

# FEDERAL REGISTER

VOLUME 35 • NUMBER 9

Wednesday, January 14, 1970 • Washington, D.C.

Pages 453-521

**Agencies in this issue—**

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Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office  
Washington, D.C. 20402



Area Code 202 Phone 962-8626  
(49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission PART 213—EXCEPTED SERVICE Post Office Department

Section 213.3111 is amended to show that temporary positions at PFS-4 and below involving employment for no more than 20 working hours a week are excepted under Schedule A when occupied by youths enrolled in a pilot Postal Academy Program. Employment under this authority may not exceed 24 months and no new appointments may be made after December 31, 1971. Effective on publication in the FEDERAL REGISTER, subparagraph (15) is added to paragraph (a) of § 213.3111 as set out below.

#### § 213.3111 Post Office Department.

(a) *General.* \* \* \*

(15) Temporary positions at PFS-4 and below involving employment for no more than 20 hours a week, when filled by youths enrolled in a pilot Postal Academy Program. An appointment under this authority may not exceed 24 months. No new appointments may be made under the authority after December 31, 1971.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954-58 Comp., p. 218)

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

[F.R. Doc. 70-553; Filed, Jan. 13, 1970;  
8:50 a.m.]

### PART 213—EXCEPTED SERVICE General Services Administration

Section 213.3337 is amended to show that one position of Executive Assistant to the Assistant Administrator and one position of Confidential Assistant to the General Counsel are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (10) and (11) are added to paragraph (a) of § 213.3337 as set out below.

#### § 213.3337 General Services Administration.

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

(10) One Executive Assistant to the Assistant Administrator.

(11) One Confidential Assistant to the General Counsel.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954-58 Comp., p. 218)

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

[F.R. Doc. 70-554; Filed, Jan. 13, 1970;  
8:50 a.m.]

## Title 7—AGRICULTURE

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

#### PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

##### Subpart—Rules and Regulations

###### MISCELLANEOUS AMENDMENTS

Notices were published in the FEDERAL REGISTER issues of July 23, August 7, and December 17, 1969 (34 F.R. 12182, 12833, 19767), that the Department was giving consideration to a proposed amendment of the rules and regulations (Subpart—Rules and Regulations 7 CFR 908.100 et seq.), currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia 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). Amendment was proposed by the Valencia Orange Administrative Committee, established pursuant to the amended marketing agreement and order as the agency to administer the provisions thereof.

After consideration of all relevant matter presented, including that in the notices, the recommendations, considerations, and information submitted with respect thereto, and other available information, it is hereby found that amendment, as hereinafter set forth, of said rules and regulations is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act in that it will facilitate more efficient handling of Valencia oranges and contribute to more effective operations under said marketing agreement and order.

Therefore, said rules and regulations (Subpart—Rules and Regulations, 7 CFR 908.100 et seq.) are hereby amended as follows:

1. A new paragraph (g) is added to § 908.100 *Definitions* to read as follows:

#### § 908.100 Definitions.

(g) Whenever a time of day is specified in this subpart, it shall mean local time in effect at the headquarters of the committee in Los Angeles, Calif., except when specifically stated otherwise.

#### § 908.101 [Amended]

2. The provisions of § 908.101 *Communications* following the colon are amended to read as follows:

Valencia Orange Administrative Committee, 117 West Ninth Street, Room 913, Los Angeles, Calif. 90015.

3. The provisions of subparagraphs (2) and (3) of paragraph (a) of § 908.102 *Nomination procedure* are amended to read as follows:

#### § 908.102 Nomination procedure.

(a) \* \* \*

(2) All cooperative marketing organizations which are not qualified to nominate members and alternate members pursuant to § 908.22(b), or the growers affiliated therewith, shall nominate members and alternate members as provided in § 908.22(c). The vote of each such organization shall be weighted, as provided in § 908.22(e), by the quantity of oranges which it handled during the marketing year in which the nominations are made.

(3) Not less than seven meetings shall be held at such times and places throughout the production area as may be designated by the agent of the Secretary, at which growers who are not members of, or affiliated with, the organizations included under subparagraphs (1) and (2) of this paragraph may vote. At each such meeting, the growers present shall nominate members and alternate members as provided in § 908.22(d). The number of ballots to be cast in selecting the nominees at any such meeting shall be determined at that meeting. All growers voting at any such meeting shall submit their names and addresses to the agent of the Secretary.

#### § 908.103 [Deleted]

4. Section 908.103 is deleted.

#### § 908.108 [Redesignated]

5. Section 908.110 is redesignated as § 908.108.

6. A new § 908.110 *Equity of marketing opportunity* is added to read as follows:

#### § 908.110 Equity of marketing opportunity.

Equity of marketing opportunity between prorate districts shall be afforded by the following procedure:

(a) The committee shall establish an equity factor which is the same for all

prorate districts. The equity factor shall be stated as a percentage of the tree crop in each district and shall reflect a quantity of oranges (grown in each district) for which there will be equitable marketing opportunity under volume regulation during the ensuing season.

(b) At the marketing policy meeting for each prorate district, the committee shall formulate a weekly shipping schedule for the ensuing season reflecting, insofar as practicable, the desire of growers and handlers of oranges within the district as to the quantity of oranges grown in that district to be shipped under volume regulation each week. The quantity of oranges on such schedules shall be computed by application of the equity factor to the tree crop of the district. The seasonal periods covered by such schedules shall be determined by the committee. Prior to any marketing policy meeting for a prorate district the committee may consult with such growers and handlers regarding formulation of such schedule.

(c) Following the marketing policy meetings for all districts, the committee may review and make equitable modifications as it deems advisable in the equity factor and weekly shipping schedules.

(d) The committee shall combine into a weekly total the quantities of oranges that growers and handlers in each district desire to handle each week, as shown on the weekly shipping schedules. The weekly quantity shown on the applicable schedule for a district shall be converted into a percentage of the said weekly total. This percentage shall be known as the percentage allocation to such district.

(e) Insofar as practicable, the committee shall base its recommendation each week (pursuant to § 908.51(a)) to the Secretary, as to the respective quantities of oranges that should be handled in the prorate districts, upon the percentage allocations for such districts for such week except when allotments are granted on the basis of the requests of handlers of early maturity oranges pursuant to § 908.60 or the requests of handlers for freeze damage allotments pursuant to § 908.61a.

(f) The committee shall make such adjustments as it deems advisable in the equity factor, the weekly shipping schedules, and the percentage allocations to prorate districts, so as to reflect changing crop or market conditions. Any such adjustment in the weekly shipping schedule for a prorate district shall be based on the tree crop of handlers in the district who are on the prorate base at the time of adjustment and on the tree crop of all handlers in the district who received short-life allotment. Appropriate adjustments shall be made in the schedules and percentage allocations as soon as possible after a change in the estimated tree crop of any prorate district. Whenever a prorate district nears the end of the shipping schedule for that district and the committee ascertains that oranges (grown in that district) remain for handling under volume regulation, the committee may (1) adjust the equity factor upward with

corresponding changes in the weekly shipping schedules for all districts or (2) adjust the schedules for all districts by adding thereto the difference between the aggregate quantity of oranges listed on the weekly shipping schedule of each district during all of the preceding weeks and the sum of the aggregate quantity of oranges fixed by the Secretary for handling under general maturity, early maturity, and freeze damage allotments during such preceding weeks of regulation in each of the respective districts plus the aggregate quantity of oranges that were handled in each district when no such regulation was in effect. Adjustments in the weekly shipping schedules for each of the prorate districts may be made by adding weeks to or deleting weeks from the schedule and, if deemed advisable, by proportionate modification of the desired shipments shown thereon for the remaining weeks of the season or any portion thereof.

(g) The committee shall calculate each season as soon as it is feasible, an estimated percentage of the total tree crop in the production area which, in the judgment of the committee will be handled under volume regulation and prepare a schedule of estimated weekly shipments based thereon, taking into account the purposes of the act. Such percentage and schedule shall be used as the reference for determining adjustments in the prorate base of handlers, for granting short-life allotment, and for matters wherein it is necessary to consider utilization of the crop within a district.

7. The provisions of § 908.111 *Allotment loans* are revised to read as follows: § 908.111 *Allotment loans.*

(a) *Loans arranged by handlers.* Loans arranged by handlers shall be subject to the following:

(1) *Payback date.* Each allotment loan agreement entered into by a handler must provide for a definite payback date specified by the lender. Each loan agreement entered into by a handler to whom short life allotments have been issued shall provide for the repayment of the loan during the time the borrowing handler will be issued allotment.

(2) *Ability to repay.* Allotment loan transactions shall be limited to the borrowing handler's calculated ability to make repayment whenever the payback date falls within the scheduled shipping period of the borrowing handler.

(3) *Confirmation.* All allotment loans made on Saturday shall be confirmed as required by § 908.57 but not later than 4:30 p.m. on the following Monday.

(b) *Loans arranged by the committee.* The committee shall arrange loans for handlers subject to paragraph (a) (1) and (2) of this section and, to the extent practicable, in accordance with the following:

(1) The committee shall give priority, in arranging loans, to those offers which have a specific payback date within the current scheduled shipping period of borrowing handlers.

(2) Except as otherwise provided in subparagraph (4) (iii) of this paragraph, the committee shall consider offers to loan and requests to borrow received prior to 12 m. Monday separately from offers and requests received thereafter during the week.

(3) Each handler offering allotment for loan shall specify at least two payback dates. To receive a loan of any such allotment, or portion thereof offered, the payback date specified by the requesting handler must be the same as one of the repayment dates specified by the offering handler.

(4) Loan offers and requests received by the committee prior to 12 m. Monday shall be applied first to the arrangement of loans between handlers within the same prorate district in accordance with the following provisions:

(i) If requests from handlers, in a prorate district, for general maturity allotment exceed the quantity offered by handlers in that district, the quantity offered shall be apportioned to each borrowing handler so that the amount he receives bears the same ratio to the total amount received by all borrowing handlers as the amount of his tree crop bears to the total tree crop of all borrowing handlers. If the quantity of general maturity allotment offered in any prorate district exceeds the quantity requested in that district, the same proportion of each offering handler's allotment shall be loaned; and any surplus general maturity allotment from such prorate district shall be apportioned, as aforesaid, to fill requests from borrowing handlers in all other prorate districts.

(ii) If requests from handlers, in a prorate district, for short-life allotment exceed the quantity offered by handlers in that district, the quantity offered shall be equitably apportioned to each borrowing handler so that the amount he receives bears the same ratio to the total amount received by all borrowing handlers as his tree crop bears to the total tree crop of all borrowing handlers. If the quantity of short-life allotment offered in a prorate district exceeds the quantity requested in that district, the same proportion of each lending handler's allotment shall be loaned.

(iii) Such loan offers and requests may be modified or withdrawn any time prior to 12 m. Monday, after which time the committee shall arrange allotment loans on the basis of the offers and requests, including modifications thereof, then pending without further action by the handlers involved. Loan offers and requests not fully utilized in such allotment loan arrangements may be modified or withdrawn.

(5) Offers to loan allotment received by the committee at, or subsequent to, 12 m. Monday shall be applied first to the arrangement of loans to handlers within the same prorate district whose requests were received prior to such time, but had not been completely filled. Any remaining allotment shall then be applied to the arrangement of loans to handlers within that district to fill any requests as thereafter received. Allotment

loan offers received from handlers in a prorate district at, or subsequent to, 12 m. Monday and for which there are no requests by handlers in that district, may be applied by the committee to the arrangement of loans to fill requests from handlers in other prorate districts. If the total allotment offered for loan in the same prorate district exceeds total requests in such district, the same proportion of each lending handler's allotment shall be loaned. If the quantity of allotment requested by handlers in a prorate district exceeds the quantity offered, the quantity each borrowing handler receives shall bear the same ratio to the total amount received by all borrowing handlers as his tree crop bears to the total tree crop of all borrowing handlers.

(1) Offers to loan, and request to borrow, allotment received at, or subsequent to, 12 m. Monday may be modified or withdrawn: *Provided*, That allotment loan arrangements with respect to such offered allotment have not been completed by the committee.

(6) Offers to loan, and requests for, allotment may be made in person, by telephone, or telegram, or in writing. Immediately after completing arrangements for a loan, the committee shall confirm the terms thereof by mailing VOAC Form 6 Confirmation of Allotment Loan to the handlers involved.

(c) Whenever any Monday herein specified falls on a legal holiday, the next following business day shall be applicable.

8. Paragraph (a) and the second sentence of paragraph (b) of § 908.114 *Short life allotments* are revised to read as follows:

§ 908.114 Short life allotments.

(a) *Qualification for short life allotment.* A handler shall be considered to have short life oranges when he has oranges which historically are known to lack keeping qualities which will permit him to handle, during the normal marketing period for the oranges grown in the prorate district, the same proportion of his oranges as the average which will be handled by all handlers pursuant to § 908.110(g).

(b) *Application to be filed.* \* \* \* The application shall contain the following information: Name and address of applicant; location of each grove producing short life oranges; a record covering the maximum years available, but not in excess of the 10 immediately preceding years, showing the marketing period of the oranges covered by the application; a suggested shortened marketing season showing the final date when the short life oranges covered by the application should be marketed; and, a showing satisfactory to the committee why the oranges covered by the application cannot be marketed during the normal marketing period for the applicable district through appropriate adjustments in the handler's packinghouse operations.

9. A new § 908.116 *Credit forfeitures* is added to read as follows:

§ 908.116 Credit forfeitures.

(a) The forfeiture of any handler's general maturity allotment that was

neither used nor loaned to another handler shall be applied to reduce overshipments of handlers as provided in § 908.55 unless the forfeiting handler made a bona fide and timely offer to the committee to lend his undershipment. An offer shall be considered bona fide and timely if such offer (1) was received in the office of the committee by 12 m. Monday, or the next following business day if Monday is a legal holiday, and (2) contained at least two alternative payback dates. All short life allotment that is forfeited shall be applied to reduce overshipments of handlers as provided in § 908.55.

(b) If the forfeiture of allotment in a prorate district exceeds that required to offset overshipments in such district and overshipments exceed forfeitures in other districts, the surplus forfeiture credit shall be allocated, as provided in § 908.55, to the handlers in the deficit districts in proportion to their permissible overshipments.

10. A new § 908.117 *Freeze damage allotments* is added to read as follows:

§ 908.117 Freeze damage allotments.

(a) At least 6 days before any meeting held by the committee to consider the quantity of allotments to be issued in any one or more prorate districts pursuant to § 908.61a, the committee shall mail written notice to handlers in such districts of its intention advising handlers that applications for such allotments shall be filed with the committee as hereinafter provided.

(b) Whenever freeze damage allotments are to be issued in a prorate district pursuant to § 908.61a on the basis of requests by handlers, the committee shall determine on the basis of all available information and after consideration of all of the factors enumerated in § 908.51(b), the extent to which freeze damage allotments should be granted in such district.

(c) Any handler who desires to receive freeze damage allotment shall request such allotment in person, or by telephone, telegram, or by filing VOAC Form 35 on or before 12 m. of the day preceding the regular weekly meeting of the committee. Such requests may be made at any of the offices of the committee. VOAC Form 35 shall contain (1) the name and address of the handler, (2) the week for which the application is made, (3) the amount of freeze damage allotment requested, and (4) the signature of the handler or authorized representative. All requests not made by a properly completed VOAC Form 35 shall be confirmed by delivering to the committee at any of its offices, not later than the day preceding the committee's regular weekly meeting, a properly completed VOAC Form 35 or by mailing a properly completed form to the committee not later than the day preceding the committee's regular weekly meeting.

(d) Whenever the total amount of freeze damage allotment the committee determines should be granted to handlers within a prorate district equals or is larger than the total amount applied for in such district, the full amount applied for in each application shall be

granted. Whenever the total amount applied for exceeds the total amount of freeze damage allotment the committee deems should be granted in the district, the request of each handler in such district shall be granted in the same proportion as the handler's tree crop bears to the total tree crop of requesting handlers in that district, but not in excess of the amount requested, and any allotment then remaining shall be granted in successive increments, as necessary to handlers filing requests, in proportion to the tree crop controlled by each, but not in excess of the amount requested.

(e) Any handler to whom freeze damage allotment is issued may transfer such allotment, or portion thereof, to another such handler in the same prorate district; and such handlers shall notify the committee of such transfer on or before 12 m. Friday, or the following business day if Friday is a legal holiday, of the week following the one for which such allotment was issued. Such notification shall show names of the parties, the amount of the allotment transferred, and the week thereof.

(f) Any handler to whom freeze damage allotment is issued and who desires transfer of freeze damage allotment from or to other such handlers within another prorate district shall so notify the committee in person, by telephone, or telegram, or in writing by 12 m. Wednesday of the week for which the allotment was issued, or by 12 m. of the preceding day if Wednesday is a legal holiday. The committee shall endeavor to effect a transfer of allotment and shall confirm each such transfer to the handlers involved. In the event the total amount of the allotment available for transfer is less than the total amount requested, the committee shall transfer the available allotment to the requesting handlers proportionately as provided in paragraph (d) of this section.

§ 908.139 [Amended]

11. In § 908.139 *Conversion factors*, "40" is deleted from the second sentence and "37½" is inserted in lieu thereof.

Dated: January 8, 1970, to become effective 30 days after publication in the FEDERAL REGISTER.

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

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

[F.R. Doc. 70-448; Filed, Jan. 13, 1970; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

INCREASE IN INSURANCE COVERAGE

Effective December 23, 1969, Parts 306, 308, 328, 330, and 331 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR Parts 306, 308, 328, 330, and 331) are amended as follows:

### PART 306—RECEIVERSHIPS AND LIQUIDATIONS

1. The fifth sentence of § 306.2 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

2. The sixth sentence of § 306.2 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

3. Footnote 1 to § 306.2 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

### PART 308—RULES OF PRACTICE AND PROCEDURES

4. The third paragraph of the notice of termination of insured status prescribed by § 308.26 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

### PART 328—ADVERTISEMENT OF MEMBERSHIP

5. The design of the official sign prescribed by § 328.1 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

6. Subparagraph (11) of paragraph (c) of § 328.2 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

### PART 330—CLARIFICATION AND DEFINITION OF DEPOSIT INSURANCE COVERAGE

7. Subparagraph (2) of paragraph (c) of § 330.1 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

8. The first sentence of § 330.2 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

9. Paragraph (a) of § 330.2 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

10. Paragraph (b) of § 330.2 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

11. Paragraph (c) of § 330.2 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

12. Paragraph (a) of § 330.3 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

13. Paragraph (b) of § 330.3 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

14. Section 330.4 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

15. The first sentence of § 330.5 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

16. The second sentence of § 330.5 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

17. The first sentence of § 330.6 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

18. The second sentence of § 330.6 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

19. The first sentence of paragraph (a) of § 330.8 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

20. The second sentence of paragraph (a) of § 330.8 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

21. The third sentence of paragraph (a) of § 330.8 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

22. Paragraph (b) of § 330.8 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

23. Paragraph (c) of § 330.9 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

24. Paragraph (d) of § 330.9 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

25. Paragraph (e) of § 330.9 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

26. Section 330.10 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

### PART 331—INSURANCE OF TRUST FUNDS

27. Paragraph (d) of § 331.1 is amended by deleting the figure "\$15,000" and by inserting the figure "\$20,000" in lieu thereof.

The Act of December 23, 1969 (83 Stat. 371), among other things, increased the maximum amount of the insured deposit of any depositor from \$15,000 to \$20,000. The amendments to Parts 306, 308, 328, 330, and 331 of the Corporation's rules and regulations reflect the increase in the maximum amount of insurance coverage.

Inasmuch as the Board of Directors has found, pursuant to § 302.6 of the Corporation's rules and regulations, that the amendments to Parts 306, 308, 328, 330, and 331 are editorial and not substantive in nature and that notice, public participation, and prior publication are unnecessary and would serve no useful purpose, the requirements of section 553 of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment.

(Sec. 9, 64 Stat. 881; 12 U.S.C. 1819)

Dated at Washington, D.C., this 8th day of January 1970.

By order of the Board of Directors,

FEDERAL DEPOSIT INSURANCE CORPORATION,

[SEAL] E. F. DOWNEY,  
Secretary.

[F.R. Doc. 70-480; Filed, Jan. 13, 1970; 8:47 a.m.]

## Title 14—AERONAUTICS AND SPACE

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

[Airspace Docket No. 69-CE-118]

#### PART 73—SPECIAL USE AIRSPACE

##### Alteration of Restricted Area

On November 26, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 18867) stating that the Federal Aviation Administration was considering an amendment to Part 73 of the Federal Aviation Regulations that would alter Restricted Area R-4301 at Camp Ripley, Minn.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

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

Section 73.43 (35 F.R. 2335) is amended as follows: In R-4301 Camp Ripley, Minn., the "Designated altitudes and time of designation." is amended to read: "Surface to 27,000 feet MSL, May 1 through October 31; and surface to 14,500 feet MSL, Saturday and Sunday, November 1 through April 30, and from 1200 G.m.t. January 27, 1970, through 2100 G.m.t. January 29, 1970."

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

Issued in Washington, D.C., on January 9, 1970.

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

[F.R. Doc. 70-508; Filed, Jan. 13, 1970; 8:50 a.m.]

#### Chapter II—Civil Aeronautics Board

##### SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-603]

#### PART 225—TARIFFS OF CERTAIN CERTIFICATED AIRLINES; TRADE AGREEMENTS

##### Extension of Part for 2 Years

###### Correction

In F.R. Doc. 70-138, appearing at page 162, in the issue for Tuesday, January 6, 1970, in the first line, column 2, page 162, the word "to" should read "in".



SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-35]

**PART 378—INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS, CERTAIN FOREIGN AIR CARRIERS, AND TOUR OPERATORS**

**Definitions**

**Correction**

In F.R. Doc. 70-139, appearing at page 163, in the issue for Tuesday, January 6, 1970, the bracket should read as set forth above.

**Title 18—CONSERVATION OF POWER AND WATER RESOURCES**

**Chapter I—Federal Power Commission**

[Docket No. R-374; Order 394]

**PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT**

**Area Rates for Small Producers in Permian Basin Area; Increased Rate Filings**

JANUARY 6, 1970.

