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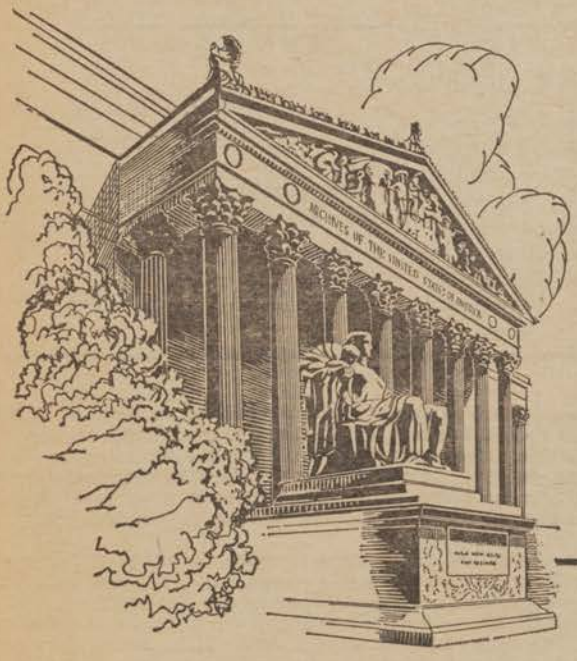

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Contents

List of CFR Parts Affected

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

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

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1970 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

NATIONAL MARKETING QUOTA REFERENDUM RESULT

Section 722.486 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section announces the result of the national marketing quota referendum with respect to the 1970 crop of upland cotton held during the period December 1 to 5, 1969, each inclusive.

Since the only purpose of § 722.486 is to announce the referendum result, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary. Accordingly, § 722.486 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.486 Result of the national marketing quota referendum for the 1970 crop of upland cotton.

(a) *Referendum period.* The national marketing quota referendum for the 1970 crop of upland cotton was held by mail ballot during the period December 1 to 5, 1969, each inclusive, in accordance with § 722.479 (34 F.R. 15445) and Part 717 of this chapter.

(b) *Farmers voting.* A total of 266,895 farmers engaged in the production of the 1969 crop of upland cotton voted in the referendum. Of those voting, 256,521 farmers, or 96.1 percent, favored the 1970 national marketing quota and 10,374 farmers, or 3.9 percent, opposed the 1970 national marketing quota.

(c) *1970 national marketing quota continues in effect.* The national marketing quota for the 1970 crop of upland cotton of 16,008,333 bales proclaimed in § 722.475 (34 F.R. 16857) shall continue in effect since two-thirds or more of the upland cotton farmers voting in the referendum favored the quota.

(Sec. 343, 63 Stat. 670, as amended; 7 U.S.C. 1343)

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

Signed at Washington, D.C. on December 30, 1969.

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

[F.R. Doc. 69-15527; Filed, Dec. 30, 1969; 11:19 a.m.]

PART 722—COTTON

Subpart—1970 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

NATIONAL MARKETING QUOTA REFERENDUM RESULT

Section 722.564 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section announces the result of the national marketing quota referendum with respect to the 1970 crop of extra long staple cotton held during the period December 1 to 5, 1969, each inclusive.

Since the only purpose of § 722.564 is to announce the referendum result, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary. Accordingly, § 722.564 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.564 Result of the national marketing quota referendum for the 1970 crop of extra long staple cotton.

(a) *Referendum period.* The national marketing quota referendum for the 1970 crop of extra long staple cotton was held by mail ballot during the period December 1 to 5, 1969, each inclusive, in accordance with § 722.561 (34 F.R. 15446) and Part 717 of this chapter.

(b) *Farmers voting.* A total of 2,165 farmers engaged in the production of the 1969 crop of extra long staple cotton voted in the referendum. Of those voting, 2,036 farmers, or 94.0 percent, favored the 1970 national marketing quota and 129 farmers, or 6.0 percent, opposed the 1970 national marketing quota.

(c) *1970 national marketing quota continues in effect.* The national marketing quota for the 1970 crop of extra long staple cotton of 82,481 bales proclaimed in § 722.558 (34 F.R. 15446) shall continue in effect since two-thirds or more of the extra long staple cotton farmers voting in the referendum favored the quota.

(Sec. 343, 63 Stat. 670, as amended; 7 U.S.C. 1343)

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

Signed at Washington, D.C., on December 30, 1969.

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

[F.R. Doc. 69-15528; Filed, Dec. 30, 1969; 11:19 a.m.]

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

[Navel Orange Reg. 190]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.490 Navel Orange Regulation 190.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Naval oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

views at this meeting; the recommendation and supporting information for regulation during the period specified herein weer promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 30, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 2, 1969, through January 8, 1969, are hereby fixed as follows:

(i) District 1: 744,000 cartons.

(ii) District 2: 125,000 cartons.

(iii) District 3: 31,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: December 30, 1969.

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

[F.R. Doc. 69–15533; Filed, Dec. 31, 1969; 11:29 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69–SW–65]

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

Designation, Alteration and Revocation of Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate, alter, revoke and redescribe controlled airspace within the State of Louisiana and its coastal waters.

On October 28, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 17391) stating the Federal Aviation Administration proposed to designate the Louisiana transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 5, 1970, as hereinafter set forth.

In § 71.181 (35 F.R. 2134), the following transition area is added:

LOUISIANA

That airspace extending upward from 1,200 feet above the surface bounded on the west, north, and east by the Louisiana/Texas, Arkansas/Louisiana, and Louisiana/Mississippi State lines and bounded on the south by a line beginning at lat. 30°07'20" N., long. 88°51'00" W. (point of intersection of the Louisiana/Mississippi State line and long. 88°51'00" W.), thence south to lat. 29°55'00" N., long. 88°51'00" W., thence west to lat. 29°55'00" N., long. 89°18'00" W., thence south to lat. 29°41'00" N, long. 89°18'00" W., to lat. 29°33'00" N., long. 89°16'00" W., thence southwest to lat. 29°28'35" N., long. 89°23'50" W., thence southeast along the outer limits of the territorial waters of the United States to the north boundary of Control 1226, thence west along the north boundary of Control 1226 to lat. 29°13'30" N., long. 89°51'00" W., thence southwest to lat. 28°57'00" N., long. 90°01'00" W., thence west to lat. 28°59'00" N., long. 90°15'00" W., thence northwest to lat. 29°11'00" N., long. 90°25'00" W., thence north to lat. 29°15'00" N., long. 90°25'00" W., thence west to lat. 29°15'00" N., long. 91°05'00" W., thence north to lat. 29°25'00" N., long. 91°05'00" W., thence west to lat. 29°25'00" N., long. 91° 27'30" W., thence northwest to lat. 29°33'00" N., long. 91°35'30" W., thence west via lat. 29°33'00" N., to long. 92°36'00" W., thence north to lat. 29°35'00" N., long. 92°36'00" W., thence west via lat. 29° 35'00" N., to and counterclockwise along the arc of a 25-mile radius circle centered at lat. 29°54'40" N., long. 94°02'40" W., to the Louisiana/Texas State line.

In § 71.181 (35 F.R. 2134), the 1,200-foot portions of the following transition areas are revoked:

Baton Rouge, La.	Monroe, La.
Gulfport, Miss.	Natchez, Miss.
Lafayette, La.	New Orleans, La.
McComb, Miss.	Vicksburg, Miss.

In § 71.181 (35 F.R. 2134), the 1,200-foot portions of the following transition areas are amended in part as follows:

1. Alexandria, La.: "excluding the portion within the Natchez, Miss., transition area." is deleted and "excluding the portions within the States of Louisiana and Mississippi." is substituted therefor.

2. Beaumont, Tex.: "94°02'40" W." is deleted and "94°02'40" W., excluding the portion within the State of Louisiana." is substituted therefor.

3. Lake Charles, La.: "thence to point of beginning." is deleted and "thence to point of beginning, excluding the portion within the State of Louisiana." is substituted therefor.

4. Shreveport, La.: "to point of beginning." is deleted and "to point of beginning, excluding the portion within the State of Louisiana." is substituted therefor.

In § 71.181 (35 F.R. 2134), the 1,200-foot portion of the Crossett, Ark., transition area is amended in part by deleting all after "lat. 33°51'00" N., long. 91°48' 00" W.," and substituting therefor "to lat. 33°37'00" N., long. 91°34'00" W., to point of beginning, excluding the portions within the States of Louisiana and Mississippi."

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

Issued in Fort Worth, Tex., on December 18, 1969.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 69–15510; Filed, Dec. 31, 1969; 8:47 a.m.]

[Airspace Docket No. 69–EA–22]

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

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Routes and Designation of Reporting Points

On September 26, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14852) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would alter numerous jet route segments in the Chicago, Ill., Cleveland, Ohio, and New York, N.Y., Air Route Traffic Control Center Areas and designate high altitude reporting points.

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

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., April 2, 1970, as hereinafter set forth.

1. Section 75.100 (35 F.R. 2359) is amended as follows:

a. In the caption of Jet Route No. 6 "Kennedy, N.Y." is deleted and "Robbinsville, N.J." is substituted therefor; and in the text "Robbinsville; to Kennedy, N.Y." is deleted and "to Robbinsville." is substituted therefor.

b. In the caption Jet Route No. 8 "Kennedy, N.Y." is deleted and "Robbinsville, N.J." is substituted therefor; and in the text "Robbinsville; to Kennedy, N.Y." is deleted and "to Robbinsville." is substituted therefor.

c. In the caption Jet Route No. 36 "Peck, Mich." is deleted and "Huguenot, N.Y." is substituted therefor; and in the text all after "Milwaukee, Wis.;" is deleted and "INT Milwaukee 086° and Flint, Mich., 278° radials; Flint; INT Flint 102° and Dunkirk, N.Y., 274° radials; Dunkirk; to Huguenot, N.Y., excluding the portion within Canada." is substituted therefor.

d. In the caption Jet Route No. 42 "Kennedy, N.Y." is deleted and "Hampton, N.Y." is substituted therefor; and in the text all after "Robbinsville;" is deleted and "INT Robbinsville 073° and Hampton 223° radials; to Hampton." is substituted therefor.

e. In the text of Jet Route No. 48 "Putnam, Conn.;" is deleted and "Sparta, N.J.; Putnam, Conn.;" is substituted therefor.

f. In the caption Jet Route No. 60 "to Kennedy, N.Y." is deleted and "to Robbinsville, N.J." is substituted therefor; and in the text all after "Phillipsburg, Pa.;" is deleted and "INT Phillipsburg 100° and Robbinsville, N.J., 293° radials; to Robbinsville." is substituted therefor.

g. In the caption Jet Route No. 64 "Kennedy, N.Y." is deleted and "Robbinsville, N.J." is substituted therefor; and in the text "Robbinsville, N.J.; to Kennedy, N.Y." is deleted and "to Robbinsville, N.J." is substituted therefor.

h. Jet Route No. 68 is amended to read:

Jet Route No. 68 (Milwaukee, Wis., to Nantucket, Mass.). From Milwaukee, Wis., via INT Milwaukee 086° and Flint, Mich., 278° radials; Flint; INT Flint 102° and Dunkirk, N.Y., 274° radials; Dunkirk; Hancock, N.Y.; INT Hancock 082° and Putnam, Conn., 293° radials; Putnam; Providence, R.I.; to Nantucket, Mass., excluding the portion within Canada.

i. In the text Jet Route No. 70 all after "Jamestown;" is deleted and "Sparta, N.J.; to Kennedy." is substituted therefor.

j. In the text of Jet Route No. 78 all after "Phillipsburg, Pa.;" is deleted and "INT Phillipsburg 083° and Keating, Pa., 099° radials; to Kennedy, N.Y." is substituted therefor.

k. Jet Route No. 106 is amended to read:

Jet Route No. 106 (Minneapolis, Minn., to Kennedy, N.Y.). From Minneapolis, Minn., via Green Bay, Wis.; INT Green Bay 106° and Flint, Mich., 310° radials; Flint; INT Flint 127° and Salem, Mich., 092° radials; Jamestown, N.Y.; Sparta, N.J.; to Kennedy, N.Y., excluding the portion within Canada.

l. In the text of Jet Route No. 94 "Peck, Mich.;" is deleted and "Flint, Mich.; Peck, Mich.;" is substituted therefor.

m. In the caption of Jet Route No. 146 "Joliet, Ill." is deleted and "Kennedy, N.Y." is substituted therefor; and in the text "to Joliet, Ill." is deleted and "Joliet, Ill.; South Bend, Ind.; INT South Bend 089° and Chardon, Ohio, 279° radials; Chardon; Keating, Pa.; to Kennedy, N.Y., excluding the portion within Canada." is substituted therefor.

n. In the text of Jet Route No. 152 all after "Harrisburg;" is deleted and "to INT Harrisburg 096° and Sparta, N.J., 231° radials." is substituted therefor.

o. In the text of Jet Route No. 547 "Pullman, Mich.;" is deleted and "Pullman, Mich.; Flint, Mich.;" is substituted therefor.

p. Jet Route No. 554 is amended to read:

Jet Route No. 554 (Knox, Ind., to Jamestown, N.Y.) (Joins Canadian High Level airway No. 554) From INT Joliet, Ill., 108° and Fort Wayne, Ind., 279° radials; Carleton, Mich., to Jamestown, N.Y., excluding the portion within Canada.

q. In the caption Jet Route No. 575 "Putnam, Conn." is deleted and "Yardley, Pa.," is substituted therefor; and in the text "From Putnam, Conn., via" is deleted and "From INT Kennedy, N.Y., 247° and Robbinsville, N.J., 280° radials; via Kennedy; INT Kennedy 042° and Putnam, Conn., 247° radials; Putnam;" is substituted therefor.

r. In the text of Jet Route No. 584 "Slate Run, Pa., to Kennedy, N.Y." is deleted and "Slate Run, Pa.; INT Slate Run 101° and Kennedy, N.Y., 291° radials; to Kennedy." is substituted therefor.

2. Section 71.161 (35 F.R. 2044) is amended by adding the following:

J-42 Robbinsville, N.J., to Hampton, N.Y.

3. Section 71.207 (35 F.R. 2300) is amended by adding the following:

Chardon, Ohio; Dunkirk, N.Y.; Flint, Mich.; Keating, Pa.; South Bend, Ind.; and Sparta, N.J.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510; E. O. 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 19, 1969.

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

[F.R. Doc. 69-15511; Filed, Dec. 31, 1969; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-1638]

PART 13—PROHIBITED TRADE PRACTICES

Associated Pest Control Services, Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Knowingly inducing or receiving discriminating price under 2(f): § 13.855 *Inducing and receiving discriminations.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Associated Pest Control Services, Inc., et al., Memphis, Tenn., Docket C-1638, Nov. 26, 1969]

In the Matter of Associated Pest Control Services, Inc., a Corporation, Kotler Exterminating Co., Inc., a Corporation, Individually and as a Member of and as Representative of the Entire Membership of Associated Pest Control Services, Inc., and Louis I. Kotler, Individually and as an Officer of Each of Said Corporations

Consent order requiring a Memphis, Tenn., association of pest controllers to cease inducing and receiving discriminatory prices for pesticides and related products from suppliers of such products.

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

It is ordered, That respondents Associated Pest Control Services, Inc., a corporation, Kotler Exterminating Co., Inc., a corporation, individually and as a member of and as representative of the entire membership of Associated Pest Control Services, Inc., all other members of Associated Pest Control Services, Inc., and Louis I. Kotler, individually and as an officer of respondents Associated Pest Control Services, Inc., and Kotler Exterminating Co., Inc., their respective successors and assigns, officers, agents, representatives, employees, and members, directly or through any corporate or other device, in connection with the offering to purchase or purchase of any pesticides and other supplies, such as application equipment, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Directly or indirectly inducing and receiving, receiving or accepting any discrimination in the price of such products by accepting from any seller a net price respondents know or should know is below the net price at which said products of like grade and quality are being sold by such seller to other purchasers where respondents are competing with the purchaser paying the higher price or with a customer of the purchaser paying the higher price.

For the purpose of determining the "net price" under the terms of this order, there shall be taken into account all discounts or other terms and conditions of sale by which net prices are affected.

It is further ordered, That the respondent corporation, Associated Pest Control Services, Inc., shall forthwith distribute a copy of this order to each of its members.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondents such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation, which may affect compliance obligations arising out of the order.

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

Issued: November 26, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-15493; Filed, Dec. 31, 1969; 8:46 a.m.]

[Docket C-1637]

PART 13—PROHIBITED TRADE PRACTICES

William T. Colbert et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* 13.155-10 Bait: § 13.230 *Size or weight.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1886 *Quality, grade or type.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, William T. Colbert et al., Richmond, Va., Docket C-1637, Nov. 21, 1969]

In the Matter of William T. Colbert, Individually and Trading as Tasty Freezer Meats et al.

Consent order requiring a Richmond, Va., meat retailer to cease using bait tactics in its advertising, failing to disclose the weight loss of his meats due to cutting and trimming, and failing to disclose that his meat has not been graded by U.S. Department of Agriculture standards.

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

It is ordered, That respondent William T. Colbert, an individual, trading and doing business as Tasty Freezer Meats, or under any other name or names, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of beef or any other food product, do forthwith cease and desist from:

1. Disseminating or causing the dissemination of any advertisement by means of the U.S. mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act which represents, directly or by implication:

(a) That any products are offered for sale when the purpose of such representation is not to sell the offered products, but to obtain prospects for the sale of other products at higher prices.

(b) That any product is offered for sale when such offer is not a bona fide offer to sell such product.

2. Disseminating or causing the dissemination of any advertisement by means of the U.S. mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which fails to clearly and conspicuously disclose the average percentage of weight loss of such meat due to cutting, dressing, and trimming.

3. Disseminating or causing the dissemination of any advertisement by means of the U.S. mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which fails to clearly and conspicuously include:

(1) When U.S. Department of Agriculture graded meat is advertised which is below the grade of "U.S.D.A. Good", the statement "This meat is of a grade below U.S. Prime, U.S. Choice, and U.S. Good."

