 436–A, 546, and 546–A and accompanying orders, specifically including those relating to rate reductions, refunds, and filings required by those orders, including the order issued July 1, 1968, requiring retention of refunds collected in excess of the 20 cents rate authorized in Opinion No. 436. Applicant shall file three copies of a revised billing statement reflecting the 20 cents rate for sales made thereunder and an agreement and undertaking to assure the refunds of amounts in excess of 20 cents collected for the period after October 1, 1968.

(N) The order issuing certificates in Dockets Nos. CI66–1056, CI66–1057, CI66–1058, CI66–1059, CI66–1060, CI66–1062, CI66–1063, CI66–1065, CI66–1066, CI66–1068, and CI66–1070 are amended to reflect the change in corporate name as described in the tabulation herein.

(O) 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.

(P) The certificates heretofore issued in Dockets Nos. G–3293, G–10254, CI67–1015, and CS66–99 are terminated.

(Q) The name of the respondent, Natural Gas and Oil Corp., in the proceedings pending in Dockets Nos. G–20239; AR61–2 et al.; AR64–2 et al.; AR67–1 et al.; and AR69–1 et al.; is changed to River Corp. to reflect a change in corporate name. The proceeding pending in Docket No. G–20239 is redesignated accordingly.

(R) Southwest Oil Industries, Inc., is made a co-respondent in the proceedings pending in Dockets Nos. RI62–212, RI64–553, RI65–365, RI65–476, RI66–305, RI67–270, RI68–68, RI68–90, RI68–157, and RI68–176; and said proceedings are redesignated accordingly. The rates, charges, and classifications set forth in Supplement No. 42 to Atlantic Richfield Co. FPC Gas Rate Schedule No. 414 shall be effective subject to refund on the date of initial delivery for sales made by Southwest under its FPC Gas Rate Schedule No. 21. Said effective rates shall be charged and collected as of the effective date subject to any future orders of the Commission in Docket No. RI66–305. Southwest shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder.

(S) The agreement and undertaking submitted by Southwest Oil Industries, Inc., in Docket No. CI69–648 is construed as pertaining to the proceeding pending in Docket No. RI68–176 and is accepted for filing. The agreement and undertaking submitted by Southwest in Docket No. CI69–649 is construed as pertaining to the proceedings pending in Dockets Nos. RI62–212 and RI68–90 and is accepted for filing. The agreement and undertaking submitted by Southwest in Docket No. CI69–650 is construed as pertaining to the proceeding pending in Docket No. RI68–68 and is accepted for filing. The agreement and undertaking submitted by Southwest in Docket No. CI69–716 is construed as pertaining to the proceedings pending in Dockets Nos. RI64–553, RI65–365, RI65–476, RI66–305, and RI68–157 and is accepted for filing. The agreement and undertaking submitted by Southwest in Docket No. CI69–718 is construed as pertaining to the proceeding pending in Docket No. RI67–270 and is accepted for filing. Said agreements and undertakings shall remain in full force and effect until discharged by the Commission.

(T) CRA International, Ltd., is substituted in lieu of Ridgely, Inc., as respondent in the proceeding pending in Docket No. RI63–282 and the proceeding is redesignated accordingly. CRA International, Ltd., shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder.

(U) Surety Bond No. 1064529 filed by Ridgely, Inc., as principal, and The Travelers Indemnity Co., as surety, in Docket No. RI63–282 is discharged.

(V) Prenalta Corp. (Operator) et al., is made a co-respondent in the proceeding pending in Docket No. RI68–336; and said proceeding is redesignated accordingly. Prenalta shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(W) Within 30 days from the issuance of this order, Prenalta Corp. (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 in Docket No. RI68–336 to assure the refund of any amounts collected by it, together with interest at the rate of seven percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. 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. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(X) Harold J. Reedy and Edwin G. Staats are each made a co-respondent in the proceeding pending in Docket No. RI66–228, and said proceeding is redesignated accordingly. They shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder.

(Y) Within 30 days from the issuance of this order, Harold J. Reedy and Edwin G. Staats shall each execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI66–228 to assure the refunds of any amounts collected by them, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing. The agreements and undertakings shall remain in full force and effect until discharged by the Commission.

(Z) The rate schedules and rate schedule supplements related to the authorizations granted herein as 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–2978 D 1–27–69	Sun Oil Co. (DX Division) (partial abandonment).	El Paso Natural Gas Co., Spraberry Trend Field, Midland County, Tex.	Statement 10–2–68 [1] [2]	81	17
G–3264 D 7–14–69	Atlantic Richfield Co. (partial abandonment).	Northern Natural Gas Co., Brunson Field, Lea County, N. Mex.	Release agreement 5–6–69,[3] [4]	248	9
G–4714 (G–2712) F 7–7–69	Roberts & Murphy, Inc.	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	Assignment (undated) [4] Effective date: 11–1–68	1	12
(G–2712)[5]	Cities Service Co.	do	Assignment (undated) [3] [4]	7	14
G–12273 C 7–7–69 [6]	Pan American Petroleum Corp. (Operator) et al.	El Paso Natural Gas Co., Pictured Cliffs et al., Fields, San Juan and Rio Arriba Counties, N. Mex.	Supplemental agreement 6–27–69,[7]	105	21
G–13103 D 7–11–69	Aztec Oil & Gas Co.	Southern Union Gathering Co., Pictured Cliffs Field, San Juan County, N. Mex.	Assignment 6–27–69 [3] [4]	7	38
G–19299 E 5–27–69 [8]	Beacon Gasoline Co. (successor to Blackburn Gasoline Plant [10]).	(11) Webster, Claiborne, and Bossier Parishes, North Louisiana.	(12) Effective date: 1–31–69	(12)	

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.
CI62-1622 E 7-3-69	George W. Marthens et al. (successor to Thomas J. Blabo, Jr., agent for W. Robert Mill et al., d.b.a. The Syndicate).	Equitable Gas Co., Troy District, Gilmer County, W. Va.	Thomas J. Blabo, Jr., agent for W. Robert Mill et al., d.b.a. The Syndicate, FPC GRS No. 2	1	
			Supplement Nos. 1-2	1	1-2
			Notice of succession 6-17-69.		
			Assignment 3-10-69 [2]	1	3
			Effective date: 3-10-69		
CI62-305 E 6-23-69	Triton Oil & Gas Corp. (successor to Landa Oil Co.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Bayou Bamblo Field, Terrebonne Parish, La.	Landa Oil Co., FPC GRS No. 8.	1	
			Supplement Nos. 1-3	1	1-3
			Notice of succession 6-20-69.		
			Assignment 10-1-68 [3]	1	4
			Effective date: 10-1-68		
CI62-417 E 6-27-69	PetroDynamics, Inc. (Operator) et al. (successor to Smith Development Co. (Operator) et al.).	Panhandle Eastern Pipe Line Co., Mocane-Laverne Gas Area, Beaver County, Okla.	Smith Development Co. (Operator) et al., FPC GRS No. 4.	4	
			Notice of succession (undated).		
			Effective date: 7-3-68		
CI62-710 E 6-27-69	PetroDynamics, Inc. (Operator) et al. (successor to Jas. F. Smith (Operator) et al.).	do	Jas. F. Smith (Operator) et al., FPC GRS No. 3.	3	
			Notice of succession (undated).		
			Effective date: 7-3-68		
CI63-234 C 7-15-69 [4]	Mobil Oil Corp. (Operator) et al.	Arkansas Louisiana Gas Co., Red Oak Area, Le Flore County, Okla.	Supplemental Agreement 6-10-69.[7]	333	28
CI63-668 E 6-26-69	PetroDynamics, Inc. (Operator), et al. (successor to Jas. F. Smith (Operator) et al.).	Michigan Wisconsin Pipe Line Co., Mocane-Laverne Gas Area, Beaver County, Okla.	Jas. F. Smith (Operator) et al., FPC GRS No. 6.	5	
			Supplement Nos. 1-2	5	1-2
			Notice of succession (undated).		
			Effective date: 7-2-68		
CI63-729 E 6-16-69	CRA International, Ltd. (successor to Ridgely, Inc.).	Northern Natural Gas Co., acreage in Ochiltree County, Tex.	Ridgely, Inc., FPC GRS No. 1.	4	
			Supplement Nos. 1-2	4	1-2
			Notice of succession 6-13-69.		
			Assignment 12-1-66 [5]	4	3
			Assignment 12-1-66 [6]	4	4
			Assignment 12-29-66 [7]	4	5
			Effective date: 12-1-66		
CI64-388 (G-3283) [3] C 6-12-69 [4]	Charles O. Hardey (Operator) et al.	United Gas Pipe Line Co., Sibley Field, Webster Parish, La.	Amendment 2-7-69.[7]	2	13
CI64-1007 C 6-19-69 [4]	Tenneco Oil Co.	El Paso Natural Gas Co., Blanco Pictured Cliffs Field, Rio Arriba County, N. Mex.	Supplemental agreement 6-2-69.[7]	50	6
CI65-603 (CI65-586) F 7-7-69	Marathon Oil Co. (Operator) et al.	Natural Gas Pipeline Co. of America, Indian Basin Area, Eddy County, N. Mex.	Supplemental agreement 10-1-67.[10]	95	15
			Letter agreement 8-2-68.[7][10]	95	1 to 15
CI65-1219 E 6-27-69	PetroDynamics, Inc. (Operator) et al. (successor to Jas. F. Smith).	Panhandle Eastern Pipe Line Co., Mocane-Laverne Gas Area, Beaver County, Okla.	Jas. F. Smith, FPC GRS No. 15.	6	
			Supplement Nos. 1-2	6	1-2
			Notice of succession (undated).		
			Effective date: 7-3-68		