On November 4, 1969, the Commission issued a notice of proposed rule making in this proceeding (34 F.R. 18180, Nov. 13, 1969) proposing to amend § 157.40 of the Commission's regulations under the Natural Gas Act (52 Stat. 822, et seq., as amended (1938); 15 U.S.C. sec. 717 et seq.), Part 157, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations (18 CFR 157.40) by adding a new paragraph (g) thereto to permit small producers operating in the Permian Basin Area under small producer certificates, issued pursuant to § 157.40(b), to file increased rates for the sale of natural gas, if contractually authorized to do so, above the rate ceilings set forth in § 157.40(b).

Comments were invited from interested persons to be submitted by December 19, 1969. In response to this notice, the Commission has received comments from eleven parties<sup>1</sup> which include one association and ten small producers.

No objections were raised to the proposed revisions of the Commission's regulations.

The Commission finds:

(1) The notice and opportunity to participate in this proceeding with re-

<sup>1</sup> Permian Basin Petroleum Association, J. H. Herd, Herd Oil and Gas Co., Adobe Investment Corp., Adobe Oil Co., Ashmun and Hilliard, McGrath and Smith, Inc., Redfern Development Corp., Redfern Oil Co., Robert N. Enfield, French M. Robertson, Estate of J. A. Chapman deceased, Chapman and McFarlin Producing Co., The Attorney General of Texas.

spect to the matters presently before this Commission through the submission, in writing, of data, views, comments and suggestions in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in 5 U.S.C. 553.

(2) The proposed amendment relieves a restriction; therefore compliance with the effective date provisions of 5 U.S.C. 553(d) is not required.

(3) The amendment to § 157.40 of the Commission's regulations under the Natural Gas Act herein prescribed is necessary and appropriate for the administration of the Natural Gas Act.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4, 5, 7 and 16 thereof (52 Stat. 822, 823, 824, 825, and 830 (1938); 56 Stat. 83, 84 (1942); 61 Stat. 459 (1947); 76 Stat. 72 (1962); 15 U.S.C. sec. 717c, 717d, 717f, and 717g) orders:

(A) Effective as of the date of issuance of this order, § 157.40 of the Commission's regulations under the Natural Gas Act, Part 157, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations (18 CFR 157.40) is hereby amended by adding a new paragraph (g) reading as follows:

§ 157.40 Small producer certificates of public convenience and necessity.

(g) Notwithstanding the provisions of paragraph (b) of this section, a small producer who is operating under a small producer certificate with respect to sales in the Permian Basin area may file under § 154.94(f) of this chapter an increase in rate in excess of the applicable rate set forth in said paragraph (b) of this section where contractually authorized to do so without making the rate schedule and certificate filings required by §§ 154.91, 154.92, and 157.23 of the Commission's regulations under the Natural Gas Act in this chapter.

(B) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Acting Secretary.

[F.R. Doc. 70-458; Filed, Jan. 13, 1970; 8:45 a.m.]

**Title 29—LABOR**

**Chapter V—Wage and Hour Division, Department of Labor**

**PART 694—MINIMUM WAGE RATES IN INDUSTRIES IN THE VIRGIN ISLANDS**

**Wage Order**

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004),

and by means of Administrative Order No. 604 (34 F.R. 14656), the Secretary of Labor appointed and convened Special Industry Committee No. 12 for the Virgin Islands, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6 of the Act to employees in those industries in the Virgin Islands to which section 6 of the Fair Labor Standards Act applies solely by reason of the Fair Labor Standards Amendments of 1966 with certain specified exclusions, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the WHPC Divisions of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Special Industry Committee No. 12 for the Virgin Islands are hereby published, to be effective January 30, 1970, in this order amending section 694 of Title 29, Code of Federal Regulations (34 F.R. 254), by amending the present subparagraphs (2), (3), and (4) of paragraph (b). As amended § 694.1 reads as follows:

§ 694.1 Wage rates.

(b) \* \* \*

(2) *Hotel and motel classification.* (i) The minimum wage for this classification is \$1.15 an hour for the period ending January 31, 1970; \$1.35 an hour for the period beginning February 1, 1970, and ending January 31, 1971; and \$1.45 an hour thereafter.

(3) *Laundry and cleaning classification.* (i) The minimum wage for this classification is \$1.20 an hour for the period ending January 31, 1970, \$1.35 an hour for the period beginning February 1, 1970 and ending January 31, 1971, and \$1.45 an hour thereafter.

(4) *Restaurant and food service classification.* (i) The minimum wage for this classification is \$1.25 an hour for the period ending January 31, 1970, \$1.35 an hour for the period beginning February 1, 1970 and ending January 31, 1971, and \$1.45 an hour thereafter.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 8th day of January 1969.

ROBERT D. MORAN,  
Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor.

[F.R. Doc. 70-509; Filed, Jan. 13, 1970; 8:50 a.m.]

## Title 21—FOOD AND DRUGS

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

#### SUBCHAPTER B—FOOD AND FOOD PRODUCTS PART 121—FOOD ADDITIVES

##### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

###### SURFACE LUBRICANTS USED IN MANUFACTURE OF METALLIC ARTICLES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2385) filed by Ethyl Corp., Post Office Box 341, Baton Rouge, La. 70821, and other relevant material, concludes that § 121.2531 should be amended to provide for the safe use, within prescribed limitations, of a synthetic alcohol mixture in surface lubricants used in the manufacture of metallic food-contact articles. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2531(a)(2) is amended by alphabetically inserting in the list of substances a new item, as follows:

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

* * * *	* * * *
(a) * * *	
(2) * * *	
List of substances	Limitations
* * *	* * *

Synthetic alcohol mixture of straight- and branched-chain alcohols that have even numbers of carbon atoms in the range C<sub>6</sub>-C<sub>10</sub> and that are prepared from ethylene, aluminum, and hydrogen such that the finished synthetic alcohol mixture contains not less than 75 percent of straight-chain primary alcohols and contains not less than 85 percent total C<sub>10</sub> and C<sub>12</sub> alcohols.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed ob-

jectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: January 5, 1970.

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

[F.R. Doc. 70-463; Filed, Jan. 13, 1970;  
8:46 a.m.]

## Title 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter I—Coast Guard, Department of Transportation

#### SUBCHAPTER J—BRIDGES

[CGFR 69-131]

##### PART 117—DRAWBRIDGE OPERATION REGULATIONS

###### Jamaica Bay, N.Y.

1. The special operation regulations formerly in §§ 117.175(b) and 117.190(f)(7) were revised in the FEDERAL REGISTER, of April 9, 1969 (34 F.R. 6280) as § 117.175(b) and (c). This action was required to provide continuous access by navigation to parts of the Jamaica Bay area pending completion of the Cross Bay Parkway bridge across Beach Channel, Jamaica Bay which reduced the capability of this channel to accommodate larger vessels.

2. The new Jamaica Channel fixed bridge is now completed and is in normal use by vehicular traffic. The reason for the special operation regulations for the drawbridges identified in § 117.175(b) and (c) therefore no longer exists and the special operation regulations in effect before are reinstated except with respect to the city of New York Highway bridge across Hawtree Basin at Nolins Avenue which has been removed from the waterway. Accordingly, it is found that it is unnecessary to comply with the provisions of the Administrative Procedure Act relating to proposed rule making, public procedure thereon and the effective date requirements. The provisions formerly set forth in § 117.190(f)(7) relative to the New York City Transit Authority bridge at Hamilton Beach, Borough of Queens, New York, are more appropriately retained in § 117.175(c) due to geographical proximity.

3. Sections 117.175(b) and (c), are revised to read as follows:

##### § 117.175 Jamaica Bay and connecting waterways, New York.

(b) City of New York highway bridges across North Channel (Grassy Bay) at Jamaica Bay Boulevard, and Shellbank Basin at Nolins Avenue:

(1) On Sundays, holidays, and between 6 p.m. and 6 a.m., the draws of this bridge shall not be required to open for the passage of vessels. However, the draws shall be opened promptly at any time for the passage of vessels owned, controlled, or employed by the United States or by the city of New York when operators are present, and when operators are not required to be present the draws shall be opened for the passage of such vessels with the least possible delay upon receipt of verbal or written notice. In addition, the draws shall be opened for the passage of other vessels unable to pass under a closed bridge on Sundays, holidays, or between 6 p.m. and 6 a.m., if at least 24 hours' advance notice of the time the opening is required is given, by telephone or otherwise, to the authorized representative of the owner or of agency controlling the bridge. In addition to the posting of a copy of the regulations, required by paragraph (h) of this section, a notice shall be conspicuously posted on both the upstream and downstream sides of this bridge in such manner that it can be easily read at any time stating exactly how the authorized representative may be reached.

(2) When two or more vessels are approaching from opposite directions and intend to pass a bridge, each vessel shall signal for the opening of the draw as prescribed in paragraph (f) of this section. The vessel running with the current shall have the right-of-way. At slack tide the vessel running in ebb current direction shall have the right-of-way. When vessels are approaching the bridge from the same direction each vessel shall signal independently for the opening of the draw and shall be navigated in accordance with the applicable pilot rules.

(c) Jamaica Bay North Channel, New York City Transit Authority bridge at Hamilton Beach, Borough of Queens, New York, N.Y. At least 24 hours' advance notice required, except that the draw shall be opened promptly at any time for the passage of vessels owned, controlled or employed by the United States or by the City of New York, upon reasonable notice.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.4(a)(3)(v))

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

Dated: December 30, 1969.

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

[F.R. Doc. 70-496; Filed, Jan. 13, 1970;  
8:49 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 206—FISHING AND HUNTING REGULATIONS

Chesapeake Bay, Maryland and Virginia

Pursuant to the provisions of section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), § 206.50 governing the construction and maintenance of fishing structures in Chesapeake Bay, Maryland and Virginia, and its navigable tributaries is hereby amended with respect to paragraph (f) (3) to relocate existing limit lines and to establish additional limit lines at entrance to Poquoson River, Va., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 206.50 Chesapeake Bay, Md. and Va., and its navigable tributaries; fishing structures.

(f) Norfolk District. \* \* \*

(3) West side of Chesapeake Bay north from Old Point Comfort to York River, including Back River.

	Latitude	Longitude
"Y2"	37 13 27.8	76 19 21.9
"Y5"	37 12 33.8	76 20 17.7
"Q1"	37 11 41.1	76 21 12.2
"Q3"	37 10 48.3	76 22 06.7
Poquoson River Entrance Light 11.	37 09 53.0	76 23 03.0
Unmarked Point 74A	37 09 44.5	76 22 38.0
No limit line		
Bennett Creek Light 2.	37 09 30.8	76 22 37.0
Poquoson River Day-beacon 13.	37 09 58.0	76 23 28.0
Poquoson River Light 15.	37 10 06.5	76 24 08.0
No limit line		
Poquoson River Light 14.	37 10 07.5	76 23 35.0
Poquoson River Entrance Lighted Buoy 10.	37 10 02.0	76 23 06.5
Poquoson River Entrance Buoy 8.	37 10 53.0	76 22 13.8
Poquoson River Entrance Lighted Buoy 6.	37 11 45.8	76 21 19.3
Poquoson River Entrance Buoy 4.	37 12 38.5	76 20 24.8
Poquoson River Entrance Lighted Buoy 2.	37 13 31.3	76 19 30.3
"Y9"		

[Regs., Dec. 19, 1969, ENG CW-ON] (Sec. 10, 30 Stat. 1151; 33 U.S.C. 403)

For the Adjutant General.

HAROLD SHARON,

Plans Office,

Office of Comptroller, TAGO.

[F.R. Doc. 70-449; Filed, Jan. 13, 1970; 8:45 a.m.]

PART 208—FLOOD CONTROL REGULATIONS

Trenton Dam and Swanson Lake, Republican River, Hitchcock County, Nebr.

Pursuant to the applicable provisions of Sections 7 and 9 of the Act of Congress approved December 22, 1944 (58 Stat. 890, 891; 33 U.S.C. 709), § 208.38 establishing flood control regulations for

Trenton Dam and Swanson Lake, Nebr., is hereby amended by revising paragraphs (a) and (b), effective upon publication in the FEDERAL REGISTER. As revised, the paragraphs read as follow:

§ 208.38 Trenton Dam and Swanson Lake, Republican River, Hitchcock County, Nebr.

(a) The flood control storage capacity of the reservoir, which initially amounts to 133,790 acre-feet between elevations 2,752.0 and 2,773.0, shall be regulated as follows:

(1) For local flood control on the Republican River from the dam to Harlan County Reservoir with the objective, insofar as practicable, of limiting total streamflow to 4,500 c.f.s. from the dam to Frenchman Creek, 5,500 c.f.s. from Frenchman Creek to Medicine Creek, and 5,700 c.f.s. from Medicine Creek to Harlan County Reservoir.

(2) For coordination of flood control regulation in Swanson Lake with existing and potential flood conditions and the regulation of other flood control reservoirs and projects in the Republican, Smoky Hill, Kans., and Missouri River basins, releases from the flood control operation of the reservoir will be adjusted as required for optimum effectiveness during all flood periods.

(b) During flood periods and when the reservoir water surface is in the flood control storage zone, releases shall be made in accordance with instructions issued to the Project Manager by the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, hereinafter referred to as the District Engineer. Such instructions shall be for achievement of the necessary local flood control below the dam and coordination of flood control regulation of the reservoir with flood conditions and flood control regulation of other reservoirs and flood control projects in the Republican, Smoky Hill, Kans., and Missouri River basins. Oral instructions from the District Engineer to the Project Manager shall be confirmed in writing under date of the day issued.

[Regs., Dec. 5, 1969, ENG CW-EY] (Secs. 7 and 9, 58 Stat. 890, 891; 33 U.S.C. 709)

For the Adjutant General.

HAROLD SHARON,

Plans Office,

Office of Comptroller, TAGO.

[F.R. Doc. 70-450; Filed, Jan. 13, 1970; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Approval of Extra-Schedular Evaluations

In § 3.321(b), subparagraph (2) is amended to read as follows:

§ 3.321 General rating considerations.

(b) Exceptional cases. \* \* \*

(2) Pension. Where the evidence of record establishes that an applicant for pension who is basically eligible fails to meet the disability requirements based on the percentage standards of the rating schedule but is found to be unemployable by reason of his disability(s), age, occupational background and other related factors, the following are authorized to approve on an extra-schedular basis a permanent and total disability rating for pension purposes: The Chief Benefits Director or the Director, Compensation, Pension and Education Service, upon field station submission; the rating board, without field station submission, where regular schedular standards are met as of the date of rating decision; or the Adjudication Officer, without field station submission, where the regular schedular standards are not met but the applicant has attained 40 years of age.

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

This VA regulation is effective the date of approval.

Approved: January 7, 1970.

By direction of the Administrator.

[SEAL]

FRED B. RHODES,  
Deputy Administrator.

[F.R. Doc. 70-472; Filed, Jan. 13, 1970; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 28—PUBLIC ACCESS, USE AND RECREATION

Moosehorn National Wildlife Refuge, Maine

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

§ 28.7 Operation of vehicles.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Snowmobile use is limited to roads within the Baring Unit of the Moosehorn National Wildlife Refuge.

The operation of snowmobiles shall be subject to the following special conditions:

(1) Use restricted to the period December 1 through April 15.

(2) Operated only in such manner and at such a speed that no persons or property will be endangered.

(3) All persons must be in a snowmobile or in a trail vehicle that is fixed to the snowmobile by a rigid tongue.

(4) No firearms or archery equipment are to be carried on snowmobiles.

(5) No form of wildlife may be chased or harried by snowmobiles.

The Baring Unit, comprising 16,000 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1970.

RICHARD E. GRIFFITH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

January 7, 1970.

[F.R. Doc. 70-488; Filed, Jan. 13, 1970;  
8:48 a.m.]

#### PART 28—PUBLIC ACCESS, USE AND RECREATION

##### Bombay Hook National Wildlife Refuge, Del.

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

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

#### DELAWARE

##### BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Travel by motor vehicle, bicycle, or on foot, is permitted on designated routes unless prohibited by posting, for the purpose of nature study, photography, hiking, and sight-seeing, during daylight hours. Pets are permitted if on a leash not over 10 feet in length. Picnicking is permitted in designated areas where facilities are provided. Access by boat for fishing in tidal waters is permitted. Public hunting may be permitted under special regulations.

The refuge area, comprising 16,280 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1970.

RICHARD E. GRIFFITH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

JANUARY 7, 1970.

[F.R. Doc. 70-488; Filed, Jan. 13, 1970;  
8:48 a.m.]

#### PART 28—PUBLIC ACCESS, USE, AND RECREATION

##### Erie National Wildlife Refuge, Pa.

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

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

#### PENNSYLVANIA

##### ERIE NATIONAL WILDLIFE REFUGE

Entry on foot or by motor vehicle is permitted on designated travel routes for the purpose of nature study, photography and sightseeing, during daylight hours. Pets are allowed if on a leash not over 10 feet in length. Use of the picnic area is permitted from 6 a.m. to 9:30 p.m. May 30 to October 15. Fishing and hunting under special regulations may be permitted on parts of the refuge.

The refuge area, comprising 4,961 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1970.

RICHARD E. GRIFFITH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

JANUARY 7, 1970.

[F.R. Doc. 70-490; Filed, Jan. 13, 1970;  
8:48 a.m.]

#### PART 28—PUBLIC ACCESS, USE, AND RECREATION

##### Missisquoi National Wildlife Refuge, Vt.

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

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

#### VERMONT

##### MISSISQUOI NATIONAL WILDLIFE REFUGE

Travel by motor vehicle or on foot is permitted on designated travel routes for the purpose of nature study, photography, hiking, and sight-seeing, during daylight hours. Pets are permitted on a leash not over 10 feet in length. Picnicking is permitted in designated areas where facilities are provided. Launching of boats and parking of boat trailers are permitted in designated areas. Fishing and hunting may be permitted under special regulations.

The refuge area, comprising 4,680 acres, is delineated on maps available at refuge headquarters and from the Re-

gional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1970.

RICHARD E. GRIFFITH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

JANUARY 7, 1970.

[F.R. Doc. 70-491; Filed, Jan. 13, 1970;  
8:48 a.m.]

#### PART 28—PUBLIC ACCESS, USE, AND RECREATION

##### Moosehorn National Wildlife Refuge, Maine

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

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

#### MAINE

##### MOOSEHORN NATIONAL WILDLIFE REFUGE

Entry on foot or by motor vehicle on designated travel routes is permitted for the purpose of nature study, photography, hiking, and sight-seeing during daylight hours. Pets are allowed if on a leash not over 10 feet in length. Fishing and public hunting may be permitted under special regulations. All persons shall comply with all local, State, and Federal laws, ordinances, and regulations.

The refuge area, comprising approximately 22,500 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1970.

RICHARD E. GRIFFITH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

JANUARY 7, 1970.

[F.R. Doc. 70-487; Filed, Jan. 13, 1970;  
8:48 a.m.]

#### PART 28—PUBLIC ACCESS, USE, AND RECREATION

##### Parker River National Wildlife Refuge, Mass.

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

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Entrance into the Public Use Areas of the refuge is permitted for the purpose of nature study, photography, hiking, sunbathing, and picnicking from 6 a.m. to 9 p.m. from May 1 through October 15, and from 8 a.m. to 4:30 p.m., from October 16 through April 30. The landing of boats and entrance into the refuge is permitted at the Knobbs, Grape Island, and Stage Island for the purposes listed above from 6 a.m. to 9 p.m. from May 1 to October 15. Bathing and swimming are permitted only in the designated area during the hours 10 a.m. to 6 p.m. from May 30 through September 1. Surf fishing is permitted day and night on the ocean beach of the Public Use Area from May 1 through October 15. Plums and cranberries may be picked outside of the Natural Area from 6 a.m. to 9 p.m., August 25 to October 31, to the limit of one-half bushel per family.

Motor vehicles and bicycles are permitted on designated travel routes and in designated parking areas. Snowmobiles or similar vehicles are not permitted on the refuge. Over-the-sand vehicles may be on the ocean beach of the public use

area, for fishing only, day and night, from May 1 to May 29, and September 2 to October 15 and during the hours of 6 p.m. to 8 a.m. from May 30 to September 1.

Foot travel in the Natural Area is permitted only on designated trails. Fires are permitted only in refuge fireplaces installed by the Bureau, or on the ocean beach of the public use area. Except in the designated bathing area, pets are allowed if on a leash not over 10 feet in length.

Beer and other alcoholic beverages are not permitted on the refuge. Glass beverage bottles may not be taken out of vehicles.

Entrance into other areas west of the main road is permitted in specific locations that are posted "Open to nature study". Applications for permission to enter the area west of the main road for other purposes will be considered.

Public Use Areas which include portions of the beach, the Knobbs, Grape Island, and Stage Island are delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28,

and are effective through December 31, 1970.

RICHARD E. GRIFFITH,  
Regional Director, Bureau of  
Sport Fisheries and Wildlife.

JANUARY 7, 1970.

[F.R. Doc. 70-489; Filed, Jan. 13, 1970;  
8:48 a.m.]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 220—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN: TITLE IV PARTS A AND B OF SOCIAL SECURITY ACT

Child Welfare Services Program  
Correction

In F.R. Doc. 70-257 appearing at page 315 in the issue of Thursday, January 8, 1970, the first sentence in § 220.71(a) should read: "Upon adoption by the State of a State plan (including a basic plan and an annual budget jointly developed by the State agency and the Social and Rehabilitation Service) it shall be certified by a duly authorized officer of the State agency and submitted to the Social and Rehabilitation Service for approval."

# Proposed Rule Making

## CIVIL AERONAUTICS BOARD

[ 14 CFR Part 207 ]

[Docket No. 21246; EDR-174]

### CHARTER TRIPS AND SPECIAL SERVICES

#### Definitions of Transatlantic and Transpacific Charter Trips for Combination Route Carriers; Definition of "Area of Operations" of All-Cargo Carrier With Respect to Transpacific Route Authorization

JANUARY 7, 1970.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 207 of the Board's economic regulations (14 CFR Part 207) to modify the definitions of "transatlantic charter trip" and "transpacific charter trip" as set forth in § 207.1. In addition, the Board proposes to define the "area of operations" for off-route charter trips of an all-cargo carrier (Flying Tiger) with respect to its recently-awarded transpacific route authorization.