(2) When meat not graded by U.S. Department of Agriculture is advertised:

(a) The statement "This meat has not been graded by the U.S. Department of Agriculture" and,

(b) If such meat is a portion of the total meat offered a statement indicating the portion which is ungraded and the percentage, by weight, of the total meat offered.

4. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly the purchase of any meat or other food product in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph 1 of this order or fails to comply with the affirmative requirements of paragraphs 2 and 3 hereof.

5. Discouraging the purchase of, or disparaging in any manner, or encouraging, instructing or suggesting that others discourage or disparage any meat or other food products which are advertised or offered for sale in advertisements, disseminated or caused to be disseminated by means of the U.S. mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act.

6. Failing to deliver a copy of this order to cease and desist to all of respondent's salesmen, both present and future, and to any other person now engaged or who becomes engaged in the sale of meat or other food products as respondent's agent, representative, or employee, and to secure a signed statement from each of said persons acknowledging receipt of a copy thereof.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: November 21, 1969.

By the Commission.

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

[F.R. Doc. 69-15494; Filed, Dec. 31, 1969; 8:46 a.m.]

[Docket C-1640]

PART 13—PROHIBITED TRADE PRACTICES

Kaye Brothers et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Kaye Brothers et al, Chicago, Ill., Docket C-1640, Nov. 26, 1969.]

In the Matter of Kaye Brothers, a Partnership, and Ben Kaye and Edward Kaye, Individually and as Copartners Trading as Kaye Brothers

Consent order requiring a Chicago, Ill., manufacturer of men's and boys' sport jackets to cease misbranding its wool products.

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

It is ordered, That respondents Kaye Brothers, a partnership, and Ben Kaye and Edward Kaye, individually and as copartners trading as Kaye Brothers, or under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to or place on, each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

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

Issued: November 26, 1969.

By the Commission.

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

[F.R. Doc. 69-15495; Filed, Dec. 31, 1969; 8:46 a.m.]

[Docket C-1639]

PART 13—PROHIBITED TRADE PRACTICES

Keeney Brothers Farms et al.

Subpart—Advertising falsely or misleadingly: § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.70 *Fictitious or misleading guarantees;* § 13.175 *Quality of product or service;* § 13.190 *Results.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1715 *Quality;* § 13.1730 *Results.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Keeney Brothers Farms et al., New Freedom, Pa., Docket C-1639, Nov. 26, 1969]

In the Matter of Keeney Brothers Farms, a Partnership, and Alvin L. Keeney and Elmer H. Keeney, Individually and as Copartners Trading and Doing Business as Keeney Brothers Farms, and Larry Keeney, Individually and as an Office Manager of said Partnership

Consent order requiring a New Freedom, Pa., seller of chinchilla breeding

stock to cease making exaggerated earning claims, misrepresenting the quality and fertility of its stock, and misrepresenting its services to purchasers.

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

It is ordered, That respondents Keeney Brothers Farms, a partnership, and Alvin L. Keeney and Elmer H. Keeney, individually and as copartners trading and doing business as Keeney Brothers Farms, or trading and doing business under any other name or names, and Larry Keeney, individually and as an office manager of said partnership, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements, garages, kitchens, or bedrooms, or other quarters or buildings unless in immediate conjunction therewith it is clearly and conspicuously disclosed that the represented quarters or buildings can only be adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis if they have the requisite space, temperature, humidity, ventilation, and other environmental conditions.

2. Breeding chinchillas as a commerically profitable enterprise can be achieved without previous knowledge or experience in the breeding, raising, and care of such animals.

3. Chinchillas are hardy animals or are free from illness or disease.

4. Each female chinchilla purchased from respondents and each female offspring produce at least three live young per year.

5. The number of live offspring produced per female chinchilla is any number or range of numbers; or representing, in any manner, the past number or range of numbers of live offspring produced per female chinchilla of purchasers of respondents' breeding stock unless, in fact, the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of live offspring produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

6. Each female chinchilla purchased from respondents and each female offspring will produce several successive litters of one to six live offspring each year.

7. The number of litters or sizes thereof produced per female chinchilla is any number or range thereof; or representing, in any manner, the past number or range of numbers of litters or sizes produced per female chinchilla of purchasers of respondents' breeding stock unless, in fact, the past number or range of numbers represented are those of a substantial number of purchasers and accurately reflect the number or range of numbers of litters or sizes thereof produced per female chinchilla of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

8. The offspring of respondents' chinchilla breeding stock sell for at least $200 per pair.

9. Chinchilla offspring from respondents' breeding stock will sell for any price, average price, or range of prices; or representing, in any manner, the past price, average price or range of prices of purchasers of respondents' breeding stock unless, in fact, the past price, average price or range of prices represented are those of a substantial number of purchasers and accurately reflect the price, average price or range of prices realized by these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

10. A purchaser starting with one female and one male will have, from the sale of animals, a gross income, earnings or profits of $600 in the second year after purchase.

11. Purchasers of respondents' breeding stock will realize earnings, profits or income in any amount or range of amounts; or representing, in any manner, the past earnings, profits or income of purchasers of respondents' breeding stock unless, in fact, the past earnings, profits or income represented are those of a substantial number of purchasers and accurately reflect the average earnings, profits or income of these purchasers under circumstances similar to those of the purchaser to whom the representation is made.

12. Purchasers of respondents' breeding stock can expect to be able to sell the offspring or the pelts of the offspring of respondents' chinchillas because said chinchillas or pelts are in great demand.

13. The purpose of respondents' national advertising is to help purchasers of their chinchilla breeding stock market the chinchillas they raise; or misrepresenting, in any manner, the advertising, promotional or sales assistance engaged in by respondents or furnished to purchasers of respondents' products.

B. Misrepresenting, in any manner, the earnings or profits to purchasers or the quality or reproduction capacity of any chinchilla breeding stock.

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

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

Issued: November 26, 1969.

By the Commission.

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

[F.R. Doc. 69-15496; Filed, Dec. 31, 1969; 8:46 a.m.]

[Docket C-1636]

PART 13—PROHIBITED TRADE PRACTICES

Norman M. Morris Corp., and Norman M. Morris

Subpart—Advertising falsely or misleadingly: § 13.110 *Endorsements, approval and testimonials.* Subpart—Claiming or using endorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using endorsements or testimonials falsely or misleadingly:* 13.330-64 Olympics or other sporting events.[1]

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Norman M. Morris Corp., New York, N.Y., Docket C-1636, Nov. 19, 1969]

In the Matter of Norman M. Morris Corp., a Corporation, and Norman M. Morris, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturer, importer and distributor of wristwatches and other timepieces to cease misrepresenting that its watches have been used to time sporting events at the Pan American games, Olympics, or other sporting events,[1] and falsely claiming endorsement or use of any nature.

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

It is ordered, That respondents Norman M. Morris Corp., a corporation, and its officers, and Norman M. Morris, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of watches or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that watches or other timepieces have been used to time sporting events at the Pan American Games, Olympics, or other special events unless watches identical to those so referred to have in fact been used as represented.

2. Misrepresenting, in any manner, the nature, extent, or circumstances of use or endorsement of its watches or timepieces.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation,

[1] New.

the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

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

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

Issued: November 19, 1969.

By the Commission.

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

[F.R. Doc. 69-15497; Filed, Dec. 31, 1969; 8:46 a.m.]

[Docket C-1641]

PART 13—PROHIBITED TRADE PRACTICES

S. Schneiderman & Sons, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties;* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, S. Schneiderman & Sons, Inc., et al., New York, N.Y., Docket C-1641, Nov. 26, 1969]

In the Matter of S. Schneiderman & Sons, Inc., a Corporation, and Joseph Schneiderman and Harry Schneiderman, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease falsely invoicing and deceptively guaranteeing its fur products.

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

It is ordered, That respondents S. Schneiderman & Sons, Inc., a corporation, and its officers, and Joseph Schneiderman and Harry Schneiderman, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing directly or by implication on an invoice that the fur contained in such fur product is "color altered", when such fur is dyed.

3. Representing directly or by implication on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents S. Schneiderman & Sons, Inc., a corporation, and its officers, and Joseph Schneiderman and Harry Schneiderman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

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

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

Issued: November 26, 1969.

By the Commission.

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

[F.R. Doc. 69-15498; Filed, Dec. 31, 1969; 8:46 a.m.]

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1501—SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

PART 1502—SAFETY AND HEALTH REGULATIONS FOR SHIPBUILDING

PART 1503—SAFETY AND HEALTH REGULATIONS FOR SHIPBREAKING

Hazardous Materials

On August 23, 1968, a proposal was published at 33 F.R. 12008 to amend 29 CFR Parts 1501, 1502, and 1503 to require certain employers to obtain specified information in order to ascertain potential hazards in the use of certain materials. Interested persons were given the opportunity to participate in the rule making through submission of written data, views, and comments regarding the proposal. After consideration of all relevant matter submitted and pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941) 29 CFR Parts 1501, 1502, and 1503 are hereby amended as follows:

1. Section 1501.2 is amended by adding thereto an additional paragraph(s), to read as follows:

§ 1501.2 Definitions.

* * * * *

(s) For purposes of § 1501.57, the term "hazardous material" means a material which has one or more of the following characteristics: (1) Has a flash point below 140° F., closed cup, or is subject to spontaneous heating; (2) has a threshold limit value below 500 p.p.m. in the case of a gas or vapor, below 500 mg./m.³ for fumes, and below 25 m.p.p.c.f. in case of a dust; (3) has a single dose oral LD_{50} below 500 mg./kg.; (4) is subject to polymerization with the release of large amounts of energy; (5) is a strong oxidizing or reducing agent; (6) causes first degree burns to skin in short time exposure, or is systemically toxic by skin contact; or (7) in the course of normal operations, may produce dusts, gases, fumes, vapors, mists, or smokes which have one or more of the above characteristics.

2. Section 1501.57 is revised to read as follows:

§ 1501.57 Health and sanitation.

(a) No chemical product, such as a solvent or preservative; no structural material, such as cadmium or zinc coated steel, or plastic material; and no process material, such as welding filler metal; which is a hazardous material within the meaning of § 1501.2(s), shall be used until the employer has ascertained the potential fire, toxic, or reactivity hazards which are likely to be encountered in the handling, application, or utilization of such a material.

(b) In order to ascertain the hazards, as required by paragraph (a) of this section, the employer shall obtain the

following items of information which are applicable to a specific product or material to be used:

(1) The name, address, and telephone number of the source of the information specified in this paragraph, preferably those of the manufacturer of the product or material.

(2) The trade name and synonyms for a mixture of chemicals, a basic structural material, or for a process material; and the chemical name and synonyms, chemical family, and formula for a single chemical.

(3) Chemical names of hazardous ingredients, including, but not limited to, those in mixtures, such as those in: (i) Paints, preservatives, and solvents; (ii) alloys, metallic coatings, filler metals and their coatings or core fluxes; and (iii) other liquids, solids, or gases (e.g., abrasive materials).

(4) An indication of the percentage, by weight or volume, which each ingredient of a mixture bears to the whole mixture, and of the threshold limit value of each ingredient, in appropriate units.

(5) Physical data about a single chemical or a mixture of chemicals, including boiling point, in degrees Fahrenheit; vapor pressure, in millimeters of mercury; vapor density of gas or vapor (air=1); solubility in water, in percent by weight; specific gravity of material (water=1); percentage volatile, by volume, at 70° F.; evaporation rate for liquids (either butyl acetate or ether may be taken as 1); and appearance and odor.

(6) Fire and explosion hazard data about a single chemical or a mixture of chemicals, including flash point, in degrees Fahrenheit; flammable limits, in percent by volume in air; suitable extinguishing media or agents; special fire fighting procedures; and unusual fire and explosion hazard information.

(7) Health hazard data, including threshold limit value, in appropriate units, for a single hazardous chemical or for the individual hazardous ingredients of a mixture, as appropriate; effects of overexposure; and emergency and first aid procedures.

(8) Reactivity data, including stability, incompatibility, hazardous decomposition products, and hazardous polymerization.

(9) Procedures to be followed and precautions to be taken in cleaning up and disposing of materials leaked or spilled.

(10) Special protection information, including use of personal protective equipment, such as respirators, eye protection, and protective clothing, and of ventilation, such as local exhaust, general, special, or other types.

(11) Special precautionary information about handling and storing.

(12) Any other general precautionary information.

(c) The pertinent information required by paragraph (b) of this section shall be recorded either on U.S. Department of Labor Form LSB 00S–4, Material Safety Data Sheet, or on an essentially similar form which has been approved by the Bureau of Labor Standards. Copies of Form LSB 00S–4 may be obtained at any of the following regional offices of the Bureau of Labor Standards:

(1) North Atlantic Region, 341 North Avenue, Room 920, New York, N.Y. 10001 (Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont).

(2) Middle Atlantic Region, Penn Square Building, Juniper and Filbert Streets, Philadelphia, Pa. 19107 (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia).

(3) South Atlantic Region, 1371 Peachtree Street NE., Suite 723, Atlanta, Ga. 30309 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee).

(4) Great Lakes Region, 848 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604 (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin).

(5) Mid-Western Region, 2100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106 (Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming).

(6) Western Gulf Region, 411 North Akard Street, Room 601, Dallas, Tex. 75201 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).

(7) Pacific Region, 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102 (Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, and Washington).

A completed form shall be preserved and available for inspection for a period of 3 months from the date of the completion of the job.

(d) The employer shall instruct employees who will be exposed to the hazardous materials as to the nature of the hazards and the means of avoiding them.

(e) The employer shall provide all necessary controls, and the employees shall be protected by suitable personal protective equipment against the hazards identified under paragraph (a) of this section and those hazards for which specific precautions are required in Subparts B, C, and D of this part.

(f) The employer shall provide adequate washing facilities for employees engaged in the application of paints or coatings or in other operations where contaminants can, by ingestion or absorption, be detrimental to the health of the employees. The employer shall encourage good personal hygiene practices by informing the employees of the need for removing surface contaminants by thorough washing of hands and face prior to eating or smoking.

(g) The employer shall not permit eating or smoking in areas undergoing surface preparation or preservation.

(h) The employer shall not permit employees to work in the immediate vicinity of uncovered garbage and shall ensure that employees working beneath or on the outboard side of a vessel are not subject to contamination by drainage or waste from overboard discharges.

3. Section 1502.2 is amended by adding thereto an additional paragraph(s), to read as follows:

§ 1502.2 Definitions.

* * * * *

(s) For purposes of § 1502.57, the term "hazardous material" means a material which has one or more of the following characteristics: (1) Has a flash point below 140° F., closed cup, or is subject to spontaneous heating; (2) has a threshold limit value below 500 p.p.m. in the case of a gas or vapor, below 500 mg./m.³ for fumes, and below 25 m.p.p.c.f. in case of a dust; (3) has a single dose oral LD_{50} below 500 mg./kg.; (4) is subject to polymerization with the release of large amounts of energy; (5) is a strong oxidizing or reducing agent; (6) causes first degree burns to skin in short time exposure, or is systemically toxic by skin contact; or (7) in the course of normal operations, may produce dusts, gases, fumes, vapors, mists, or smokes which have one or more of the above characteristics.

4. Section 1502.57 is revised to read as follows:

§ 1502.57 Health and sanitation.

(a) No chemical product, such as a solvent or preservative; no structural material, such as cadmium or zinc coated steel, or plastic material; and no process material, such as welding filler metal; which is a hazardous material within the meaning of § 1502.2(s), shall be used until the employer has ascertained the potential fire, toxic, or reactivity hazards which are likely to be encountered in the handling, application, or utilization of such a material.

(b) In order to ascertain the hazards, as required by paragraph (a) of this section, the employer shall obtain the following items of information which are applicable to a specific product or material to be used:

(1) The name, address, and telephone number of the source of the information specified in this paragraph, preferably those of the manufacturer of the product or material.

(2) The trade name and synonyms for a mixture of chemicals, a basic structural material, or for a process material; and the chemical name and synonyms, chemical family, and formula for a single chemical.

(3) Chemical names of hazardous ingredients, including, but not limited to, those in mixtures, such as those in: (i) Paints, preservatives, and solvents; (ii) alloys, metallic coatings, filler metals and their coatings or core fluxes; and (iii) other liquids, solids, or gases (e.g., abrasive materials).

(4) An indication of the percentage, by weight or volume, which each ingredient of a mixture bears to the whole mixture, and of the threshold limit value of each ingredient, in appropriate units.

(5) Physical data about a single chemical or a mixture of chemicals, including boiling point, in degrees Fahrenheit; vapor pressure, in millimeters of mercury; vapor density of gas or vapor (air=1); solubility in water, in percent by weight; specific gravity of material (water=1); percentage volatile, by volume, at 70° F.; evaporation rate for liquids (either butyl acetate or ether may be taken as 1); and appearance and odor.

(6) Fire and explosion hazard data about a single chemical or a mixture of chemicals, including flash point, in degrees Fahrenheit; flammable limits, in percent by volume in air; suitable extinguishing media or agents; special fire fighting procedures; and unusual fire and explosion hazard information.

(7) Health hazard data, including threshold limit value, in appropriate units, for a single hazardous chemical or for the individual hazardous ingredients of a mixture, as appropriate; effects of overexposure; and emergency and first aid procedures.

(8) Reactivity data, including stability, incompatibility, hazardous decomposition products, and hazardous polymerization.

(9) Procedures to be followed and precautions to be taken in cleaning up and disposing of materials leaked or spilled.

(10) Special protection information, including use of personal protective equipment, such as respirators, eye protection, and protective clothing, and of ventilation, such as local exhaust, general, special, or other types.

(11) Special precautionary information about handling and storing.

(12) Any other general precautionary information.

(c) The pertinent information required by paragraph (b) of this section shall be recorded either on U.S. Department of Labor Form LSB 00S–4, Material Safety Data Sheet, or on an essentially similar form which has been approved by the Bureau of Labor Standards. Copies of Form LSB 00S–4 may be obtained at any of the following regional offices of the Bureau of Labor Standards:

(1) North Atlantic Region, 341 Ninth Avenue, Room 920, New York, N.Y. 10001 (Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont).