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI66-132 E 6-27-69	PetroDynamics, Inc. (successor to Jas. F. Smith).	Panhandle, etc.	Jas. F. Smith, FPC GRS No. 18.	7	
			Supplement No. 1	7	1
			Notice of succession (undated).		
			Effective date: 7-3-68		
CI66-819 E 6-26-69	PetroDynamics, Inc. (Operator), et al. (successor to Jas. F. Smith (Operator) et al.).	do	Jas. F. Smith (Operator) et al., FPC GRS No. 20.	8	
			Notice of succession (undated).		
			Effective date: 7-2-68		
CI66-1056 3-7-69 [1] as amended 3-18-69	River Corp. (formerly Natural Gas & Oil Corp.).	Texas Eastern Transmission Corp., Bethany-Longstreet Field, De Soto Parish, La.	Natural Gas & Oil Corp., FPC GRS No. 1.	1	
			Effective date: 11-26-68		
CI66-1057 3-7-69 [1] as amended 3-18-69	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., La Rose Field, LaFourche Parish, La.	Natural Gas & Oil Corp., FPC GRS No. 2.	2	
			Effective date: 11-26-68		
CI66-1058 3-7-69 [1] as amended 3-18-69	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Little Lake Field, Jefferson Parish, La.	Natural Gas & Oil Corp., FPC GRS No. 3.	3	
			Effective date: 11-26-68		
CI66-1059 3-7-69 [1] as amended 3-18-69	do	Southern Natural Gas Co., King's Ridge, East Golden Meadow, Lafourche Parish, La.	Natural Gas & Oil Corp., FPC GRS No. 4.	4	
			Effective date: 11-26-68		
CI66-1060 3-7-69 [1] as amended 3-18-69	do	Southern Natural Gas Co., Coquille Bay Field, Plaquemines Parish, La.	Natural Gas & Oil Corp., FPC GRS No. 5.	5	
			Effective date: 11-26-68		
CI66-1062 3-7-69 [1] as amended 7-18-69	do	Cities Service Gas Co., Cherryvale Field, Grant County, Okla.	Natural Gas & Oil Corp., FPC GRS No. 7.	7	
			Effective date: 11-26-68		
CI66-1063 3-7-69 [1] as amended 3-18-69	do	Consolidated Gas Supply Corp., Block 4 Field, Offshore Cameron Parish, La.	Natural Gas & Oil Corp., FPC GRS No. 8.	8	
			Supplement No. 1	8	1
			Effective date: 11-26-68		
CI66-1065 3-7-69 [1] as amended 3-18-69	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Placedo Field, Victoria County, Tex.	Natural Gas & Oil Corp., FPC GRS No. 10.	10	
			Effective date: 11-26-68		
CI66-1066 3-7-69 [1] as amended 3-18-69	do	Texas Gas Transmission Corp., Simon Pass Field, St. Martin Parish, La.	Natural Gas & Oil Corp., FPC GRS No. 11.	11	
			Supplement No. 1	11	1
			Effective date: 11-26-68		
			Assignment 12-10-68 [2]	11	2
			Effective date: 4-18-69		
CI66-1068 3-7-69 [1] as amended 3-18-69	do	Texas Gas Transmission Corp., Pass Wilson-Bay Round Fields, Terrebonne Parish, La.	Natural Gas & Oil Corp., FPC GRS No. 13.	13	
			Supplement No. 1	13	1
			Effective date: 11-26-68		
CI66-1070 3-7-69 [1] as amended 3-18-69	do	Texas Gas Transmission Corp., Lake Palourde Field, St. Mary and St. Martin Parishes, La.	Natural Gas & Oil Corp., FPC GRS No. 15.	15	
			Supplement No. 1	15	1
			Effective date: 11-26-68		

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI67-190 ..... C 7-7-69 [1]	Imperial Drilling Co. (Operator and Agent) et al.	Northern Natural Gas Co., Follett Field, Lipscomb County, Tex.	Agreement 10-3-67	1	2
			Agreement 11-28-67	1	3
			Amendment 7-16-69 [2]	1	4
CI67-248 ..... E 5-27-69	Beacon Gasoline Co. (successor to Blackburn Gasoline Plant).	Webster, Claiborne, and Bossier [3] Parishes, north Louisiana.	Blackburn Gasoline Plant, FPC GRS No. 1.	1	.....
			Supplement No. 1	1	1
			Notice of succession (undated). [3]	.....	.....
			Effective date: 1-31-69	.....	.....
			Blackburn Gasoline Plant, FPC GRS No. 2.	2	.....
			Supplement Nos. 1-2	2	1-2
			Notice of succession (undated). [3]	.....	.....
			Effective date: 1-31-69	.....	.....
			Blackburn Gasoline Plant, FPC GRS No. 3.	3	.....
			Supplement Nos. 1-5	3	1-5
			Notice of succession (undated). [3]	.....	.....
			Effective date: 1-31-69	.....	.....
			Blackburn Gasoline Plant, FPC GRS No. 4.	4	.....
			Supplement Nos. 1-4	4	1-4
			Notice of succession (undated). [3]	.....	.....
			Effective date: 1-31-69	.....	.....
			Blackburn Gasoline Plant, FPC GRS No. 5.	5	.....
			Supplement No. 1	5	1
			Notice of succession (undated). [3]	.....	.....
			Effective date: 1-31-69	.....	.....
			Blackburn Gasoline Plant, FPC GRS No. 6.	6	.....
			Notice of succession (undated). [3]	.....	.....
			Effective date: 1-31-69	.....	.....
			Blackburn Gasoline Plant, FPC GRS No. 7.	7	.....
			Notice of succession (undated). [3]	.....	.....
			Effective date: 1-31-69	.....	.....
			Blackburn Gasoline Plant, FPC GRS No. 8.	8	.....
			Supplement No. 1	8	1
			Notice of succession (undated). [3]	.....	.....
			Effective date: 1-31-69	.....	.....
			Blackburn Gasoline Plant, FPC GRS No. 9.	9	.....
			Supplement No. 1	9	1
			Notice of succession (undated). [3]	.....	.....
			Effective date: 1-31-69	.....	.....
			Blackburn Gasoline Plant, FPC GRS No. 10.	10	.....
			Supplement No. 1	10	1
			Notice of succession (undated). [3]	.....	.....
			Effective date: 1-31-69	.....	.....
			Blackburn Gasoline Plant, FPC GRS No. 11.	11	.....
			Notice of succession (undated). [3]	.....	.....
			Effective date: 1-31-69	.....	.....
			Blackburn Gasoline Plant, FPC GRS No. 12.	12	.....
			Notice of succession (undated). [3]	.....	.....
			Effective date: 1-31-69	.....	.....
			Blackburn Gasoline Plant, FPC GRS No. 13.	13	.....
			Supplement Nos. 1-14	13	1-14
			Notice of succession (undated). [3]	.....	.....
			Effective date: 1-31-69	.....	.....
			Blackburn Gasoline Plant, FPC GRS No. 14.	14	.....
			Supplement Nos. 1-2	14	1-2
			Notice of succession (undated). [3]	.....	.....
			Effective date: 1-31-69	.....	.....
			Blackburn Gasoline Plant, FPC GRS No. 15.	15	.....
			Supplement Nos. 1-2	15	1-2
			Notice of succession (undated). [3]	.....	.....
			Effective date: 1-31-69	.....	.....
CI68-1274 ..... A 5-2-68 [4]	Phillips Petroleum Co. (Operator). [5]	Panhandle Eastern Pipe Line Co., Anadarko Basin Area, Woods and Woodward Counties, Okla.	Contract 3-25-68	447	.....
			Amendment 7-11-68 [6]	447	1
CI69-219 ..... C 7-2-69 [1]	Colorado Oil & Gas Corp.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Keyes Field, Cimarron County, Okla.	Amendatory agreement 6-3-69.	62	1
CI69-648 ..... (G-12189) F 1-10-69	Southwest Oil Industries, Inc. (successor to Harper Oil Co. et al.)	Northern Natural Gas Co., Mocane-Laverne Field, Beaver County, Okla.	Contract 1-14-57 [7]	17	.....
			Assignment 4-28-68 [8]	17	1
			Assignment 6-27-68 [9]	17	2
			Assignment 6-28-68 [10]	17	3
			Assignment 6-28-68 [11]	17	4
			Assignment 6-28-68 [12]	17	5
			Assignment 7-5-68 [13]	17	6
			Assignment 8-1-68 [14]	17	7
CI69-649 ..... (G-13098) F 1-10-69	Southwest Oil Industries, Inc. (successor to Atlantic Richfield Co.).	do	Contract 7-11-57 [15]	19	.....
			Supplemental agreement 10-23-67.	19	1
			Assignment 7-24-68 [16]	19	2
			Assignment 8-1-68 [14]	19	3
CI69-650 ..... (G-13004) F 1-10-69	Southwest Oil Industries, Inc. (successor to Gulf Oil Corp.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane-Laverne Field, Beaver County, Okla.	Contract 6-3-57 [17]	18	.....
			Assignment 6-1-68 [18]	18	1
			Assignment 8-1-68 [14]	18	2