The principal features of the proposed amendment are described in the explanatory statement and the proposed amendments are set forth in the proposed rule. The amendments would be pursuant to the authority of sections 204(a) and 401(e)(6) of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754 (as amended by 76 Stat. 143, 82 Stat. 867); 49 U.S.C. 1324, 1371).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before February 9, 1970, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons upon receipt in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL]

HARRY J. ZINK,  
Secretary.

*Explanatory statement.* Part 207 (Charter Trips and Special Services) provides various volume and frequency limitations for off-route charters of certificated route carriers including all-cargo carriers. Section 207.7a generally limits the frequency and regularity of off-route charters for combination carriers that may be conducted between the same pair of points during specified time periods; in the case of transpacific

and transatlantic charter trips, the limitations are imposed on an area basis. Thus, an off-route charter trip from any point in a State of the United States to any point in the transpacific area is counted as one frequency. However, the regulation expressly exempts Pan American World Airways and Northwest Airlines, Inc., from the area frequency restriction applicable to transpacific charter trips, since these carriers are certificated to provide service between points in the transpacific area. Thus, for example, except for Pan American and Northwest, carriers are permitted only eight flights in the same direction between a point in the United States and a point in the transpacific area during any period of four successive calendar weeks. Pan American and Northwest, however, are on a point-to-point frequency basis and are permitted, during such period, eight flights in the same direction between any two given points, e.g., eight flights from St. Louis to Tokyo, eight flights from Detroit to Hong Kong, etc. Trans World Airlines, Inc., was recently awarded a certificate to serve the transpacific area,<sup>1</sup> and it requests that it be accorded the same charter rights as are enjoyed by the other two carriers holding certificates to serve this area.

Two supplemental carriers, World Airways, Inc., and Trans International Airlines, Inc. (TIA) oppose the petition. They assert, inter alia, that the Part 207 restrictions were designed to protect the supplementals as charter specialists and that TWA has advanced no arguments for the transpacific charter authority it seeks. Also, they maintain that the grant of the petition would place TWA in a position of competing with World and TIA for the limited number of charters for nondesignated carriers permitted by the Japanese Government.<sup>2</sup> Moreover, according to the supplementals, the reasons for the exceptions to Pan American and Northwest in the Pacific area are no longer applicable due to decreased reliance by the Department of Defense on the supplemental carriers to provide a substantial portion of the military airlift requirements and the deteriorating financial picture of the supplementals

<sup>1</sup> A new Central Pacific route from Los Angeles/Ontario/Long Beach via Hawaii and Guam to Okinawa, Taiwan, Hong Kong, and Thailand, and beyond Thailand to Ceylon and that portion of India which lies south of the 20th parallel. Transpacific Route Investigation (International Phase), Docket 16242, Orders 69-4-90 served Apr. 24, 1969 and 69-5-121, dated May 26, 1969.

<sup>2</sup> In 1969 the Japanese Government established a quota of 46 U.S.-Japan charter flights of U.S. carriers other than those covered by a bilateral agreement. World and TIA assert that 46 is less than the total number of flights which, if granted unrestricted landing rights, nondesignated U.S. carriers might have operated.

which suggests that a curtailment of all off-route charters of trunkline carriers in the Pacific area might be warranted. Finally, they contend, if the Board decides to modify the present exception to the area frequency and regularity restrictions, it should eliminate the exception rather than proliferating it as TWA requests.

By ER-482 adopted January 13, 1967 (32 F.R. 487, Jan. 13, 1967), the Board amended the definitions of transatlantic and transpacific charter trips in Part 207. It stated that the definitions were added to Part 207 in 1965 as part of an amendment designed to prevent certificated route carriers from concentrating their entire annual quota of off-route charters in a single market, a practice which the Board believed could lead to undue diversion from the on-route services of regular route carriers and from the charter services of supplemental carriers. The Board pointed out that the amendment took the form of frequency and regularity restrictions imposed on off-route charters between any pair of "points" and that, in the transatlantic and transpacific markets, the limitations were imposed on a market-wide basis so that any flight between the 48 contiguous States, on the one hand, and a point in one of these markets was to be counted against the total number and frequency of flights authorized between a single pair of points. In the 1967 amendment (ER-482) the Board excepted from the restrictive effect of the definitions of "transatlantic" and "transpacific" the off-route charter trips of the route carriers certificated to serve the areas involved—Pan American and TWA in the transatlantic and Pan American and Northwest in the transpacific. These exceptions for the transatlantic and transpacific carriers were based upon the following findings which the Board made at that time: (1) That charterers who are unable to charter via U.S.-flag carriers due to Part 207 restrictions will, to a considerable extent, turn for their air transportation to foreign carriers, rather than to U.S. supplementals, because of the supplementals' shortage of capacity caused by the demands of the Viet Nam situation; (2) that there is also an indication of a preference on the part of some charterers for foreign scheduled carriers over U.S. supplementals; (3) that, in either event, the effect of the current regulatory framework will be to prevent chartering groups from traveling on U.S.-flag carriers where they desire to do so and, to the extent such charters are ultimately carried by foreign carriers, to cause a corresponding drain on the U.S. balance of payments; and (4) that the Viet Nam situation is providing the supplementals with a substantial source of revenue, with the consequence that they should not be injured by the diversion of the modest amounts of commercial charter revenues

to U.S. route carriers resulting from an easing of the Part 207 restrictions.

We shall not extend the existing exceptions for Pan American and Northwest in the transpacific area so as to include the new carriers which received awards in this area, as TWA requests. Rather, we have decided to propose a new exception to the definition of "transpacific charter trip" and "transatlantic charter trip" with reference to the frequency and regularity restrictions on off-route charters of the combination route carriers. And we propose to modify the rule so as to take into consideration the recent route awards made by the Board in the Transpacific Case<sup>3</sup> and in the Miami-London Route Investigation.<sup>4</sup>

We shall modify the existing exceptions from the definitions for the combination route carriers in the transpacific and transatlantic areas by limiting them to charter trips between a point in a State of the United States<sup>5</sup> and a point in a country to which the carrier is certificated to serve. In our judgment, there appears to be no reason why the permissive off-route charter authority should now cover the entire transpacific or transatlantic area for each air carrier certificated therein, in light of the additional carriers now authorized to serve in these areas. Under the proposed amendment, American<sup>6</sup> and TWA would be permitted charters to Japan<sup>7</sup> on an area frequency basis only, which would have the effect of confining their charters largely to the foreign countries to which they are certificated. Northwest's present authority to operate charters to Australia on a point-to-point frequency basis would similarly be deleted. This more limited authority for off-route charters is more in accord with the present situation which requires more protection for the supplemental carriers certificated to provide charter service in the transpacific and transatlantic areas than was the case when the exceptions for Pan American, Northwest, and TWA in these areas were granted in 1967. Specifically, as contrasted with the situation that existed in 1967 when the Board exempted the U.S.-flag carriers certifi-

cated to serve the Pacific and Atlantic areas from the area-wide frequency and regularity restrictions for off-route charters under Part 207, the supplemental carriers are not now experiencing a shortage of capacity, the U.S. balance of payments situation has improved so that there is no longer the same degree of need to encourage chartering groups to travel on U.S.-flag carriers instead of on foreign flag carriers, and the supplementals now are more dependent on civilian charter and less dependent on the Viet Nam situation and other military charters for a substantial part of their revenue. In addition, there is currently a trend toward sharply diminished profits in the case of the supplemental carriers. Finally, we doubt whether the public would be substantially inconvenienced under the proposed rule by reason of having less service available since there are now more carriers authorized to serve the Pacific and Atlantic areas than was the case in 1967 when Pan American and Northwest were granted less restrictive off-route charter authority in the Pacific area and Pan American and TWA, in the Atlantic area. For example, under the proposed rule American would be able to provide charter service to Australia or New Zealand on a point-to-point frequency basis in lieu of Northwest's present off-route charter authority to serve these countries on such basis.

In view of the recent route awards in the transpacific area, we shall include TWA and American<sup>8</sup> as carriers to which this limited exception from the definition of "transpacific charter trip" will apply. Thus, we shall treat on a parity all of the U.S.-carriers certificated to provide scheduled foreign air transportation in the transpacific area. Similarly, the definition of "transatlantic charter trip" will be modified so as to include National Airlines, Inc., as a carrier to which this exception will apply. This will take into account the recent route award made by the Board in the Miami-London Route Investigation, supra.

An amendment is also proposed with respect to the new transpacific route authority of Flying Tiger, an all-cargo carrier. Section 207.6 provides that the all-cargo carriers are subject to limitations on the volume of charter trips which may be performed.<sup>9</sup> However, the volume limitations are inapplicable to off-route cargo charters of an all-cargo carrier performed within its specified "area of operation."<sup>10</sup> These areas are described for each carrier in § 207.6. We shall describe Flying Tiger's area of operation as between the 48 contiguous

States and Asia as far west as longitude 70° east, including Japan and the Philippines but not including Indonesia.<sup>10</sup> In addition, we are making certain editorial changes in Part 207.<sup>11</sup>

**Proposed rule.** It is proposed to amend Part 207 of the Economic Regulations (14 CFR Part 207) as follows:

1. Amend the definitions "Transatlantic charter trip" and "Transpacific charter trip" in § 207.1 to read as follows:

#### § 207.1 Definitions.

As used in this part, unless the context otherwise requires:

"Transatlantic charter trip" means a charter trip between points within the 48 contiguous States of the United States, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, or Asia, as far east as (and including) India, on the other hand; *Provided, however,* That this definition shall not apply to off-route charter trips performed by a carrier between a point within the 48 contiguous States of the United States, on the one hand, and a point in a country in the above area with respect to which the carrier is authorized to perform air transportation pursuant to a certificate of public convenience and necessity issued under section 401 of the Act, on the other hand.

"Transpacific charter trip" means a charter trip between points within any State of the United States, on the one hand, and points in Australasia (including Australia, New Zealand, Polynesia, Micronesia, and Melanesia), Indonesia, or Asia as far west as longitude 70° east, on the other hand; *Provided, however,* That this definition shall not apply to off-route charter trips performed by a carrier between a point within any State of the United States, on the one hand, and a point in a country in the above area with respect to which the carrier is authorized to perform air transportation pursuant to a certificate of public convenience and necessity issued under section 401 of the Act, on the other hand.

2. Delete paragraph (a) of § 207.5 so that § 207.5 will read as follows:

§ 207.5 Limitation on amount of charter trips which may be performed by combination carriers.

A combination carrier shall not during any calendar year perform off-route charter trips which in the aggregate, on a revenue plane-mile basis, exceed 2

<sup>3</sup> Transpacific Route Investigation (International Phase), Orders 69-4-90, served Apr. 24, 1969; 69-5-121, dated May 26, 1969. Transpacific Route Investigation (South Pacific Deferred Phase), Orders 69-7-104, served July 22, 1969; 69-8-151 dated Aug. 28, 1969.

<sup>4</sup> Orders 69-7-90 served July 18, 1969; 69-8-148 dated Aug. 27, 1969.

<sup>5</sup> Or a point within the 48 contiguous States in the case of transatlantic charters.

<sup>6</sup> American was awarded a new South Pacific route between coterminous points in the 48 contiguous States and intermediate points in Hawaii, American Samoa, Fiji, and New Zealand and via intermediate points and a terminal point in Australia. Order 69-7-104 served July 22, 1969.

<sup>7</sup> Indeed, to permit American to perform off-route charter trips to Japan on a point-to-point frequency basis would tend to subvert the President's decision in the Transpacific Case that an additional route carrier should not be certificated to perform service to Japan at this time.

<sup>8</sup> See footnotes 1 and 6, supra.

<sup>9</sup> An all-cargo carrier shall not during any calendar year perform off-route charters which in the aggregate, on a revenue plane-mile basis, exceed 2 percent of the base revenue plane miles flown by it during the preceding calendar year.

<sup>10</sup> In addition, the frequency and regularity restrictions of § 207.7a are not applicable to off-route cargo charters performed by an all-cargo carrier within its area of operations. See proviso to § 207.7a.

<sup>10</sup> In the Transpacific case, Flying Tiger was awarded a route from the ten U.S. coterminous it was serving to Japan, Korea, Okinawa, Taiwan, Hong Kong, the Philippines, South Viet Nam, and Thailand.

<sup>11</sup> Thus, we shall modify §§ 207.5 and 207.6 by removing the obsolete provisions which applied prior to Jan. 1, 1965. We shall also remove subparagraph (4) of § 207.6(c) since this provision pertains to a carrier which no longer holds an effective certificate (Aerovias Sud Americana, Inc.).

percent of the base revenue plane-miles flown by it during the preceding calendar year.

3. Delete and reserve paragraph (a) of § 207.6 and modify paragraphs (b) and (c) thereof. As modified, § 207.6 will read as follows:

§ 207.6 All-cargo carriers; limitation on amount of charter trips which may be performed.

(a) [Reserved]

(b) An all-cargo carrier shall not during any calendar year perform off-route charters which in the aggregate, on a revenue plane-mile basis, exceed 2 percent of the base revenue plane-miles flown by it during the preceding calendar year: *Provided, however,* That an all-cargo carrier shall be permitted to perform off-route cargo charters within its area of operations without any limitation as to volume of service.

(c) Within the meaning of paragraph (b) of this section, the areas of operations of the all-cargo carriers are the following:

(1) Within the 48 contiguous States—The Flying Tiger Line Inc.; and Airlift International, Inc.

(2) Between the 48 contiguous States and Europe—Seaboard World Airlines, Inc.

(3) Between the 48 contiguous States and Puerto Rico—Airlift International, Inc.

(4) Between the 48 contiguous States and Asia as far west as longitude 70° east, including Japan and the Philippines but not including Indonesia—The Flying Tiger Line Inc.

[F.R. Doc. 70-497; Filed, Jan. 13, 1970; 8:49 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Parts 2, 89, 91, 93 ]

[Dockets Nos. 18261, 18262; FCC 70-4]

### LAND MOBILE RADIO SERVICES

#### Order Establishing Schedule for Oral Argument

In the matter of amendment of Parts 2, 89, 91, and 93: Geographic reallocation of UHF TV Channels 14 through 20 to the land mobile radio services for use within the 25 largest urbanized areas of the United States, Docket No. 18261; petition filed by the Telecommunications Committee of the National Association of Manufacturers to permit use of TV Channels 14 and 15 by land mobile stations in the Los Angeles area, RM-566; an inquiry relative to the future use of the frequency band 806-960 MHz; and amendment of parts 2, 18, 21, 73, 74, 89, 91, and 93 of the rules relative to operations in the land mobile service between 806 and 960 MHz, Docket No. 18262.

1. On December 19, 1969, we released our order for Oral Argument (FCC 69-1392) in the above proceedings. At that time, we advised that, after the submission of the written notices of appearance,

we would issue a further order allotting time to the various parties to present argument. We have reviewed such comments as were advanced by the parties on this subject, and, in light of the diversity of interests of those to take part, the number of persons to participate, and the kinds of information we felt will be most helpful to us, we have decided upon the division of time and the order of presentation set forth below.

2. Further, numerous notices of appearance were filed (those listed below), with interested persons asking for a total of nearly 30 hours for their presentations. In light of the number of persons to be accommodated, we have decided to commence at 9 a.m. on January 22, 1970, instead of 10 a.m., and to conduct the argument in four sessions, with the first to begin at 9 a.m., to run to 12 m., the second from 1 to 4:30 p.m. on January 22, 1970, and the third and fourth sessions to be held at the same times on January 23, 1970.

3. Additionally, much interest has been evidenced in the findings and recommendations contained in a Report to the Commission by the Stanford Research Institute (SRI) entitled "A Study of Land Mobile Spectrum Utilization." Because of this, and since we believe the views of SRI will be helpful to us in our overall consideration of the matters in issue in this proceeding, we are, on our own motion, inviting participation by SRI in the argument and have reserved time for it to do so.

4. Finally, any party may reserve a part of his allotted time for rebuttal purposes. Additionally, any party may agree with others to pool their respective allotted times for combined presentation of either their affirmative or rebuttal cases. Parties are strongly urged to combine their arguments. The Commission will appreciate the efforts made by them in this direction.

Accordingly, it is ordered, That oral argument shall begin before the Commission, en banc, at 9 a.m., on January 22, 1970, in accordance with the schedule set forth below.

Adopted: January 8, 1970.

Released: January 9, 1970.

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

[SEAL] BEN F. WAPLE,  
Secretary.

Parties to present oral argument	Time allotted (in minutes)
Association of Maximum Service Telecasters, Inc.	100
Electronic Industries Association, Consumer Products Division	10
Forward Television, Inc.	10
Plains Television Corp.	10
RKO General & WKY Television System	15
Summit Broadcasting Co., Inc.	10
U.S. Communications Corp.	10
Winnebago Television Corp.	10
All-Channel Television Society	25
Joint Council on Educational Telecommunications	15
National Association of Educational Broadcasters	15

<sup>1</sup> Commissioners Johnson and H. Rex Lee absent.

Parties to present oral argument	Time allotted (in minutes)
National Association of Broadcasters	30
American Telephone and Telegraph Co.	35
National Association of Radio Telephone Systems	10
Communications Industries, Inc.	10
Mobile Telephone Co., Inc.	10
Aeronautical Radio, Inc.	10
General Electric Co.	10
National TV Translator Association	10
Land Mobile Communications Council	55
Electronic Industries Association, Industrial Electronics Division, Land Mobile Communications Section	40
Associated Public-Safety Communications Officers, Inc.	15
International Association of Chiefs of Police	10
City of Dallas	10
International Bridge, Tunnel, and Turnpike Association, Inc.	10
International Municipal Signal Association	10
Law Enforcement Assistance Administration	15
National Association of Business and Educational Radio, Inc.	15
American Automobile Association and American Trucking Association	15
American Newspaper Publishers Association and the Associated Press	10
Association of American Railroads	10
Central Committee on Communication Facilities of the American Petroleum Institute	10
Forest Industries-Radio Communications	10
National Association of Manufacturers	10
Special Industrial Radio Service Association, Inc.	10
Utilities Telecommunications Council	10
Radio Specialists Co.	10
General Electric (Mobile Radio Department)	15
Motorola, Inc.	45
Stanford Research Institute	

[F.R. Doc. 70-481; Filed, Jan. 13, 1970; 8:47 a.m.]

## FEDERAL POWER COMMISSION

[ 18 CFR Part 250 ]

[Docket No. R-376]

### ESCROW AGREEMENT

#### Proposed Form

JANUARY 6, 1970.

1. Notice is given, pursuant to section 553 of title 5 of the United States Code, that the Commission proposes to amend Part 250, Subchapter G, Approved Forms, Natural Gas Act, Chapter 1, Title 18 of the Code of Federal Regulations, by adding a new § 250.12 prescribing a form of escrow agreement to be used by natural gas companies when ordered by the Commission to retain refundable monies pending further action of the Commission prescribing the disposition of such refund monies.

2. Many natural gas companies have been directed by order of the Commission to retain sums of monies which have been found by the Commission to be refundable because of the question of proper "flow-through" of such funds to



those to whom refund should be made, or because of the pendency of court review of the Commission's orders determining such monies to be refundable. The Commission has permitted such monies to be retained by the natural gas company either by commingling such funds with its general corporate assets at the prevailing prime rate of interest, or by placing such refund monies in special escrow account. The Commission on occasion has also required natural gas companies to file escrow agreements before allowing them to collect increased rates subject to refund in proceedings under section 4(e) of the Natural Gas Act.

3. The orders of the Commission permitting the refund monies to be placed in a special escrow account have customarily prescribed the terms and conditions of the escrow agreement to be entered into and filed by the natural gas company. Experience has shown that certain of the terms and conditions set forth in each of such orders are not always applicable, and that others do not provide the flexibility of investment needed to gain the maximum earned interest with which to offset the cost and expense of such special escrow accounts. Additionally, certain periodic reports were called for which have proven not to be necessary. The Commission therefore proposes to require that natural gas companies enter into a simplified form of escrow agreement, and to eliminate the necessity of monthly and quarterly periodic reports of the principal and interest retained in such escrow accounts.

4. The Commission proposes to amend Part 250, Subchapter G, Approved Forms, Regulations under the Natural Gas Act, by adding a new § 250.12 thereto prescribing a Form of Escrow Agreement to read as follows:

§ 250.12 Form of Escrow Agreement.

ESCROW AGREEMENT

(Name of Respondent) and (Name of Bank, or Trust Company, Trustee)  
 This agreement made between (Name of Respondent) hereinafter called Respondent and (Name of Bank), a national banking institution, association, or trust company, used as a depository for funds of the U.S. Government (Address), hereinafter called "Trustee",

Witnesseth:

ARTICLE I

DEFINITIONS

SECTION 1.01. As used in this agreement, the following expressions shall have the meanings respectively indicated:

- (a) "Commission" means the Federal Power Commission, an agency of the United States of America.
- (b) "Secretary" means the Secretary, the Acting Secretary, or the Office of the Secretary of the Commission.
- (c) "Proceeding" means the proceeding or proceedings before the Commission entitled: "(Name of Respondent), Docket No. ...."
- (d) "Respondent" means the party, whether a producer, seller or jurisdictional pipeline purchaser, who is directed by order of the Commission to place refund monies in escrow.
- (e) "Purchaser" means the purchaser or purchasers of the natural gas which are the subject of the proceedings.

(f) "Refund monies" means the amounts of revenue, including applicable interest, for gas sales charged and collected by Respondent computed as ordered by the Commission, which are to be placed in escrow under this Trust Agreement.

ARTICLE II

TERM OF TRUST

Sec. 2.01. Respondent hereby transfers and assigns to Trustee the amount of refund monies ordered to be held in escrow, and to that end, agrees to deposit, or cause to be deposited, such monies within ten days of the date hereof with the Trustee plus interest as ordered by the Commission.