(2) Middle Atlantic Region, Penn Square Building, Juniper and Filbert Streets, Philadelphia, Pa. 19107 (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia).

(3) South Atlantic Region, 1371 Peachtree Street NE., Suite 723, Atlanta, Ga. 30309 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee).

(4) Great Lakes Region, 848 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604 (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin).

(5) Mid-Western Region, 2100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106 (Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming).

(6) Western Gulf Region, 411 North Akard Street, Room 601, Dallas, Tex. 75201 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).

(7) Pacific Region, 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102 (Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, and Washington).

A completed form shall be preserved and available for inspection for a period of 3 months from the date of the completion of the job.

(d) The employer shall instruct employees who will be exposed to the hazardous materials as to the nature of the hazards and the means of avoiding them.

(e) The employer shall provide all necessary controls, and the employees shall be protected by suitable personal protective equipment against the hazards identified under paragraph (a) of this section and those hazards for which specific precautions are required in Subparts C and D of this part.

(f) The employer shall provide adequate washing facilities for employees engaged in the application of paints or coatings or in other operations where contaminants can, by ingestion or absorption, be detrimental to the health of the employees. The employer shall encourage good personal hygiene practices by informing the employees of the need for removing surface contaminants by thorough washing of hands and face prior to eating or smoking.

(g) The employer shall not permit eating or smoking in areas undergoing surface preparation or preservation.

5. Section 1503.2 is amended by adding thereto an additional paragraph (r) to read as follows:

§ 1503.2 Definitions.

* * * * *

(r) For purposes of § 1503.57, the term "hazardous material" means a material which has one or more of the following characteristics: (1) Has a flash point below 140° F., closed cup, or is subject to spontaneous heating; (2) has a threshold limit value below 500 p.p.m. in the case of a gas or vapor, below 500 mg./m.^{3} for fumes, and below 25 m.p.p.c.f. in case of a dust; (3) has a single dose oral LD_{50} below 500 mg./kg.; (4) is subject to polymerization with the release of large amounts of energy; (5) is a strong oxidizing or reducing agent; (6) causes first degree burns to skin in short time exposure, or is systemically toxic by skin contact; or (7) in the course of normal operations, may product dusts, gases, fumes, vapors, mists, or smokes which have one or more of the above characteristics.

6. Section 1503.57 is revised to read as follows:

§ 1503.57 Health and sanitation.

(a) No chemical product, such as a solvent or preservative; no structural material, such as cadmium or zinc coated steel, or plastic material; and no process material, such as welding filler metal; which is a hazardous material within the meaning of § 1503.2(r), shall be used until the employer has ascertained the potential fire, toxic, or reactivity hazards which are likely to be encountered in the handling, application, or utilization of such a material.

(b) In order to ascertain the hazards, as required by paragraph (a) of this section, the employer shall obtain the following items of information which are applicable to a specific product or material to be used:

(1) The name, address, and telephone number of the source of the information specified in this paragraph, preferably those of the manufacturer of the product or material.

(2) The trade name and synonyms for a mixture of chemicals, a basic structural material, or for a process material; and the chemical name and synonyms, chemical family, and formula for a single chemical.

(3) Chemical names of hazardous ingredients, including, but not limited to, those in mixtures, such as those in: (i) Paints, preservatives, and solvents; (ii) alloys, metallic coatings, filler metals and their coatings or core fluxes; and (iii) other liquids, solids, or gases (e.g., abrasive materials).

(4) An indication of the percentage, by weight or volume, which each ingredient of a mixture bears to the whole mixture, and of the threshold limit value of each ingredient, in appropriate units.

(5) Physical data about a single chemical or a mixture of chemicals, including boiling point, in degrees Fahrenheit; vapor pressure, in millimeters of mercury; vapor density of gas or vapor (air =1); solubility in water, in percent by weight; specific gravity of material (water=1); percentage volatile, by volume, at 70° F.; evaporation rate for liquids (either butyl acetate or ether may be taken as 1); and appearance and odor.

(6) Fire and explosion hazard data about a single chemical or a mixture of chemicals, including flash point, in degrees Fahrenheit; flammable limits, in percent by volume in air; suitable extinguishing media or agents; special fire fighting procedures; and unusual fire and explosion hazard information.

(7) Health hazard data, including threshold limit value, in appropriate units, for a single hazardous chemical or for the individual hazardous ingredients of a mixture, as appropriate; effects of overexposure, and emergency and first aid procedures.

(8) Reactivity data, including stability, incompatibility, hazardous decomposition products, and hazardous polymerization.

(9) Procedures to be followed and precautions to be taken in cleaning up and disposing of materials leaked or spilled.

(10) Special protection information, including use of personal protective equipment, such as respirators, eye protection, and protective clothing, and of ventilation, such as local exhaust, general, special, or other types.

(11) Special precautionary information about handling and storing.

(12) Any other general precautionary information.

(c) The pertinent information required by paragraph (b) of this section shall be recorded either on U.S. Department of Labor Form LSB 00S–4, Material Safety Data Sheet, or on an essentially similar form which has been approved by the Bureau of Labor Standards. Copies of Form LSB 00S–4 may be obtained at any of the following regional offices of the Bureau of Labor Standards:

(1) North Atlantic Region, 341 Ninth Avenue, Room 920, New York, N.Y. 10001 (Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont).

(2) Middle Atlantic Region, Penn Square Building, Juniper and Filbert Streets, Philadelphia, Pa. 19107 (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia).

(3) South Atlantic Region, 1371 Peachtree Street NE., Suite 723, Atlanta, Ga. 30309 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee).

(4) Great Lakes Region, 848 Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604 (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin).

(5) Mid-Western Region, 2100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106 (Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming).

(6) Western Gulf Region, 411 North Akard Street, Room 601, Dallas, Tex. 75201 (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).

(7) Pacific Region, 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102 (Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, and Washington).

A completed form shall be preserved and available for inspection for a period of 3 months from the date of the completion of the job.

(d) The employer shall instruct employees who will be exposed to the hazardous materials as to the nature of the hazards and the means of avoiding them.

(e) The employer shall provide all necessary controls, and the employees shall be protected by suitable personal protective equipment against the hazards identified under paragraph (a) of this section and those hazards for which specific precautions are required in Subparts B and D of this part.

(f) The employer shall provide adequate washing facilities for employees engaged in the various shipbreaking operations where contaminants can, by ingestion or absorption, be detrimental to the health of the employees. The employer shall encourage good personal hygiene practices by informing the employees of the need for removing surface contaminants by thorough washing of hands and face prior to eating or smoking.

(g) The employer shall not permit eating or smoking in the immediate areas where shipbreaking operations produce atmospheric contaminants.

(h) No minor under 18 years of age shall be employed in shipbreaking or related employments.

(Sec. 41, 44 Stat. 1444, as amended; 33 U.S.C. 941)

Effective date: These amendments shall become effective 180 days following the date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 29th day of December 1969.

GEORGE P. SHULTZ,
Secretary of Labor.

[F.R. Doc. 69–15525; Filed, Dec. 31, 1969; 8:48 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Reg. 1 (Rev. 5), Amdt. 18]

ALLOCATION OF IMPORTS; DISTRICT V

Low Sulphur Residual Fuel Oil

Section 11A of Oil Import Regulation 1 (Revision 5) provides for the making of allocations of imports of crude oil into District V based upon the production of low sulphur residual fuel oil. Contingent upon determinations made following the review of the oil import program by the Cabinet Task Force on Oil Import Controls, this amendment extends (to March 31, 1971) the period during which such allocations will be made, and notice and public procedure thereon are unnecessary, and in the interest of control of air pollution this amendment shall become effective upon publication in the FEDERAL REGISTER.

Section 11A of Oil Import Regulation 1 (Revision 5) (34 F.R. 602) is amended to read as follows:

Sec. 11A Allocations of crude oil—District V—based upon production of low sulphur residual fuel oil to be used as fuel in District V.

(a) Contingent upon determinations made following the review of the oil import program by the Cabinet Task Force on Oil Import Controls, this section provides for the making of allocations of imports into District V of crude oil based upon the production of low sulphur residual fuel oil during the period ending March 31, 1971. To the extent that the provisions of this section are inconsistent with the provisions of other sections of the regulations, the provisions of this section shall be controlling.

(b) Subject to the contingency mentioned in paragraph (a) of this section, in addition to the conditional allocations of crude oil and unfinished oils made under section 11 of the regulation, each eligible applicant with refinery capacity in District V who produces in District V low sulphur residual fuel oil to be used as fuel containing not more than five tenths of one percent (0.5 percent) sulphur by weight for delivery under contract to customers required to burn such fuel in order to comply with local government requirements shall receive an allocation of imports of crude oil equal to the amount in barrels of such low sulphur residual fuel oil which he certifies he has so produced and delivered during the period ending March 31, 1971.

(c) For the purpose of computing import allocations under section 11 of this regulation, crude oil imported pursuant to an allocation under this section 11A or domestic oil received in exchange pursuant to the provisions of section 17 and processed will not qualify as refinery inputs. However, the person receiving the foreign crude oil under an exchange agreement pursuant to section 17 may count such oil as a refinery input.

(d) Applications for allocations may be filed at any time during the period. To apply for an allocation of imports under this section, an application must be filed with the Administrator in such form as he may prescribe. All licenses issued under allocations pursuant to this section made before March 31, 1970, shall expire on June 30, 1970. All licenses issued under allocations pursuant to this section made after March 31, 1970, shall expire June 30, 1971.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

RUSSELL E. TRAIN,
Acting Secretary of the Interior.

DECEMBER 24, 1969.

[F.R. Doc. 69–15529; Filed, Dec. 31, 1969; 8:48 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Special Allowances

Paragraph (c) of § 177.4 *Special allowances* which deals with the payment to lenders of the allowances authorized by section 2 of the "Emergency Insured Student Loan Act of 1969" (Public Law 91–95) is amended to provide for the payment of such an allowance for the period October 1, 1969, through December 31, 1969, inclusive.

As so amended § 177.4 reads as follows:

§ 177.4 Special allowances.

* * * * *

(c) *Promulgation of special allowances.* (1) For the period August 1, 1969, through September 30, 1969, inclusive, a

special allowance is authorized to be paid in an amount equal to the rate of 2 percent per annum of the average unpaid balance of disbursed principal of eligible loans.

(2) For the period October 1, 1969, through December 31, 1969, inclusive, a special allowance is authorized to be paid in an amount equal to the rate of 2¼ percent per annum of the average unpaid balance of disbursed principal of eligible loans.

(Sec. 2, 83 Stat. 141)

Dated: December 29, 1969.

PETER P. MUIRHEAD,
Acting Assistant Secretary/
Commissioner of Education.

Approved: December 29, 1969.

ROBERT H. FINCH,
Secretary.

[F.R. Doc. 69-15523; Filed, Dec. 31, 1969; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 37]

[Docket No. 10038; Notice No. 69–56]

CARGO PALLETS, NETS, AND CONTAINERS—TSO–C90

Proposed Technical Standard Order

The Federal Aviation Administration is considering amending Part 37 of the Federal Aviation Regulations by adding a new Technical Standard Order (TSO). This proposed TSO would establish minimum performance standards for the manufacture of cargo pallets, nets, and containers.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket or notice number and be submitted in duplicate to the 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 March 2, 1970, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in 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.

The rapid growth of the air cargo industry has caused a corresponding increase in the development of cargo loading devices. It is projected that this rapid growth will continue with the introduction of the new generation aircraft, such as the Boeing 747, the Lockheed 1011, and the Douglas DC–10.

At the present time, there is no TSO for cargo pallets, nets, and containers. This proposal would establish minimum performance standards for such devices under the Technical Standard Order system.

The minimum standards proposed herein were developed by the industry in cooperation with the Federal Aviation Administration. They have been issued as National Aerospace Standard, NAS 3610, approved October 1969, and would be incorporated by reference in the proposed TSO.

It is not proposed to incorporate the standards contained in Sheets 59 through 93 of NAS 3610 because those standards refer to elements of airplane design and are not necessary for manufacture of cargo pallets, nets, and containers. In addition, all of the marking requirements of § 37.7(d) are not applicable to cargo pallets, nets, and containers. Because of the uniqueness of these articles, revised marking requirements are proposed.

The proposed TSO requirements are fully compatible with the cargo pallet, net, and container requirements of Part 25 of the Federal Aviation Regulations.

In consideration of the foregoing, it is proposed to amend Part 37 of the Federal Aviation Regulations by adding a new § 37.199 to read as follows:

§ 37.199 Cargo pallets, nets, and containers, TSO–C90.

(a) *Applicability—(1) Minimum performance standards.* This Technical Standard Order prescribes the minimum performance standards that aircraft cargo pallets, nets, and containers must meet in order to be identified with the applicable TSO marking. New models of such equipment which are so identified that are manufactured on or after (the effective date of this section) must meet the minimum performance standards for cargo pallets, nets, and containers as set forth in National Aerospace Standard, NAS 3610, Sheets 1 through 58 inclusive. National Aerospace Standard, NAS 3610, approved October 1969, entitled "Cargo Unit Load Devices—Specification For" is incorporated by reference herein in accordance with 5 U.S.C. 552(a)(1) and § 37.23 and is available as indicated in § 37.23. Additionally, National Aerospace Standard, NAS 3610, may be examined at any FAA regional office of the Chief, Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division), and may be obtained from National Standards Association, Inc., 1321 14th Street NW., Washington, D.C. 20005 at a cost of eight (8) dollars.

(2) *Exceptions.* Paragraph 3.5 of NAS 3610 is not essential to compliance with this section since paragraph (b) of this section provides the necessary marking requirements.

(b) *Markings.* In lieu of the marking requirements of § 37.7(d), cargo pallets, nets, and containers must be legibly and permanently marked in an area clearly visible after the article is loaded with cargo, with the following information:

(1) Name and address of the manufacturer.

(2) The weight of the article to the nearest pound.

(3) The serial number or date of manufacture or both.

(4) The identification of the article in the code system set out in paragraph 1.2.1 of NAS 3610.

(5) Any limitations or restrictions.

(6) If the article is not omnidirectional, the words "Forward", "Aft", and "Side" must be conspicuously and appropriately placed.

(7) The applicable TSO number.

(c) *Data requirements.* In addition to the data specified in § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, in the region in which the manufacturer is located (or in the case of the Western Region, the Chief, Aircraft Engineering Division), the following technical data:

(1) One copy of the manufacturer's analysis and/or test results showing compliance with the requirements of this TSO.

(2) One copy of the manufacturer's instructions for installation, operation, servicing, maintenance, and repair of the article.

(3) A drawing of the article showing and describing the actual language of all markings, their location, and size of print.

(d) *Previously approved equipment.* Cargo pallets, nets, and containers approved prior to the effective date of this section may continue to be manufactured under the provisions of their original approval.

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

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

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

[F.R. Doc. 69–15513; Filed, Dec. 31, 1969; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

CARL LORISCH

Notice of Granting of Relief

Notice is hereby given that Carl Lorisch, 320 Marion Avenue, South Milwaukee, Wis., 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 September 14, 1948, in the Municipal Court of Milwaukee, Wis., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Carl Lorisch because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Carl Lorisch to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Carl Lorisch's application and:

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

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

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

Signed at Washington, D.C., this 19th day of December 1969.

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

[F.R. Doc. 69-15521; Filed, Dec. 31, 1969; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial Nos. AA-2779 and F-955]

ALASKA

Notice of Proposed Modification of Classification of Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18), and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to modify the existing classification for multiple use management (F.R. Doc. 68-15514, filed December 27, 1968), as it pertains to the public lands in the area described below. As used herein, "public lands" means any lands which are not withdrawn or reserved for a Federal use or purpose.

Publication of this notice will not affect valid existing rights or the determination and protection of the rights of the Native Aleuts, Eskimos, and Indians of Alaska.

The publication of this notice has the effect of segregating the public lands from the General Mining Laws (30 U.S.C. Ch. 2). It does not otherwise affect the existing classification.

2. The lands classified are described as follows and are shown on maps on file in the Anchorage District Office, 4700 East 72 Street, Anchorage, Alaska 99502, the Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska 99501, the Glennallen Resources Area Office, Post Office Box 147, Glennallen, Alaska 99588, and the Fairbanks Land Office, 516 Second Avenue (Post Office Box 1050), Fairbanks, Alaska 99701.

COPPER RIVER MERIDIAN

PROTRACTED DESCRIPTIONS

Tps. 8 through 14 N., Rs. 1 and 2 W.
T. 1 S., R. 1 E.,
  Secs. 4 through 9; 16 through 21; 25 through 33.
T. 2 S., R. 1 E.,
  Secs. 4 through 9; 15 through 36.
T. 3 S., R. 1 E.,
Tps. 4 and 5 S., Rs. 1 and 2 E.
Tps. 6 and 7 S., Rs. 1 W. and 1 E.
T. 8 S., R. 1 W.

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

T. 19 S., Rs. 10 and 11 E.
T. 20 S., R. 13 E.
T. 21 S., Rs. 12 and 13 E.
T. 22 S., Rs. 12 and 13 E.

The above described areas contain approximately 708,480 acres.

3. The purpose of this modification is to promote orderly development and avoid detrimental effects on the environment or public values along a utility and transportation corridor through the South-central part of Alaska. The existing classification AA-2779, F-955 effectively segregated the lands from appropriation under the settlement laws but did not close any of the area to mining.

4. All persons who wish to submit comments, suggestions, or objections in connection with this proposal may present their views in writing to the Anchorage District Manager, Bureau of Land Management, or State Director, Bureau of Land Management.

5. Public hearings will be held in Anchorage and other communities where sufficient public interest warrants. The time and place of these hearings will be announced.

BURTON W. SILCOCK,
State Director.

DECEMBER 23, 1969.

[F.R. Doc. 69-15499; Filed, Dec. 31, 1969; 8:46 a.m.]

[F-12423]

ALASKA

Notice of Proposed Classification of Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management, the public lands described in paragraph 2. As used herein, "public lands" means any lands not withdrawn or reserved for a Federal use or purpose.

Publication of this notice will not affect valid and existing rights or the determination and protection of the rights of the Native Aleuts, Eskimos, and Indians of Alaska.