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.
CI69-716 (G-13308) F 1-29-69	Southwest Oil Industries, Inc. (successor to Shell Oil Co.).	Michigan Wisconsin Pipe Line Co., Mocane-Laverne Field, Harper County, Okla.	Contract 3-9-57 [36]	20	
			Commission order 8-3-65 [37]	20	1
CI69-716 (G-13309) F 1-29-69 and 1-30-69	Southwest Oil Industries, Inc. (successor to Atlantic Richfield Co.).	do	Contract 3-9-57 [41]	21	
			Ratified 1-29-60 [42]	21	1
			Amendatory agreement 8-5-60.	21	2
			Letter agreement 4-14-61	21	3
			Amendatory agreement 7-1-65.	21	4
			Assignment 11-11-68 [43]	21	5
			Lease agreement 11-5-68 [7 44]	21	6
CI69-716 (G-16379) F 1-29-69	Southwest Oil Industries, Inc. (successor to Riddell Petroleum Corp.).	do	Contract 7-31-58 [45]	22	
			Amendatory agreement 11-10-58.	22	1
			Assignment 12-11-68 [7 46]	22	2
CI69-716 (CI61-1642) F 1-29-69	Southwest Oil Industries, Inc. (successor to Continental Oil Co.).	do	Contract 10-10-58 [47]	23	
			Amendatory agreement 7-1-65.	23	1
			Assignment 9-20-68 [7 48]	23	2
CI69-716 (G-18916) F 1-30-69	Southwest Oil Industries, Inc. (successor to Ashland Oil & Refining Co.).	do	Contract 5-14-59 [49]	24	
			Letter agreement 10-26-59.	24	1
			Assignment 2-25-63 [50]	24	2
			Assignment 11-12-68 [7 51]	24	3
CI69-716 (CI69-785) F 1-29-69	Southwest Oil Industries, Inc. (successor to Thomas E. Berry & Co. et al.).	do	Contract 1-18-60 [52]	25	
			Amendatory agreement 7-1-65.	25	1
			Assignment 10-28-68 [7 53]	25	2
CI69-718 (CI61-1624) F 1-27-69	Southwest Oil Industries, Inc. (successor to Mobil Oil Corp.).	Natural Gas Pipeline Co. of America, North Custer City Field, Custer County, Okla.	Contract 10-1-60 [54]	27	
			Letter agreement 7-10-62	27	1
			Letter agreement 10-31-62	27	2
			Letter agreement 9-15-65	27	3
			Letter agreement 6-24-66	27	4
			Letter agreement 4-6-67	27	5
			Assignment 12-18-68 [7 55]	27	6
CI69-783 (CI66-1063) (CI70-22) F 7-8-69 [56]	Hassie Hunt Trust (successor to G. H. Vaughn, Jr., and Jack C. Vaughn (Operators) et al.).	Texas Gas Transmission Corp., Northeast Lisbon Field, Claiborne Parish, La.	Assignment 3-31-69 [57]	28	2
			Effective date: 3-31-69		
CI69-1021 C 7-15-69 [8]	Mobil Oil Corp.	Arkansas Louisiana Gas Co., Kinta Field, Le Flore County, Okla.	Letter agreement 6-16-69.[7]	452	2
CI69-1054 (CI64-903) F 5-9-69	Pennzoil Corp. (Operator), et al. (successor to Pubco Petroleum Corp.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., West Desert Springs Area, Sweetwater County, Wyo.	Contract 12-16-63 [58]	2	
			Supplemental agreement 10-8-64.[59]	2	1
			Assignment 3-20-69 [7 60]	2	2
CI69-1086 (CI61-1557) (CI66-63) F 5-22-69	Harold J. Reedy (successor to Livingston Oil Co. and H. H. Champlin et al.).	Oklahoma Natural Gas Gathering, Corp.[61] Ringwood Field, Major County, Okla.	Contract 12-21-60 [62]	1	
			Amendment 9-20-64	1	1
			Assignment 4-5-67 [63]	1	2
			Assignment 4-5-67 [63]	1	3
			Assignment 4-7-67 [63 64]	1	4
			Assignment 4-7-67 [63 65]	1	5
			Assignment (undated) [63]	1	6
			Assignment 12-30-67	1	7
			Journal Entry Terminating Trust Estates 2-5-68.	1	8
			Assignment 3-28-68 [63]	1	9
			Assignment 1-3-69	1	10
			Assignment 1-3-69 [7 63]	1	11
CI69-1094 (CI61-1557) (CI66-63) F 5-28-69	Edwin G. Staats (successor to Livingston Oil Co. and H. H. Champlin et al.).	do[66]	Contract 12-21-60 [62]	1	
			Amendment 9-20-64	1	1
			Assignment 4-5-67 [63]	1	2
			Assignment 4-5-67 [63]	1	3
			Assignment 4-7-67 [63 64]	1	4
			Assignment 4-7-67 [63 65]	1	5
			Assignment (undated) [63]	1	6
			Assignment 12-30-67	1	7
			Journal Entry Terminating Trust Estates 2-5-68.	1	8
			Assignment 3-28-68 [63]	1	9
			Assignment 1-3-69	1	10
			Assignment 1-3-69 [7 63]	1	11