Sec. 2.02. Respondent, the Trustee, and the successors and assigns of each, shall be, and hereby are, held and firmly bound unto the Commission for the use and benefit of those found by the Commission to be entitled thereto with respect to all amounts of refundable monies deposited and the interest thereon, and the Trustee hereby binds itself to pay such monies as refunds to such person or persons as may be identified and designated, and in the manner which it may be directed by the Commission in the proceeding, all or any portion of such deposits and the interest thereon.

Sec. 2.03. The Trustee shall invest and reinvest such deposits in any short-term indebtedness (not to exceed 1 calendar year) of the United States of America, or any agency thereof, and in any such form of obligation guaranteed by the United States of America as the Trustee in the exercise of its sound discretion may select.

Sec. 2.04. The Trustee shall be liable only for such interest as the investment funds described in sections 2.01 and 2.03 shall earn, and no other interest may be collected from the Trustee.

Sec. 2.05. The Trustee shall be entitled to such compensation as is fair, reasonable and customary for its services as such, which compensation shall be paid out of the corpus, and earned interest of the Trust. The Trustee shall likewise be entitled to reimbursement for its reasonable expenses, necessarily incurred in the administration of this trust, which reimbursement shall be made out of the corpus, or earned interest of the Trust.

Sec. 2.06. The Trustee shall report to the Secretary of the Commission annually certifying the amount deposited in escrow, and accounting for any disbursements therefrom for the annual period.

Sec. 2.07. Should Respondent be released by final order of the Commission from any or all obligation with respect to such refundable monies, this trust shall be discharged in like amount; otherwise it shall remain in full force and effect.

ARTICLE III

DISTRIBUTION OF FUNDS AND TERMINATION OF TRUST

Sec. 3.01. Upon receipt by the Trustee of a copy of an order of the Commission directing disbursement by Respondent of the refund monies, the Trustee shall transfer and deliver to Respondent such monies for payment to the parties ultimately determined by the Commission to be entitled thereto, and to that end the Trustee shall liquidate all securities held in trust necessary to make such payments, and this trust shall thereupon cease and terminate.

ARTICLE IV

RESPECTING THE TRUSTEE

Sec. 4.01. The Trustee shall be fully protected in acting and relying on any order, certificate, direction, communication, or other document, from the Commission, which the Trustee in good faith believes to be genuine and what it purports to be.

Sec. 4.02. The Trustee may at any time and from time to time consult with legal

counsel of its own choice, and shall be fully protected in acting and relying on the advice of such counsel with respect to any matter arising in the administration of this trust.

Sec. 4.03. The Trustee shall have no liability for damage resulting from any action or omission of it hereunder, unless it be established that such damage was caused by negligence contributing to such damages, or willful bad faith of the Trustee.

Sec. 4.04. Nothing in sections 4.02 and 4.03 in this Article IV shall be construed as limiting or impairing the obligation of the Trustee under section 2.02 hereof.

Sec. 4.05. The obligations of the Trustee hereunder shall be limited to the amounts deposited with it hereunder, and the interest thereon resulting from investments as herein directed.

Sec. 4.06. The Trustee joins herein for the purpose of evidencing its approval and consent to the terms hereof and its acceptance of the fund hereby created, and the Trustee agrees to hold, invest, administer and dispose of the funds deposited hereunder with it in accordance with the terms hereof.

ARTICLE V

MISCELLANEOUS

Sec. 5.01. This instrument may be amended by an order, letter or other communication of the Commission: *Provided*, That no such amendment shall substantially increase the duties or diminish the compensation, privileges or immunities of the Trustee.

Sec. 5.02. The Trustee may resign at any time upon thirty (30) days' prior written notice given to the Commission. Upon the resignation of the Trustee, a successor bank or trust company used as a depository for funds of the U.S. Government, shall be designated by Respondent. However, resignation of a Trustee shall not become effective until a qualified successor Trustee has indicated its acceptance of the appointment of the qualified successor Trustee, the resigning Trustee shall transfer and deliver, without charge, all property, funds and accounts then held hereunder to the successor Trustee.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Attest: \_\_\_\_\_ By \_\_\_\_\_

(Name of Respondent)

Attest: \_\_\_\_\_ By \_\_\_\_\_

(Name of Trustee)

5. This amendment to the Commission's regulations under the Natural Gas Act is proposed to be issued under the authority granted by the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 thereof (52 Stat. 822, 823, 824, 825, and 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, and 717o).

6. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, on or before February 20, 1970, data, views, and comments in writing concerning the amendment proposed herein. An original and fourteen (14) copies of any such submittals shall be filed with the Secretary of the Commission. The Commission will consider all such submittals before acting on the proposed amendment.

By direction of the Commission.

GORDON M. GRANT,  
 Secretary.

[F.R. Doc. 70-492; Filed, Jan. 13, 1970; 8:49 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Colorado 3579]

### COLORADO

#### Opening of Lands

DECEMBER 31, 1969.

1. In an order issued October 2, 1969, the Federal Power Commission vacated the power withdrawal created pursuant to the filing on June 22, 1942 of an application for license for Project No. 1886 for the following described lands:

#### SIXTH PRINCIPAL MERIDIAN, COLORADO

All portions of the following described subdivisions lying within 25 feet of the centerline survey of the pipeline location as shown on a map designated "Exhibit F" and entitled "Map of Harry M. Williamson Power Project, Pipe and Transmission Lines, Roosevelt National Forest, Colorado", and filed in the Office of the Federal Power Commission on June 22, 1942.

T. 2 N., R. 72 W.,  
Sec. 24, lots 7, 8, 24;  
Sec. 25, unpatented portions of lots 3 and 4;  
Sec. 26, lot 20.

All portions of the following described subdivisions lying within 12.5 feet of the centerline survey of the transmission line location as shown on the map more fully described in the preceding paragraph.

T. 2 N., R. 72 W.,  
Sec. 13, unpatented portions of SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 24, lots 1, 2, 4, 5, 12, 13 and 20.

The areas described aggregate approximately 10.48 acres.

The State of Colorado has waived the preference right afforded it under section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075), as amended by the Act of May 23, 1948 (62 Stat. 275).

2. The lands formerly in Project No. 1886 are National Forest lands in the Roosevelt National Forest.

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the authority delegated to me by Bureau Order No. 701 of July 23, 1964, as amended, it is ordered as follows.

3. At 10 a.m. on February 5, 1970, the lands described in paragraph 1 shall be open to such forms of disposal as may by law be made of National Forest lands.

4. The lands have been open to applications and offers under the mineral leasing laws and to location under the U.S. mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office,

Bureau of Land Management, Denver, Colo. 80202.

J. ELLIOTT HALL,  
Land Office Manager.

[F.R. Doc. 70-467; Filed, Jan. 13, 1970;  
8:46 a.m.]

[OR 3165]

### OREGON

#### Opening of Lands

JANUARY 5, 1970.

1. In an order issued October 15, 1969, the Federal Power Commission vacated the withdrawal created pursuant to the filing of an application for a license for Project No. 952, for the following described land:

#### WILLAMETTE MERIDIAN, OREGON

T. 3 S., R. 8 $\frac{1}{2}$  E.,  
Sec. 24, SE $\frac{1}{4}$ NW $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$ .

2. The land lies within the Mount Hood National Forest in Clackamas County.

3. The State of Oregon has waived the right of selection in accordance with the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended.

4. Beginning at 10 a.m., on February 10, 1970, the national forest lands shall be open to such form of disposition as may by law be made of such lands.

5. Inquiries concerning the land should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 2965, Portland, Oreg. 97208.

VIRGIL O. SEISER,  
Chief, Branch of Lands.

[F.R. Doc. 70-468; Filed, Jan. 13, 1970;  
8:46 a.m.]

### Geological Survey

[Coal Land Classification Order 130]

### COLORADO

#### Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

#### NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

#### COAL LANDS

T. 34 N., R. 13 W., north of Ute line,  
Secs. 1 to 3, inclusive;  
Sec. 4, S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Secs. 9 to 12, inclusive.

T. 35 N., R. 13 W.,  
Sec. 1, lot 2, E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 3, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 12, E $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 14, E $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ W $\frac{1}{2}$ ,  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 15, NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 18, lots 2, 3, and 4, W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$   
NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 19 lots 1 to 4, inclusive, NW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
E $\frac{1}{2}$ W $\frac{1}{2}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 21, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 22;  
Sec. 23, E $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ W $\frac{1}{2}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Secs. 24 and 25;  
Sec. 26, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 27, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 28 NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 30, lots 1 to 4, inclusive, NW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
E $\frac{1}{2}$ W $\frac{1}{2}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 33, E $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 34, W $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 35, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 36.

#### RECLASSIFIED COAL LANDS FROM NONCOAL LANDS

Prior classification of the following described land as noncoal land is hereby revoked and the land is reclassified as coal land:

T. 34 N., R. 13 W., north of Ute line,  
Sec. 5, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 6, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 7, lots 3 and 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
part north of Ute line.

#### NONCOAL LANDS

T. 34 N., R. 13 W., north of Ute line,  
Sec. 4, N $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ .

T. 35 N., R. 13 W.,  
Sec. 3, lots 2, 3, and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 10, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 11, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 12, NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 14, W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ ;  
Sec. 15, N $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Secs. 16 and 17;  
Sec. 18, lot 1, E $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$   
SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 19, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$   
SE $\frac{1}{4}$ ;  
Sec. 20;  
Sec. 21, N $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$   
SW $\frac{1}{4}$ ;  
Sec. 23, W $\frac{1}{2}$ E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 26, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ ;  
Sec. 27, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 28, W $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 29;  
Sec. 30, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 33, W $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 34, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 35, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

## RECLASSIFIED NONCOAL LANDS FROM COAL LANDS

Prior classification of the following described land as coal land is hereby revoked and the land is reclassified as noncoal land:

- T. 34 N., R. 13 W., north of the Ute line,  
 Sec. 5, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 7, lots 1 and 2.  
 T. 35 N., R. 13 W.,  
 Sec. 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

The area described aggregates 20,172 acres, more or less, of which about 12,582 acres are classified coal lands; about 159 acres, which were formerly classified noncoal lands, are reclassified coal lands; about 7,277 acres are classified noncoal lands; and about 154 acres, which were formerly classified coal lands, are reclassified noncoal lands.

Dated: January 5, 1970.

WILLIAM A. RADLINSKI,  
*Acting Director.*

[F.R. Doc. 70-465; Filed, Jan. 13, 1970;  
 8:46 a.m.]

[Coal Land Classification Order 131]

## COLORADO

## Coal Land Classification

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

## NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

## COAL LANDS

- T. 35 N., R. 11 W.,  
 Sec. 1, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 2, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 7, lots 10, 11, and 14, that part in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ ; Tract 59, that part in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  (lot 12) and SW $\frac{1}{4}$ SW $\frac{1}{4}$  (lot 13); Tract 60, that part in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ ; Tract 62, that part in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Sec. 8, lots 5 and 6;  
 Sec. 9, lots 2 and 9; Tract 67, that part in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 11, lots 2, 3, and 8; Tract 73, that part in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; Tract 74, that part in the W $\frac{1}{2}$ NE $\frac{1}{4}$ ; Tract 83, that part in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 14, lots 2 and 7, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

## RECLASSIFIED COAL LANDS FROM NONCOAL LANDS

Prior classification of the following subdivisions as noncoal lands is hereby revoked and the lands are reclassified as coal lands:

- T. 35 N., R. 11 W.,  
 Sec. 6, lots 13, and 15 to 17, inclusive; Tract 58, that part in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 7, lots 6 and 7; Tract 58, that part in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ ; Tract 62, that part in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

## NONCOAL LANDS

- T. 35 N., R. 11 W.,  
 Sec. 1, lot 16, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 7, lots 5 and 9; Tract 58, that part in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; Tract 60, that part in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; Tract 61, that part in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ ; Tract 62, that part in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;

- Sec. 8, lots 1, 2, and 3; Tract 62, that part in the N $\frac{1}{2}$ NW $\frac{1}{4}$  and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; Tract 63, that part in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
 Sec. 9, lots 1, 3, 4, and 5; Tract 63, that part in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ ; Tract 65, that part in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 10, Tract 65, that part in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ ; Tract 67, that part in the N $\frac{1}{2}$ SW $\frac{1}{4}$ , the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; Tract 69, that part in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; Tract 70, that part in the S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 11, Tract 71, that part in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; Tract 83, that part in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 14, Tract 70, that part in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ ; Tract 71, that part in the E $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 Sec. 15, Tract 70, that part in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The area described aggregates about 2,162 acres, more or less, of which about 800 acres are classified coal lands, about 301 acres which were formerly classified noncoal lands are reclassified coal lands, and about 1,061 acres are classified noncoal lands.

Dated: January 5, 1970.

WILLIAM A. RADLINSKI,  
*Acting Director.*

[F.R. Doc. 70-466; Filed, Jan. 13, 1970;  
 8:46 a.m.]

## DEPARTMENT OF COMMERCE

Business and Defense Services  
AdministrationCALIFORNIA INSTITUTE OF  
TECHNOLOGYNotice of Decision on Application for  
Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 69-00703-00-46040. Applicant: California Institute of Technology, 1201 East California Boulevard, Pasadena, Calif. 91109. Article: Specimen chamber, No. 171-040(a). Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used to provide space for the miniature diffraction lens for an electron microscope. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron

microscope which had previously been imported for the use of the applicant institution. This article is being furnished by the manufacturer of the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article or can be readily adapted to the foreign instrument with which the article is intended to be used.

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

[F.R. Doc. 70-451; Filed, Jan. 13, 1970;  
 8:45 a.m.]

## EVANSTON HOSPITAL

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 69-00661-33-46040. Applicant: Evanston Hospital, 2650 Ridge Avenue, Evanston, Ill. 60201. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used for the following purposes:

A. The examination of biopsies from human patients with a variety of disease states.

B. The study of tissues and cells from laboratory animals having a variety of connective tissue alterations in an attempt to detail the specific ultrastructural manifestations associated with abnormal permeability of small blood vessels.

C. The examination of the surfaces of cells from human patients and laboratory animals in hope to understand the relationships between these cells and their environment under normal and abnormal circumstances.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a minimum magnification of 285 diameters (X) for scanning purposes that can be increased without changing a pole piece to 220,000, 250,000, or 220,000 X depending upon the required accelerating voltage. The most closely comparable domestic electron

microscope available at the time the application was submitted was the EMU-4B which was then being manufactured by the Radio Corp of America (RCA) and is currently being produced by the Forflo Corp. (Forflo). The Model EMU-4B electron microscope has a magnification range of 1400X to 240,000X or 500X to 70,000X with a pole piece change. We are advised by the Department of Health, Education, and Welfare (HEW) in a memorandum dated September 23, 1969 that for the purposes for which the foreign article is intended to be used the magnification ranges provided by the foreign article without changing a pole piece, is pertinent. For this reason, we find that the RCA Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

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

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

[F.R. Doc. 70-452; Filed, Jan. 13, 1970; 8:45 a.m.]

#### HEALTH RESEARCH, INC.

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 69-00670-00-41200. Applicant: Health Research, Inc., 666 Elm Street, Buffalo, N.Y. 14203. Article: Klystron tube, Type VC 104. Manufacturer: Varian Associates, Inc., Canada. Intended use of article: The article will be used as a component to an existing instrument for the study of radiation damage. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a replacement component for a microwave oscillator which had been

originally purchased from a domestic manufacturer (Varian Associates). This component, however, is no longer being manufactured in the United States. It is presently being produced by a Canadian subsidiary of Varian Associates from which the article has been ordered.

The Department of Commerce knows of no similar component being manufactured in the United States which is interchangeable with the foreign article or may be readily adapted to the microwave oscillator with which it is intended to be used.

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

[F.R. Doc. 70-453; Filed, Jan. 13, 1970; 8:45 a.m.]

#### MASSACHUSETTS GENERAL HOSPITAL

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 69-00706-00-46040. Applicant: Massachusetts General Hospital, Orthopedic Research, Parkman Street Gate, Boston, Mass. 02114. Article: Shutter exposure meter, No. 171-460. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used for exact measurement of the electron current falling on the final viewing screen and determination of the most favorable exposure time in order to obtain properly blackened negatives of the tissue under study. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron microscope which had previously been imported for the use of the applicant institution. This article is being furnished by the manufacturer of the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article or can be readily adapted to the foreign

instrument with which the article is intended to be used.

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

[F.R. Doc. 70-454; Filed, Jan. 13, 1970; 8:45 a.m.]

#### NATIONAL BUREAU OF STANDARDS

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 69-00667-00-46040. Applicant: National Bureau of Standards, Route 70S and Quince Orchard Road, Washington, D.C. 20234. Article: Large specimen chamber for Siemens Elmiskop I electron microscope. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used to modify an existing electron microscope used for materials research. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory for an electron microscope which had previously been imported for the use of the applicant institution. This article is being furnished by the manufacturer of the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with the foreign article or can be readily adapted to the foreign instrument with which the article is intended to be used.

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

[F.R. Doc. 70-455; Filed, Jan. 13, 1970; 8:45 a.m.]

#### STATE UNIVERSITY OF NEW YORK

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of

the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket No. 69-00666-65-07795. Applicant: State University of New York, Stony Brook, N.Y. 11790. Article: Periphery camera, Model RE. Manufacturer: Research Engineers Ltd., U.K. Intended use of article: The article will be used to study the overall stress and strain distributions in shell structures ranging from everyday machinery to spacecraft. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a periphery camera which provides photographic surface recording without geometrical distortion of cylindrical, three-dimensional 360° images onto a flat plane. This capability is pertinent to the purposes for which the foreign article is intended to be used.

We are informed by the National Bureau of Standards (NBS) in a memorandum dated September 15, 1969, that it knows of no instrument or apparatus being manufactured in the United States which can be used for the applicant's intended purposes.

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

[F.R. Doc. 70-456; Filed, Jan. 13, 1970;  
8:45 a.m.]

#### UNIVERSITY OF CALIFORNIA

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

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

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

Docket no. 69-00663-65-46040. Applicant: University of California, Lawrence Radiation Laboratory, Post Office Box 808, 7000 East Avenue, Livermore, Calif. 94550. Article: Electron microscope, Model Elmiskop 51. Manufacturer: Sie-

mens A.G., West Germany. Intended use of article: The article will be used specifically for examining and characterizing finely powdered materials in vacuum at near ambient temperatures. Powder characterization work requires simultaneous insertion of up to 15 samples to meet minimum research requirements. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article which is intended to be used to compare 14 samples and one standard under uniform conditions, is designed to accept a specimen stage which will allow the insertion of 15 samples at once into the specimen chamber. The most closely comparable domestic electron microscope available at the time the foreign article was ordered was the EMU-4B electron microscope which was then being manufactured by the Radio Corp. of America (RCA) and which is currently being produced by Forgflo Corp. (Forgflo). The Model EMU-4B electron microscope can be equipped with a specimen holder that can accommodate six specimens for insertion into the chamber but not 15.

We are advised by the National Bureau of Standards (NBS) in a memorandum dated September 8, 1969, that the greater multiple sample capability of the foreign article is pertinent to the purposes for which the article is intended to be used. NBS further advises that it knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 70-457; Filed, Jan. 13, 1970;  
8:45 a.m.]

#### Office of the Secretary

[Dept. Organization Order 1-1, Amdt. 1]

#### MISSION AND ORGANIZATION

#### Transfer of Responsibility for Planning-Programming-Budgeting System

This material amends the material appearing at 34 F.R. 13284 of August 15, 1969.

Department Organization Order 1-1, dated August 5, 1969, is hereby amended as follows:

The organization chart of August 5, 1969, is hereby updated to reflect the changes effected by the following recent issuances:

DOO 10-5, "Assistant Secretary for Administration," of December 2, 1969;  
DOO 15-4, "Office of Policy Development," of December 2, 1969; and  
DOO 20-3, "Office of Budget and Program Analysis," of December 4, 1969.

These issuances effected the transfer of responsibility for the Department's Planning-Programming-Budgeting System from the Director, Office of Program Planning to the Assistant Secretary for Administration.

A copy of the updated organization chart is attached,<sup>1</sup> dated December 31, 1969.

Effective date: December 31, 1969.

LARRY A. JOBE,  
Assistant Secretary  
for Administration.

[F.R. Doc. 70-510; Filed, Jan. 13, 1970;  
8:50 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[DESI 11072]

#### RADIOPAQUE AGENTS CONTAINING NEOMYCIN SULFATE

#### Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following contrast media:

1. Retropaque Solution; methiodal sodium 20 percent (weight/volume) and neomycin sulfate 4.2 percent (equivalent to 2.5 percent neomycin base, weight/volume); marketed by Winthrop Laboratories, Division of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016 (NDA 12-010).

2. Retrografin Solution; meglumine diatrizoate 30 percent and neomycin sulfate equivalent to neomycin base 2.5 percent; marketed by E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903 (NDA 11-072).

The Food and Drug Administration has concluded that there is a lack of substantial evidence that such drugs have all the effects they purport or are represented to have under the conditions of use recommended or suggested in their labeling and that each component of the combination drugs contributes to the total effects claimed for such drugs.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to amend the antibiotic drug regulations (21 CFR Part 148) where necessary to delete from the list of drugs acceptable for certification those that contain the above-listed combinations.

Prior to initiating such action, however, the Commissioner invites all interested persons who might be adversely affected by removal of these drugs from the market to submit pertinent data bearing on the proposal within 30 days following the date of publication of this announcement in the FEDERAL REGISTER.

<sup>1</sup> Filed as part of the original document.

The only material which will be considered acceptable for review must be well-organized and consist of adequate and well-controlled studies bearing on the efficacy of the products, and not previously submitted. Such data should be identified with the reference number DESI 11072 and be addressed to the Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This announcement of the proposed action and implementation of the NAS-NRC reports for these drugs is made to give notice to persons who might be adversely affected by removal of these drugs from the market.

Firms listed above have been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy of the reports on these drugs by writing to the Food and Drug Administration, Press Relations Office (CE-300), 200 C Street, SW., Washington, D.C. 20204.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 5, 1970.

SAM D. FINE,  
Acting Associate Commissioner  
for Compliance.