Publication of this notice has the effect of segregating the public lands described from appropriation under the Agricultural Land Laws, 43 CFR 2211.9 (48 U.S.C. 371-380); the Trade and Manufacturing Site Law, 43 CFR 2213 (48 U.S.C. 461); the Headquarters Site Law, 43 CFR 2233.9-1 (48 U.S.C. 461); the Homesite Law, 43 CFR 2233.9-2 (48 U.S.C. 461); the Native and General Allotment Acts, 43 CFR 2212 (48 U.S.C. 357-357b, 25 U.S.C. 334); Townsites, 43 CFR 2242 (48 U.S.C. 355-355d); and the General Mining Laws (30 U.S.C. Ch. 2).

The lands shall remain open to all other forms of use and occupancy as provided by applicable law.

2. The public domain lands affected extend through the Northern and Central Interior of Alaska.

The lands proposed to be classified are described as follows and are shown on maps on file in the Fairbanks District and Land Office, 516 Second Avenue, Fairbanks, Alaska 99701, and the State Office, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

UMIAT MERIDIAN

PROTRACTED DESCRIPTIONS

Tps. 1 to 8 N., Rs. 13 to 15 E.
Tps. 1 to 7 S., Rs. 13 to 15 E.
T. 8 S., Rs. 12 to 14 E.
Tps. 9 to 11 S., Rs. 11 to 14 E.
Tps. 12 to 15 S., Rs. 11 and 12 E.
Tps. 16 and 17 S., Rs. 10 and 11 E.

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

T. 4 N., Rs. 2 and 3 W.
T. 5 N., Rs. 2 to 4 W.
T. 6 N., Rs. 3 to 5 W.
T. 7 N., R. 4 W., S½.
T. 7 N., Rs. 5 and 6 W.
T. 8 N., R. 5 W., W½.
T. 8 N., Rs. 6 and 7 W.
T. 9 N., Rs. 6 to 8 W.
T. 10 N., Rs. 7 to 9 W.
T. 11 N., Rs. 8 to 10 W.
T. 12 N., Rs. 9 to 11 W.
T. 13 N., Rs. 10 to 12 W.
T. 14 N., Rs. 11 to 13 W.
Tps. 15 and 16 N., Rs. 11 to 14 W.
Tps. 17 and 18 N., Rs. 12 to 15 W.
Tps. 19 to 24 N., Rs. 13 to 16 W.
T. 25 N., Rs. 12 to 15 W.
T. 26 N., Rs. 12 to 14 W.
T. 27 N., Rs. 11 to 14 W.
T. 28 N., Rs. 11 to 13 W.
T. 29 N., Rs. 11 and 12 W.
Tps. 30 to 32 N., Rs. 10 to 12 W.
Tps. 33 to 36 N., Rs. 9 to 11 W.
T. 37 N., Rs. 9 and 10 W.
T. 7 S., R. 8 E., sec. 32.
T. 8 S., R. 8 W.,
That portion south of the Tanana River.
T. 9 S., R. 8 E.,
Excluding that portion within PL 87–327.
T. 9 S., R. 9 E.
T. 10 S., Rs. 8 to 10 E.,
Excluding those portions within PL 87–327.
T. 12 S., R. 10 E.,
Sec. 3;
Sec. 4, E½;
Sec. 9, E½;
Sec. 10;
Secs. 14 and 15;
Sec. 22, E½;
Sec. 23;
Sec. 26, W½;
Sec. 27, E½;
Sec. 35, E½;
Sec. 36, Excluding that portion within PL 87–334.
T. 14 S., Rs. 9 and 10 E.,
Excluding those portions within PL 87–327.
Tps. 15 and 16 S., Rs. 9 and 10 E.
Tps. 17 and 18 S., Rs. 9 to 11 E.

The areas described, including both public and nonpublic lands, aggregate approximately 4,480,160 acres.

3. The purpose of this classification is to promote orderly development and avoid detrimental effects on the environment or public values along a utility and transportation corridor.

4. All persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the State Director, Bureau of Land Management, or the Fairbanks District Manager, Bureau of Land Management.

5. Public hearings will be held in Fairbanks and other communities where sufficient public interest warrants. The time and place of these hearings will be announced.

BURTON W. SILCOCK,
State Director.

DECEMBER 23, 1969.

[F.R. Doc. 69–15500; Filed, Dec. 31, 1969; 8:46 a.m.]

[Serial No. AA–3702]

ALASKA

Notice of Classification of Lands for Multiple Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411–18), and to the regulations in 43 CFR, Parts 2410 and 2411, the public lands in the area described below are hereby classified for multiple use management. Publication of this notice has the effect of segregating the described lands from appropriation under the settlement laws (48 U.S.C. 371–380, 461), The Native Allotment Act (48 U.S.C. 357–357b), the mining laws, and from surface use and occupancy under the mineral leasing laws. The lands will remain open to other applicable forms of appropriation and use. As used herein, "public lands" means any lands which are not withdrawn or reserved for a Federal use or purpose.

2. The public lands affected by this classification are located east of the City of King Cove on the Alaska Peninsula in southwestern Alaska. They are described as follows and are shown on maps on file in the Anchorage District Office, 4700 East 72d Street, Anchorage, Alaska 99502, and the State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Commencing at the northeast corner of U.S. Survey 2833, thence north approximately 162 chains to corner No. 2; thence east approximately 158 chains to corner No. 3; thence south approximately 200 chains to corner No. 4; thence west approximately 158 chains to corner No. 5; thence north approximately 38 chains back to the point of beginning.

Containing approximately 3,160 acres.

The above lands will probably be when surveyed:

T. 59 S., R. 85 W., S.M.,
Secs. 18 and 19, W½;
Sec. 30, NW¼.
T. 59 S., R. 86 W., S.M.,
Sec. 13;
Secs. 14 and 23, E½;
Sec. 24;
Sec. 25, N½;
Sec. 26, NE¼.

3. The purpose of this classification is to afford protection to the Ram Creek Watershed as the source of the domestic water supply for the City of King Cove.

4. Only one adverse comment was received following publication of a notice of proposed classification (33 F.R. 16348) on November 7, 1968. This comment suggested that the lands could be left open to mineral leasing without affecting water quality by restricting surface use. Paragraph 1 of this notice has been changed from the proposed version to accommodate this suggestion. The record showing the comments received and other information is on file and can be examined in the Anchorage District Office, 4700 East 72d Street, Anchorage, Alaska 99502.

6. For a period of 30 days from the date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided in 43 CFR 2411.2c.

BURTON W. SILCOCK,
State Director.

NOVEMBER 25, 1969.

[F.R. Doc. 69–15501; Filed, Dec. 31, 1969; 8:46 a.m.]

[Serial No. I–3178]

IDAHO

Notice of Public Sale

Under the provisions of the Public Land Sale Act of September 19, 1964 (78 Stat. 988; 43 U.S.C. 1421–1427), 43 CFR Subpart 2243, two tracts of land will be offered for sale to the highest bidder at a sale to be held at 2 p.m., m.s.t., on Wednesday, February 11, 1970, at the Idaho Land Office, Room 380, Federal Building, 550 West Fort Street, Boise, Idaho 83702. The land is described as follows:

BOISE MERIDIAN, IDAHO

T. 9 S., R. 17 E.,
Parcel 1:
Sec. 22, S½NE¼SW¼NE¼.
Parcel 2:
Sec. 22, N½NE¼SW¼NE¼.
Each parcel described contains 5 acres.

The appraised values are: Parcel 1, $70,000; Parcel 2, $80,000. The publication cost to be assessed for each parcel is $10.

The land will be sold subject to all valid existing rights and rights-of-way of record and to a reservation to the United States for rights-of-way for ditches and canals under the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945). All minerals will be reserved to the United States and withdrawn from appropriation under the public land laws, including the mining and mineral leasing laws. Reservations for the existing powerline and highway will be made. Also public access and use reservations 100 feet wide parallel to the west boundary of the right-of-way for U.S. 93 across the easterly sides of both parcels and 80 feet wide along the north boundary of Parcel 1 will be reserved.

Bids may be made by the principal or his agent, either at the sale or by mail. An agent should be prepared to show that the person he represents is a qualified bidder.

Bids must be for all the land in each parcel. A bid for less than the appraised value of each parcel is unacceptable. Bids sent by mail will be considered only if received at the Idaho Land Office, Bureau of Land Management, Room 334 Federal Building, 550 West Fort Street, Boise, Idaho 83702, prior to 1 p.m., m.s.t., on Wednesday, February 11, 1970. Bids made prior to the public auction must be in sealed envelopes and accompanied by certified checks, postal money orders, bank drafts, or cashier's checks, payable to the Bureau of Land Management, for the full amount of the bid plus publications costs. The envelopes must be marked in the lower left-hand corner "Public Sale Bid, I–3178, Parcel No. ------, Sale of February 11, 1970."

The authorized officer shall publicly declare the highest qualifying sealed bid received. Oral bids shall then be invited in specified increments. After oral bids, if any, are received, the authorized officer shall declare the high bid. A successful oral bidder must submit a guaranteed remittance, in full payment for the tract and cost of publication, before 3:30 p.m. of the day following the sale.

Any of the parcels not bid on at the sale will be reoffered on the first Wednesday of subsequent months at 1:30 p.m., beginning March 4, 1970.

Any adverse claimants to the above described lands should file their claims or objections with the undersigned before the time designated for the sale.

The land described in this notice has been segregated from all forms of appropriation, including locations under the general mining laws, except for sale under this Act, from the date of notation of the proposed classification decision. Inquiries concerning this sale should be addressed to the Land Office, Bureau of Land Management, Room 334, Federal Building, 550 West Fort Street, Boise, Idaho 83702.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 69-15502; Filed, Dec. 31, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

1970 UPLAND COTTON FARM ACREAGE ALLOTMENTS IN IMPERIAL AND RIVERSIDE COUNTIES, CALIF.

Special Referendums on Out-of-County Transfers by Sale or Lease

Notice is hereby given that special county referendums pursuant to section 344a(b)(ii) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1344b(b)(ii)), were conducted by mail ballot during the period December 1–5, 1969, each inclusive, in Imperial and Riverside Counties, Calif., on the question of transfers out-of-county but within the State by sale or lease of upland cotton allotments to take effect in 1970, in accordance with the notice published in the FEDERAL REGISTER on November 29, 1969 (34 F.R. 19037).

Less than two-thirds of the producers of upland cotton of the 1969 crop voting in each county referendum voted to permit the transfer of upland cotton allotments by sale or lease to farms in other counties within the State. Accordingly, it is hereby determined and proclaimed that the prohibition on such transfers for Imperial and Riverside Counties, Calif., shall remain in effect as published in § 722.474 (34 F.R. 9057) in the FEDERAL REGISTER of June 7, 1969.

Signed at Washington, D.C., on December 30, 1969.

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

[F.R. Doc. 69-15526; Filed, Dec. 30, 1969; 11:18 a.m.]

Consumer and Marketing Service

NORTH DAKOTA

Notice of Intended Designation Under the Federal Meat Inspection Act

Paragraph 301(c) of the Federal Meat Inspection Act (21 U.S.C. 661(c)) requires the Secretary of Agriculture to designate promptly after December 15, 1969, any State as one in which the requirements of titles I and IV of said Act shall apply to intrastate operations and transactions, and to persons, firms and corporations engaged therein, with respect to meat products and other articles and animals subject to the Act, if he determines after consultation with the Governor of the State, or his representative, and other procedure, that the State involved has not developed and activated requirements, at least equal to those under titles I and IV, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State. However, if the Secretary has reason to believe that the State will activate the necessary requirements within an additional year, he may allow the State the additional year in which to activate such requirements.

The Secretary has determined that the State of North Dakota has not developed and activated the prescribed requirements and he does not have reason to believe that the State will be able to activate such requirements if the State is allowed an additional year in accordance with the Act. Therefore, notice is hereby given that the Secretary of Agriculture will designate said State under paragraph 301(c) of the Act as soon as necessary arrangements can be made for determining which establishments in the State are eligible for Federal Inspection, for providing inspection at the eligible establishments, and for otherwise enforcing the applicable provisions of the Federal Act with respect to intrastate activities when the designation is made and becomes effective. As soon as these arrangements are completed, notice of the designation will be published in the FEDERAL REGISTER. Upon the expiration of 30 days after such publication, the provisions of titles I and IV of said Act shall apply to intrastate operations and transactions and persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce" within the meaning of the Act, except as otherwise provided in subparagraph 301(c)(2), and any establishment in North Dakota which conducts any slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal Inspection or cease its operations, unless it qualifies for an exemption under the Act. The exemption provisions of the Act are very limited.

Therefore, the operator of each such establishment who desires to continue such operations after designation of the State becomes effective should immediately communicate with the Regional Director, L. H. Burkert, U.S. Department of Agriculture, Room 638, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101 (Telephone: Area Code 612–725–7835) for information concerning the requirements and exemptions under the Act and application for inspection and a survey of the establishment.

Done at Washington, D.C., on December 29, 1969.

ROY W. LENNARTSON,
Administrator.

[F.R. Doc. 69-15512; Filed, Dec. 31, 1969; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File 23(69)-19]

GERT HYLEN ET AL.

Order Extending Temporary Denial of Export Privileges

In the matter of Gert Hylen, Nicoloviusgatan 6B, Malmo, Sweden, respondent; G. Hylen A.B., Nicoloviusgatan 6B, Malmo, Sweden, Gate Fabriks A.B., Hjo, Sweden, related parties.

An order temporarily denying export privileges for a period of 60 days was issued against the above respondent and related parties on October 27, 1969 (34 F.R. 17737). Said order was issued in connection with an investigation instituted by the Investigations Division, Office of Export Control, Bureau of International Commerce. On the evidence presented there was reasonable basis to believe that respondent had knowingly participated in transactions involving the unauthorized reexportation of substantial quantities of U.S.-origin automotive parts and accessories from Sweden to Cuba.

The Director of said Investigations Division has applied under section 388.11 of the Export Control Regulations for an extension of the temporary denial order for an additional 30 days. He has represented that since the temporary denial order was issued in this case on October 27, 1969, written interrogatories have been served on respondent and that said interrogatories have not yet been answered. If said interrogatories are not answered an order denying export privileges for an indefinite period for failure to answer may be appropriate under § 388.15 of the Export Control Regulations. Until such interrogatories are

answered or the time for answering has expired it cannot now be determined what action will be taken in the case.

The application for extension of the temporary denial order has been considered by the Compliance Commissioner and he has reported his recommendation to me that the present temporary denial order be extended for an additional 30 days. He has found that such extension is reasonably necessary for the protection of the public interest. I confirm this finding.

Accordingly, it is hereby ordered:

I. The prohibitions and restrictions of the temporary denial order issued in this matter on October 27, 1969 (34 F.R. 17737) are hereby continued in full force and effect.

II. The respondent, his assigns, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or aboard, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent but also to his agents and employees and to any person, firm, corporation, or business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith including the following firms located in Sweden: G. Hylen A.B., Malmo; and Gate Fabriks A.B., Hjo.

IV. This order continues in full force and effect the temporary denial order which was entered on October 27, 1969, and shall remain in effect for a period of 30 days from the expiration of said temporary denial order, unless it is hereafter amended, modified, or vacated in accordance with the provisions of the U.S. Export Control Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with respondent or any related party or whereby the respondent or such related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any said respondent; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondent and the related parties named herein.

VII. In accordance with the provisions of § 388.11(c) of the Export Control Regulations, the respondent or any related party named herein may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

Dated: December 23, 1969.

SHERMAN R. ABRAHAMSON,
Acting Director,
Office of Export Control.

[F. R. Doc. 69-15508; Filed, Dec. 31, 1969; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-208]

TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK

Extension of Completion Date

The Trustees of Columbia University in the city of New York having filed a request for extension of the latest completion date specified in Construction Permit No. CPRR-78, in order to permit the completion of pending proceedings concerning the issuance of an operating license, and good cause having been shown for extension of said date pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55 of the Commission's regulations:

It is hereby ordered, That the latest completion date is extended to June 30, 1970.

Date of issuance: December 19, 1969.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 69-15479; Filed, Dec. 31, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 21280, 18381; Order 69-12-109]

EXECUTIVE AIRLINES, INC.

Order To Show Cause Regarding Nonpriority Mail Rates

Issued under delegated authority December 24, 1969.

Executive Airlines, Inc. (Executive), is an air taxi operator providing services pursuant to Part 298 of the Board's economic regulations. By petition filed August 4, 1969, in this docket Executive requested that the Board establish the domestic multielement service rates for priority and nonpriority mail as final rates for the transportation of mail over its entire system. The Postmaster General supports Executive's petition.

Pending Board decision on Executive's petition, by supplemental petition filed December 23, 1969, the Postmaster General requested expedited action to establish the above as the final rates for Executive for the transportation of mail by aircraft between Albany, N.Y., and both Worcester, Mass., and Keene, N.H., and between Boston, Mass., on the one hand and Worcester, Mass., Lebanon, N.H., and Montpelier, Vt., on the other. Expedited action is necessary to provide for transportation of mail by aircraft in these markets in view of the indicated imminent suspension of service by Northeast Airlines, Inc., prior to mid-January.[1]

No service mail rates are currently in effect for this service by Executive. It is requested that the multielement rates[2] and conditions established in Orders E-25610 and E-17255 and which are in effect for Northeast on these routes be made applicable to Executive.

The rate in Order E-25610, August 28, 1967, for the air transportation of priority mail was established by the Board in the Domestic Service Mail Rate Investigation. We propose to establish a service rate for the air transportation of priority mail by Executive at the level established in Order E-25610, as amended, and the terms and provisions of that order also shall be applicable to Executive in the same manner as they were applicable to Northeast in providing mail services in these markets.

An open-rate situation has existed for the air transportation of nonpriority mail since April 6, 1967, when the Post Office petitioned for new nonpriority mail rates in Docket 18381. The rates currently being paid air carriers (including Northeast) for the transportation of

[1] See temporary suspension granted in Order 69-12-73, Dec. 16, 1969.