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.
CI69-1155 (GS66-90) [67] F 6-2-69	Pecos Growers Oil Co. (successor to Dacmac Corp.).	El Paso Natural Gas Co., Chetot Area, Pecos County, Tex.	Contract 4-9-68 [67]	2	
			Letter agreement 6-24-69.[7 68]	2	1
CI69-1156 (GS66-99) [69] F 6-2-69	do	Transwestern Pipeline Co., Putnam Area, Pecos County, Tex.	Contract 2-1-68 [67]	3	
			Letter agreement 10-25-68.	3	1
			Letter agreement 6-24-69.[7 68]	3	2
CI69-1182 (G-10284) B 6-13-69	Pan American Petroleum Corp.	Arkansas Louisiana Gas Co., Sentell Field, Caddo Parish, La.	Notice of Cancellation 5-11-69.[7 69]	151	2
CI69-1225 A 6-24-69 [8]	Tennece Oil Co.[70]	Western Transmission Corp., Sugar Creek Unit, Carbon County, Wyo.	Contract 6-20-69 [71]	256	
			Letter agreement 7-9-69.[7 72]	256	1
CI70-1 A 7-2-69 [8]	Union Pacific Railroad Co.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., East Rock Springs Area Field, Sweetwater County, Wyo.	Contract 6-25-69 [7]	14	
CI70-4 A 7-3-69 [8]	Sesco Production Co. (Operator) et al.	United Gas Pipe Line Co., Henderson East Field, Rusk County, Tex.	Contract 5-29-69	4	
CI70-6 A 7-7-69 [8]	Appalachian Exploration & Development, Inc.	Mountain Gas Co., Union District, Kanawha County, W. Va.	Contract 5-20-69 [7]	16	
CI70-21 (CI67-220) F 7-7-69	B. J. Brown (successor to Lone Star Producing Co.).	Arkansas Louisiana Gas Co., Northeast Spiro Field, Le Flore County, Okla.	Contract 5-25-66 [73]	3	
			Amendment 8-8-67	3	1
			Assignment 7-1-69 [74]	3	2
			Assignment 7-1-69 [74]	3	3
			Assignment 7-1-69 [74]	3	4
			Effective date: 5-1-69		
CI70-23 A 7-3-69 [8]	Pennzoil United, Inc.	United Fuel Gas Co., Henry District, Clay County, W. Va.	Contract 2-8-65 [7 75]	24	
CI70-24 A 7-10-69 [8]	Davis Oil Co.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Bitter Creek Field, Sweetwater County, Wyo.	Contract 5-28-69	5	
CI70-25 A 7-10-69 [8]	Davidor & Davidor, Inc.	Kansas-Nebraska Natural Gas Co., Inc., Acreage in Weld County, Colo.	Contract 6-2-69 [7]	9	
CI70-26 A 7-11-69	King Resources Co.[7 8]	El Paso Natural Gas Co., Kant Area, Lea County, N. Mex.	Contract 3-5-69 [7]	24	
CI70-28 A 7-11-69 [8]	Caroline Hunt Sands et al.	Arkansas Louisiana Gas Co., Southeast Pritchett Area, Upshur County, Tex.	Contract 5-9-69	17	
			Contract 5-3-65 [77]	17	1
			Amendatory agreement 6-23-69.[78]	17	2
CI70-29 A 7-11-69 [8]	William M. Shepperd (Operator), et al.	Trunkline Gas Co., East Cypress Creek, Newton County, Tex.	Contract 6-24-69 [7]	1	
CI70-40 A 7-14-69 [8]	Gulf Oil Corp.[79] (Operator), et al.	Panhandle Eastern Pipe Line Co., South Peek Field, Roger Mills and Ellis Counties, Okla.	Contract 2-28-69	409	
			Amendment 6-18-69 [7]	409	1
CI70-42 (CI67-1015) B 7-14-69	Salmon Corp.	Texas Eastern Transmission Corp., Bomba Field, Goliad County, Tex.	Notice of cancellation 7-11-69.[7 80]	6	5
CI70-46 (G-2978) F 7-11-69	Texaco Inc. (successor to Sun Oil Co. (D.X Division)).	El Paso Natural Gas Co., Spraberry Trend Field, Midland County, Tex.	Contract 5-26-52 [81]	436	
			Letter agreement 6-26-52	436	1
			Supplemental agreement 10-26-59.	436	2
			Court order 6-21-67 [82]	436	3
			Effective date: 1-1-68		
CI70-47 (CI69-189) F 7-11-69	Petroleum, Inc. (successor to Westhoma Oil Co.).	Northern Natural Gas Co., Northwest Tyrone Pool, Texas County, Okla.	Contract 8-20-68 [83]	57	
			Assignment 6-19-69 [83]	57	1
			Effective date: 6-19-69		