[F.R. Doc. 70-464; Filed, Jan. 13, 1970;  
8:46 a.m.]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

REGIONAL ADMINISTRATOR AND  
DEPUTY REGIONAL ADMINISTRATOR,  
REGION II (PHILADELPHIA);  
REGION III (ATLANTA); AND RE-  
GION V (FORT WORTH)

Designation as Contracting Officer and  
Delegation of Authority With Re-  
spect to Disaster Relief Functions

**SECTION A. Designation and delegation.** The Regional Administrator and the Deputy Regional Administrator, Region II (Philadelphia), Region III (Atlanta), and Region V (Fort Worth), each is designated as a contracting officer and is authorized to enter into and administer procurement contracts required within the region, and make related determinations except determinations under sections 302(c) (11), (12), and (13) of the Federal Property and Administrative Services Act, as amended (41 U.S.C. 252(c) (11), (12), and (13)), with respect to disaster relief functions pursuant to Public Law 875, 81st Congress, as amended (42 U.S.C. 1855-1855g); Executive Orders 10427 and 10737, as amended; 32 CFR Parts 1709 and 1710; and letters from the Director, Office of Emergency Preparedness, to the Secretary of Housing and Urban Development (including

the letters of: Aug. 18, 1969, OEP-271-DR, Mississippi—Aug. 18, 1969; Aug. 22, 1969, OEP-272-DR, Louisiana—Aug. 19, 1969; and Aug. 26, 1969, OEP-274-DR, Virginia—Aug. 23, 1969, respectively).

**Sec. B. Authority to redelegate.** Each Regional Administrator is authorized to designate as a contracting officer, and to redelegate the authority delegated under section A to, the Assistant Regional Administrator for Administration and other Regional employees.

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

**Effective date.** This document is effective as of August 26, 1969.

GEORGE ROMNEY,  
Secretary of Housing and  
Urban Development.

[F.R. Doc. 70-484; Filed, Jan. 13, 1970;  
8:48 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 20929; Order 70-1-39]

ALASKA AIRLINES, INC., AND CON-  
TINENTAL AIR LINES, INC.

Common Automated Reservation Sys-  
tem; Order Deferring Action and  
Requesting Comments

Adoted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of January 1970.

On December 22, 1969, the Executive Director of the Air Traffic Conference of America (ATC) on behalf of various ATC members<sup>1</sup> filed, pursuant to section 412 of the Federal Aviation Act of 1958, as amended (the Act) an amendment, designated CAB 20953-A1, to the agreement between the air carriers and Atar Computer Systems Inc. (ATARCSI) for the development and implementation of a common automated reservations system. That amendment is attached hereto as an appendix.<sup>2a</sup>

In Order 69-7-74 the Board discussed various aspects of the agreement, including the preliminary opposition to approval of various parties including the Department of Justice, and requested comments and rebuttal comments from interested persons.<sup>2b</sup> The opponents contended that the exclusive provisions of the agreement guaranteed ATARCSI a virtual monopoly in the field of airline reservations which restrained competi-

<sup>1</sup> Alaska Airlines, Inc.; Continental Air Lines, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; Mohawk Airlines, Inc.; National Airlines, Inc.; Northeast Airlines, Inc.; Northwest Airlines, Inc.; Trans World Airlines, Inc.; and United Air Lines, Inc.

<sup>2a</sup> Appendix and exhibit filed as part of the original document.

<sup>2b</sup> Order 69-7-74 also set the matter for oral argument before the Board. By notice dated Aug. 28, 1969, the Board authorized the grant of ATARCSI's request for indefinite postponement of the oral argument pending a resolution of the revision which is the subject of this order. The Board shall defer decision on what, if any, further procedural steps are required until after it has evaluated the comments filed pursuant to this order.

tion, discouraged the development of possibly superior systems, was not required by any serious transportation need and produced no significant public benefits.

The instant amendment proposes to substitute for the exclusive provisions of the original agreement (especially paragraph 12 thereof) provisions which will, in effect, permit the carriers to provide space availability information to, and enter into arrangements with, vendors who can meet or exceed the specifications established by the carriers for ATARS. The ATC monitor is responsible for determining the adequacy of systems offered by vendors other than ATARCSI and arbitration is provided in the event a vendor disagrees with the ATC monitor's determination.

On consideration of the foregoing, the Board concludes that a further opportunity should be provided for interested persons to comment on the amended agreement.

Accordingly, it is ordered, That:

1. Action on Agreement CAB 20953-A1 be and it hereby is deferred;

2. Interested persons are afforded a period of 20 days from the date of service of this order within which to file comments in support of or in opposition to the agreement;<sup>3</sup> and

3. Persons who have filed timely comments in accordance with the preceding paragraph be afforded a further period of 10 days within which to file rebuttal comments.<sup>4</sup>

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

[F.R. Doc. 70-498; Filed, Jan. 13, 1970;  
8:49 a.m.]

[Dockets Nos. 21709-21711; Order 70-1-25]

FONTANA AVIATION, INC.

Order To Show Cause Regarding  
Establishment of Service Mail Rates

Issued under delegated authority January 6, 1970.

The Postmaster General filed notices of intent December 16, 1969, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator final service mail rates per great circle aircraft mile for the transportation of mail by aircraft as follows:

Docket	Between	Cents
21709	Ironwood and Iron Mountain via Houghton, Mich.	49.91
21710	Iron Mountain, Mich., and Chicago, Ill., via Green Bay and Milwaukee, Wis.	49.91
21711	Iron Mountain and Detroit via Lansing, Mich.	49.91

No protest or objection was filed against the proposed services during the

<sup>3</sup> An original and 19 copies of such comments should be filed with the Board's Docket section.

<sup>4</sup> The time periods provided by paragraphs 2 and 3 will run consecutively.

time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above are fair and reasonable rates of compensation for the proposed services and submits the cost data which Fontana presented with its bid. The cost data tend to support the requested rates. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with twin-engine Beech Model H-18-S aircraft equipped for all-weather operation.

It is in the public interest to fix, determine, and establish the fair and reasonable rates of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order<sup>1</sup> to include the following findings and conclusions:

The fair and reasonable final service mail rates per great circle aircraft mile to be paid to Fontana Aviation, Inc., entirely by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be as follows:

Docket	Between	Cents
21709	Ironwood and Iron Mountain via Houghton, Mich.	49.91
21710	Iron Mountain, Mich., and Chicago, Ill., via Green Bay and Milwaukee, Wis.	49.91
21711	Iron Mountain and Detroit via Lansing, Mich.	49.91

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, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Fontana Aviation, Inc., the Postmaster General, Eastern Air Lines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rates of compensation to be paid to Fontana Aviation, Inc.;

<sup>1</sup> As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

2. Further procedures herein shall be in accordance with 14 CFR, Part 302, as specified in the attached appendix.<sup>2</sup>

3. This order shall be served upon Fontana Aviation, Inc., the Postmaster General, Eastern Air Lines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,  
Secretary.

[F.R. Doc. 70-499; Filed, Jan. 13, 1970; 8:49 a.m.]

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### Order Relating to Specific Commodity Rates

Issued under delegated authority January 6, 1970.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated December 23, 1969, names an additional specific commodity rate, as set forth below, which reflects a significant reduction from the general cargo rates.

R-14:

Specific Commodity Item 4109—Aircraft Engines and Parts of Aircraft—Excluding Fuselages, Wings, Aircraft Tail Assemblies, Stabilizers and/or Stabilators, 63 cents per kg., minimum weight 1,000 kgs. New York to Athens.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 21380, R-14, be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

<sup>2</sup> Filed as part of the original document.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,  
Secretary.

[F.R. Doc. 70-500; Filed, Jan. 13, 1970; 8:49 a.m.]

[Docket No. 21433]

## NOVO CORP. AND ESTATE OF EDWARD L. RICHTER

### Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding will be held on February 3, 1970, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Ross I. Newmann.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report served on December 31, 1969, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 5, 1970.

[SEAL] ROSS I. NEWMANN,  
Hearing Examiner.

[F.R. Doc. 70-501; Filed, Jan. 13, 1970; 8:49 a.m.]

[Docket No. 21047]

## OVERSEAS NATIONAL AIRWAYS, INC.

### Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on February 9, 1970, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to Board Order 69-9-133, dated September 24, 1969, the prehearing conference report, served December 22, 1969, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 8, 1970.

[SEAL] ROBERT L. PARK,  
Hearing Examiner.

[F.R. Doc. 70-502; Filed, Jan. 13, 1970; 8:50 a.m.]

[Docket No. 21474 etc.; Order 70-1-41]

## OZARK AIR LINES, INC.

### Reductions in Premium Freight Rates on Live Creatures; Order Dismissing Complaints

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of January 1970.

By tariff filed December 4, 1969, for effectiveness January 18, 1970, Ozark Air Lines, Inc. (Ozark) proposes to (1) reduce by 12.5 percent its premium general commodity rate surcharge (from 200 to 175 percent) on bulls,<sup>1</sup> cattle,<sup>1</sup> cats, chinchillas, fish eggs, frogs,<sup>1</sup> and horses;<sup>1</sup> (2) reduce by 25 percent (from 200 to 150 percent) its premium rates on fish (except tropical fish), seafood (except fish or lobsters), and turtles; (3) maintain status quo at 200 percent on dogs, ladybugs, lobsters, mink, monkeys, baby poultry, tropical fish, and worms; and (4) reduce by 12.5 percent (from 200 to 175 percent) the premium rates on all other live animals not specifically named above.<sup>2</sup>

In support of its filing, Ozark states that the reductions are "in light of CAB Order 69-9-149". No other justification is presented.

Complaints have been received from Allied American Bird Co., Docket 21701; Aquarium Supply Co., Docket 21714; Florida Tropical Fish Industries, Inc., Docket 21697; Tampa Livestock Distributors, Inc., Docket 21722; and United Pet Dealers, Inc., Docket 21698, requesting suspension of Ozark's filing. The complainants variously alleged that Ozark has not provided justification for the proposed reduction in rates as required by the Board's regulations, 14 CFR 221.165, that there is no rational basis for Ozark to reduce the rates on some live animals and not on others, and that such action by Ozark discriminates against the shipper of tropical fish. Allied has further alleged that Ozark's tariff filing has not conformed to the Board's rules contained in § 302.8, service of documents, and therefore, should be rejected.

Upon consideration of the complaints and other relevant matters, the Board will permit Ozark's rate reductions to become effective and will dismiss the complaints. The reductions proposed, while token, will provide some benefit to the shipper of those creatures to which the reductions apply. No shipper has alleged that the reductions will adversely affect the traffic or sales on other creatures for which no reductions are proposed. Allied acknowledges that it does not use the services of Ozark and that its protest is filed as a matter of principle.<sup>3</sup> In these circumstances the Board finds no basis for suspension of the proposed rate reductions.

<sup>1</sup> The reduction cited reflects the application of the generic live animal rating, as Ozark does not specifically state a percentage rating on bulls, cattle, frogs, and horses, apparently for the reason that the carrier will not accept such creatures. Ozark's tariffs, however, do not state such non-acceptance, nor are embargo notices thereon, pursuant to Part 228 of the Board's regulations, on file with the Board.

<sup>2</sup> By tariff definition, the term "live animals" means "all mammals (other than humans), birds, fish, crustacea, shellfish, insects, reptiles, worms and amphibia."

<sup>3</sup> Where, as in this case, it appears that Allied does not use the service of Ozark, and no contention is made that it will be injured by the proposed rates, its request for suspension burdens the Board's administrative processes and borders on the frivolous.

The lawfulness of Ozark's proposed tariff revisions is included in the scope of the pending investigation. In the matter of Air Freight Rates on Live Animals and Birds, instituted by Order 69-9-149<sup>4</sup> dated September 29, 1969, in Docket 21474 and no further order of investigation is necessary.

Although we are herein dismissing the complaints filed against Ozark's proposal, the Board notes that Ozark has not provided support for the revised rates, and that its filing does not conform to the procedures set out in Order 69-9-149 nor to the provisions contained in the Board's regulations 14 CFR 221.165. As indicated the proposed rates are under investigation as well as those premium rates for which no changes are proposed.

With respect to Allied's allegations that Ozark's tariff filing should be rejected because it has not conformed to the Board's rules of practice in economic proceedings (14 CFR 302.8), the rules do not include tariff revisions as a document for which service requirements are established when such tariff revisions are subject to an outstanding order of investigation nor has the Board construed such regulation to include tariff filings within the scope of this section. There is, therefore, no basis to reject the tariff proposal upon the grounds urged by Allied.

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

*It is ordered, That:*

1. The complaints in Dockets 21697, 21698, 21701, 21714, and 21722 are dismissed.

2. Copies of this order shall be served upon Florida Tropical Fish Industries, Inc., and Tampa Livestock Distributors, Inc., which are hereby made parties to this proceeding and shall also be served upon all other parties in Docket 21474.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

[F.R. Doc. 70-503; Filed, Jan. 13, 1970;  
8:50 a.m.]

[Docket No. 21355 etc.; Order 70-1-28]

### STANDARD AIRWAYS, INC.

#### Order of Investigation Regarding Certificates of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of January 1970.

<sup>4</sup> See also Order 69-12-102 dated Dec. 23, 1969, in Docket 21474, wherein the Board stated it would defer for a reasonable period further procedural steps to allow carriers the opportunity to make tariff filings which will cancel the existing premium and specific commodity rates and reestablish rates or modifications thereof as the carriers are able to support. The Board expects such filings to be made promptly and that such filings be made on not less than 60 days posting notice.

On August 28, 1969, certain supplemental air carriers<sup>1</sup> filed a joint petition, Docket 21355, for immediate suspension of the certificates of public convenience and necessity held by Standard Airways, Inc. (Standard)<sup>2</sup> and for institution of a proceeding to revoke Standard's certificates. On September 25, 1969, Modern Air Transport filed a similar petition, Docket 21464, for suspension of Standard's certificates and commencement of revocation action. The petitions are based essentially upon allegations that Standard has failed to remain financially fit in violation of sections 401(n) (4) and (5) of the Act.

Standard filed answers in opposition to the petitions.<sup>3</sup> Answers in opposition have also been filed by the applicants in Docket 20694, H. J. Caldwell, et al., and Charlotte Aircraft Corp. (hereinafter called the "Caldwell group"). The Caldwell group also seeks to intervene in any proceeding instituted pursuant to the petitions and urges consolidation of Docket 20694, the Caldwell group's application for approval of control of Standard.<sup>4</sup>

Upon consideration of the pleadings and all the relevant facts, we have decided to institute an investigation pursuant to section 401(n) (4) of the Act to determine if Standard has failed to comply with the continuing requirement that it be fit, willing, and able to perform the transportation authorized by its certificates and whether to modify, suspend, or revoke the carrier's certificates. We will deny the requests for immediate suspension of Standard's certificates under section 401(n) (5) of the Act.

Standard has experienced extreme financial difficulties in recent months and restorative efforts<sup>5</sup> have apparently been unsuccessful. On September 24, 1969, Standard filed a petition under Chapter X of the Bankruptcy Act and on October 1, 1969, a Trustee was appointed (D.W.D. Washington, Northern Division, No. 65745). The carrier has ceased operations and relinquished to the FAA its operating certificate. In these circumstances we do not find that immediate suspension of Standard's certificates of public convenience and necessity is required in the interest of the rights, welfare, and safety of the public.<sup>6</sup> On the other hand, section 401(n) (4) of the Act

<sup>1</sup> Saturn, Trans International, and World.

<sup>2</sup> Standard holds certificates authorizing it to engage in supplemental air transportation between points within the United States, Order E-25535, and between points in the United States and points in Mexico, Canada, and the Caribbean, Order 68-12-134.

<sup>3</sup> We shall grant Standard's request to file an unauthorized document to answer the joint petition in Docket 21355.

<sup>4</sup> The Caldwell group also moved to dismiss the Modern Air petition on various procedural grounds which we find it unnecessary to reach.

<sup>5</sup> By Order 69-8-73, dated Aug. 13, 1969, we granted the Caldwell group a waiver of the Sherman Doctrine with respect to an application to control Standard.

<sup>6</sup> Suspension under section 401(n) (5) remains available to the Board, however, should Standard decide to reinstitute its service without meeting the fitness requirements of section 401(n) (4).



Imposes a continuing requirement on a supplemental air carrier to be fit, willing, and able to perform the transportation authorized by its certificate. In view of Standard's financial condition, the pendency of Chapter X proceedings and cessation of operations, there is a question whether Standard has failed to meet its continuing obligations of fitness, willingness, and ability in violation of section 401(n) of the Act. We shall therefore institute a proceeding in Docket 21355, et al., to determine whether to modify, suspend, or revoke Standard's certificates of public convenience and necessity to which the supplemental air carrier petitioners and the Trustee for Standard shall be parties. The question of Standard's fitness is separate from the control issues raised by the Caldwell group's application. Accordingly, we shall deny the request to consolidate the proceedings and we shall grant the Caldwell group's petition for leave to intervene to permit them to protect their interest in Standard.

Accordingly, it is ordered, That:

1. An investigation be instituted in Docket 21355 et al., to determine whether the certificates of public convenience and necessity for supplemental air transportation of Standard Airways, Inc., should be modified, suspended, or revoked for failure to comply with section 401(n) of the Act;

2. Standard Airways, Inc., its Trustee, Saturn Airways, Inc., Trans International Airlines, Inc., World Airways, Inc., Modern Air Transport, Inc., and the applicants in Docket 20694 are hereby made parties to this proceeding;

3. Except to the extent granted herein, the petitions in Dockets 21355 and 21464 and the petitions of the Caldwell group be and they hereby are denied;

4. The motion of Standard Airways, Inc., for leave to file an unauthorized document in Docket 21355, be and it hereby is granted; and

5. Copies of this order shall be served on the Referee and Trustee in the above-mentioned bankruptcy proceeding.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

[F.R. Doc. 70-504; Filed, Jan. 13, 1970;  
8:50 a.m.]

[Docket No. 21413]

### TRANSAMERICA CORP. ET AL.

#### Notice of Prehearing Conference

Joint application of Transamerica Corporation, Tron Van Corp., Lyon Van & Storage Co. (California), Lyon Van Lines, Inc. (California), Lyon Van & Storage Co. (Washington), Lyon Van & Storage Co., Inc. (Oregon), and Lyon Van & Storage Co. (Arizona) for a disclaimer of jurisdiction, or alternatively for an exemption from, or approval pur-

suant to section 408 of the Federal Aviation Act of 1958, as amended.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 2, 1970, at 10 a.m. in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner E. Robert Seaver.

Requests for information and evidence, proposed statements of issues, proposed procedural dates, should be filed with the Examiner, Bureau Counsel, and the applicants on or before January 26, 1970.

Dated at Washington, D.C., January 8, 1970.

[SEAL] THOMAS L. WRENN,  
Chief Examiner.

[F.R. Doc. 70-505; Filed, Jan. 13, 1970;  
8:50 a.m.]

[Docket No. 19750; Order 70-1-40]

### WESTERN AIR LINES, INC. ET AL.

#### Order Dismissing Investigation Regarding Commuter Fare Increases Between Las Vegas and Los Angeles

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of January 1970.

By Orders E-26573, dated March 26, 1968,<sup>1</sup> and E-26942, dated June 19, 1968, the Board ordered an investigation of commuter fare increases from \$13 to \$15 between Las Vegas and Los Angeles filed by Trans World Airlines, Inc., Western Air Lines, Inc., and United Air Lines, Inc. These fare increases were filed to meet the competitive fare of Bonanza Air Lines, Inc. No complaints were filed against the increases, and no further procedural steps have been taken in the investigation.

In February 1969, the Board permitted general increases in fares, which included an increase in the Las Vegas-Los Angeles commuter fare from \$15 to \$17. Further increases in these fares to \$20 became effective in December of 1969.

In view of these subsequent developments, the Board has determined to dismiss the investigation in Docket 19750.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. The investigation in Docket 19750 is dismissed.

2. This order will be served on Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] HARRY J. ZINK,  
Secretary.

[F.R. Doc. 70-506; Filed, Jan. 13, 1970;  
8:50 a.m.]

<sup>1</sup>The suspension in that order was vacated by Order E-26758, dated May 6, 1968.

## FEDERAL RESERVE SYSTEM

### FIRST AT ORLANDO CORP.

#### Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First at Orlando Corp., Orlando, Fla., for approval of acquisition of at least 80 percent of the voting shares of First National Bank of Melbourne, Melbourne, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First at Orlando Corp., Orlando, Fla., a registered bank holding company, for the Board's prior approval of the acquisition of at least 80 percent of the voting shares of First National Bank of Melbourne, Melbourne, Fla.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 9, 1969 (34 F.R. 14189), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, for the reasons set forth in the Board's statement<sup>1</sup> of this date, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta, pursuant to delegated authority.

Dated at Washington, D.C., this 30th day of December 1969.

By order of the Board of Governors:<sup>2</sup>

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.

[F.R. Doc. 70-461; Filed, Jan. 13, 1970;  
8:46 a.m.]

<sup>1</sup>Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

<sup>2</sup>Voting for this action: Vice Chairman Robertson and Governors Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Martin and Governor Mitchell.

**SEATTLE TRUST AND SAVINGS BANK****Order Approving Merger of Banks**

In the matter of the application of Seattle Trust and Savings Bank for approval of merger with Cle Elum State Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Seattle Trust and Savings Bank, Seattle, Wash., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Cle Elum State Bank, Cle Elum, Wash., under the charter and name of Seattle Trust and Savings Bank. As an incident to the merger, the two offices of Cle Elum State Bank would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, for the reasons set forth in the Board's statement<sup>1</sup> of this date, that said application be and hereby is approved: *Provided*, That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

Dated at Washington, D.C., this 7th day of January 1970.

By order of the Board of Governors.<sup>2</sup>

[SEAL] KENNETH A. KENYON,  
Deputy Secretary.

[F.R. Doc. 70-462; Filed, Jan. 13, 1970;  
8:46 a.m.]

**FEDERAL MARITIME COMMISSION****NYK LINES AND SHOWA SHIPPING CO., LTD.****Notice of Agreement Filed**

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

Interested parties may inspect and obtain a copy of the agreement at the

<sup>1</sup> Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of San Francisco.