[2] The present rates per Order 69-9-118, Sept. 19, 1969, are as follows:

Priority mail: 24 cents per ton-mile plus 9.36 cents per pound at Keene, Lebanon, Montpelier, and Worcester; and 2.34 cents per pound at Albany and Boston.

Nonpriority mail by air: 15.115 cents per ton-mile plus 4.98 cents per pound at Montpelier, 3.32 cents per pound at Keene, Lebanon, and Worcester; and 1.66 cents per pound at Albany and Boston.

nonpriority mail, established by Order E–17255, July 31, 1961, in the Nonpriority Mail Rate Case, are subject to such retroactive adjustment to April 6, 1967, as the final decision in Docket 18381 may provide. Since it is equitable that Executive receive the same compensation as Northeast for the same services, we propose to establish temporary service rates for nonpriority mail for Executive at the level established in Order E–17255, as amended. We will also make Executive a party to the proceedings in Docket 18381 so the temporary nonpriority mail rates established herein will be subject to any retroactive adjustment ordered in that proceeding.

The Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Executive by the Postmaster General for the air transportation of mail, the facilities used and useful therefor, and the services connected therewith between Albany, N.Y., and both Worcester, Mass., and Keene, N.H., and between Boston, Mass., on the one hand and Worcester, Mass., Lebanon, N.H., and Montpelier, Vt., on the other. Upon consideration of the petition, the answer of the Postmaster General, and other matters officially noticed, the Board proposes to issue an order [3] to include the following findings and conclusions:

1. The fair and reasonable final service mail rates to be paid Executive Airlines, Inc., pursuant to section 406 of the Act, for the transportation of priority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Albany, N.Y., and both Worcester, Mass., and Keene, N.H., and between Boston, Mass., on the one hand and Lebanon, N.H., Montpelier, Vt., and Worcester, Mass., on the other shall be the rates established by the Board in Order E–25610, August 28, 1967, as amended, and shall be subject to the other provisions of that order;

2. The fair and reasonable temporary service mail rates to be paid Executive Airlines, Inc., pursuant to section 406 of the Act for the transportation of nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Albany, N.Y., and both Worcester, Mass., and Keene, N.H., and between Boston, Mass., on the one hand and Lebanon, N.H., Montpelier, Vt., and Worcester, Mass., on the other shall be the rates established by the Board in Order E–17255, July 31, 1961, as amended, subject to any retroactive adjustment made in Docket 18381; and

3. The service mail rates here fixed and determined are to be paid entirely by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR 385.14(f),

It is ordered, That:

1. All interested persons and particularly Executive Airlines, Inc., the Postmaster General, and Northeast Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final and temporary rates specified above, as the fair and reasonable rates of compensation to be paid to Executive Airlines, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302 and notice of any objection to the rates or to the other findings and conclusions proposed herein shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall also be filed within the same 10 days after service of this order; [4]

3. If no notice of objection is filed within 10 days after service of this order, or if notice is filed and no answer is filed within the said 10 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final and temporary rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final and temporary rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307);

5. Executive Airlines, Inc., is hereby made a party to the proceedings in Docket 18381;

6. This order shall be served upon Executive Airlines, Inc., the Postmaster General, and Northeast Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69–15515; Filed, Dec. 31, 1969; 8:47 a.m.]

[Docket No. 21732; Order 69–12–111]

FLYING TIGER LINE INC.

Order of Suspension and Investigation Regarding Extension of Expiry Date on Multicontainer Rates

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

By tariff posted November 14, 1969, and marked for effectiveness December 31, 1969, the Flying Tiger Line Inc. (Flying Tiger), proposes to extend the present expiration date of December 31, 1969, on its container tariff to December 31, 1970.

In support of its filing, Flying Tiger states that:

> The tariff was originally filed on an experimental basis to test the effect such tariff would have in producing a profitable domestic rate structure. In the twelve to thirteen months these rates have been in effect, studies to measure this impact have been in process, but at this time Tiger again finds itself faced with a tariff filing deadline to amend the expiration date with incomplete and/or inconclusive statistical information to measure these rates.
>
> In addition, since this tariff applies to containerized shipments it will be affected by a domestic industry container agreement to which Tiger is a party.[1] This agreement is now pending before the Board for approval and it would be inappropriate for Tiger to take other action or abandon present rates without knowledge of approval or disapproval of an agreement it has elected to accept.
>
> As Tiger specified in May, 1969, in regards to this same expiration date, the plan, purpose and/or intent of Tiger is to make changes, coupled with complete supporting data, to any part of the tariff under expiration during the interim period of December 31, 1969, to December 31, 1970, as developing data dictates.

No complaints on the proposed extension have been received by the Board.

It is apparent that Flying Tiger intends to bring its container rates and provisions into conformity with the cited agreement at the time said agreement is implemented by the parties (probably on or about Feb. 4, 1970), except perhaps as to multicontainer (five or more) rates which are exempt from the agreement.

Flying Tiger has not provided economic support for the multicontainer rates, nor any cost basis for the differential in the lower rates applicable to such shipments of five or more containers. Although the Board has earlier permitted Flying Tiger's multicontainer rates to become effective,[2] the Board subsequently stated at the time of approving the carrier's container agreement, that:

> The agreement, however, provides an escape clause whereby the carriers are free to introduce multicontainer discounts to offset the inherent disparity of container charges being greater than bulk-freight charges.
>
> While the Board has previously permitted tariffs to become effective establishing these discounts, in our action therein we noted that such multicontainer rates for five or more containers may not be entirely supported by cost differential considerations.

[3] As this order to show cause is not a final action and merely provides for interested persons to be heard on the matters herein proposed, it is not subject to the review provisions of Part 385 (14 CFR Part 385). Those provisions will apply to any final action taken by the staff in this matter under authority delegated in § 385.14(g).

[4] In view of the urgency to establish a final rate, filing of an answer simultaneously with the notice is necessary.

[1] Agreement CAB 21,225; approved by the Board on Dec. 4, 1969, Order 69–12–27.

[2] Order 68–12–57 dated Dec. 10, 1968, dismissed a complaint and permitted Flying Tiger's rates to become effective on an experimental basis.

For this reason, the Board will expect the carriers to fully justify any multicontainer discounts which they may propose to continue, or introduce.

(Order 69-12-27 dated Dec. 4, 1969.)

In these circumstances, and upon consideration of the filing and other relevant matters, the Board finds that the multicontainer rates as proposed for extension through 1970, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.

The Board recognizes, however, that a termination of these rates at this time without a reasonable lead time may effect hardship on shippers who had made plans on the basis of the reduced rates. Accordingly, the Board would consider a refiling of the tariff to extend the effective date to no later than March 31, 1970, which should provide a reasonable time for shippers to make this transition.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the provisions on Fifth Revised Title Page of Airline Tariff Publishers, Inc., Agent's CAB No. 114, and rules, regulations, or practices affecting such provisions, are or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful provisions, and rules, regulations, and practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions on Fifth Revised Title Page of Airline Tariff Publishers, Inc., Agent's CAB No. 114 are suspended and their use deferred to and including March 30, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

4. Copies of this order shall be filed with the tariff named above and shall be served upon the Flying Tiger Line Inc., and Trans World Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-15516; Filed, Dec. 31, 1969; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 472]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

DECEMBER 29, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

3430-C2-P-70—Cartel Corp. (New), C.P. for a new 2-way station to be located at 247 Newbury Street, Peabody, Mass., to operate on base frequency 152.15 MHz.

3431-C2-P-(2)-70—Robert S. Ditton (KLF563), C.P. to establish a new control station to be located at 213 North Fourth Street, Coeur d'Alene, Idaho, to operate on frequency 454.05 MHz. Also relocate the presently authorized control station to West 1303 First Avenue, Spokane, Wash., operating on frequency 454.05 MHz.

3433-C2-P-70—Lafayette Radiotelephone Co. (New), C.P. for a new 1-way station to be located at 101 Colony Road, West Lafayette, Ind., to operate on base frequency 152.24 MHz.

3436-C2-P-70—Lafayette Radiotelephone Co. (KSJ767), C.P. to change antenna system and replace transmitter operating on base frequency 152.15 MHz at station located at 101 Colony Road, West Lafayette, Ind.

3498-C2-P-70—Mobile Radio Telephone Service, Inc. (New), C.P. for a new 1-way station to be located at Ensign Peak, Salt Lake City, Utah, to operate on base frequency 152.24 MHz.

3499-C2-P-70—Mobile Radio Telephone Service, Inc. (New), C.P. for a new 1-way station to be located at 530 East Second South, Provo, Utah, to operate on base frequency 158.70 MHz.

3500-C2-P-70—Mobile Radio Telephone Service, Inc. (New), C.P. for a new 1-way station to be located at 0.4 mile southeast of 4600 South Street and Harrison Boulevard, Ogden, Utah, to operate on base frequency 158.70 MHz.

3501-C2-P-(5)-70—Billie White, doing business as Lafayette Radiofone (KKO352), C.P. to change antenna location to: North side of Southern Pacific Railroad tracks, approximately 1 mile west of city limits, Lafayette, La., for base frequencies 152.03, 152.12, 152.21, 152.09, 152.18 MHz.

3432-C2-ML-70—Robert S. Ditton (KLF563), Modification of license to change base station frequency from: 152.15 MHz to: 152.09 MHz at location No. 1: 6.25 miles northeast of Freeman, Wash.

RURAL RADIO SERVICE

3502-C1-P-70—Golden West Telephone Co. (New), C.P. for a new fixed station to be located at 22 miles northeast of Parker, Ariz., to operate on frequency 157.89 MHz.

3503-C1-P-70—Golden West Telephone Co. (New), C.P. for a new fixed station to be located at 20 miles northeast of Parker, Ariz., to operate on frequency 157.89 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

3362-C1-P-70—General Telephone Co. of the Northwest (New), C.P. for a new fixed station to be located at 426 Casino Road, Everett, Wash., to operate on frequency 2122.0 MHz toward Deer Creek Flats, Wash.

3363-C1-P-70—General Telephone Co. of the Northwest (New), C.P. for a new fixed station to be located at Deer Creek Flats, 1.5 miles west of Index, Wash., to operate on frequency 2172.0 MHz toward Everett, Wash., and 2162.4 MHz toward Maloney Lookout, Wash.

3364-C1-P-70—General Telephone Co. of the Northwest (New), C.P. for a new fixed station to be located at Maloney Lookout, 1.5 miles southeast of Skykomish, Wash., to operate on frequency 2112.4 MHz toward Deer Creek Flats, Wash.; 2126.8 MHz toward Skykomish, Wash., and frequencies 11,305 and 11,425 MHz toward Stevens Pass, Wash., via passive reflector.

3365-C1-P-70—General Telephone Co. of the Northwest (New), C.P. for a new fixed station to be located at Stevens Pass, 3 miles northeast of Scenic, Wash., to operate on frequencies 10,775 and 10,895 MHz toward Maloney Lookout, Wash., via passive reflector.

3366-C1-P-70—General Telephone Co. of the Northwest (New), C.P. for a new fixed station to be located at the corner of Railroad and Third Streets, Skykomish, Wash., to operate on frequency 2176.8 MHz toward Maloney Lookout, Wash.

3434-C1-P-70—The Bell Telephone Co. of Pennsylvania (KYJ36), C.P. to add frequencies 11,345 and 11,585 MHz toward Ramsey Hill, Pa. Location: 210 Pine Street, Harrisburg, Pa.

3435-C1-P-70—The Bell Telephone Co. of Pennsylvania (KYS58), C.P. to add frequencies 10,935 and 11,175 MHz toward Harrisburg, Pa., and frequencies 10,875 and 6108.3 MHz toward Mount Newman, Pa. Location: Ramsey Hill, 2.6 miles southwest of Lewisberry, Pa.

3435-C1-P-70—The Bell Telephone Co. of Pennsylvania (KYS58), C.P. to add frequencies 10,935 and 11,175 MHz toward Harrisburg, Pa., and frequencies 10,875 and 6108.3 MHz toward Mount Newman, Pa. Location: Ramsey Hill, 2.6 miles southwest of Lewisberry, Pa.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

3437-C1-TC-70—Television Cable Service, Inc. Consent to transfer of control from Television Cable Service, Inc. Transferor, to: LVO Cable, Inc. Transferee station: KLF26 Tulsa, Okla.

3438-C1-TC-(17)-70—United Video, Inc. Consent to transfer of control from United Video, Inc., Transferor, to: LVO Cable, Inc., Transferee (17 stations located at various points in Illinois and Missouri).

[F.R. Doc. 69-15509; Filed, Dec. 31, 1969; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2317]

APPALACHIAN POWER CO.

Notice Fixing Oral Argument

DECEMBER 23, 1969.

The Commission has before it the Examiner's Initial Decision issued on October 1, 1969, the Briefs on Exceptions and the Briefs Opposing Exceptions. On December 8, 1969, the Commonwealth of Virginia filed a motion requesting oral argument. On December 15, 1969, Appalachian Power Company filed an answer in opposition to the motion.

Take notice that an oral argument is scheduled to be heard by the Commission en banc commencing at 9:30 a.m., e.s.t., on January 26, 1970, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426.

All Parties desiring to participate in such oral argument shall notify the Secretary of the Commission in writing on or before January 12, 1970, of the amount of time desired for presentation of their respective oral arguments.

By direction of the Commission.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-15480; Filed Dec. 31, 1969; 8:45 a.m.]

[Docket No. CP70-149]

CITIES SERVICE GAS CO.

Notice of Application

DECEMBER 22, 1969.

Take notice that on December 11, 1969, Cities Service Gas Co. (applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP70-149 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7 of the regulations thereunder, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment applicant's ability to act with reasonable dispatch in taking into its certificated main pipeline system natural gas which it is authorized to purchase from producers thereof.

Applicant proposes to construct during the calendar year 1970 and operate small field compressor units and minor appurtenant facilities including, where necessary, the relocation of such units and appurtenant facilities.

The total estimated cost of the proposed facilities will not exceed $700,000, with the cost of units for any single producing area not to exceed $350,000. Financing will be from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-15481; Filed, Dec. 31, 1969; 8:45 a.m.]

[Docket No. RI70-858]

JOHN L. CRAWFORD

Order Providing for Hearing on and Suspension of Proposed Change in Rate

DECEMBER 19, 1969.

On November 20, 1969 [1] John L. Crawford (Crawford) [2] tendered for filing a proposed change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is designated as follows:

Description: Notice of Change, dated November 5, 1969.

Purchaser and producing area: Northern Natural Gas Co. (Joe T. and Baggett Fields, Crockett County, Tex.) (RR. District No. 7-C) (Permian Basin Area).

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[1] Corrected rate change filed on Dec. 5, 1969.

[2] Address is: 625 South National Bank Building, Houston, Tex. 77002.

Rate schedule designation: Supplement No. 3 to Crawford's FPC Gas Rate Schedule No. 1.
Effective date: December 21, 1969.[3]
Amount of annual increase: $522.
Effective rate: 16.06 cents per Mcf.[4]
Proposed rate: 17.0637 cents per Mcf.[5]
Pressure base: 14.65 p.s.i.a.

Crawford's proposed periodic rate increase exceeds the applicable area ceiling rate of 16.41 cents per Mcf established by the related quality statement which has been filed. Acceptance by the Commission of the quality statement will be in a separate order. Since Crawford's proposed 17.0637 cents per Mcf rate exceeds the area ceiling rate it should be suspended for 5 months from December 21, 1969, the proposed effective date.

The proposed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: 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 proposed change, and that Supplement No. 3 to Crawford's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

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 upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Crawford's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, Supplement No. 3 to Crawford's FPC Gas Rate Schedule No. 1 is hereby suspended and the use thereof deferred until May 21, 1970, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 4, 1970.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-15482; Filed, Dec. 31, 1969; 8:45 a.m.]

[3] The stated effective date is the effective date requested by respondent.

[4] Rate in effect subject to refund in Docket No. RI70-674.

[5] Periodic rate increase.

[Docket No. E-7513]

DUKE POWER CO.

Order Permitting Change of Rate Schedule etc.

DECEMBER 19, 1969.

Order permitting change of rate schedule and supplements during suspension period, accepting for filing superseding rate schedule and supplements thereto, suspending superseding rate schedule supplement, and permitting the superseding rate schedule and its supplements to become effective as hereinafter ordered.

By order issued November 20, 1969, in the above-entitled proceeding, the Commission, among other things, suspended and ordered a hearing on Supplement No. 1 to Duke's Rate Schedule FPC No. 179, which sought to incorporate a fuel cost adjustment clause into the contract for the sale of electric power by Duke Power Co. (Duke) to the city of Statesville, N.C. Rate Schedule FPC No. 179 was continued in effect by that order until this proceeding has been terminated or until the period of suspension has expired, April 22, 1970.

Duke, on November 7, 1969, tendered for filing a new service contract with Statesville together with three supplements,[1] to supersede Rate Schedule FPC No. 179. The new agreement adds a second delivery point requested by Statesville and increases the contract demand from 34,000 kw. for the one delivery point to 25,000 kw. at each of the two delivery points. The billing continues under Duke's standard rate for resale service to municipalities and public utilities.

Duke, by letter dated November 14, 1969, submitted as an addition to the November 7th tender, the same fuel cost adjustment clause that had been suspended in this proceeding by order issued November 20, 1969. Under this filing, that fuel clause is designated as Supplement No. 4 to Duke's Rate Schedule FPC No. 240.

Duke has requested that its tenders of November 7 and 14, 1969 be made effective December 22, 1969. We shall grant Duke's request (1) insofar as it seeks an effective date for Rate Schedule FPC No. 240 and Supplements Nos. 1, 2, and 3 thereof; and (2) insofar as it seeks to substitute its redesignated fuel clause Supplement No. 4 to Rate Schedule FPC No. 240, for Supplement No. 1 to Rate Schedule FPC No. 179. As hereinafter provided, we suspend Supplement No. 4 until April 23, 1970, to conform the effective date to that of the supplement as it was previously designated.

The Commission finds:

(1) Good cause exists for permitting Duke to change its existing Rate Schedule FPC No. 179 and Supplement No. 1 thereto during the suspension period and to accept for filing the tendered superseding rate schedule and supplements thereto.