[1] Deletes certain acreage that reverted to Texaco, Inc., effective Jan. 12, 1963, pursuant to a June 21, 1967, order of the Texas Court of Civil Appeals. Texaco has filed an application in Docket No. CI70-46.
[2] Effective date: Date of this order.
[3] Production of gas no longer economically feasible.
[4] Conveys acreage from Cities Service Co. to Applicant. Such acreage is dedicated to a sales contract dated Mar. 22, 1946, which is on file as Applicant's FPC GRS No. 1 and also as Cities Service Co. FPC GRS No. 7 (Cities Service Co. FPC GRS No. 7 is being canceled by this order).
[5] No certificate filing made or necessary; only the related rate filing is being accepted for filing by this order.
[6] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
[7] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[8] Wells completed in the Pictured Cliffs Formation are incapable of delivery into buyer's high pressure gathering system, accordingly buyer has reassigned the purchase rights in certain acreage, Pictured Cliffs gas only, to its parent company, Southern Union Gas Co., for resale in intrastate commerce.
[9] Agreement dated Mar. 29, 1969, by which Applicant acquired subject properties submitted with application.
[10] Formerly W. C. Feazel, et al.
[11] Gas to be delivered after processing to various buyers.
[12] No related rate schedule on file.
[13] Document whereby Applicants acquired their interests in the subject properties.
[14] Assigns acreage from Landa Oil Co. and Landa Industries, Inc., to Triton Oil & Gas Corp.
[15] Conveys interest from Ridgely to trustees of a testamentary trust established by the Will of Eugene du Pont (Delaware Trust Co, Nicholas R. du Pont and Edward H. Porter, Jr.).
[16] Conveys interest from trustees to Nicholas R. du Pont.
[17] Conveys interest from Nicholas R. du Pont to CRA International, Ltd.
[18] Subject well previously dedicated to a contract dated May 11, 1951, between Walter Duncan and Arkansas Louisiana Gas Co., certificated in Docket No. G-3293 (on file as Duncan's FPC GRS No. 1). The subject leases expired in July 1968 due to lack of production and Applicant obtained new leases from the land and royalty owners and entered into an agreement to sell the remaining gas to United. Therefore, the certificate issued to Duncan in Docket No. G-3293 will be terminated and the related rate schedule canceled.
[19] Dedicates Marathon's interest in certain acreage to the basic Sept. 10, 1964 contract. Interest had previously been covered under Hanagan Petroleum Corp., et al., FPC GRS No. 1. Marathon exercised its option to convert its overriding royalty interest in the acreage to 50 percent working interest.
[20] Between Marathon and Natural whereby parties agree that the quality statement on file as Supp. No. 6 shall also pertain to the gas covered by this filing.
[21] Amendment to the certificate filed to reflect the change in corporate name.
[22] Reflects the change in buyer from Consolidated Gas Supply Corp. to Texas Gas as authorized by the order issuing certificate in Docket No. CP67-307 et al.
[23] Amends agreement dated Nov. 28, 1967, by providing for 5-year make-up period for gas paid for but not taken.
[24] Gas to be delivered after processing to various buyers under FPC gas rate schedules of producers already on file.
[25] By letter dated Oct. 17, 1968, Applicant stated willingness to accept a permanent certificate conditioned to initial rates of 15 cents (Oklahoma "Other" area) and 17 cents (Oklahoma Panhandle area), both including tax reimbursement and subject to B.t.u. adjustment.
[26] Provides for temporary sale of raw gas at the plant site and at an additional temporary delivery point.
[27] Between Harper Oil Co. et al. (seller parties), and Northern Natural Gas Co. Also on file as Harper's FPC GRS No. 3.
[28] From Continental Oil Co. to Sabine Oil Industries, Inc.
[29] From John B. Baird to Sabine Oil Industries, Inc.
[30] From Harper Oil Co. to Sabine Oil Industries, Inc.
[31] From V. V. Jacomini to Sabine Oil Industries, Inc.
[32] From Harvey McLean to Sabine Oil Industries, Inc.
[33] From Anadarko Production Co. to Sabine Oil Industries, Inc.
[34] From Sabine Oil Industries, Inc., to Applicant. Covers interests acquired by Sabine from Harper Oil Co., et al.
[35] Between The Atlantic Refining Co. (now Atlantic Richfield Co.) and Northern; also on file as Atlantic's FPC GRS No. 174.
[36] From Atlantic Richfield Co. to Sabine Oil Industries, Inc.
[37] Between Gulf Oil Corp. and Colorado Interstate. Also on file as Gulf's FPC GRS No. 96.
[38] From Gulf Oil Corp. to Sabine Oil Industries, Inc.
[39] Between Shell Oil Co. and Michigan Wisconsin. Also on file as Shell Oil Co. FPC GRS No. 181.
[40] Order by Corporation Commission of the State of Oklahoma pools leasehold interests in sec. 10, T. 26 N. R. 25 W., for production of gas and gas condensate from the Tonkawa Sand Formation, and designates Applicant as unit operator. Provides for Applicant to sell gas attributable to the interest of Shell Oil Co.
[41] Between Sinclair Oil & Gas Co. (now Atlantic Richfield Co.) and Michigan Wisconsin. Also on file as Atlantic Richfield Co. (Operator) et al. FPC GRS No. 414.
[42] Instrument by which Trans-Viking Petroleum, Inc., adopted the terms of Sinclair's contract dated Mar. 9, 1957.
[43] Conveys certain interests from Sinclair to Southwest. Filed Jan. 30, 1969, along with basic contract dated Mar. 9, 1957, and other supplements (Supp. Nos. 2-4).
[44] Conveys certain interests from Trans-Viking to Southwest. Filed Jan. 29, 1969, along with ratification dated Jan. 29, 1960 (Supp. No. 1).
[45] Between Riddell Petroleum Corp and Michigan Wisconsin. Also on file as Riddell Petroleum Corp. FPC GRS No. 1.
[46] Conveys certain interests from Riddell Petroleum Corp. to Southwest Oil Industries, Inc.
[47] Between Calvert Drilling, Inc. (predecessor to Continental Oil Co.) and Michigan Wisconsin. Also on file as Continental Oil Co. FPC GRS No. 191.
[48] Conveys certain interests from Continental Oil Co. to Southwest Oil Industries, Inc.
[49] Between United Producing Co., Inc. (now Ashland Oil & Refining Co.) and purchaser. Also on file as Ashland Oil & Refining Co. FPC GRS No. 127.
[50] Reflects succession of Ashland Oil & Refining Co. to properties of United Carbon Co. (parent company of United Producing Co., Inc.).
[51] Conveys certain interests from Ashland Oil & Refining Co. to Southwest Oil Industries, Inc.
[52] Between Thomas E. Berry & Co. et al., and purchaser. Also on file as Thomas E. Berry & Co. et al., FPC GRS No. 5.
[53] Conveys certain interests from Thomas E. Berry & Co. et al., to Southwest Oil Industries, Inc.
[54] Between Socony Mobil Oil Co., Inc. (now Mobil Oil Corp.) and purchaser. Also on file as Mobil Oil Corp. FPC GRS No. 266.
[55] Conveys certain interests from Mobil Oil Corp. to Southwest Oil Industries, Inc.
[56] Application erroneously assigned Docket No. CI70-22 being treated as a petition to amend the order issuing a certificate in Docket No. CI69-783 and Docket No. CI70-22 is being canceled.
[57] Conveys acreage from G. H. Vaughn, Jr., and Jack C. Vaughn (Operators) et al. (now Vaughn Petroleum, Inc., et al.) to Hassie Hunt Trust.
[58] On file as Pubco Petroleum Corp. FPC GRS No. 15.
[59] By Pubco Petroleum Corp. to Prenalta Corp. of interst in dedicated but unproductive acreage. Also includes three assignments (dated Apr. 23, 1969) from Prenalta to "et al." parties.
[60] National Fuels Corp. purchases liquids extracted from Applicant's gas at the Ringwood Gasoline Plant.
[61] Between Livingston Oil Co. and the purchasers. Also on file as Livingston Oil Co. FPC GRS No. 1 and H. H. Champlin et al., FPC GRS No. 4.
[62] Pertains to interests in sec. 29, T. 21 N., R. 10 W., Docket No. C168-63 issued to H. H. Champlin et al.
[63] Pertains to interests in sec. 32, T. 21 N., R. 10 W., Docket No. C161-1557 issued to Livingston Oil Co. (Operator) et al.
[64] Supp. No. 4 covers Hall Lease and Supp. No. 5 covers Fuller et al., Leases.
[65] Assignments and Journal Entry (Supp. Nos. 2-10) reflect successive transfers of certain interests from Livingston Oil Co. to Joe N. Champlin to Joanna Champlin Trust Estate et al., to H. H. Champlin et al., to Harold J. Reedy in Docket No. C169-1086 and to Edwin G. Staats in Docket No. C169-1094.
[66] Applicant states that it has acquired all the assets of Darmac Corp., therefore, the small producer certificate in Docket No. CS66-99 will be terminated.
[67] Not previously filed. Applicant's predecessor, Darmac Corp., is the holder of a small producer certificate.
[68] Filed July 17, 1969, between Pecos and buyer. Establishes Pecos as signatory successor to Darmac Corp., filed in lieu of voluminous conveyance.
[69] Source of gas depleted.
[70] By letter filed Aug. 25, 1969, Applicant agreed to accept a permanent certificate conditioned to buyer not being required to pay for gas not taken in excess of a daily volume based on a take-to-reserves ratio of 1 to 8,000, and will extend to buyer a 5-year makeup period.
[71] Provides for a daily volume based upon a take-to-reserves rate of 2 to 8,000 for first 18 months, with no specific makeup period.
[72] Amends contract to delete indefinite pricing provision.
[73] On file as Lone Star Producing Co. FPC GRS No. 79.
[74] Conveys acreage from Lone Star Producing Co. to B. J. Brown.
[75] Sale being rendered without prior Commission authorization.
[76] By letter filed July 17, 1969, Applicant agreed to accept a permanent certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[77] Currently on file as Southern Union Production Co. FPC GRS No. 17.
[78] Deletes indefinite pricing provision and provides for primary term to expire on June 1, 1981.
[79] Contract provides for a rate of 18 cents per Mcf subject to B.t.u. adjustment; however, Applicant has stated willingness to accept a permanent certificate at rates of 15 cents (Roger Mills County) and 17 cents (Ellis County), both including tax reimbursement and subject to B.t.u. adjustment. By letter filed July 28, 1969, Applicant advised willingness to accept a permanent certificate conditioned to the ultimate disposition of the proceeding in Docket No. R-338.
[80] On file as Sun Oil Co. (DX Division) FPC GRS No. 81.
[81] Court of Civil Appeals of Texas affirmation of a District Court ruling that the subject acreage revert to Texaco as of Jan. 12, 1963.
[82] On file as Westhoma Oil Co. FPC GRS No. 6.
[83] Conveys acreage from Westhoma to Petroleum, Inc.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent _____)

Docket No. _____

AGREEMENT AND 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 and undertakes 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 the proceeding in Docket No. _____, and has caused this agreement and 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. 69-11385; Filed, Sept. 29, 1969; 8:45 a.m.]

[Docket No. RI69-842]

MOBIL OIL CORP.

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

SEPTEMBER 23, 1969.

On June 4, 1969, Mobil Oil Corp. (Mobil) filed with the Commission a proposed change in rate from 17 cents to 17.6 cents per Mcf, designated as Supplement No. 8 to Mobil's FPC Gas Rate Schedule No. 301, which pertains to Mobil's jurisdictional sale of natural gas from the Guymon (Deep) Field, Texas County, Okla. (Panhandle Area) to Panhandle Eastern Pipe Line Co. The Commission by order issued June 30, 1969, suspended for 5 months Mobil's rate filing in Docket No. RI69-842 until December 5, 1969, and thereafter until made

effective in the manner prescribed by the Natural Gas Act.