<sup>2</sup> Voting for this action: Governors Robertson, Mitchell, Daane, Maisel and Sherrill. Absent and not voting: Chairman Martin and Governor Brimmer.

Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, D.C. 20036.

Agreement No. 9731-2, between the NYK Lines and Showa Shipping Co., Ltd., which sanctions the joint operation of a containership service between Japan and the Pacific Coast of the United States including Alaska and Hawaii, would modify the basic agreement by deleting Oregon and Washington from its scope. These states are to be served by NYK and Showa along with four other Japanese flag lines pursuant to the terms and conditions of proposed Agreement No. 9835.

Dated: January 9, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,  
Secretary.

[F.R. Doc. 70-485; Filed, Jan. 13, 1970;  
8:48 a.m.]

**SECURITIES AND EXCHANGE COMMISSION**

[812-2634]

**PATHE INDUSTRIES, INC.****Notice and Order for Hearing on Application for Order Exempting Proposed Transaction**

JANUARY 6, 1970.

Notice is hereby given that Pathe Industries, Inc. ("Pathe"), 1416 Northern Boulevard, Manhasset, N.Y., a Delaware corporation which is registered as a closed-end, nondiversified, management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 17(b) of the Act for an order exempting

from the provisions of section 17(a) a certain transaction incident to the proposed modification of the terms of warrants, held by Pathe, for the purchase of 209,220 shares of common stock (\$1.20 par value) of Perfect Film & Chemical Corp. ("Perfect"), an affiliated person of Pathe.

Pathe and Perfect are affiliated persons of each other within the meaning of section 2(a)(3) of the Act by virtue of Perfect's ownership of 9.5 percent of the common stock of Pathe outstanding. The modification of the warrants is proposed pursuant to the terms of an agreement dated September 15, 1969 ("Agreement") between Perfect, Pathe, and Pathe Laboratories, Inc. ("Laboratories"), a fully owned subsidiary company of Pathe.

In October 1967, Perfect purchased substantially all the assets of Laboratories in consideration of the assumption by Perfect of substantially all the recorded liabilities of Laboratories and of the payment of cash and the delivery of Perfect securities to Laboratories, including the warrants to purchase 209,220 shares of Perfect's common stock. The application states that it was the expectation of the respective companies that the warrants would first be distributed as a dividend by Laboratories through an intermediate subsidiary to Pathe, and that, thereafter, the warrants would be distributed to the stockholders of Pathe pursuant to a registration statement to be filed by Perfect under the Securities Act of 1933.

Each warrant entitles the holder to purchase one share of Perfect common stock at the lesser of \$48 a share or the average of the high and low prices of Perfect's common stock on the New York Stock Exchange on the day preceding the effective date of the registration statement under the Securities Act of 1933 relating to public distribution of the warrants. The terms of the warrants also provide for an exercise period of 14 months from the date of distribution of the warrants to the Pathe stockholders, but not beyond December 31, 1969.

A registration statement covering, among other things, the distribution of the 209,220 warrants to the Pathe stockholders was filed by Perfect with the Commission on July 25, 1968.

The closing price of Perfect common stock on the New York Stock Exchange was 15 $\frac{1}{2}$  on September 15, 1969, the date of the Agreement, and 13 $\frac{3}{8}$  on December 17, 1969.

It is proposed, pursuant to the provisions of the Agreement, to modify the terms of the warrants so as to provide (1) that the warrants, as modified, will be exercisable for a period of 14 months commencing with the date that the registration statement becomes effective, and (2) that the exercise price of the warrants, as modified, is to be the lesser of \$48 per share or 125 percent of the average closing market prices for Perfect's common stock on the New York Stock Exchange for the thirty (30) trading days immediately preceding the effective date of the registration statement.

Under the Agreement, new warrants containing the revised terms are to be issued by Perfect to Pathe in exchange for the surrender of the existing warrants.

The application states that the boards of directors of the respective parties to the Agreement authorized the execution of the Agreement.

Subsequent to the execution of the Agreement dated September 15, 1969, as a result of a meeting of Perfect stockholders held to elect directors, the membership of Perfect's board of directors was changed substantially. Thereafter, on November 13, 1969, Perfect filed with the Commission, pursuant to Rule 477 under the Securities Act of 1933, a request that the registration statement be withdrawn.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from knowingly selling to or purchasing from such registered company any securities or other property. Section 17(b) provides that the Commission, upon application, may grant an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such registered investment company and with the general purposes of the Act. Since the proposed modification constitutes a sale by Perfect of the warrants, as modified, and a purchase by Perfect of the original warrants, the proposed modification is prohibited by section 17(a) unless exempted pursuant to section 17(b).

Pathe contends that the terms of the proposed transaction are fair and reasonable, that there has been no overreaching on the part of any person concerned and that the proposed transaction is consistent with the investment policy of Pathe and with the general purposes of the Act.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application:

*It is ordered*, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on the 3d day of February 1970, at 10 a.m., in the offices of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule 9(c) of the Commission's rules of practice, on or before the date provided in the rule, setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this notice and order

or by such application. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of this proceeding.

*It is further ordered*, That any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the power granted to the Commission under sections 41 and 42(b) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) Whether the proposed transaction is consistent with the policy of Pathe, as recited in its registration statement and reports filed pursuant to the Act; and

(3) Whether the proposed transaction is consistent with the general purposes of the Act.

*It is further ordered*, That at the aforesaid hearing attention be given to the foregoing matters.

*It is further ordered*, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by certified mail to Pathe Industries, Inc., and Pathe Laboratories, Inc., at the address noted hereinabove and to Sheldon Feinberg, president, Perfect Film & Chemical Corp., 641 Lexington Avenue, New York, N.Y. 10022, and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 70-469; Filed, Jan. 13, 1970;  
8:46 a.m.]

[File No. 500-1]

### ULTRA JET INDUSTRIES, INC.

#### Order Suspending Trading

JANUARY 7, 1970.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Ultra Jet Industries, Inc., a Florida corporation, and all other securities of Ultra Jet Industries, Inc., being traded otherwise than on a national securities exchange is required in the

public interest and for the protection of investors;

*It is ordered*, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 7, 1970, through January 16, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F.R. Doc. 70-470; Filed, Jan. 13, 1970;  
8:46 a.m.]

## SMALL BUSINESS ADMINISTRATION

### STAR CAPITAL CORP.

#### Notice of Issuance of Small Business Investment Company License

On November 27, 1969, a notice of application for a license as a small business investment company was published in the FEDERAL REGISTER (34 F.R. 19003) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing Small Business Investment Companies (13 CFR Part 107, 33 F.R. 326) for a license as a small business investment company by Star Capital Corp., 663 Fifth Avenue, New York, N.Y. 10022.

Interested parties were given to the close of business December 7, 1969, to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued License No. 02/02-0272 to Star Capital Corp. to operate as a small business investment company.

Dated: January 2, 1970.

JAMES T. PHELAN,  
Acting Associate Administrator  
for Investment.

[F.R. Doc. 70-471; Filed, Jan. 13, 1970;  
8:47 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18602, 18603; FCC 70R-6]

### NATIONAL BROADCASTING COM- PANY, INC., AND VOICE OF LOS ANGELES, INC.

#### Memorandum Opinion and Order Enlarging Issues

In regard applications of National Broadcasting Co., Inc. (KNBC), Los Angeles, Calif., Docket No. 18602, File

No. BRCT-81, for renewal of broadcast license, and Voice of Los Angeles, Inc., Los Angeles, Calif., Docket No. 18603, File No. BPC-4192, for construction permit for new television broadcast station.

1. This proceeding involves the mutually exclusive applications of National Broadcasting Co., Inc. (NBC), which seeks renewal of its license to operate Station KNBC on Channel 4, Los Angeles, Calif., and Voice of Los Angeles, Inc. (Voice), which requests a construction permit for the same facility. By memorandum opinion and order, FCC 69-762, released July 16, 1969, the Commission designated the applications for hearing, specifying a limited financial issue relating to Voice and a standard comparative issue. Presently before the Review Board is a petition to enlarge issues, filed August 8, 1969, by Voice seeking addition of sixteen separate issues to this proceeding.<sup>1</sup> The issues will be considered in sequence and grouped as seems appropriate.

2. In its prefatory remarks Voice asserts that certain of the matters as to which it requests issues could be considered under the standard comparative issue; but, it insists, United Church of Christ v. FCC<sup>2</sup> imposes "special obligations" on the Commission when dealing with renewal applications such as KNBC's. Specifically, Voice urges, United Church of Christ requires the addition of disqualifying issues so that the Examiner is given the "broadest latitude" in resolving the public interest questions raised. Voice also maintains that, consistent with United Church of Christ, the burdens of proceeding and proof on all of the requested issues should be placed on NBC; the Commission should "open its files" concerning NBC to Voice, and the other parties in the proceeding; and the Commission should "direct" the Bureau to take an "extremely active" role in the investigatory and hearing processes. NBC and the Bureau take exception, in general terms, to some or all of Voice's overall observations.

3. The Review Board need not, and does not, express agreement or disagreement with Voice's reading of United Church of Christ. Suffice it to say that the general assertions advanced by Voice do not require action by the Board at this time. With regard to the role to be played by the Bureau in this proceeding, the answer is that the Bureau's participation is determined by Commission directive, and we will not presume to assert authority over this matter; nor do we see any use in a purely hortatory instruction that the Bureau actively involve itself in the case. As to the request that the Commission "open its files", there are specific procedures available to Voice and the

other parties to seek to obtain such information as may, by law, be made available; Voice's present general request for "open files" does not comply with those procedures and cannot be seriously entertained.<sup>3</sup> Finally, whether disqualifying issues in a particular case are warranted depends not so much upon jurisprudential notions as to the latitude to be given Hearing Examiners, but upon the particular factually substantiated allegations made in support of the requested issue. With this in view, we turn to Voice's specific requests for issues.

STATION EXCHANGE; "Tic-Tac-Dough"  
AND "TWENTY-ONE"

(REQUESTED ISSUES 1 AND 2)

4. Under these issues, Voice seeks inquiry into NBC's role in (1) the coerced exchange of NBC's Cleveland stations with Westinghouse's Philadelphia stations and (2) the deceptions perpetrated in the quiz programs "Tic-Tac-Dough" and "Twenty-One". In support of its first requested issue, Voice traces the factual and legal history of the exchange which culminated in the Commission's characterization of the exchange as a "muscling job" and as "coercive" (National Broadcasting Company, Inc., 37 FCC 427, 2 RR 2d 921 (1964)). Voice notes that NBC was ordered to restore the Philadelphia stations to Westinghouse and to take back its Cleveland stations, and requests inquiry to determine the extent to which NBC's basic and comparative qualifications are consequently impaired. The circumstances of the exchange itself, Voice suggests, raise questions as to NBC's basic and comparative qualifications, and require imposition of an issue. Because the reported decisions on the exchange of stations contain abundant factual information, Voice states, additional testimony will be unnecessary; if the requested issue is added, the Examiner can take official notice of the relevant facts. In support of its second requested issue, Voice notes that the relevant facts as to the difficulties with "Tic-Tac-Dough" and "Twenty-One" are fully set forth in the initial and final decisions in Melody Music, Inc., 36 FCC 701, 2 RR 2d 571 (1964), and asserts that the final decision establishes that NBC knew of these quiz frauds or, at the least, manifestly failed to supervise the shows. Specifically, Voice asserts that NBC ignored published articles alluding to the use of controls in the shows; did not investigate published charges by a former contestant of a "fix"; and, without further inquiry, accepted affidavits, later proved false, from the show's producers that there was no truth to "fix" charges. Noting that NBC denied knowledge of the "fix", Voice asserts that this disclaimer is "impossible to believe" in view of the reports of fraud from responsible sources, and in view of NBC's economic motive in perpetuating the fraud. In any event,

<sup>2</sup> We note that Voice filed, but withdrew, a request to the Executive Director for inspection of the Commission's complaint files pertaining to KNBC.

Voice asserts, NBC is guilty of "gross negligence" in failing to exercise proper supervision of the shows, and, therefore, the requested issue is warranted.

5. In opposition, NBC alleges that the operative facts as to station exchange occurred over 14 years ago; that NBC has been operating in Cleveland since 1964 and the station's license was renewed in 1967 without qualification; and that, in all, since 1964 the Commission has renewed the licenses of each of NBC's broadcast stations, including KNBC, at least once. Thus, NBC concludes, the Commission's actions since the exchange of stations "preclude imposition" of a special issue. Similarly opposing the request for an issue concerning "Tic-Tac-Dough" and "Twenty-One", NBC avers that it was as much deceived as was the public and was no less diligent in its reaction than were the other networks or the Government investigators, and that it has subsequently established a separate department to safeguard the integrity of its programs. The "Tic-Tac-Dough" and "Twenty-One" situations were well known to the Commission, NBC urges, yet no issue was specified; hence, it concludes, no purpose would be served in rehashing past history. The Broadcast Bureau also opposes addition of the requested issues on the ground that these matters have been previously adjudicated in National Broadcasting Company, Inc., supra, and Melody Music, Inc., supra. Upon a showing that these questions are germane, the Bureau suggests, Voice may seek to have the Examiner take official notice of the relevant facts under the existing issues; but no separate issues, it insists, are warranted. In reply, Voice asserts that the Commission's action in the station exchange case was "unprecedented"; that it is "unthinkable" that such serious misconduct should be excluded from consideration in the present proceeding; that the "Tic-Tac-Dough" situation also raises public interest questions; and that NBC's contentions go only toward mitigation of the offense and should be considered, if at all, at hearing on the requested issue.

6. In the Board's view, no disqualifying issues regarding these matters have been shown to be warranted. The station exchange question was fully considered and adjudicated in National Broadcasting Company, Inc.; the "Tic-Tac-Dough" and "Twenty-One" questions were assessed in Melody Music, Inc., supra; sanctions were imposed and, subsequent to the release of both cases, the Commission has renewed all of NBC's licenses at least once. Because Voice has come forward with no new facts indicating that a reopening of these matters is warranted, the imposition of sanctions by the Commission and its subsequent action in renewing NBC's licenses require, in our view, a denial of the request for disqualifying issues. New Era Broadcasting Co., Inc., 18 FCC 2d 232, 16 RR 2d 533 (1969). Our refusal to add an issue, however, does not preclude Voice, upon a proper threshold showing to the Examiner, from seeking to introduce these matters under the past broadcast record

<sup>1</sup> Related pleadings before the Review Board are: (a) Opposition to petition to enlarge issues, filed Oct. 1, 1969, by NBC; (b) comments of the Broadcast Bureau, filed the same day; and (c) reply, filed Oct. 22, 1969, by Voice. Motions for extensions of time were granted by the Board to allow the filings on the above dates.

<sup>2</sup> — F.2d —, 16 RR 2d 2095 (1969).

criterion of the existing standard comparative inquiry, cf. Pleasant Broadcasting Co., 19 FCC 2d 964, — RR 2d — (1969); and Atlantic Video Corp., 17 FCC 2d 565, 16 RR 2d 63 (1969).

"HOLLYWOOD SQUARES"; "PDQ";  
"GOLDEN GLOBE AWARDS"

(REQUESTED ISSUES 3 AND 4)

7. Under these issues, Voice seeks inquiry into NBC's involvement in the production and presentation of "Hollywood Squares" and "PDQ" and the broadcast of the Hollywood Golden Globe Awards. Voice points out that these matters were considered in Commission letters to NBC. Regarding "Hollywood Squares", Voice asserts that the letter concludes (a) that NBC officials knew celebrities on "Hollywood Squares" were being supplied questions and answers; (b) that NBC did not adequately supervise the program; and (c) that NBC had a duty to reveal to its audience that celebrities were being supplied advance information, but failed to do so. (National Broadcasting Company, Inc., 14 FCC 2d 976, 14 RR 2d 421 (1968)). As to "PDQ", Voice alleges that celebrities were likewise given advance information, that some NBC personnel were aware of this and that NBC failed to inform its viewing audience that celebrities were so prepared. Relying upon another Commission letter to NBC (12 FCC 2d 778, 13 RR 2d 82), Voice alleges that, in connection with the Golden Globe Awards broadcast, NBC misled the viewing public into believing that the awards to the Hollywood stars were based on polls conducted by foreign publications, whereas they were actually based on votes by members of the Hollywood Foreign Press Association; that the awards were secret until announced, whereas some NBC personnel knew in advance who would receive them; and, that there was further deception in that some stars were promised awards in order to get them to appear at the presentation ceremony. Voice notes that these three programs were referred to in a footnote to the instant designation order as being matters "which will be considered" in this proceeding, but, it insists, separate issues are required to permit the Examiner to consider disqualification of KNBC.

8. In opposition, NBC avers that in the designation order, the Commission determined that NBC was qualified to own and operate KNBC without specifying qualifying issues, but merely indicated in the footnote referred to by Voice that the matters involved in requested issues 3 and 4 would be considered as part of the comparative issue. NBC contends that Voice has added no new facts to the letters from the Commission to NBC; that these letters served as the basis of the Commission's determination to consider the three broadcasts in the comparative context; and that, to bolster its case, Voice has engaged in "flagrant misrepresentations" of the Commission's investigation into these matters. Thus, NBC alleges, contrary to Voice's allegations, the Commission specifically concluded as to "Hollywood Squares" that NBC officials did not know that questions and answers

had been supplied guest celebrities. As to "PDQ", NBC asserts, it does not know of, and neither its own nor the Commission's investigation has revealed, any evidence of fraud or impropriety in the program. The Commission's only criticisms of NBC, it is alleged, relate to NBC's failure to adequately supervise both shows, and in the case of "Hollywood Squares", NBC's failure to inform the public that the stars had been briefed. Thus, NBC concludes, Voice's "unverified misstatements" should not serve as the basis for a special issue, especially in view of the Commission's apparent determination to consider these matters under the comparative issue. Regarding the Golden Globe Awards, NBC asserts that it quickly moved to investigate and remedy alleged irregularities as soon as it learned of them, that as to only one category of awards did the Commission raise a question and that, subsequently, NBC dropped the show. Again, NBC concludes that no issue is warranted. The Bureau, in its comments, agrees with NBC that the matters involved in these requested issues are most appropriately considered under the standard comparative issue and that the designation order so indicates. In its reply, Voice asserts that there was no request for special disqualifying issues before the Commission at the time of designation; that therefore there is no indication the Commission carefully considered the question; and that the Board thus may and should add a disqualifying issue especially in view of the "pattern of neglect" which NBC has shown.

9. We are of the opinion that a character issue regarding NBC's involvement in "Hollywood Squares", "PDQ" and the Golden Globe Awards must be specified. The Commission's footnote in the designation order, states only that "[T]hese matters will be considered in this proceeding". In our view, this footnote does not constitute a reasoned analysis of the matters in question, and we are therefore required to consider the request for disqualifying issues on the merits. Atlantic Broadcasting Co., 5 FCC 2d 717, 8 RR 2d 991 (1966). The questions of misleading programming and the licensee's failure to maintain adequate supervision over the programs it carries are of profound concern to the Commission and have in the past been the basis of refusal of license renewal and revocation; Eleven Ten Broadcasting Corp., 32 FCC 706, 22 RR 699 (1962); KWK Radio, Inc., 34 FCC 1039, 25 RR 577, reconsideration denied 35 FCC 561, 1 RR 2d 457 (1963). Programs which mislead the public, the Commission has recently stated, are "improper and inconsistent with the public interest". Columbia Broadcasting System (WBBM-TV), 18 FCC 2d 124, 16 RR 2d 207 (1969). The Commission's letters to NBC, in our view, raise substantial questions as to whether NBC has exercised proper supervision over "Hollywood Squares" and "PDQ"; and, particularly with regard to the former program, whether the public was misled; similar questions as to NBC's responsibility with regard to the Golden Globe Awards are also raised. We recognize that the Com-

mission recently considered this matter in connection with NBC's application for renewal of WNBC, New York, and there stated its belief that the questions raised in connection with these programs "are not \* \* \* of such a nature as warranting designation for hearing at this time all license renewals of NBC". (National Broadcasting Company, Inc., FCC 69-1309, released November 25, 1969.) We do not read this language as being a determination, in advance of a full hearing, that disqualifying issues are foreclosed, particularly because the Commission in the WNBC case specifically referred to the fact that it has called for a full explanation of these matters in the instant case. In light of the history of strong Commission policy in this area, precedent, the questions raised by the Commission's own investigation, and the Commission's determination that the matter be "thoroughly explored" (WNBC, supra), an appropriate issue will be added to determine the circumstances surrounding the three programs and the effects, if any, upon NBC's qualifications to be a Commission licensee.

"BUGGING" OF DEMOCRATIC NATIONAL  
CONVENTION

(REQUESTED ISSUE 5)

10. Under this issue, Voice seeks inquiry into NBC's role in the "bugging" by NBC employees of a secret Platform Committee meeting during the 1968 Democratic National Convention. Apparently relying on an article in Variety, Voice alleges that NBC initially claimed that the listening devices were probably left over from before the Convention. Thereafter, Voice asserts, NBC admitted that one of its employees had placed the listening devices in the room, but, NBC said that those responsible would be punished, and that a report on the incident was turned over to the Justice Department. Voice further notes that Enid Roth, an NBC news director, has been indicted for her alleged involvement in the placement and use of the concealed listening devices and charged with a violation of the 1968 Crime Control Act provisions barring private use of eavesdropping and wire tap devices and willful interception of conversations by using such devices. Because, Voice insists, the "bugging" was carried out by an NBC employee as part of the newsgathering activities of the company, the licensee itself "must bear the responsibility" for the episode; alternatively, Voice contends, NBC obviously failed to adequately supervise and set standards for its employees. In either case, Voice concludes the episode raises substantial questions as to NBC's fitness to be a Commission licensee, and an appropriate issue is warranted.