(2) It is necessary and appropriate for purposes of the Federal Power Act to allow Duke's Rate Schedule FPC No. 240 and Supplement Nos. 1, 2, and 3 thereto to become effective as hereinafter ordered, and to suspend Supplement No. 4 to Duke's Rate Schedule FPC No. 240.

The Commission orders:

(A) Duke is hereby permitted to change its Rate Schedule FPC No. 179 and Supplement No. 1 thereto during the period of suspension.

(B) Duke's tender of its Rate Schedule FPC No. 240 and Supplement Nos. 1, 2, 3, and 4 thereto is hereby accepted for filing.

(C) Duke's Rate Schedule FPC No. 240 and Supplement Nos. 1, 2, and 3 thereto are hereby permitted to become effective December 22, 1969.

(D) Supplement No. 4 to Duke's Rate Schedule FPC No. 240 is hereby suspended and the use thereof deferred until April 23, 1970. On that date, Supplement No. 4 shall take effect in the manner prescribed by the Federal Power Act, subject to further order of the Commission in Docket No. E-7513, subject to Duke's keeping an accurate account in detail of all amounts received by reason of such change in rates and charges, and subject to such refund as the Commission may order, all in accordance with section 205 (e) of the Federal Power Act.

(E) Unless otherwise ordered by the Commission, Duke shall not change the terms or provisions of Supplement No. 4 or its Rate Schedule FPC No. 240 until this proceeding has been terminated or until the period of suspension has expired.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 69-15483; Filed, Dec. 31, 1969; 8:45 a.m.]

[1] The tender has been designated as follows: The service contract dated Oct. 21, 1969 is Duke's Rate Schedule FPC No. 240; delivery point No. 1 is Supplement No. 1 to FPC No. 240; delivery point No. 2 is Supplement No. 2 to FPC No. 240; and Schedule No. 10, resale service, dated Feb. 1, 1965, is Supplement No. 3 to FPC No. 240.

[Docket No. CP70-154]

EL PASO NATURAL GAS CO.

Notice of Application

DECEMBER 22, 1969.

Take notice that on December 16, 1969, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP70-154 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1970, and operation of certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in order to maintain the present daily design delivery capacity of 425,000 Mcf from its Lea County, N. Mex., dry gas sources, it will be necessary to install a maximum total of 17,000 compressor brake horsepower at existing plant locations to be utilized

to offset reservoir pressure decline. Applicant also proposes to construct and operate related auxiliary facilities providing two-staging, cylinder modifications, and station piping modifications of existing compressor units.

The total estimated cost of the proposed facilities will not exceed $13,500,000, and will be financed by working funds supplemented by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-15484; Filed, Dec. 31, 1969; 8:45 a.m.]

[Docket No. CP70-152]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

DECEMBER 22, 1969.

Take notice that on December 15, 1969, Florida Gas Transmission Co. (applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP70-152 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of a short gathering line and a field compressor unit on existing gas supply facilities to enable it to continue to receive natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to install and operate a skid-mounted field compressor unit in the Sun Field, Starr County, Tex., to enable it to continue to receive natural gas from Clark Fuel Producing Co. (Clark), when that company exercises its contractual rights to reduce delivery pressure of gas delivered not to exceed 500 p.s.i.g. Applicant states that Clark has advised applicant that it now plans to exercise that right, and that it will be necessary to install the proposed facilities to maintain continuity of deliveries.

The total estimated cost of the proposed facilities is $52,000, to be financed from internally-generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-15485; Filed, Dec. 31, 1969; 8:45 a.m.]

[Docket No. CP69-44]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition To Amend

DECEMBER 23, 1969.

Take notice that on December 16, 1969, Michigan Wisconsin Pipe Line Co. (applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP69-44 a petition to amend the order of the Commission issued on January 17, 1969, by authorizing an increase in the maximum daily quantity of natural gas to be delivered by Applicant to Community Natural Gas Co., Inc. (Community), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant states that it has been informed by Community that increases in residential and commercial customers in recent months require an increase in its authorized deliveries of up to 73 Mcf per day from 850 Mcf per day to 924 Mcf per day. Applicant further states that it requests an effective date of September 1, 1969, to avoid the possibility of Community's incurring daily overrun penalties.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-15486; Filed, Dec. 31, 1969; 8:45 a.m.]

[Docket No. CP70-150]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

DECEMBER 22, 1969.

Take notice that on December 15, 1969, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP70-150 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of facilities and the transportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to operate facilities and transport natural gas in order to effectuate a gas rental agreement between Applicant and the Putnam-Oswego Unit, Dewey and Custer Counties, Okla. Applicant is presently the sole purchaser of gas produced from the area, and pursuant to the various gas purchase contracts, deliveries to applicant will be interrupted during pressure maintenance

operations. Applicant states that the unit has requested it to deliver and lease to the unit additional quantities of gas required for pressure maintenance operations over a period now estimated to be 7 years at daily rates not to exceed 10,000 Mcf for a total quantity not to exceed 24,000,000 Mcf. Applicant further states that the pressure maintenance operation is an important conservation measure for the Putnam-Oswego field which will be carried out pursuant to the plan of unitization.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-15487; Filed, Dec. 31, 1969; 8:45 a.m.]

[Docket No. CP70-69 etc.]

NORTHERN NATURAL GAS CO., ET AL.

Order Consolidating Proceedings, Granting Interventions, Ordering Further Exhibits, Ordering the Filing of Answering Evidence, Ordering Statement of Issues, and Setting Dates for Prehearing Conference and Hearing

DECEMBER 23, 1969.

Northern Natural Gas Co. (Northern) filed applications in Dockets Nos. CP70-69, CP70-70, and CP70-71 on September 23, 1969, for a Presidential Permit pursuant to Executive Order 10485, dated September 3, 1953, and for authorization pursuant to sections 3 and 7(c) of the Natural Gas Act to export and import natural gas from the United States to Canada and from Canada to the United States and to construct and operate certain facilities to purchase, gather, transport, and sell natural gas, all as more fully set forth in the applications.

High Crest Oils, Inc., Operator et al. (High Crest), filed an application on October 10, 1969, pursuant to section 7 of the Natural Gas Act for authorization to sell to Northern in interstate commerce natural gas produced in Montana, all as more fully set forth in the application.

A Presidential permit is requested by Northern in Docket No. CP70-69 to export up to 150,000 Mcf per day of natural gas, produced in the Tiger Ridge area of Montana, to Consolidated Natural Gas Ltd. (Consolidated Natural), near Willow Creek, Saskatchewan, and to import up to 508,000 Mcf per day of natural gas from Consolidated Natural near Oungre, Saskatchewan, consisting of volumes purchased by Consolidated Natural from Northern near Willow Creek and an additional 358,000 Mcf per day of Canadian gas which Consolidated will purchase in Alberta, Canada.

Applicant requests authorization in Docket No. CP70-70 pursuant to section 3 of the Natural Gas Act to export and import natural gas at the locations and in the amounts as set forth in the preceding paragraph.

In Docket No. CP70-71 Northern requests authorization pursuant to section 7(c) of the Natural Gas Act to construct and operate 46.1 miles of 16-inch pipeline and other facilities in Montana to purchase, gather, transport and sell natural gas, purchased in the Tiger Ridge area of Montana, to Consolidated Natural for export to Canada at the international boundary near Willow Creek in Saskatchewan, Canada, for eventual resale and redelivery to applicant.

Northern also requests authorization in that docket to construct and operate 560.9 miles of a new 36-inch pipeline running in a northwesterly direction from its existing North Branch, Minn., compressor station to a point on the international boundary near Oungre, Saskatchewan, in order to purchase up to 508,000 Mcf per day of natural gas from Consolidated Natural on a cost of service basis.

High Crest Oils, Inc., requests authorization to sell gas to Northern from acreage in the Tiger Ridge area, Blaine and Hill Counties, Mont., at an initial price of 15.5 cents per Mcf at 14.65 p.s.i.a. with a B.t.u. adjustment for variations from 1,000 B.t.u.'s per cubic foot. The contract contains a take-or-pay provision commencing July 1, 1970. The application also covers the interests of other co-owners in the area who have executed separate identical contracts with Northern.

Notice of the applications in Dockets Nos. CP70-69, CP70-70, and CP70-71 was issued by this Commission October 1, 1969, and published in the FEDERAL REGISTER on October 8, 1969 (34 F.R. 15616). The notice set October 29, 1969, as the date by which any protests or petitions to intervene were to be filed.

Notice of High Crest's application in Docket No. CI70-355 was issued by this Commission on October 28, 1969, (Shell Oil Co., Docket No. G-5061, et al.) and published in the FEDERAL REGISTER on November 11, 1969 (34 F.R. 17969). No protests or petitions to intervene were filed by the protest date of November 21, 1969, in response to the notice nor have any protests or petitions been filed to date.

Thirty petitions to intervene and six notices of intervention were filed with this Commission in response to Northern's applications. Of these, five petitions and two notices were untimely filed. For the reasons stated below we find that all petitioners have an interest in these proceedings which may be directly affected and which is not adequately represented by any other party to these proceedings and that good cause exists to permit intervention of those parties filing untimely notices and petitions.

Timely petitions to intervene were filed in all three dockets initiated by Northern (unless otherwise noted) by the following parties:

Central Telephone & Utilities Corp., CP70-71.
Great Lakes Gas Transmission Co.
Intercity Gas Ltd.
Iowa Electric Light and Power Co.
Iowa-Illinois Gas and Electric Co.
Iowa Power and Light Co.
Iowa Public Service Co.
Iowa Southern Utilities Co.
Lake Superior District Power Co.
Michigan Wisconsin Pipe Line Co.
Michigan Power Co.
Midwestern Gas Transmission Co.
Minneapolis Gas Co.
Minnesota Natural Gas Co.
Minnesota Power & Light Co., CP70-71.
Montana Power Co.
Municipal Distributors Group.
Natural Gas Pipeline Company of America, CP70-71.
North Central Public Service Co., CP70-71.
Superior Water, Light and Power Co., CP70-71.
Trans-Canada Pipe Lines Ltd.
Wisconsin Gas Co.
Wisconsin Power and Light Co.
Wisconsin Southern Gas Co., Inc.

A formal hearing has been requested by Trans-Canada Pipe Lines Ltd. (Trans-Canada), and by Montana Power Co. (Montana Power). Trans-Canada has taken the position that Consolidated Natural lacks adequate gas reserves in Canada and offers to transport gas from Alberta for Consolidated Natural for delivery at the international boundary near Emerson, Manitoba, to either Northern or another pipeline for transport to Northern's facilities. Trans-Canada intends to present this alternative proposal in these proceedings so that the Commission may determine which project best meets the requirements of the public interest.

Montana Power requests a hearing in order to show by its own evidence that the reserves in the Tiger Ridge area of Montana are substantially less than those estimated by Northern and that

the public interest will be served by the marketing of Montana's gas reserves in Montana. Further Montana Power alleges the price Northern intends to pay for pipeline quality gas in Tiger Ridge is in excess of the in-line price now being charged for gas in Montana. In clarification, however, this Commission has never determined a formal guideline or in-line rate in the area north of Wyoming.

Untimely petitions to intervene were filed in the three dockets initiated by Northern by the following parties:

Northern States Power Co. (Minnesota) and Northern States Power Co. (Wisconsin) jointly, on Oct. 30, 1969.
Oil Resources Inc., et al., on Nov. 26, 1969.
Pacific Gas and Electric Co. on Oct. 30, 1969.
Pacific Gas Transmission Co. on Oct. 31, 1969.
Panhandle Eastern Pipe Line Co. on Nov. 5, 1969.

The petition of Oil Resources, Inc., et al. states that the presence of opposition to Northern's proposal to purchase Montana reserves and transport them out of Montana and the petition to intervene of Montana Power Co. filed October 27, 1969, in which Montana Power opposes the removal of gas reserves from Montana by Northern only came to petitioners' attention 2 or 3 days before it filed its petition. These petitioners also state that certain allegations of Montana cannot be substantiated and that the intervention of these producers will not result in any undue delay in these proceedings.

The petition of Panhandle Eastern Pipe Line Co. (Panhandle) notes that it did not receive notice until November 3, 1969, of the petition to intervene of Trans-Canada filed October 29, 1969, which offers alternative proposals, and that in light of Panhandle's interest in the availability of new gas supplies in the area served by its system which includes eastern Canada, it is interested in the import proposal of that intervenor and that of Great Lakes in conjunction with Trans-Canada's proposal. Panhandle also notes its participation cannot delay the proceedings nor does it have any interest in delaying these proceedings.

Northern filed an answer in opposition to Panhandle's petition on November 17, 1969, in which it states Panhandle has failed to demonstrate the "extraordinary circumstances" for its late filing and that it lacks the requisite interest required by § 1.8(b) of the Commission's rules. We find, to the contrary, that Panhandle has a demonstrated economic interest herein in that the price and volume of gas imported from Canada to the midwestern United States and the location of the necessary import facilities may affect such interests.

No opposition has been raised to the other untimely petitions nor does it appear that any undue delay will result in granting those petitions; and further, in light of their stated interests herein, it appears that good cause exists for permitting such interventions.

Notices of intervention were filed by the following parties: Iowa State Commerce Commission; Public Service Commission of Wisconsin; Suburban Rate Authority, an organization of municipalities of the State of Minnesota; and the city of Minneapolis. Also notices were untimely filed on October 30, 1969, by the Metropolitan Utilities District of Omaha and the Michigan Public Service Commission. Because of the interest the last two parties have demonstrated in these proceedings and because no undue delay will result from these interventions, good cause exists for permitting such interventions.

Northern omitted Exhibit P in its application in Docket No. CP70–71 on the grounds that it does not propose any additional sales or services in this application. The regulations provide, however, that when proposed facilities will result in a material change in applicant's average cost of service, a system-wide cost of service together with an allocation of such costs to each particular service classification is required as well as other supporting data.[1] It is clear on the face of the application that the installation of these facilities will have an effect upon Northern's average cost of service. The volumes sold before and after construction are shown in Exhibit N, Part 2, Schedule 2, and the cost of service is shown in Exhibit N of the Supplement filed November 21, 1969. Comparison demonstrates the overall average cost of service increases from 36.89 cents per Mcf before construction in 1970 to 40.21 cents per Mcf after construction in 1971.[2]

Further, the regulations provide that when changes are required in an applicant's presently effective tariff then pro forma copies of appropriate changes in the effective tariff must be submitted. We recognize that it would not be appropriate at this time, in this certificate proceeding, to determine the rates Northern would charge after these facilities are constructed. However, pro forma tariff sheets should be filed for 1971, reflecting the changes in Northern's cost of service resulting from the installation of the proposed facilities in order to provide the participants to this proceeding, the Staff, and the Commission with a better understanding of the impact of Northern's project. Our request for this data does not in any way indicate our opinion with respect to the remainder of Northern's application nor does it limit the Staff or other parties in making such further requests for relevant data, as necessary.

We further find that, in order to expeditiously process this matter, the parties should be required to set forth the issues which they believe are involved herein. To accomplish that end, we will require that the parties to the proceeding submit, in writing, and serve on all other parties, on or before February 10, 1970, a specification, in detail, of the specific issues which they believe must be resolved in this consolidated proceeding in this matter. At the prehearing conference all parties should attempt further to limit the issues in this proceeding, to stipulate as to evidentiary matters, to resolve those issues which are capable of resolution on agreed evidence, and to use any other possible means to dispose of this matter consistent with due process and the Natural Gas Act.

Because the application of Northern in Dockets Nos. CP70–69, CP70–70, and CP70–71 and the application of High Crest are interdependent they should be consolidated and heard together.

The Commission finds:

(1) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(2) The proposed facilities will result in a material change in Northern Natural Gas Company's cost of service and therefore, pursuant to § 157.14(a)(18)(ii) an Exhibit P should be filed by Northern upon all parties to this proceeding.

(3) The processing of this proceeding will be expedited by the filing of statements, in detail, of proposed issues by the participants herein and discussion thereafter at a prehearing conference.

(4) The proceedings in Dockets Nos. CP70–69, CP70–70, CP70–71, and CI70–355 are interdependent and should therefore be consolidated.

(5) The expeditious disposition of these proceedings will be furthered by the submission of answering evidence on or before January 30, 1970, in response to the case-in-chief of Northern Natural Gas Co. filed November 3, 1969.

(6) The expeditious disposition of these proceedings will be furthered by convening a prehearing conference in these proceedings on February 17, 1970, and the commencement of hearings in these proceedings on February 18, 1970.

The Commission orders:

(A) The applications of Northern Natural Gas Co. in Dockets Nos. CP70–69, CP70–70, and CP70–71 and the application of High Crest Oils, Inc., Operator et al. in Docket No. CI70–355 are hereby consolidated.

(B) The above-named petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) Pursuant to § 2.62(c) of the Commission's rules of practice and procedure, the applicants shall serve copies of their filings upon all intervenors promptly, unless such service has already been effected pursuant to Part 157

[1] Section 157.14(a)(18)(ii).

[2] In 1970, $305,388,649 ÷ 827,798,000 Mcf = 36.89 cents per Mcf; in 1971, $372,934,169 ÷ 927,512,000 Mcf = 40.21 cents per Mcf.

of the regulations of the Natural Gas Act.

(D) Answering evidence in response to the case-in-chief of Northern Natural Gas Co., including prepared testimony and exhibits, shall be filed on or before January 30, 1970. The filing of further rebuttal evidence shall be permissible after the conclusion of cross-examination.

(E) Pursuant to § 157.14(a)(18)(ii) of the regulations under the Natural Gas Act, Northern Natural Gas Co. shall file an Exhibit P upon all parties to this consolidated proceeding on or before January 8, 1970, particularly detailing an allocation to each service classification of its overall cost of service for the first year of operation after the proposed facilities are placed in service with the basis for each allocation clearly stated and including pro forma rates pursuant to such allocation.

(F) The parties to this proceeding shall submit in writing on or before February 10, 1970, a statement of the issues which they believe have been raised by the above-docketed applications, by the supplements, and by the direct and answering testimony and exhibits filed herein. Said detailed statement of issues shall be served on the other parties to the proceeding and the Commission staff, in accordance with the Commission's rules.