On August 19, 1969, Mobil submitted a proposal superseding notice of change in rate from 17 cents to 18.7 cents per Mcf, designated as Supplement No. 9 to Mobil's FPC Gas Rate Schedule No. 301. Mobil now proposes to further increase the suspended rate to 18.7 cents and requests that such rate be substituted for the previously suspended 17.6-cent rate in Docket No. RI69–842. In support of its request, Mobil states that the proposed rate of 17.6 cents was identified as a wellhead sale, whereas it should have been reported as gathered gas, which according to Mobil's anticipated Area Price Level, would be 18.7 cents, including tax reimbursement. The proposed substitute rate filing is set forth in Appendix A hereof.

Mobil's proposed 18.7 cents per Mcf rate exceeds the area ceiling for increased rates in the Panhandle Area as announced in the Commission's statement of general policy No. 61–1, as amended, as did the previously suspended rate in said docket. Since Mobil is contractually due a rate of 19.5 cents and is voluntarily limiting its proposed rate to 18.7 cents per Mcf, we believe that it would be in the public interest to accept Mobil's corrective rate filing subject to the suspension proceeding in Docket No. RI69–842, with the suspension period of such substitute rate filing to terminate concurrently with the suspension period (Dec. 5, 1969) of the original filing in said docket.

The Commission orders:

(A) The suspension order issued June 30, 1969, in Docket No. RI69–842, is amended only so far as to permit the 18.7 cents per Mcf rate contained in Supplement No. 9 to Mobil's FPC Gas Rate Schedule No. 301 to be filed to supersede the 17.6 cents per Mcf provided in Supplement No. 8 to the aforementioned rate schedule, subject to the suspension proceeding in Docket No. RI69–842. The suspension period for such substitute rate filing shall terminate concurrently with the suspension period (Dec. 5, 1969) of the original rate filing in said docket.

(B) In all other respects, the order issued by the Commission on June 30, 1969, in Docket No. RI69–842, shall remain unchanged and in full force and effect.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-842..	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	301	[1] 9	Panhandle Eastern Pipe Line Co., (Guymon-Hugoton (Deep) Field, Texas County, Okla.) (Panhandle Area).	$1,714	8-19-69	[2] 12-5-69	[3] 12-5-69	[4] 17.0	[5] [6] [7] 18.7	

[1] Applicable to acreage added by Supplement No. 6.
[2] The stated effective date is the effective date requested by Respondent.
[3] The end of the suspension period for the previously filed rate in Docket No. RI6-842.
[4] "Fractured" rate increase. Respondent is cotractually due 19.5 cents per Mcf.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.
[7] Supersedes filing of June 4, 1969 (Supplement No. 8), which reported a rate change from 17 cents to 17.6 cents per Mcf which was suspended in Docket No. RI69-842 until Dec. 5, 1969.

[F.R. Doc. 69–11569; Filed, Sept. 29, 1969; 8:45 a.m.]

[Docket No. RP70–5]

SOUTHERN NATURAL GAS CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets and Providing Hearing Procedures

SEPTEMBER 23, 1969.

Southern Natural Gas Co. (Southern) on August 15, 1969, filed proposed changes in its presently effective FPC Gas Tariff, Sixth Revised Volume No. 1.[1] The proposed changes would result in an estimated increase in jurisdictional revenues of $37,830,641 annually. Southern proposes elimination of the first block commodity charge in its OCD, CD, and OCDL rate schedules and the introduction of seasonal commodity charges in its AO and AOL rate schedules. Also, Southern proposes a revision of section 4.2(b) of the general terms and conditions of above said tariff to permit changes in the measurement provisions in the event that revisions are effectuated in the applicable standards manual issued by the American Gas Association, and proposes further a revision of section 6.3 of said general terms and conditions to change the interest on past due billing amounts from 6 percent per annum to the prime rate then being charged by the Chase Manhattan National Bank N.A.

Southern states that the principal reasons for the proposed rate increase are: (1) Increase in cost of financing which Southern claims gives rise to the need for an 8.5 percent rate of return on transmission properties; (2) increases in operation and maintenance expenses due to, among other things, increases in salaries, wages, and other employee benefits; (3) increases in the cost of supplies, materials, labor and services for the pipeline; and (4) increases in Federal, State and local taxes. Southern's rate increase also reflects a 12 percent rate of return on its production properties.

On September 4, 1969, Atlanta Gas Light Co. (Atlanta) filed a motion for Accelerated Hearing And Omission Of Intermediate Decision. Atlanta moves for the trial of rate of return and related taxes in an initial phase and for waiver and omission of the intermediate decision in that phase. A petition in support of Atlanta's motion was filed by the Georgia Public Service Commission on September 9, 1969.

The determination of whether there should be an initial phase and the issues to be tried in an initial phase are procedural matters more appropriately decided by a hearing examiner. See e.g., Texas Gas Transmission Corporation, order issued September 5, 1969, in Docket No. RP69–41. Accordingly, the request for a phased hearing procedure urged by Atlanta should be submitted to the hearing examiner for consideration and appropriate ruling thereon. Atlanta's request for omission of the intermediate decision procedure is untimely. Requests for waiver and omission of the intermediate decision procedure should be made pursuant to § 1.30 of the Commission's rules of practice and procedure.

A review of Southern's rate increase filing indicates that certain issues are raised therein which require development in an evidentiary proceeding. The proposed increased rates, charges and other tariff changes have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

We contemplate that some of the issues involved in this proceeding may be susceptible of hearing and decision within the 5-month suspension period or shortly thereafter. In order that the collection and refunding of any possible excess charges may be avoided or limited, we are authorizing the Presiding Examiner to determine which issues, if any, may be tried in an initial phase of the hearing.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges and tariff provisions contained in Southern's FPC Gas Tariff, as proposed to be amended, and that the

[1] Proposed Revised Tariff Sheets: First Revised Sheets Nos. 8E, 11I, 15E, 26E, 34, and 36; Second Revised Sheets Nos. 8B and 26B; Third Revised Sheets Nos. 11F and 24; Fourth Revised Sheet No. 11J; Fifth Revised Sheets Nos. 8A, 8D, 11H, 15A, 15D, 26A, and 26D; Sixth Revised Sheet No. 30; Ninth Revised Sheets Nos. 9, 16, 23, and 27.

proposed tariff sheets listed above be suspended, and use thereof be deferred as herein provided.

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

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held commencing October 1, 1969, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Southern's FPC Gas Tariff, as proposed to be amended.

(B) Pending such hearing and decision thereon Southern's proposed revised tariff sheets listed above are hereby suspended and the use thereof is deferred until March 1, 1970, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing on October 1, 1969, Southern's prepared testimony (Statement P) filed and served August 28, 1969, together with its entire rate filing as submitted and served on August 15, 1969, shall be admitted to the record as Southern's complete case-in-chief as provided in the Commission's regulations, § 154.-63(e)(1), and Order No. 254, 28 FPC 495, 496, without prejudice to any motions by the parties with respect thereto.

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

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

By the Commission.

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

[F.R. Doc. 69-11592; Filed, Sept. 29, 1969; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

FIRST FINANCIAL 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 First Financial Corp., which is a bank holding company located in Tampa, Fla., for prior approval by the Board of Governors of the acquisition of not less than 80 percent of the voting shares of The First National Bank in Punta Gorda, Punta Gorda, 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 23d day of September 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL, *Assistant Secretary.*

[F.R. Doc. 69-11571; Filed, Sept. 29, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4310]

FEDERATED PURCHASER, INC.

Order Suspending Trading

SEPTEMBER 24, 1969.

The common stock, 10 cents par value, of Federated Purchaser, Inc., being listed and registered on the American Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and all other securities of Federated Purchaser, Inc., being traded otherwise than on a national securities exchange; and

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

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 25, 1969, through October 4, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-11585; Filed, Sept. 29, 1969; 8:46 a.m.]

[812-2577]

NUVEEN TAX-EXEMPT BOND FUND AND JOHN NUVEEN & CO. (INC.)

Notice of Filing of Application for Order of Exemption

SEPTEMBER 24, 1969.