11. In opposition, NBC quotes from a letter sent by it to the Commission in October, 1968, explaining the circumstances surrounding the episode. The letter, NBC avers, states that the director who had the microphone placed in the hotel room, upon telling her supervisor of this, was ordered not to use it; and that no information (if any was obtained

from the tap) was used in any way. The letter further states that no official of NBC higher than the supervisor had any knowledge of these facts; that the supervisor has subsequently resigned and the director has been suspended pending outcome of a Justice Department investigation; and that other involved employees have been advised that disciplinary action against them awaits outcome of the investigation. NBC insists that these acts by its employees were clearly contrary to NBC news policy, and argues that there is no basis for Voice's assertion that it was involved in any wrongdoing or that it failed to properly supervise its employees. The facts regarding the incident, NBC urges, were fully known to the Commission prior to designation of the instant proceeding but the Commission "chose" not to specify an issue, since Voice has come forward with no new facts, NBC concludes, enlargement is not warranted. The Bureau asserts that if newsgathering has degenerated to this level, as Voice suggests, the matter is serious enough to warrant further inquiry, but that Voice has failed to provide the requisite "detailed information"—i.e., legal papers—to support the request. In reply, Voice asserts that a long line of cases holds licensees responsible for illegal acts by employees notwithstanding that the employee exceeded his authority and the licensee did not know of the violations and took steps to prevent recurrences, citing *Ohio Quests*, 8 FCC 2d 859, 10 RR 2d 601 (1967); *El Centro Radio, Inc.*, 10 FCC 2d 229, 11 RR 2d 375 (1967). Responding to the Bureau's objections, Voice asserts that legal and other documentary material are more appropriate when the case goes to hearing, but a copy of the indictment of Enid Roth is nevertheless submitted.

12. The request for an issue will be denied. The eaves dropping incident was considered by the Commission in connection with NBC's renewal application for WNBC (National Broadcasting Company, Inc. (WNBC), supra), and the Commission there stated that inquiry in this "sensitive" area during the pendency of criminal proceedings would be "premature, not to say imprudent", noting its expectation that licensees will establish and maintain stringent and alert procedures for the supervision of news personnel. We believe the Commission's analysis to be binding upon us here, and, for this reason, the requested issue must be rejected; our determination is, of course, without prejudice to such action as the Commission may hereafter deem appropriate.

**CLAREMONT COLLEGE DEBATE; "MILLION DOLLAR" CONTEST; HUNTLEY BROADCASTS; FTC INVESTIGATION**

**REQUESTED ISSUES 6-9**

13. Under these requested issues, Voice seeks inquiry into (6) the facts pertaining to NBC's attempt to "stage" an incident during a student debate at Claremont College, (7) the circumstances pertaining to the "Million Dollar" contest on WKYC, Cleveland, (8) the circumstances pertaining to Chet Huntley's

broadcasting of views concerning matters in which he had a pecuniary interest, and (9) the circumstances pertaining to NBC's response to the Federal Trade Commission order of February 13, 1969, to furnish commercial material.

14. With respect to the Claremont College matter, Voice asserts that a KNBC crew had brought signs reading "Victory in Viet Nam", "No Retreat", "Stop Communism", "End Bombing", "Down With the Draft", and "Bring Them Home", to Claremont College in Los Angeles for use in filming a student debate. "It appears", Voice asserts, that the Commission considered this matter based on a report in the *Los Angeles Times*. The *Times* reported, Voice claims, that students complained about the signs and the debate was delayed while students heckled the NBC crew and KNBC was criticized during the debate for bringing the signs. Voice avers that this matter "constitutes an attempt to influence news", is reminiscent of the WBBM-TV staged pot party, and thus demands inquiry.

15. NBC, in opposition, claims that in a March 20, 1968, *Minute Entry*, the Commission fully considered the matter and concluded that no further action was warranted. Furthermore, NBC asserts, the signs were only intended as set decoration or as an example of "sloganeering" if needed, but were in fact never used. Three others were used, however: a banner reading "Vietnam: What Should We Do?", which was hung at the top of the bleachers where the students sat, and two others, one reading "Hawks" with a picture of a hawk and the other reading "Doves" with a picture of a dove, which were mounted on the speakers' table. In sum, NBC concludes, the debate was not a news program and no "staging" occurred, and in view of the Commission's *Minute Entry*, no issue is warranted. The Bureau also opposes the requested issue, arguing that Voice's allegations are derived entirely from the *Los Angeles Times* article, that the allegations lack specificity and that this vague request based upon hearsay fails to comply with the Commission's rules.

16. Voice alleges, in support of its request concerning WKYC's contest, that the Commission wrote NBC that announcements regarding a "Million Dollar" contest "tended to mislead the public" in that claims of money to be awarded were extravagant, and that the advertising "fell short of the required degree of responsibility" expected of licensees. Voice explains that NBC had placed \$1 bills in circulation, read the serial numbers of some over WKYC and WKYC-FM and required a person holding a winning bill to call the station within 11 minutes of the broadcast and bring the bill in within 24 hours. Because the chances of winning were "extremely remote", Voice claims, the promotional claims misled the public and therefore further inquiry is warranted. Voice emphasizes the seriousness of the matters by noting that another station, WCVS, was granted a short-term renewal license because of a similar contest. In opposition, NBC notes that it

made a full disclosure regarding the contest to the Commission; that, whereas in the WCVS case, the chances of "anyone" winning were "infinitesimal", the NBC promotions were only misleading in their "implications" as to the total sum likely to be awarded; and that there is no claim that the program or the advertising was false and fraudulent. The Bureau also opposes the requested issue. The Bureau notes that the Commission letter to NBC concerning the WKYC contest specifically stated that "this matter will be considered further in connection with the next application for renewal of license of Stations WKYC AM-FM". Deceptive Advertising by Station WKYC, 14 FCC 2d 683, 684, 14 RR 2d 315, 316 (1968). Thus, the Bureau concludes, the Commission has determined the proper forum for inquiry into the Million Dollar contest, and it would be improper for the Board to overturn that conclusion.

17. Regarding the Huntley broadcasts, Voice alleges that Chet Huntley twice broadcast criticisms over NBC of the Wholesome Meat Act of 1967, which extended Federal meat inspection over new areas of the meat industry, while he had interests in a cattle ranch and cattle feeding operations. Voice refers to a Commission letter to NBC in which the Commission concluded that Huntley was involved in a conflict of interest, that NBC knew or should have known of this, and that the conflict should have been disclosed to the listening audience. Voice quotes the Commission as holding that "NBC did not exercise reasonable diligence in light of information publicly available and information brought to its attention" and "you appear to have fallen short of your responsibility . . . with regard to the Fairness Doctrine" in that NBC did not afford reasonable opportunity for presentation of conflicting viewpoints. *National Broadcasting Company, Inc.*, 14 FCC 2d 713, 14 RR 2d 113 (1968). These circumstances, Voice insists, require specification of the issue.

18. In its opposition, NBC claims that it has taken steps since the Commission's action in the Huntley case to make more precise its policy with respect to informing itself about the financial interests of its news personnel by adopting the principal suggestions of the Commission. NBC asserts that Voice relies entirely on the Commission letter regarding the broadcasts, and that the matter has been concluded by such letter which, NBC claims, determined that no further investigation is required. The Bureau agrees with NBC that the Commission, at the time it deliberated on the Chet Huntley matters, rejected making it a part of KNBC's renewal, but elected instead to reprimand NBC and require it " . . . to submit a statement directed to these matters within 30 days and to discuss any revision in procedures which is contemplated". The Bureau insists that Voice has presented no new facts warranting a reopening of the matter and states that, upon a threshold showing, the Huntley broadcasts may be shown to be relevant to NBC's past

broadcast record, but that addition of a separate issue would be no more than a "collateral attack" on the Commission's judgment on the matter.

19. In support of issue 9, Voice alleges that the FTC on February 13, 1969, requested the networks to furnish material relating to commercials and that, whereas ABC and CBS complied, NBC refused to do so. Voice asserts that the FTC then determined that NBC had been guilty of "failing to satisfactorily comply" with its request and that NBC subsequently apologized to the FTC and promised to provide the information. Voice attaches an FTC news release of May 16, 1969, concerning this matter. Further inquiry, Voice urges, is warranted. In opposition, NBC asserts that the FTC news release makes clear that the February 13 communication to the networks was in the form of a request for voluntary action and not an order. An implementing order was issued by the FTC on May 16 because NBC's voluntary submission was not satisfactory, NBC states; and NBC, it is averred, has since cooperated fully with the FTC and has in no way engaged in contumacious conduct. As the Bureau views it, NBC fully complied with the FTC's original request once it was ordered to do so, and a misunderstanding or disagreement as to the original request is no basis for an issue since no sinister motive may be attached to such disagreement.

20. None of these requested issues will be added. NBC's role in the Claremont College debate was considered by the Commission, and its Minute Entry of March 20, 1968, precludes imposition of an issue. Moreover, the allegations do not support the charge of actual news slanting, but only a possible preparedness to do so. Voice, relying solely on hearsay, has not refuted NBC's claims that the allegedly objectionable signs were never used and that those that were used were not of a distorting or slanting nature. Inquiry of this sort, the Commission has held, is not justified in the absence of at least some "material indication in the form of extrinsic evidence" that the licensee has culpably distorted events, CBS Program, "Hunger In America," FCC 69-1135, 17 RR 2d 674 (1969); Democratic National Convention Television Coverage, 16 FCC 2d 650, 15 RR 2d 791 (1969), and the requisite showing has not been made. Accordingly, the allegations do not raise a question as to NBC's basic or comparative qualifications. With regard to the WKYC "Million Dollar" contest and without passing on the merits of the alleged deceptive broadcasts, we note that the Commission's letter to NBC regarding this matter specifically stated that this question will be considered again when WKYC-AM-FM's licenses come up for renewal. This intent was reiterated by the Commission in its renewal of NBC's San Francisco stations, KNBR-AM-FM, when the Commission stated, "we have not in this order undertaken to dispose of complaints against other NBC stations which, as previously indicated, will be disposed of in other proceedings." Na-

tional Broadcasting Company, Inc. (KNBR-AM-FM), 16 FCC 2d 698, 699, 15 RR 2d 807, 808 (1969). See also National Broadcasting Company (WNBC), supra. Thus, the proper forum for evaluation of the WKYC contest has been specified, and we therefore conclude that no consideration, comparative or qualifying, should be given this matter in the instant proceeding. The Commission, in its letter to NBC concerning the Chet Huntley matter, which later became the basis for the public notice, Licensee Responsibility To Insure Integrity of News Broadcasts, 14 FCC 2d 702, 14 RR 2d 1553 (1968), determined that the licensee had failed to exercise proper supervisory controls with respect to a broadcast by a newscaster on a matter in which he had a conflict of interest not disclosed to the listening public. NBC was reprimanded, requested to review its supervisory policies in order to guard against future such occurrences, and directed to submit an appropriate statement; but the Commission placed none of NBC's licenses in jeopardy and later noted that "indeed, it would have been most inappropriate to do so [f]or the result of such action would be to discourage robust, wide-open debate on controversial issues." WBBM-TV, supra. In our view, the Commission's disposition of the Huntley investigation precludes imposition of a disqualifying issue here. However, unlike the Chet Huntley and WBBM-TV cases themselves, this proceeding involves mutually exclusive applicants whose comparative merits must be evaluated and, in our view, this matter may be relevant to NBC's past broadcast record, and upon a proper threshold showing, may be considered in that context. Regarding NBC's alleged violation of an FTC order, we find Voice's allegations in this respect completely insufficient to warrant an issue or comparative consideration. Voice has made no effort to support the allegation that NBC "refused" to cooperate with the FTC's request for information or to rebut NBC's contention that no FTC "order" was violated. Indeed, Voice's own attachment of the FTC news release of May 16, 1969, lends no support to its allegations, and there is no documentary evidence whatever supplied which would justify raising a question concerning the licensee's basic or comparative qualifications, compare WREC Broadcasting Service, 10 RR 1323 (1955).

## ISSUES 10-14

21. Under these issues, Voice requests inquiry into NBC's and RCA's involvements in the fields of entertainment and mass communications in order to determine whether these matters justify disqualification or adversely affect NBC comparatively. The requested issues are (10) to determine the nature and extent of the involvement of RCA and NBC in antitrust criminal and civil proceedings; (11) to determine whether RCA's status as a conglomerate and owner of communications facilities has resulted or may result in consequences inconsistent with the public interest; (12) to determine whether NBC's ownership and op-

eration of communications media should bar its renewal of KNBC; (13) to determine the extent to which RCA and NBC own or have interests in entertainment programs presented over broadcast stations and whether such interests tend to restrain or stifle competition in a manner inimical to the public interest; and (14) to determine whether NBC's interests in broadcast facilities, television and radio networks, films, phonograph records, plays, and other forms and aspects of the entertainment field represent a concentration of control in that field inconsistent with the public interest.

22. In support of requested issue 10, Voice attached to its pleading a brief description of nine antitrust actions pending against NBC and/or its parent company, RCA. It argues that it will not have a "fair hearing" unless these antitrust violations are placed in issue in the instant case; and that "ex parte" consideration of these matters after the close of this hearing would deprive it of "basic rights". Voice thus concludes that the issue regarding the antitrust suits should be specified. In its opposition, NBC states that the Voice attachment merely is a summary of unsubstantiated claims of antitrust violations made by plaintiffs in lawsuits to which RCA or NBC has at one time or other been a party. NBC asserts that Voice's list is, apparently, solely derived from disclosures made by NBC in its renewal applications, and that Voice has come forward with no new information and no issue should therefore be specified. NBC alleges that none of the nine suits involved the operation by NBC of any of its licensed broadcast facilities (including KNBC) and none has resulted in a finding of improper activities on the part of RCA or NBC; furthermore, it asserts, six of the nine have been terminated as to all parties either by the court or by stipulation. The remaining three, according to NBC, involve claims by a composer or a music publishing company directed primarily at Broadcast Music, Inc. (BMI), a music licensing company, rather than NBC or RCA, and in two of these, the plaintiffs agreed to the dismissal of NBC 4 years ago, which dismissal allegedly awaits only resolution of the entire lawsuit, and the last has been inactive since 1961. Finally, NBC asserts that none of the cases cited by Voice involves any conduct within 3 years prior to the filing of NBC's renewal application, and Paramount Pictures, Inc., 8 RR 135 (1952), bars inquiry into antitrust questions arising before that period. In sum, NBC urges that Voice's request for an issue is based upon unverified allegations, that the request is untimely because the cases are more than 3 years old, that the Commission had knowledge of these cases when it designated the KNBC application for hearings yet specified no issues, and that, for these reasons, the "roving investigation" sought by Voice is not warranted. The Bureau also opposes addition of an issue, asserting that the matters raised in this request can be explored under the "vital"

diversification of ownership of communications media criterion of the existing standard comparative issue. Specification of a separate issue, the Bureau urges, would protract the hearing by an additional year at a "minimum", and such an issue, the Bureau suggests, is therefore not warranted.

23. Voice seeks inquiry under proposed issue 11 into whether RCA's conglomerate status has or may result in action by the licensee contrary to the public interest. Specifically, Voice urges that RCA's "wide and far-ranging activities" result in inadequate supervision of programming and other broadcast activities—as illustrated by the Chet Huntley case, "PDQ," "Hollywood Squares," and the Hollywood Golden Globe Award shows; use of communications facilities to advance or protect corporate interests outside of the broadcast field—demonstrated by the Huntley affair; suppression or distortion or slanting of news and comment relating to nonbroadcast enterprises in which the company is engaged; subtle pressure as an inducement to companies supplying products to nonbroadcast phases of RCA to purchase time on NBC stations and/or network facilities; direct pressures on purchasers of RCA manufactured products to prevent their competition with NBC stations; and syphoning of broadcast profits for nonbroadcast operations or acquisitions. The problems presented by conglomerate ownership of broadcast facilities have, Voice insists, "been manifested" in the case of RCA, and a special issue is therefore warranted.

24. In opposition, NBC asserts that there is nothing in the nature of being large or diversified that is per se contrary to the public interest and that Voice's "hypothetical conjurings" as to possible future abuses of this status are pure speculation. NBC insists that there is no factual basis in Voice's pleading to show any past or current abuse by RCA of its size; and that, particularly, Voice's effort to translate a "potential for mischief" into its bald conclusion that conglomerate problems are manifest is entirely without foundation. There is, NBC concludes, no warrant for the requested issue. The Bureau agrees with NBC that no issue is required because, the Bureau argues, the Commission, in its deliberation in the Chet Huntley matter, specifically rejected the possibilities of an issue regarding NBC's conglomerate status, and, more particularly, because the Commission has already begun an inquiry into the general question of conglomerate ownership of broadcast outlets (Inquiry Into the Ownership of Broadcast Stations by Persons or Entities with other Business Interests, 16 FCC 2d 436, — RR 2d — (1968).) While facts resulting from RCA's status may be relevant to the diversification aspect of the comparative case, the Bureau urges, the proper forum for the "broad" type of inquiry sought, the Bureau concludes, is the already established rule making investigation.

25. In support of its requested issue regarding NBC's ownership of communica-

tions media, Voice, relying on a chart of broadcast facilities licensed to NBC, claims that because of NBC's and RCA's extensive ownership of AM, FM, and TV stations, CATV systems and broadcast networks, a question is warranted to determine whether it should be authorized an additional facility in the important Los Angeles market. Urging that ownership of media of communications is already in issue under the diversification aspect of the case, Voice insists that NBC has achieved such a high level of concentration of power in the aggregation of media that a separate issue is required, particularly because the power achieved by NBC raises serious possibilities of abuse. Thus, Voice alleges that NBC's network affiliation power has been misused in the past as evidenced by the Westinghouse-NBC coerced exchange of stations; and that NBC's distribution of programs through its network facilities gives it considerable power to influence and abuse public opinion, as in the Chet Huntley case. These matters, Voice insists, must be considered under a separate issue permitting the Examiner to disqualify NBC if the evidence adduced so warrants. In opposition, NBC maintains that these matters relate to concentration of control of communications media and are thus properly to be considered under the standard comparative issue. NBC further states that in the Los Angeles area, it owns one VHF television station out of over 400 different media owned by 280 different owners and that NBC's CATV interests amount to only one-half of one percent of the nation's total number of subscribers. The Bureau agrees with NBC that the proper vehicle for inquiry into these matters is the standard comparative issue.

26. To support its request for an issue concerning NBC's alleged domination of programming and the anticompetitive effects thereof, Voice refers to a Commission notice of proposed rule making, Television Network Programming, FCC 65-227, 4 RR 2d 1589 (1965), and notes that the Commission stated at that time that NBC owned or controlled 89.4 percent of all programming presented over the NBC network between 6 p.m. and 11 p.m. and 88 percent of the entertainment film series presented over the network. This "stranglehold", it is alleged, gives NBC leverage to force film producers to give it syndication rights after network presentation, to "cut NBC in" on ownership of programs, and to use production facilities specified by NBC, all under threat of withholding such network presentation. Voice also avers that NBC's control over programming, in various ways—i.e., reduction of competition between studios, limitations imposed on advertisers, producers, writers, and directors—constitutes a violation of the antitrust laws.

27. In opposition, NBC asserts that Voice has relied exclusively on information obtained during the course of industrywide investigatory and rule making proceedings carried out by the Commission and the Office of Network Study for more than a decade, noting that these

rather extensive proceedings are contained in Docket No. 12782. The matters before the Commission in that docket, NBC alleges, involve complicated economic and factual issues relating to such matters as patterns of supply of programs for network schedules, the nature of the program development process, the shifting patterns of advertiser sponsorship of programs, and the high risks attendant upon the production of high cost programs and others. NBC notes that no finding has been made by the Commission or the Department of Justice that NBC has violated the antitrust laws or engaged in other unlawful or improper conduct; and NBC concludes that the complex nature of this matter renders it inappropriate for consideration in the context of the present comparative proceeding, and Voice has failed to justify its request. The Bureau agrees with NBC that these matters are too broad in scope to be considered in this proceeding and are best investigated in the Commission's pending inquiry in Docket 12782. To the extent that NBC and RCA ownership of programs is relevant to the standard comparative criteria, the Bureau insists, the showing can be made under the existing issue.

28. Under requested issue 14, Voice seeks inquiry into the "entire picture" of NBC/RCA's concentration of power in the entertainment field by eliciting evidence, not already called for concerning NBC's ownership of broadcast facilities, its network operation and its CATV interests, but going instead into additional matters such as plays in which RCA/NBC has interests, its activities in the phonograph manufacturing field, its ownership of motion picture studio production facilities and its control of sources of talent. Voice claims that such information was sought from the Commission's Office of Network Study, but the request was rejected because the information was confidential. NBC opposes the request arguing that it is entirely without factual support and must therefore be summarily rejected. NBC also disputes Voice's claim that the Office of Network Study has any confidential information on these subjects, and states that the facts as to NBC's involvement in the entertainment field are well-known. Voice's request is baseless, NBC asserts, because the facts demonstrate that NBC has no motion picture studio production facilities; has made only occasional investments in plays; has contracts with very few entertainers; and, although RCA has manufactured records for 40 years, there are many other such manufacturers and entry into the field is uninhibited; and, in sum, NBC and RCA do not control the entertainment field. Because Voice has shown not the slightest foundation for its request, NBC urges, the issue is not warranted. The Bureau notes that it knows of no written request made by Voice to the Office of Network Study, nor of any written refusal; in any event, the Bureau insists, many of the relevant facts are a matter of public knowledge. Yet, the Bureau states, Voice has not submitted specific factual allegations to



support its request, which should therefore be denied. Again, the Bureau suggests that upon a showing of relevance and materiality, Voice may adduce information as to NBC's involvement in the entertainment field under the diversification of ownership of communications media criterion of the existing standard comparative issue.