(G) Pursuant to the provisions of section 1.18 of the Commission's rules of practice and procedure, a prehearing conference before a duly designated presiding examiner shall commence at 10 a.m., e.s.t., on February 17, 1970, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426 for the purpose of effectuating the expeditious disposition of this consolidated proceeding. The purpose of such conference shall be to consider all matters at issue in the above dockets and to consider any and all matters which might contribute to an expeditious disposition of this proceeding. The applicants, the Commission Staff, and all persons who have been permitted to intervene by the Commission shall be entitled to participate in that conference.

(H) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on February 18, 1970, following the conclusion of the aforeordered prehearing conference in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such consolidated applications.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F. R. Doc. 69-15488; Filed, Dec. 31, 1969; 8:45 a.m.]

[Docket No. CP70-153]

TRANSCONTINENTAL GAS PIPE LINE CO.

Notice of Application

DECEMBER 22, 1969.

Take notice that on December 15, 1969, Transcontinental Gas Pipe Line Co. (applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP70-152 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon approximately 7,312 feet of 6-inch pipeline and the appurtenant meter and regulator station known as the Union Oil-Live Oak purchase facilities, Vermilion Parish, La., and approximately 1,754 feet of 12-inch transmission sales pipeline known as the Marion sales lateral, Hudson County, N.J.

Applicant states that the Live Oak facilities originally served as a means of taking into applicant's system natural gas purchased from Union Oil Co. of California in the Live Oak Field. Deliveries at this location are no longer being made as a result of a rearrangement of the producer's gathering facilities in the field. Deliveries under the contract are continuing at other locations and applicant intends to salvage the metering and regulator station facilities for use at other locations and to abandon the 6-inch line in place.

Applicant further states that its recent construction of a 24-inch loop to the West End sales lateral has enabled it to retire the old Marion lateral. Applicant proposes to sell the line in place to Public Service Electric and Gas Co., for $13,000 plus cost of testing.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-15489; Filed, Dec. 31, 1969; 8:45 a.m.]

[Docket No. RP70-18]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Approving Rate Increase Without Suspension and Granting Petitions To Intervene

DECEMBER 23, 1969.

On November 28, 1969, Transcontinental Gas Pipe Line Corp. (Transco) filed proposed changes in its FPC Gas Tariff, original volumes Nos. 1 and 2, to become effective January 1, 1970. The proposed rate changes would increase charges for jurisdictional sales and services by approximately $10,043,252 annually, based on sales for the 12-month period ending July 31, 1969, as adjusted. These changes would increase the commodity charges of the following Transco rate schedules by 1 cent per Mcf: CD-1, CD-2, CD-3, G-1, G-2, G-3, OG-1, OG-2, OG-3, E-1, E-2, E-3, ACQ-2, ACQ-3, LTF-2 and LTF-3; the delivery charges of Rate Schedule S-2 would be increased by 1 cent per Mcf; and the firm transportation rates of Rate Schedules X-11 and X-42 would be increased by 0.2 cent per Mcf. Transco proposed that its revised tariff sheets take effect on January 1, 1970, without suspension.[1]

Transco asserts that is is faced with the need for immediate rate relief if it is to be able to continue its efforts to expand its system in the most economical manner to meet increased requirements of its customers. Transco states that, as a result of its recent expansion programs with the concomitant requirements for large amounts of borrowed capital at ever-increasing rates of interest, its ability to issue new debt under the coverage requirements of its mortgage and debenture indentures has been greatly impaired. Transco contends that the rate relief sought must be granted without suspension if it is to be in a position

[1] Transco requests waiver of the regulations under the Natural Gas Act to permit its filing of the instant application which omits certain exhibits which Transco states are not applicable under its proposed approach.

to issue additional long-term debt securities. In this regard Transco's indentures provide that, whenever a determination of coverages is made for the issuance of additional debt securities, increased revenues collected subject to refund shall be excluded from such determination to the extent that the increased revenues are based upon a rate of return in excess of that last allowed by the Commission.

Transco states that the amount of the rate increase filed has been limited to provide only the additional earnings necessary to issue additional long-term debt to finance expansion programs in the near-term and characterizes its filing as providing for "bare-bones" rates. In the cost of service data filed with its application, Transco reflects a rate of return of approximately 7.25 percent, which it states "is substantially below the rate of return which Transco would contend in a full-blown rate case it is entitled to."

In its filing, Transco has included an "Agreement as to Rates" which consists of conditions it would accept as part of an order approving its proposed changes without suspension. These conditions essentially carry forward and update the obligations undertaken by Transco in its last rate proceeding in Docket No. RP 67-3. In addition, there is included a moratorium under which Transco agrees, subject to exceptions for changes in laws relating to Federal income tax depreciation and cost of purchased gas, not to place in effect any rate increase prior to January 1, 1971, after full suspension under the Natural Gas Act. These conditions are adopted herein and are included as Appendix A[2] to this order.

Transco states that it has discussed its filing with all of its customers and the Commission's Staff. It further indicates that advance copies of cost of service and revenue data supporting the rates proposed have been furnished to the Staff and those customers desiring such data. Because of this advance furnishing of information, the Staff and Transco's customers are able to evaluate Transco's filing and to determine whether they have any objections or not. A number of comments and/or petitions to intervene have been filed.[3] No party has objected to the rates proposed to be charged by Transco. In a comment filed on December 16, 1969, the Public Service Commission of the State of New York requested that the Commission clarify an alleged ambiguity in the "Agreement as to Rates" submitted by Transco. Specifically, the New York Commission contends the agreement should not be treated as precluding the Commission from considering whether or not to require Transco to flow-through the benefits of supplier refunds and rate reductions which may be received by Transco as a result of Commission orders which have not yet become final and nonappealable. We agree with the New York Commission that the agreement and our action in this proceeding shall not be treated as precluding us from considering this matter at a later time. On the other hand, we need not now decide whether we will order any such flow-through. In any event, Transco and other parties would be free to make such legal and equitable arguments as may be available to them at such time.

Our staff received the cost of service and revenue data supporting the proposed rates in September and October 1969 and, in addition to thoroughly reviewing that material, the staff conducted a field investigation in Transco's offices in Houston, Tex., in October. Because Transco's system is, for all practical purposes, entirely jurisdictional, no allocation problems were involved nor were any issues raised by staff or others on matters of rate design. Based upon its review of the instant filing, the material submitted in advance, and its field investigation, the staff concludes that there is no basis for any significant adjustment to the cost of service presented by Transco.

In its filing, Transco indicates that its claimed rate of return of 7.25 percent would result in a return on common equity of 10.63 percent as reflected in the following capitalization as of July 31, 1969, as adjusted for changes during the following 9 months.

	Amount	Percent of capitalization	Cost	Weighted cost
			Percent	*Percent*
Long-term debt	$763,802,000	68.17	6.47	4.41
Preferred stock	131,824,000	11.76	6.36	0.75
Accumulated deferred taxes	4,459,000	0.40	----	----
Common equity	220,355,000	19.67	10.63	2.09
Total	1,120,440,000	100.00	----	7.25

Our staff, although concluding that a 7.25 percent rate of return for Transco is fair and proper, calculated the resulting return on equity to be 11.24 percent because of an adjustment to Transco's cost of long-term debt to reflect savings resulting from Transco purchasing its own debt on the open market at a discount.[4] The question of the rate treatment to be given to repurchase of outstanding debt at a discount is presently before the Commission in two other proceedings (Manufacturers Light and Heat Company, et al., Dockets Nos. RP69-16, et al., and Consolidated Gas Supply Corporation, Docket No. RP69-19, et al.). In this order we need not reach the question of appropriate rate treatment of debt purchased at a discount since, even if we were to adopt Staff's position on this issue, the indicated return on equity of 11.24 percent would not exceed a fair and proper rate of return for Transco in this proceeding, giving consideration to Transco's capital structure, cost of debt, and other related matters. In its calculation of Federal income taxes associated with its claimed rate of return Transco utilized the existing 48 percent income tax rate and has not reflected the Federal income tax surcharge which is due to expire December 31, 1969, prior to the time Transco's rates will go into effect.

We find that the rates proposed by Transco are just and reasonable. Accordingly, they should be permitted to go into effect as requested on January 1, 1970, without suspension. We are able to reach this conclusion because, due to Transco's advance submission of data to its customers and to our staff, interested parties have had an opportunity to thoroughly review and evaluate Transco's presentation and they do not take issue with such presentation. We note that Transco would receive rate reductions from its producer suppliers in the Southern Louisiana area approximately equal to the amount of the increase proposed by Transco in the instant filing if our opinion in the Southern Louisiana Area rate case is affirmed on appeal (Area Rate Proceeding) (Southern Louisiana Area), 40 FPC 530, 41 FPC 301, petition for review pending sub. nom. Austral Oil Co., et al. v. F.P.C., CA5 No. 27,492). Under Transco's earlier settlement agreements and under the terms of the "Agreement as to Rates" tendered in this proceeding by Transco, Transco will reduce its rates to reflect supplier reductions which it receives subject to final and nonappealable orders of the Commission.

The Commission orders:

(A) Subject to the conditions contained in the appendix to this order and the conditions in paragraph (B) below, the rates proposed herein by Transconti-

[2] Filed as part of original document.

[3] Petitions to intervene have been filed by: The Brooklyn Union Gas Co., Commonwealth Natural Gas Corp., Consolidated Edison Co. of New York, Inc., Elizabethtown Gas Co., Long Island Lighting Co., The Philadelphia Gas Works Division of UGI Corp., Piedmont Natural Gas Co., Inc., Public Service Co. of North Carolina, Inc., Southern Natural Gas Co., United Cities Gas Co., United Natural Gas Co., and Washington Gas Light Co. Comments were filed by the Public Service Commission of New York, Pennsylvania Gas and Water Co., and Public Service Electric and Gas Co. A notice of intervention was filed by the North Carolina Utilities Commission.

[4] Under staff's basis, the capitalization would be reflected as follows:

	Percent of capitalization	Cost	Weighted cost
		Percent	*Percent*
Long-term debt	68.17	6.30	4.29
Preferred stock	11.76	6.36	0.75
Accumulated deferred taxes	0.40	----	----
Common equity	19.67	11.24	2.21
Total	100.00	----	7.25

nental Gas Pipe Line Corp., are approved and the revised tariff sheets contained in the application are permitted to go into effect as of January 1, 1970.

(B) That portion of supplier refunds which Transcontinental Gas Pipe Line Corp. is required to flow-through to its customers pursuant to Article III of the appendix to this order, which are attributable to Atlantic Seaboard Corp., Consolidated Gas Supply Corp., Eastern Shore Natural Gas Co., The Manufacturers Light and Heat Co., North Penn Gas Co., and United Natural Gas Company shall be retained by Transco and shall accumulate interest in the same manner as provided in Article III, Part C, of the appendix, until such date as those amounts are refunded pursuant to further orders of the Commission.

(C) The requirements of § 154.63 of the regulations under the Natural Gas Act that Statements F(5) and P be included as part of a major rate increase application are waived in this docket.

(D) The petitioners hereinabove set forth are permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in their respective petitions to intervene; *And provided, further,* That the admission of said interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in these proceedings.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-15490; Filed, Dec. 31, 1969; 8:45 a.m.]

[Dockets Nos. CP67-220 and CP67-339 CP68-8]

TRANSWESTERN PIPELINE CO. AND CITIES SERVICE GAS CO.

Notice Prescribing Time

DECEMBER 22, 1969.

Notice is hereby given that comments and answers, if any, to the settlement offer filed December 15, 1969, by Transwestern Pipeline Co., and Cities Service Gas Co., in the above-designated matter may be filed on or before January 14, 1970.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-15491; Filed, Dec. 31, 1969; 8:46 a.m.]

[Docket No. CP70-151]

UNITED GAS PIPE LINE CO.

Notice of Application

DECEMBER 22, 1969.

Take notice that on December 15, 1969, United Gas Pipe Line Co. (applicant), 1500 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CP70-151 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to install and operate a 4,000 horsepower compressor station located at the point of tie-in of applicant's 16-inch and 12-inch pipelines in sec. 28, T. 21 S., R. 21 E., Lafourche Parish, La. Applicant states that as part of its acquisition program it has contracted with Shell Oil Co., for the purchase of additional reserves in the South Timbalier Area, offshore Lafourche Parish, La., and that it is estimated that the pipeline through which this additional supply of gas must flow must have a minimum daily capacity of 165,000 Mcf to enable applicant to take the specified daily delivery quantity. Applicant further states that the construction of the proposed facilities will increase the daily delivery capacity of this line to 175,000 Mcf per day.

The total cost of the proposed facilities is estimated to be $1,524,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 69-15492; Filed, Dec. 31, 1969; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2367]

CAPITAL ESTATES, INC.

Notice of Filing of Application for Order Declaring That Company Is Not an Investment Company

DECEMBER 24, 1969.

Notice is hereby given that Capital Estates Inc. ("Capital Estates"), 1 East First Street, Reno, Nev. 89505, a Delaware corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that it is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading, in securities, either directly or through majority owned subsidiaries, or through controlled companies conducting similar types of business. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Labatt Breweries of British Columbia, Ltd. ("Breweries"), a Canadian brewing corporation, owns 694,779 shares (or 61 percent) of Capital Estate's common stock outstanding. In turn, about 97 percent of Breweries common stock outstanding is owned by John Labatt Ltd. ("Labatt") a Canadian corporation which is engaged directly and through subsidiaries primarily in the brewing business and also in the manufacture and sale of wines, fine chemicals, and pharmaceutical products.

The balance sheet of Capital Estates at April 30, 1968, shows total assets of $2,510,178. Of this amount, $2,453,720 is represented by Capital Estates' holdings of 478,559 shares of common stock of General Brewing Corp. ("General"), which is equal to 47.6 percent of the 1,004,039 shares of General common stock outstanding. Breweries owns 59,342 shares (or 6 percent) of the common stock of General outstanding; and Labatt owns 111,348 shares (or 11 percent) of the common stock of General outstanding.

Investment securities consisting of Capital Estates' holdings of common stock of General represent virtually all of Capital Estates' assets other than cash items and Government securities. Consequently, it appears that Capital Estates is an investment company as defined in section 3(a)(3) of the Act.

However, Capital Estates claims that it is entitled to a finding that it is not an investment company because of the circumstances discussed below.

General has been engaged exclusively in the business of manufacturing and distributing beer and other malt beverages since 1933. It presently sells its products primarily to distributors in 14 western States, indirectly Alaska and Hawaii.

The only major holdings of General common stock other than that of Capital Estates, Breweries, and Labatt is the ownership by an individual and his wife of about 20 percent of the total amount of such shares outstanding.

Two of the directors of Capital Estates are also directors of General, whose board of directors is comprised of six members. Each of the two persons who serves both Capital Estates and General as a director (one as chairman of the board of directors of General) is also a vice-president of Labatt. The individual who serves as chairman of General's board of directors devotes about 15 percent to 20 percent of his time to General. A third director of General (who is not connected with Capital Estates) is also executive vice-president of Labatt.

Two other directors of Capital Estates are also officers of General. One of these individuals is vice president of Capital Estates and also vice president and secretary of General; the other is vice president of both Capital Estates and General. Each of these persons devotes his full time to the affairs of General.

The earnings statements of Capital Estates submitted in the application show that for the 5 fiscal years ended April 30, 1964, through April 30, 1968, total income aggregated $627,962 consisting of dividend and interest income. Of this amount, a total of $597,226 was derived from dividends received from General and the balance of $30,736 was derived from interests on short-term deposits. On June 28, 1968, Capital Estates received $239,280 as a result of the payment by General of a special dividend on its common stock.

On the basis of the foregoing, Capital Estates contends that it controls General and that it is primarily engaged in the brewing business through General.

Section 3(b)(2) of the Act, among other things, excepts from the definition of an investment company in section 3(a)(3), any issuer which the Commission finds and by order declares to be primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or through controlled companies conducting similar types of businesses.

Notice is further given that any interested person may, not later than January 21, 1970, 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 should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Capital Estates at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the 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 any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69–15503; Filed, Dec. 31, 1969; 8:46 a.m.]

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

DECEMBER 24, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6-percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 28, 1969, through January 6, 1970, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69–15504; Filed, Dec. 31, 1969; 8:46 a.m.]

LIQUID OPTICS CORP.

Order Suspending Trading

DECEMBER 24, 1969.

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

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 27, 1969, through January 5, 1970, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69–15505; Filed, Dec. 31, 1969; 8:46 a.m.]

[70–4819]

MASSACHUSETTS ELECTRIC CO. ET AL.

Notice of Proposed Issue and Sale of Notes to Banks, to Holding Company, and to Dealers in Commercial Paper and Exemption From Competitive Bidding

DECEMBER 22, 1969.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and two of its public-utility subsidiary companies, Massachusetts Electric Co. ("Mass Electric") and New England Power Co. ("NEPCO"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, and 12 thereof and Rules 42(a) and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Mass Electric and NEPCO propose to issue and sell short-term promissory notes to banks, to NEES, and to dealers in commercial paper during the period through December 31, 1970, up to a maximum aggregate principal amount to be outstanding at any one time of $28 million and $37 million, respectively. The notes to banks and NEES will mature in less than 1 year from the date of issuance and in any event on or prior to March 31, 1971, will provide for prior payment in whole or in part without premium, and will bear interest at not in excess of the prime rate in effect at the time borrowings are made. The aggregate of all loans by NEES outstanding at any one time to all subsidiary companies, including loans to Mass Electric and NEPCO, will not exceed $35 million. The proposed notes will be issued to the following Massachusetts banks:

Mass Electric:	
The First National Bank of Boston	$25,000,000
Worcester County National Bank, Worcester	1,000,000
Guaranty Bank & Trust Co., Worcester	400,000
The Mechanics National Bank, Worcester	500,000
South Shore National Bank, Quincy	500,000
Middlesex County National Bank, Everett	600,000
Total	28,000,000
NEPCO:	
The First National Bank of Boston	37,000,000

The borrowing companies may prepay their notes to NEES, in whole or in part, with borrowings from a bank or from the sale of commercial paper, and their borrowings from a bank may be prepaid, in whole or in part, with borrowings from NEES or from the sale of commercial paper. In the event of borrowings from banks at a higher interest rate, or the sale of commercial paper at a higher effective interest cost, to prepay notes to NEES, NEES will reimburse Mass Electric or NEPCO, as the case may be, for any excess interest cost from the date of prepayment to the normal maturity date of the notes to NEES being prepaid. Conversely, in the event of borrowing from NEES to prepay notes to a bank, the interest rate of the new notes issued to NEES will be the lower of (1) the interest rate on the notes being prepaid or (2) the prime interest rate then in effect for borrowings from a bank, but with respect to (1) only to the maturity date of the notes so prepaid, and thereafter at the prime interest rate in effect at the time the new notes are issued.