Notice is hereby given that Nuveen Tax-Exempt Bond Fund, Series 22 ("Series 22"), one of a series of similar but separate investment companies registered as unit investment trusts under the Investment Company Act of 1940 ("Act") and John Nuveen & Co. (Inc.) ("Nuveen"), 209 South La Salle Street, Chicago, Ill. 60604, the Sponsor-Depositor of Series 22 and all other series of the Nuveen Tax-Exempt Bond Fund ("Fund") (hereinafter referred to as "Applicants"), have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicants and all future series of Fund from compliance with the provisions of section 14(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Like each existing series of Fund, Series 22 is governed by a Trust Indenture and Agreement ("Indenture") between Nuveen as Sponsor and United States Trust Company of New York as Trustee ("Trustee"). Applicants represent that the proposed form of Indenture for Series 22 will be substantially identical to the earlier Indentures except possibly as to size, number of units, and the identity of portfolio bonds. Further, all series of Fund to be organized from time to time by Nuveen will be governed by similar Indentures containing standard terms and conditions common to all series of Fund. Pursuant to each Indenture, Nuveen will deliver to and deposit

with Trustee at least $5 million principal amount of municipal bonds and, simultaneously, Trustee will issue in the name of Nuveen certificates evidencing ownership of all the undivided interests ("units") representing the entire ownership of each series. Applicants contemplate that substantially the same procedure will be followed in the creation of future series of Fund. The units will then be offered to the public by Nuveen. No additional units can be issued; however, units may be redeemed by the holders at their current net asset value, and therefore, the number of units outstanding may be reduced. No additional bonds can be deposited except in certain limited situations. The proceeds of bonds which may be sold or redeemed or which mature will be distributed to unit holders.

Applicants represent that each Indenture provides for its termination on the December 31 preceding the 50th anniversary of its execution and may terminate earlier if all outstanding units are redeemed; upon the maturity, redemption, sale, or other disposition of the last bond held; or upon the written consent of 100 percent of the units holders of the particular series. Also, in the event that the value of a series shall fall below 20 percent of the aggregate principal amount of bonds initially deposited thereunder, the Trustee may, and shall upon direction of Nuveen to Trustee, terminate the Indenture and liquidate such series.

In connection with the requested exemption, Nuveen has agreed to repurchase all units sold at the price paid by the original purchaser, including sales load, if, within 90 days after the registration under the Securities Act of 1933 of a particular series, including Series 22, becomes effective, the net worth of such series shall be reduced to less than $100,000. Further, Nuveen will instruct Trustee to terminate a series in the manner provided in each Indenture if at any time the net worth of a series is reduced to less than 40 percent of the principal amount of bonds originally deposited for that series as a result of Nuveen, as owner of units not previously sold to the public, tendering such unsold units to Trustee for redemption in an amount constituting more than 60 percent of the total authorized units of such series. In the event of such termination, Nuveen will refund on demand the entire sales charge paid without any deduction to the purchaser of units.

Section 14(a) of the Act provides, in pertinent part, that no registered investment company shall make a public offering of its securities unless such company has a net worth of at least $100,000.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 13, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 69-11587; Filed, Sept. 29, 1969; 8:46 a.m.]

RAJAC INDUSTRIES, INC.

Order Suspending Trading

SEPTEMBER 23, 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 Rajac Industries, Inc. 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 24, 1969, through October 3, 1969, both dates inclusive.

By the Commission.

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

[F.R. Doc. 69-11586; Filed, Sept. 29, 1969; 8:46 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-58]

CHAIRMAN, ATOMIC ENERGY COMMISSION

Delegation of Authority To Represent Customer Interest in Electric Service Rate Proceeding

1. *Purpose.* This regulation delegates authority to the Chairman, Atomic Energy Commission, to represent the customer interest of the Federal Government in an electric service rate proceeding.

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

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Chairman, Atomic Energy Commission, to represent the interests of the executive agencies of the Federal Government before the Pennsylvania Public Utility Commission in proceedings involving an electric service tariff filed by Duquesne Light Co. (Tariff No. Pa. P.U.C. No. 11, Supplement No. 30).

b. The Chairman, Atomic Energy Commission, may redelegate this authority to any officer, official, or employee of the Atomic Energy Commission.

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

Dated: September 24, 1969.

JOHN W. CHAPMAN, Jr.,
Acting Administrator of General Services.

[F.R. Doc. 69-11608; Filed, Sept. 29, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[S.O. 994; ICC Order 26, Amdt. 2]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

Diversion or Rerouting of Traffic

Upon further consideration of ICC Order No. 26 (Atchison, Topeka and Santa Fe Railway Co.) and good cause appearing therefor:

It is ordered, That ICC Order No. 26 be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., September 30, 1969, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 24, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-11612; Filed, Sept. 29, 1969; 8:48 a.m.]

[S.O. 994; ICC Order 35, Amdt. 1]

ILLINOIS CENTRAL RAILROAD CO. AND MISSOURI PACIFIC RAILROAD CO.

Diversion or Rerouting of Traffic

Upon further consideration of ICC Order No. 35 (The Illinois Central Railroad Co., and the Missouri Pacific Railroad Co.) and good cause appearing therefor:

It is ordered, That ICC Order No. 35 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1969, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., September 30, 1969, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 24, 1969.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 69-11613; Filed, Sept. 29, 1969; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 25, 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. 41766—*Alcohol to Chicago, Ill.* Filed by Southwestern Freight Bureau, agent (No. B-75), for interested rail carriers. Rates on alcohol and related articles, in tank carloads, as described in the application, from Allemania, La., and specified Texas points, to Chicago, Ill., and points grouped therewith.

Grounds for relief—Rate relationship.

Tariff—Supplement 8 to Southwestern Freight Bureau, agent, tariff ICC 4867.

FSA No. 41767—*Soda ash to Atlanta, Ga.* Filed by Western Trunk Line Committee, agent (No. A-2601), for interested rail carriers. Rates on soda ash (other than modified soda ash), in bulk, in covered hopper cars, in carloads, as described in the application, from Alchem, Stauffer, and Westvaco, Wyo., to Atlanta, Ga.

Grounds for relief—Market competition.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-11614; Filed, Sept. 29, 1969; 8:48 a.m.]

[Notice 913]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 24, 1969.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 30837 (Sub-No. 381 TA), filed September 23, 1969. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Snowmobiles and snowmobile parts,* from York, Pa., to points in the United States including Alaska but excluding Hawaii, for 180 days. Supporting shipper: American Machine & Foundry Co., Whiteford Road, York, Pa. 17402 (W. W. Dellinger, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 85255 (Sub-No. 34 TA), filed September 23, 1969. Applicant: PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle, Wash. 98101. Applicant's representative: Clyde H. Mac Iver, 2112 Washington Boulevard, Seattle, Wash. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Metal cans and can parts,* from Hillsboro, Oreg., to Markham, Wash., for 150 days. Supporting shipper: Carnation Co., 5045 Wilshire Boulevard, Los Angeles, Calif. 90036. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 109365 (Sub-No. 34 TA), filed September 22, 1969. Applicant: RONALD A. PATTERSON, doing business as ANTHONY & PATTERSON TRUCK LINE, Post Office Box 15, Ashdown, Ark. 71822. Applicant's representative: Louis Tarlowski, Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paper and paper products, products produced or distributed by manufacturers and converters of paper and paper products,* from plantsite of Allied Paper Inc., Jackson, Ala., to points in Arkansas, Louisiana, and Texas, for 180 days. Supporting shipper: Allied Paper Inc., Jackson, Ala. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 111729 (Sub-No. 289 TA), filed September 17, 1969. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and reports, and audit and accounting media of all kinds,* (a) between Washington, D.C., on the one hand, and, on the other, Harrisburg and Allentown, Pa.; (b) between Lancaster, Pa., on the one hand, and, on the other, points in Howard County, Md.; and points in Spotsylvania and Frederick Counties, Va.; (c) between points in Baltimore County, Md., on the one hand, and, on the other, points in Dauphin, Bucks, and Blair Counties, Pa.; (2) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), on traffic having an immediately prior or subsequent movement by air, rail, or motor carrier, between Philadelphia, Pa., on the one hand, and on the other, points in Adams, Cumberland, Franklin, and York Counties,