The commercial paper, in the form of short-term unsecured promissory notes, will be sold to Lehman Commercial Paper Inc. ("Lehman") and/or A. G. Becker & Co., Inc. ("Becker"), dealers in commercial paper. The commercial paper notes will be issued during the period through December 31, 1970, will have varying maturities of not more than 270 days after the date of issue (and in any event will mature on or prior to Mar. 31, 1971), will be sold in varying denominations of not less than $50,000 and not more than $1 million, and will not by their terms be prepayable prior to maturity. Such notes will be issued and sold by Mass Electric and NEPCO directly to Lehman and/or Becker at a discount which will not exceed the discount rate prevailing at the date of issuance for commercial paper of comparable quality and like maturity as sold by public-utility issuers to commercial paper dealers. The effective interest cost will not exceed the prime rate prevailing at the date of issue for borrowings from The First National Bank of Boston, except that, in order to obtain maximum flexibility, commercial paper may be issued with a maturity of not more than 90 days from the date of issue with an effective cost in excess of such prime rate.

Lehman and Becker, as principals, will reoffer the commercial paper at a discount rate not more than one-eighth of 1 percent per annum less than the prevailing discount rate to the issuer (Mass Electric or NEPCO). The notes will be reoffered by Lehman and Becker to not more than 100 of their respective customers whose names appear on nonpublic lists prepared in advance by Lehman and Becker. No additions will be made to such lists of customers which are composed of institutional investors. It is expected that such commercial paper will be held to maturity by the purchasers from the dealers, but, if any such purchaser wishes to resell prior to maturity, Lehman or Becker, as the case may be, pursuant to an oral repurchase agreement will repurchase the paper for resale to others on said lists of customers.

Mass Electric and NEPCO request exemption of the sale of their commercial paper notes from the competitive bidding requirement of Rule 50 pursuant to section (a)(5) thereof, because: (a) The commercial paper to be issued will have maturities of not more than 9 months; (b) the effective interest cost thereon will not exceed the prime rate for borrowings from the First National Bank of Boston (with the exception above stated); (c) the current rates for commercial paper for prime borrowers such as Mass Electric and NEPCO are readily ascertainable by reference to daily financial publications and do not require competitive bidding in order to determine the reasonableness thereof; and (d) it is not practical to publish invitations for bids for commercial paper.

Mass Electric and NEPCO propose to use the proceeds from the issue and sale of all of the notes to be sold (to banks, to NEES, and to dealers in commercial paper) to meet anticipated cash requirements for capitalizable expenditures pending permanent financing or generation of funds from internal sources. However, the maximum permitted amounts hereunder are not to be reduced by the amounts of the proceeds of any permanent financing. Capital expenditures for the year 1970 for Mass Electric are estimated at $31,300,000. Capital expenditures for NEPCO for the year 1970 are estimated at $54,500,000. Mass Electric, NEPCO, and NEES propose to file within 10 days after the end of each calendar quarter a certificate of notification pursuant to Rule 24 under the Act covering all transactions effected pursuant to the application-declaration during such quarter.

It is stated that no fees or commissions are to be paid in connection with any of the proposed transactions. Incidental services will be performed, at cost, by New England Power Service Co., an affiliated service company of NEES. The cost of such services is estimated not to exceed $1,000 for each of the companies to this notice, an aggregate of $3,000. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 16, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-15506; Filed, Dec. 31, 1969; 8:46 a.m.]

[File No. 500-1]

STANDARD COMPUTER & PICTURES CORP.

Order Suspending Trading

DECEMBER 24, 1969.

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

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 24, 1969, through January 2, 1970, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-15507; Filed, Dec. 31, 1969; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 29, 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. 41839—*Fertilizer and fertilizer materials to points in western trunkline*

territory. Filed by Western Trunk Line Committee, agent (No. A–2611), for interested rail carriers. Rates on fertilizer and fertilizer materials, in carloads, as described in the application, from specified points in Canada to points in western trunkline territory.

Grounds for relief—Market competition, modified short line distance formula and grouping.

Tariffs—Revised pages to Canadian National Railways tariff ICC W–766 and Canadian Pacific Railway Co. tariff ICC W–1091.

By the Commission.

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

[F.R. Doc. 69–15517; Filed, Dec. 31, 1969; 8:47 a.m.]

[Notice 967]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 29, 1969.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 3018 (Sub-No. 23 TA), filed December 18, 1969. Applicant: McKEOWN TRANSPORTATION COMPANY, 10448 South Western Avenue, Chicago, Ill. 60643. Applicant's representative: Gregory J. Scheurich, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Helium*, in tube trailers, from East Chicago, Ind., to Tonawanda and East Buffalo, N.Y., and West Mifflin, Pa., for 150 days. Supporting shipper: Union Carbide Corp., Linde Division, 120 South Riverside Plaza, Chicago, Ill. 60606. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 57254 (Sub-No. 12 TA), filed December 16, 1969. Applicant: ASSOCIATED FREIGHT LINES, 841 Folger Avenue, Berkeley, Calif. 94710. Applicant's representative: Marvin Handler, 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except commodities in bulk, used household goods as described in 17 M.C.C. 467 and classes A and B explosives to, from, and between points in California and Nevada on the one hand, and, on the other hand, points in Arizona on the routes described below, serving all intermediate points in Arizona as follows: (a) from Los Angeles, Calif., to Tucson, Ariz., as follows; over Interstate Highway 10 and California Highway 86 to El Centro, Calif., thence over Interstate Highways 8 and 10 over Yuma, to Tucson, with service authorized to, from, and between Davis-Monthan Air Force Base; (b) from Los Angeles, Calif., to Tucson, Ariz., as follows; over Interstate Highway 10 and U.S. Highway 60 to Blythe, Calif., thence over U.S. Highway 70–60 and/or Interstate Highway 10 to Phoenix, thence over Interstate Highway 10 to Tucson; (c) from Los Angeles, Calif., to Flagstaff, Ariz., as follows; over Interstate Highway 10 to Blythe, Calif., thence over U.S. Highway 70–60 and/or Interstate Highway 10 to Phoenix, thence over Interstate Highway 17 to Flagstaff, with service authorized to the following off-route points in the Greater Phoenix Area; El Mirage, Peoria, Glendale, Tolleson, Cactus, Scottsdale, Mesa, Tempe, Peterson, Guadalupe, and Chandler, Ariz.; (d) from Los Angeles, Calif., to Flagstaff, Ariz., as follows; over Interstate Highway 10 and U.S. Highway 66 to Barstow, Calif., thence over U.S. Highway 66 to Needles, Calif., thence over U.S. Highway 66 and/or Interstate Highway 40, over Kingman, to Flagstaff; (e) from Los Angeles, Calif., to Flagstaff, Ariz., as follows; over Interstate Highway 10 and U.S. Highway 60 to Blythe, Calif., thence over U.S. Highways 70, 71, 89, and 89 Alternate, over Prescott to Flagstaff; (f) from Los Angeles, Calif., to Phoenix, Ariz., as follows; over Interstate Highways 10 and 15 to Las Vegas, Nev., thence over U.S. Highway 93 to Kingman, Ariz., thence over U.S. Highway 93 and Arizona Highway 93 to Phoenix; any and all highways and roads between the areas described above may be used for operating convenience only; service to and from all named cities and towns includes the commercial zones thereof, for 180 days. NOTE: Applicant states it will tack with applicant's authority in MC 57254 and subs thereunder and will interline with Las Vegas Tank Lines MC 116427 at Las Vegas, Nev. Supporting shippers: There are approximately 150 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 59150 (Sub-No. 49 TA), filed December 18, 1969. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plasterboard joint system joint compound and tape, wallboard joining or reinforcing*, from the plantsite of the National Gypsum Co. at Westwego, La., to points in Florida east of U.S. Highway 319, for 180 days. Supporting shipper: National Gypsum Co., 325 Delaware Avenue, Buffalo, N.Y. 14202. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 108207 (Sub-No. 280 TA), filed December 17, 1969. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: L. M. McLean (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Confectionery icing; and* (2) *prepared dough* other than frozen; (1) between Little Rock, Ark., and Rockford, Ill.; and (2) from Little Rock, Ark., to Indianapolis, Ind., for 150 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Campbell Taggart Associated Bakeries, Inc., 6211 Lemmon Avenue, Post Office Box 2640, Dallas, Tex. 75221. 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 116077 (Sub-No. 282 TA), filed December 18, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from Odessa (Ector County), Tex., to points in New Mexico, for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Diamond Shamrock Chemical Co. (E. E. Bracken), 300 Union Commerce Building, Cleveland, Ohio 44115. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 124154 (Sub-No. 32 TA), filed December 18, 1969. Applicant: WINGATE TRUCKING COMPANY, INC., 1004 21st Avenue, Post Office Box 645, Albany, Ga. 31702. Applicant's representative: W. Guy McKenzie, Jr., Post Office Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Trailer axles, running gear assemblies, and wheels and rims therefor,* on flatbed trailers (excluding commodities which because of size or weight require the use of special equipment), from points in Turner County, Ga., to points in Alabama, North Carolina, and South Carolina, for 180 days. Supporting shipper: Foreman Manufacturing Co., Post Office Box 580, Ashburn, Ga. 31714. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 128940 (Sub-No. 8 TA), filed December 18, 1969. Applicant: RICHARD A. CRAWFORD, doing business as R. A. CRAWFORD TRUCKING SERVICE, Post Office Box 722, Adelphi, Md. 20783. Applicant's representative: Charles E. Creager, Suite 1609, 11215 Oak Leaf Drive, Silver Spring, Md. 20901. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Foods, food products and preparations, related advertising materials, and equipment and supplies used in the preparation and serving of foods,* for the account of Fairfield Farm Kitchens, (1) from Washington, D.C., to points in Adams, Allen, Boone, Hamilton, Hancock, Hendricks, Johnson, Morgan, Shelby, Wells, and Whitley Counties, Ind.; (2) from Washington, D.C., to points in Butler, Clark, Clermont, Fairfield, Franklin, Greene, Hamilton, Licking, Madison, Miami, Montgomery, Pickaway, Preble, and Warren Counties, Ohio; (3) from Washington, D.C., to points in Boone, Campbell, Kenton, Gallatin, Grant, and Pendleton Counties, Ky.; (4) from Washington, D.C. to points in Allegan, Berry, Ionia, Kent, Muskegon, and Ottawa Counties, Mich.; (5) from Washington, D.C. to points in Allegheny, Beaver, Washington, and Westmoreland Counties, Pa.; (6) from Washington, D.C., to points in Brooke, Jefferson, and Hancock Counties, Ohio, for 120 days. Supporting shipper: Fairfield Farm Kitchens, 5200 Addison Road, NE., Washington, D.C. Send protests to: Robert D. Caldwel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Room 2218, Washington, D.C. 20423.

No. MC 134016 (Sub-No. 1 TA), filed December 18, 1969. Applicant: L. T. LARSEN, 580 West Market Street, Tiffin, Ohio 44883. Applicant's representative: Edward N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Bakery goods,* from Dayton, Ohio, to Mount Pleasant, Mich., for 150 days. Supporting shipper: Sunshine Biscuits, Inc., 451 Cincinnati Street, Dayton, Ohio 45401. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

By the Commission.

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

[F.R. Doc. 69-15518; Filed, Dec. 31, 1969; 8:47 a.m.]

[Notice 469]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 29, 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-71766. By order of December 18, 1969, the Motor Carrier Board approved the transfer to Vernon Henry Wiliker, doing business as Wiliker Motor Co., Merriam, Kans., of certificate No. MC 119216 issued December 1, 1960, to Ivo F. Loftus, doing business as Overland Tow Service, Overland Park, Kans., authorizing the transportation of; wrecked, disabled, repossesed and stolen motor vehicles and trailers, and replacement vehicles, between points in Kansas, on the one hand, and, on the other, points in Missouri and Nebraska. Charles M. Cassel, 5920 Nall, Mission, Kans. 66202, attorney for applicants.

No. MC-FC-71777. By order of December 22, 1969, the Motor Carrier Board approved the transfer to Burton W. Boyes, doing business as Boyes Wrecker & Towing, Dubuque, Iowa, of the operating rights in certificate No. MC-123686 issued March 7, 1962, to Milton F. Boyes, doing business as Boyes Wrecker & Towing, Dubuque, Iowa, authorizing the transportation of wrecked and disabled trucks and automobiles, in towaway service, between Dubuque, Iowa, on the one hand, and, on the other, points in Grant, Iowa, and Lafayette Counties, Wis., and Jo Daviess County, Ill. Carl E. Munson, Post Office Box 215, Dubuque, Iowa 52001, representative for applicants.

No. MC-FC-71833. By order of December 22, 1969, the Motor Carrier Board approved the transfer to Monk's Express, Inc., Cincinnati, Ohio, of the operating rights in permit No. MC-127761 issued January 16, 1969, to Elmer Monk, doing business as Monk's Express, Cincinnati, Ohio, authorizing the transportation, over irregular routes, of iron and steel wire from Chicago and Waukegan, Ill., Detroit, Mich., and Johnstown, Pa., to Newton, Ohio, and from Alton and Joliet, Ill., and Sparrows Point, Md., to points in Anderson Township (Hamilton County), Ohio, staples and pneumatic tools from Newton, Ohio, to Chicago and Waukegan, Ill., Detroit, Mich., and Johnstown, Pa., and nails, staples, pneumatic tools, and nailers from points in Anderson Township (Hamilton County), Ohio, to Elkton, Md., and Edgemont (Delaware County), Scranton, Reading, Lewisburg, Lewistown, Claysburg, Wyoming, Montoursville, and Schuylkill Haven, Pa., for a named shipper and/or consignee, Theodore K. High, 2208 Central Trust Tower, Cincinnati, Ohio 45202, attorney for applicants.

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

[F.R. Doc. 69-15520; Filed, Dec. 31, 1969; 8:47 a.m.]

[Notice 468]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 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-71853. By application filed December 22, 1969, DUFOUR BROTHERS, INC., Walter St., Lakeville, Conn. 06029, seeks temporary authority to lease the operating rights of YELLOW COACH LINES, INC. (ALLAN McGUANE, TRUSTEE IN BANKRUPTCY), 343 Pecks Road, Pittsfield, Mass. 01201, under section 210a(b). The transfer to DUFOUR BROTHERS, INC., of the operating rights of YELLOW COACH LINES, INC. (ALLAN McGUANE, TRUSTEE IN BANKRUPTCY), is presently pending.

No. MC-FC-71858. By application filed December 22, 1969, E. D. EDGHILL, INC., 221 Claflin Boulevard, Franklin Square, N.Y., seeks temporary authority to lease the operating rights of W. H. AWE, INC., 126 West 18th Street, New York, N.Y. 10011, under section 210a(b). The transfer to E. D. EDGHILL, INC., of the operating rights of W. H. AWE, INC., is presently pending.

By the Commission.

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

[F.R. Doc. 69-15519; Filed, Dec. 31, 1969; 8:48 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under Title 2—The Congress. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 91st Congress, First Session.

Approved December 29, 1969

H.R. 14751 ..... Public Law 91-170
Military Construction Appropriation Act, 1970.

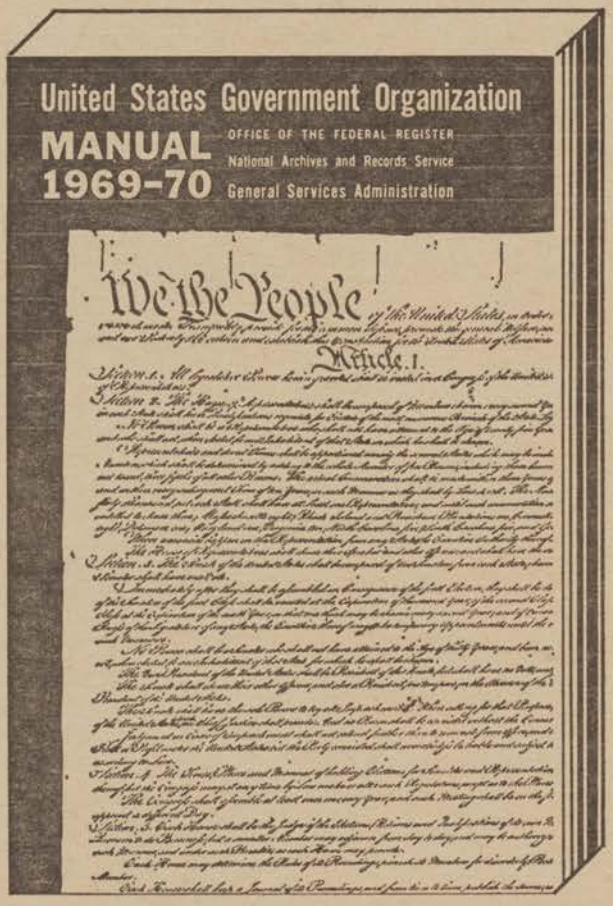
H.R. 15090 ..... Public Law 91-171
Department of Defense Appropriation Act, 1970.

Approved December 30, 1969

H.R. 13270 ..... Public Law 91-172
Tax Reform Act of 1969.

S. 2917 ..... Public Law 91-173
Federal Coal Mine Health and Safety Act of 1969.

United States Government Organization MANUAL 1969–70



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