Pa., for 180 days. Supporting shippers: Service Bureau Corp., 1350 Avenue of the Americas, New York N.Y. 10019; Raub Supply Co., Lancaster, Pa.; D&H Distributing Co., Post Office Box 1967, 2525 North Seventh Street, Harrisburg, Pa. 17105; Eastman Kodak Co., Rochester, N.Y. 14650. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112617 (Sub-No. 262 TA), filed September 18, 1969. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles E. Cranmer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, from Bardstown, Ky., to points in Pennsylvania, for 180 days. Supporting shipper: Heaven Hill Distilleries, Inc., Bardstown, Ky. 40004. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 113024 (Sub-No. 76 TA), filed September 17, 1969. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, Smyrna, Del. 19977. 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: *Bathroom and washroom fixtures, sinks, and accessories and attachments therefor*, from New Castle, Pa., and Camden, N.J., to points in Arkansas, Louisiana (except New Orleans), Oklahoma (except Norman, Oklahoma City, Tulsa), and Texas (except Amarillo, Angleton, Austin, Beaumont, Canadian, Dallas, El Paso, Fort Worth, Hondo, Houston, Huntsville, Lubbock, Mount Pleasant, San Antonio, Victoria, Waco, Wichita Falls), and Lower Penninsula Michigan, for account of Universal-Rundle Corp., for 180 days. Supporting shipper: Universal-Rundle Corp., 217 North Mill Street, Post Office Box 960, New Castle, Pa. 16103, R. L. Garnder, Traffic Manager. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 116014 (Sub-No. 47 TA), filed September 22, 1969. Applicant: OLIVER TRUCKING COMPANY, INC., Bloomfield Road, Post Office Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, Central Building, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and veneer*, from the plantsite and warehouse facilities of The Freeman Corp. located in Clark County, Ky., to points in Virginia, New York, New Jersey, Illinois, Wisconsin, Arkansas, and Michigan, for 180 days. Supporting shipper: D. G. Kincaid, vice-president-sales, The Freeman Corp., Post Office Box 96, Winchester, Ky. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 118095 (Sub-No. 1 TA), filed September 22, 1969. Applicant: EDGAR W. FLIPPIN, doing business as E. W. FLIPPIN FRUIT & PRODUCE, 8720 Southwest 155th Terrace, Miami, Fla. 33157. Applicant's representative: David V. Lococo, 901 Northeast 125th Street, Suite C, North Miami, Fla. 33161. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in Florida to points in Tennessee, Kentucky, Indiana, Alabama, Georgia, and Ohio, for 180 days. Supporting shippers: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101; Drakes Produce, 202 Chestnut Street, Terre Haute, Ind. 47808; Caribbean Fruit Co., Post Office Box 9, Coral Gables, Fla. 33134. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 133755 (Sub-No. 2 TA), filed September 12, 1969. Applicant: MILLIS BROS. TRANSFER, INC., Box 112, Black River Falls, Wis. 54615. Applicant's representative: Dan Pizzini, 104 Main Street, Black River Falls, Wis. 54615. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt and carbonated beverages*, (1) *malt beverages*, from St. Paul, Minn., to Kewaunee, Wis., and return of *empty containers*, for the account of Kewaunee Orange-Crush Bottling Co.; (2) *carbonated beverages*, from Minneapolis, Minn., to Kewaunee, Wis., and return of *empty containers* for the account of Kewaunee Orange-Crush Bottling Co.; (3) *malt beverages*, from St. Paul, Minn., to Eau Claire, Wis., and return of *empty containers* for the account of Eau Claire Distributing Co. of Eau Claire, Wis., for 180 days. Supporting shippers: Kewaunee Orange-Crush Bottling Co., 401 Harrison Street, Kewaunee, Wis. 54216; Eau Claire Distributing Co., Eau Claire, Wis. 54701. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 133972 (Sub-No. 1 TA) (Correction), filed August 26, 1969, and published in the FEDERAL REGISTER, issues of September 6, 1969, and September 17, 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. NOTE: The purpose of this republication is to correct MC No. 133972 (Sub-No. 1 TA), in lieu of MC 133972 TA. The rest of the application remains the same.

No. MC 133999 (Sub-No. 1 TA), filed September 22, 1969. Applicant: ENNIS TRANSPORTATION CO., INC., Post Office Box 447, Ennis, Tex. 75119. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials and accessories used in the installation thereof*, from the plantsite of Celotex Corp. at Camden, Ark, to points in Alabama, Louisiana, and Mississippi, for 180 days. NOTE: Carrier does not intend to tack. Supporting shipper: The Celotex Corp., 1500 North Dale Mabry, Tampa, Fla. 33607. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 134043 TA, filed September 22, 1969. Applicant: ART KNIGHT, INC., 316 Southeast Market Street, Portland, Oreg. 97204. Applicant's representative: Seymour L. Coblens, Corbett Building, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden shakes and shingles*, from shingle and shake mills located in Washington and Oregon, to points in California, limited to service under a continuing contract or contracts with Fluhrer Bros., a partnership, and Wasser & Fluhrer, Inc., a Washington corporation, for 180 days. Supporting shippers: Fluhrer Bros., Route 3, Box 122, Astoria, Oreg. 97103; Wasser & Fluhrer, Inc., Post Office Box 215, Kalama, Wash. 98625. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Oreg. 97204.

MOTOR CARRIER OF PASSENGERS

No. MC 134042 TA, filed September 22, 1969. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, between New York, N.Y., and Greenwich, Conn., under continuing contract with Educational Records Bureau, for 180 days. Supporting shipper: Educational Records Bureau, 21 Audubon Avenue, New York, N.Y. 10032. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69-11615; Filed, Sept. 29, 1969; 8:48 a.m.]

[Notice 415]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 24, 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–71609. By order of September 19, 1969, the Motor Carrier Board approved the transfer to Carroll J. Kavanaugh, doing business as Kavanaugh's Wrecker Service, Post Office Box 445, South Sioux City, Nebr. 68776, of certificate No. MC–118857 (Sub-No. 1) issued February 5, 1962, to Robert Cerny, doing business as Cerny Body & Paint, Post Office Box 284, North Bend, Nebr. 68649, authorizing the transportation of wrecked or disabled automobiles, trucks, truck-tractor, and trailers, in truckaway service, using wrecker equipment only, from points within 750 miles of Sioux City, Iowa, to Sioux City, Iowa.

No. MC–FC–71607. By order of September 19, 1969, the Motor Carrier Board approved the transfer to Cupe Hagans, South Ozone Park, N.Y., of permits Nos. MC–90195 and MC–90195 (Sub-No. 4) issued April 19, 1954, and May 19, 1966, respectively, to Abe Frank, doing business as F. & B. Trucking, Bridgeport, Conn., authorizing the transportation of new furniture between New York, N.Y., on the one hand, and, on the other, points in New Jersey within 25 miles of New York, N.Y.; uncrated new furniture parts, and upholsterers' supplies, between New York, N.Y., and South River, N.J., and new upholstered furniture, new tables, and materials, supplies, and equipment used in the manufacture of new upholstered furniture and new tables, with certain exceptions, between the plantsite of Valley Upholstery Corp., at Bridgeport, Conn., on the one hand, and, on the other Philadelphia and Allentown, Pa., New York, N.Y., points in Nassau, Suffolk, Rockland, and Westchester Counties, N.Y., and specified points in New Jersey. Martin Werner, 2 West 45th Street, New York, N.Y. 10036, Attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–11560, Filed, Sept. 26, 1969; 8:49 a.m.]

[Notice 415A]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 24, 1969.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–71653. By application filed September 23, 1969, JOHN T. McNELLY, doing business as CENTRAL CAB, 288 South East Street, Waynesburg, Pa. 15370, seeks temporary authority to lease the operating rights of NICK ENCAPERA, doing business as TRI-STATE TRANSIT, 1150 Wood Street, California, Pa. 15419, under section 210a(b). The transfer to JOHN T. McNELLY, doing business as CENTRAL CAB, of the operating rights of NICK ENCAPERA, doing business as TRI-STATE TRANSIT, is presently pending.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 69–11561; Filed, Sept. 26, 1969; 8:49 a.m.]

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