29. Requested issue 10, concerning the antitrust suits allegedly pending against NBC and RCA, will be denied. The courts, the Commission and the Board have repeatedly held that the fact of a lawsuit does not, per se, warrant imposition of an issue; rather it is the underlying conduct which is the source of concern, see, e.g., Spanish International Television Company, Inc., FCC 64R-239, 2 RR 2d 853, and, as a consequence, the request for an issue must be supported by specific factual allegations, RKO General, Inc., 8 FCC 2d 632, 10 RR 2d 282 (1967). Voice's request here is premised solely upon a recapitulation of information divulged by NBC in various renewal applications; the summary provided by Voice is general and conclusory in the extreme and does not adequately provide specific facts from which NBC's or RCA's alleged conduct can be accurately determined.<sup>4</sup> Further, Voice has not responded to NBC's statement that six of the suits have, by various means, been disposed of. We therefore conclude that the allegations are insufficient to warrant imposition of a disqualifying issue. Consistent with Commission practice (RKO General, Inc., supra; Berwick Broadcasting Corp., 12 FCC 2d 175, 12 RR 2d 771 (1968)), and lest there be any question as to the Commission's jurisdiction over the matter, we will impose a condition upon a grant, if made to NBC, to permit the Commission to take such action as it may deem appropriate upon the completion of the pending suits. We also note that, upon a proper factual showing of relevance and materiality, Voice may adduce facts as to the conduct underlying pending antitrust suits under the existing standard comparative issue, RKO General, Inc., supra; if such a showing is made and the evidence adduced raises questions as to NBC's basic qualifications, Voice is, of course, free to seek disqualifying issues at that time, RKO General, Inc., FCC 68-892, 14 RR 2d 90, 91 (1968); but, on the allegations before us, we are unable to conclude that such an issue is warranted.

30. As to proposed issues 11 and 13, regarding RCA's conglomerate status and the alleged abuses flowing from NBC's programming dominance, Voice's allegations lack substantiated factual support as required by our rules. (Rule 1.229

<sup>4</sup> Thus, and merely by way of illustration, a recitation that NBC is charged with combining "to restrain interstate trade" or that "defendants [NBC included] conspired to restrict employment", or that "defendants [RCA included] restrained interstate commerce in the distribution and sale of television receivers" does not describe the particular acts and actions allegedly taken and is, in reality, no more than a tracking of the operative language of the antitrust laws.

(c).) Thus, while Voice provides general data with regard to the diverse and varied RCA enterprises, it has pointed to no specific factual instances in which this conglomerate status has been abused; for example, it does no more than flatly assert that the Chet Huntley, Golden Globe, and other matters are a necessary consequence of RCA's conglomerate status; its assertion that RCA's manufacturing interests create a "potential for mischief" is no more than speculation. The claimed abuses of NBC's program dominance are also not substantiated but rest upon conjecture, surmise and certain assumptions as to the economics of the broadcast industry. Moreover, as the Bureau points out, both of these requests are directly related to matters presently under consideration by the Commission in rule making and investigatory proceedings (Docket 12782, and Inquiry into Ownership of Broadcast Stations \* \* \*, supra); Voice's general allegations raise questions of such scope and magnitude as to be inappropriate for consideration in the instant adjudicative context and should be addressed to the proper forums which already exist. The conglomerate nature of the licensee also may be investigated in the rule making proceedings contained in Dockets 18110 and 18397. National Broadcasting Company, Inc., FCC 69-1307, supra. Similarly, Voice has not provided the requisite substantiation with regard to requested issues 12 and 14, relating to NBC's ownership of broadcast facilities and its involvement in the entertainment field. The former request is premised largely on a recitation of facilities owned by NBC, and we have held that the naked allegation of ownership of other broadcast interests is not sufficient to warrant addition of a concentration of control issue, Skylark Corp., FCC 64R-373, 3 RR 2d 566 (1964). Voice has provided no factual data concerning the size, extent or location of the areas to be served, or the number of people served, the extent of broadcast service or other communications media available to the areas and people in question, and its allegations thus do not warrant imposition of an issue. Harvit Broadcasting Corp., 18 FCC 2d 459, 16 RR 2d 713 (1969); Hartford County Broadcasting Corp., 9 FCC 2d 698, 10 RR 2d 1083 (1967); Skylark Corp., supra. Further, Voice's assertion that NBC has varied entertainment industry interests does not, per se, warrant a concentration of control issue absent a showing concerning the relevant market or markets, NBC's position in those markets, and the extent of entry into the field; no such information has been provided here. Cf. Atlantic Video Corp., supra.<sup>5</sup> For these reasons, requested issues 11-14 will be denied; again, however, to the extent that a factual threshold showing of relevance and materiality is made to the Hearing

<sup>5</sup> To some extent requested issues 12 and 14 involve matters under scrutiny by the Commission in Dockets 12782, 18110 and 18397, and, for the reasons stated herein are better considered in those rule making proceedings.

Examiner, these matters may be considered under the diversification criterion of the existing standard comparative issue, cf. Atlantic Video Corp., supra; RKO General, Inc., supra.

## HARASSMENT

(REQUESTED ISSUE 15)

31. Voice expresses "outrage and distress" at the manner of NBC's questioning of persons Voice contacted in the course of its preparatory activities, including its survey of area needs. Voice urges imposition of an issue to determine whether the conduct of NBC's representatives during the course of its investigation amounts to harassment, and the effect of such conduct on NBC's basic or comparative qualifications. Specifically, Voice alleges that NBC's representatives queried community leaders contacted by Voice, asked whether Voice had sought investments from such persons, and suggested that Voice had been engaged in "underhanded or illegal activity". Voice submits a letter by Frank Orme, one of the community leaders interrogated by NBC. Orme's letter states that "there were definite implications that something is wrong about the motives and integrity" of Voice and its law firm. Similarly, Voice asserts that Martin Logan, another community leader, was questioned by NBC as to whether he had been offered Voice stock, and was asked whether there existed a tie-in between Voice and Fidelity Television, Inc., applying for a new facility on Channel 9, Los Angeles, in competition with an existing RKO General station. Further, Voice submits an unsigned statement by Mrs. Ramona Luck, purportedly describing a telephone conversation between herself and an NBC representative; some of the matters discussed, Voice insists, "will shock" the Board. Finally, Voice charges, NBC representatives have contacted and harassed former members of the Voice group, and a Washington NBC representative called the manufacturer from whom Voice proposes to obtain its equipment with questions regarding the deferred credit arrangements between Voice and the manufacturer. These incidents, Voice maintains, create an "atmosphere of oppression, harassment and embarrassment" and require the imposition of an issue.

32. NBC denies the charge of harassment and urges rejection of the requested issue. Arguing that the matters explored through its investigation could not be reached under the Commission's discovery rules because they are at issue only in the standard comparative context, NBC explains that its investigation of Voice was launched because Voice's repeated and frequent amendments to the community needs survey section of its application suggested the possibility that the contacts had been carelessly or inaccurately made; indeed, NBC notes, Voice itself stated in one amendment that any inaccuracies in the survey would be rectified. These circumstances, NBC suggests, warranted its questioning of the community leaders contacted by

Voice to determine the accuracy and reliability of the survey. Similarly, NBC asserts that numerous changes in the composition of Voice's stock subscribers gave NBC cause to believe that Voice might be engaged in a public offering in violation of Federal and State securities laws, and inquiry, it asserts, along this line was also justified. Further, NBC asserts that the inquiry concerning Voice's proposed deferred credit letter by NBC Washington counsel related to NBC's request, in a related petition to enlarge, for an issue bearing on Voice's financial qualifications, NBC submits affidavits from the attorneys who supervised and conducted the investigation of Voice. The affidavits note that the survey was conducted under the supervision of and by attorneys of two law firms engaged by NBC for that purpose. In each case, the affiants state that they identified themselves to the individuals being questioned. A recapitulation of the conversation is provided, and, in each case, the affiants flatly deny that they imputed wrongdoing to Voice. Thus, the attorney who interviewed Mr. Orme states: "I made no representations about Voice or anyone associated with it". Similarly, the attorney who interviewed Logan denies having questioned him regarding possible ties between Voice and the Channel 9 applicant, although references may have been made to the contested proceedings for both Channels 4 and 9. The accuracy of Mrs. Luck's statement is also challenged. Finally, NBC's Washington counsel has provided an affidavit explaining his contact regarding the equipment deferred credit arrangement, stating that he identified himself to the manufacturer's representative and requested certain information, some of which was forthcoming, the balance refused on the grounds of confidentiality. The affiant states that since the manufacturer was unwilling to discuss the matter "I did not pursue it further." Thus, NBC concludes, its investigation was reasonably related to the objectives of the proceeding, the allegations of harassment are unfounded and the request for an issue should be denied. The Bureau also urges denial of the requested issue, claiming that the allegations so lack factual substantiation that the request "borders on the frivolous".

33. The request for the harassment issue will be denied. Despite its highly colorful and emotionally charged—i.e., "shocking", "outrage"—description of the circumstances, Voice's request proceeds from a grievous misconception of our memorandum opinion in *Chronicle Broadcasting Co.*, 19 FCC 2d 240, 16 RR 2d 1014 (1969), and its allegations are so lacking in factual support as to be virtually meaningless. In *Chronicle*, supra, we added a harassment issue, but it was emphatically not our purpose to thereby immunize parties in a proceeding against reasonable and proper scrutiny by their opponents; on the contrary, we specifically stated: "[b]y voluntarily placing themselves in an adversarial posture, the petitioners have exposed themselves to a reasonable and

proper search of their credentials". (19 FCC 2d at 244; 16 RR 2d at 1019.) Particularly is this principle applicable in a case, such as the one now before us, involving competing applicants for a single facility under the standard comparative issue. We went on, in *Chronicle*, to state that, in view of the seriousness of a harassment charge, substantial abuses of the investigative process must be alleged. (19 FCC 2d at 245; 16 RR 2d at 1020.) Despite our admonitions, Voice comes before us requesting a harassment issue based upon an unsworn letter, an unsigned statement, and unverified allegations as to other matters. Entirely apart from the procedural defects of this documentary evidence (see Rule 1.229 (c)), the information set forth in Voice's putative substantiation simply does not bear out its complaint of harassment or oppression. Thus, Mr. Orme's "residual impression" that the NBC representative suggested wrongdoing by Voice does not, in our view, constitute a factual allegation of abuse of the investigative process; we find nothing in Mrs. Luck's unsigned statement or the unverified allegations as to Mr. Logan to remotely suggest that NBC's representative overstepped the bounds of an investigation in manner and scope "reasonably related to the objectives" of the proceeding; least of all do we find any glimmer of attempts to intimidate or harass in NBC's inquiry of Voice's equipment manufacturer. In sum, Voice's procedurally deficient request entirely lacks sufficient factual substantiation to warrant imposition of an issue; its rococo description is manifestly inadequate to justify enlargement because, as we stated in *Chronicle*, the subjective reaction of an applicant is simply irrelevant to the problem. In the circumstances, NBC's response to the allegations is almost superfluous; in any event its affidavits describe with particularity the reasons its inquiries were begun, and the manner in which these investigations were supervised and carried out. In our view, were any question raised by Voice's allegations—and none is—NBC's affidavits establish conclusively that the investigation was reasonably related to the objectives of the proceeding and no harassment has occurred. The issue is not warranted.

#### CUMULATIVE ISSUE

##### (REQUESTED ISSUE 16)

34. Voice's request for a cumulative disqualifying issue based on a combination of any or all of the foregoing matters will be denied. This is merely a repetitive request, and the matters have been discussed and decided above.

35. Accordingly, it is ordered, That the petition to enlarge issues, filed August 8, 1969, by Voice of Los Angeles, Inc., is granted to the extent herein indicated; and is denied in all other respects; and

\* We need not and do not pass upon NBC's argument that discovery procedures were not available to it in these circumstances; the test of whether an investigation constitutes harassment does not turn upon the availability or the use of discovery procedures.

that the issues in this proceeding are enlarged to include the following:

To determine the circumstances surrounding the production and presentation of "Hollywood Squares" and "PDQ" and the "Hollywood Golden Globe Awards" and the effect, if any, thereof upon NBC's basic and/or comparative qualifications to be a licensee.

36. It is further ordered, That the burden of proceeding with the introduction of evidence under the issue added herein shall be upon Voice of Los Angeles, Inc., and the burden of proof shall be on National Broadcasting Co., Inc.; and

37. It is further ordered, That in the event of a grant of the application of National Broadcasting Co., Inc., such grant shall be subject to the condition it is without prejudice to whatever action, if any, the Commission may deem appropriate as a result of the pending actions in *Schwartz v. Broadcast Music, Inc.*, Civil Action No. 89-103, filed in the U.S. Court for the Southern District of New York, *Life Music, Inc. v. Broadcast Music, Inc.*, Civil Action No. 106-159, filed in the U.S. Court for the Southern District of New York, and *Parker v. Broadcast Music, Inc.*, Civil Action No. 114-335, filed in the U.S. Court for the Southern District of New York.

Adopted: January 5, 1970.

Released: January 9, 1970.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 70-482; Filed, Jan. 13, 1970;  
8:48 a.m.]

[Dockets Nos. 18634, 18635; FCC 70R-11]

### PACIFICA FOUNDATION AND NATIONAL EDUCATION FOUNDATION, INC.

#### Memorandum Opinion and Order Enlarging Issues

In regard applications of Pacifica Foundation, Washington, D.C., Docket No. 18634, File No. BPED-896, and National Education Foundation, Inc., Washington, D.C., Docket No. 18635, File No. BPED-1012, for construction permits.

1. This proceeding involves the applications of Pacifica Foundation (Pacifica) and National Education Foundation, Inc. (NEF), each seeking an authorization to construct a noncommercial educational FM broadcast station on Channel 207 in Washington, D.C. By Order, FCC 69-902, released August 20, 1969, the Commission designated these mutually exclusive applications for hearing under issues which include, inter alia, the following:

1. To determine the legal, financial, technical, and other qualifications of Pacifica Foundation to construct and operate the proposed noncommercial educational FM station.

2. To determine the legal, financial, technical, and other qualifications of National Education Foundation to construct and operate the proposed noncommercial educational FM station.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

The Review Board now has before it for consideration: (a) a request for modification of hearing order, filed September 10, 1969, by Pacifica;<sup>1</sup> (b) a petition for enlargement, deletion, and/or clarification of issues, filed September 10, 1969, by NEF;<sup>2</sup> and (c) a petition to certify petition to Commission under Rule 0.361(c), filed September 22, 1969, by NEF.<sup>3</sup> The instant pleadings evidence confusion of the parties as to which requested issues lie within the jurisdiction of the Review Board. However, the Commission informally<sup>4</sup> referred Pacifica's request to the Board for modification, and dealt with the jurisdictional question of various other pending pleadings by Order, FCC 69-1326, supra.<sup>5</sup> For purposes of clarity, the Board will first consider the requests to modify the comparative issue, since both applicants have directed themselves to this subject, and will thereafter consider additional requests of NEF to add, delete and clarify other issues in this proceeding.

#### COMPARATIVE ISSUE (ISSUE 3)

2. In its request for modification of hearing order, Pacifica seeks to have Issue 3 modified to read as follows:

To determine the extent to which each of the proposed operations will be integrated into the overall cultural and educational operation and objectives of the respective applicants as well as the manner in which such objectives meet the needs of the community to be served; or whether other factors in the record demonstrate that one applicant will provide a superior FM broadcast service.

Pacifica, recognizing that there has been only one previous case involving competing applicants for a noncommercial educational FM allocation, cites that case, New York University, FCC 67-673, 10 RR 2d 215, wherein the Commission, on its own motion, similarly modified the comparative issue in response to the exigencies of such a comparative hear-

ing.<sup>6</sup> Noting that the Commission, in its designation order herein, recognized that Pacifica's proposal would serve a greater area and population within its 1 mv/m contour than NEF and that coverage should therefore be considered under the comparative issue, Pacifica also requests the Board to rule that, in evaluating the weight to be accorded to greater area and population, consideration be limited to other reserved channel educational FM stations.

3. In its petition for enlargement, deletion, and/or clarification of issues, NEF requests that the comparative issue be modified in accordance with New York University, supra.<sup>7</sup> NEF, however, alleges that consideration of comparative coverage under the standard comparative issue is inconsistent with the requested modification of Issue 3. "Otherwise," NEF states, "in evaluating Pacifica and (NEF) under 307(b), signals originating outside Montgomery County, Md., in the case of Pacifica, and outside Washington, D.C., in the case of (NEF) should be considered." The Broadcast Bureau, in its comments, supports the requested modification of Issue 3.

4. In the judgment of the Review Board, the Commission's evaluation of the appropriate bases for comparing noncommercial educational FM applicants in New York University, supra, is applicable here. In addition, the amplification requested by Pacifica, i.e. the expansion of the issue to include the cultural objectives of the respective applicants and the inclusion of an inquiry to determine the extent to which the respective objectives of the applicants meet the needs of the community to be served, is also appropriate to the facts of this proceeding, and no objection to that amplification has been filed. Direct reference to cultural programs is made in paragraph (b) of § 73.503 of the rules,<sup>8</sup> and both applicants include a

<sup>6</sup> Specifically, the Commission stated: "In adopting these issues in a case of first impression (a case involving comparison of two applicants for noncommercial educational FM permits) we further note that our standard comparative criteria (local residence, integration, broadcast experience, diversification, etc.) are virtually meaningless in a case of this type." See footnote 7, infra, for the precise wording of the modification.

<sup>7</sup> The Commission modified the comparative issue therein to read as follows: To determine the extent to which each of the proposed operations will be integrated into the overall educational operation and objectives of the respective applicants or whether other factors in the record demonstrate that one applicant will provide a superior FM educational broadcast service.

<sup>8</sup> Section 73.503 Licensing Requirements and Service. The operation of, and the service furnished by noncommercial educational FM broadcast stations shall be governed by the following:

(a) A noncommercial educational FM broadcast station will be licensed only to a nonprofit educational organization and upon showing that the station will be used for the advancement of an educational program. \* \* \*

(b) Each station may transmit programs directed to specific schools in a system or systems for use in connection with the

cultural emphasis in their statements of purpose.<sup>9</sup> Thus, the Review Board finds it appropriate that modified Issue 3 include consideration of the extent to which each of the proposed operations will be integrated into the overall cultural, as well as educational, operation and objectives of the respective applicants. The manner in which the cultural and educational objectives meet the needs of the community to be served is also an appropriate consideration under this issue since neither applicant is a university as was the case in New York University, supra; both applicants state their intentions to serve the community of Washington, D.C.; and such service to the community is envisioned and authorized in § 73.503(b) of the rules. Finally, New York University, supra, clearly establishes that coverage is an appropriate consideration in comparing the qualifications of FM educational applicants, and that the evidence adduced under this criterion will be limited to available educational FM signals within the respective service areas of the applicants. Since both applicants specify Washington, D.C. as their principal community (even though Pacifica's transmitter will be located in Montgomery County, Md.), we find no basis for distinguishing between the applicants based on the originating point of received signals. Also see New York University, 10 FCC 2d 53, 11 RR 2d 227 (1967), pet. for rev. denied, FCC 68-609, released June 13, 1968.

#### SUBURBAN ISSUE

5. NEF requests that a Suburban issue be added against Pacifica. In support of this request, NEF alleges that Pacifica has completely failed to ascertain the specific needs, desires and interests of the community it proposes to serve; and that it has also utterly failed to demonstrate how its proposed programming is responsive to the community needs of Washington, D.C. Specifically, NEF avers that Pacifica has made no demographic study of Washington, D.C. and its adjacent areas and has made little or no systematic attempt to contact representatives of various local ethnic groups.<sup>10</sup>

regular courses as well as routine and administrative material pertaining thereto and may transmit educational, cultural, and entertainment programs to the public.

<sup>9</sup> NEF states in Exhibit 16, page 1, entitled "Broadcasting Objectives": Through its use, National Education Foundation proposes: 1. To contribute moral, spiritual and cultural enrichment; to provide educational opportunity as an extension of existing educational organizations; and to encourage cultural, social and civic betterment in the nation's capital.

Pacifica Foundation states in Exhibit 2-A, entitled "Articles of Incorporation" (in addition to a statement of educational purpose):

\* \* \* to encourage and provide outlets for the creative skills and energies of the community; to conduct classes and workshops for creative writing; to offer performance facilities to amateur instrumentalists, choral groups and music students; and to promote and aid other creative activities which will serve the cultural welfare of the community.

<sup>10</sup> Citing City of Camden, 18 FCC 2d 824, 16 RR 2d 950 (1969).

<sup>1</sup> By Order, FCC 69-1326, released Dec. 4, 1969, the Commission dismissed, *inter alia*, a pleading, filed by NEF on Sept. 19, 1969, which included a response to Pacifica's request, without prejudice to that response being refiled with the Review Board. However, an examination of Commission files does not reveal the refile of that pleading. The Broadcast Bureau filed comments on Pacifica's request on Oct. 7, 1969.

<sup>2</sup> Also before the Board for consideration are the following related pleadings: (a) opposition, filed Oct. 6, 1969, by Pacifica, and (b) Broadcast Bureau's comment, filed Oct. 7, 1969.

<sup>3</sup> The Broadcast Bureau filed comments regarding the petition to certify on Oct. 7, 1969.

<sup>4</sup> Florida-Georgia Television Company, Inc., 12 FCC 2d 332, 12 RR 2d 1028.

<sup>5</sup> NEF's request to the Review Board to certify the NEF petition to enlarge issues to the Commission, will be denied. Section 0.365(b)(1) of the rules provides that the Review Board shall take original action on petitions to amend, modify, enlarge or delete issues. The fact that a similar argument is raised in a pleading directed to the Commission does not, as NEF contends, affect the delegation of authority to the Board.

6. Pacifica, in response, alleges that an issue to determine the efforts made by both applicants to ascertain the "overall cultural and educational" needs of the community to be served and the resultant proposed programing is implicit in its request for modification of Issue 3. Moreover, Pacifica states it is important to a justiciable solution of this matter that the evaluation be made for both applicants. The Broadcast Bureau, in its response, alleges that the Suburban issue is not applicable to noncommercial educational FM applicants since a presumption exists that "these channels will be utilized to fulfill a specialized type of programing."

7. The threshold question as to whether or not, and if so, to what extent, the Suburban requirement applies to non-commercial educational applicants need not be reached here since, even if it were applied, NEF's allegations in this regard are insufficient to warrant the inclusion of the requested issue. Thus, Pacifica, in its application, described in detail the contents of interviews with 52 persons representing economic, social, political, cultural, and other elements of the community, and the only specific deficiency (other than the failure to make a demographic study) alleged by NEF, i.e. the failure to contact ethnic groups, is contravened by Pacifica's showing, which includes various representatives of and individuals from ethnic groups. In the absence of a showing by NEF that Pacifica failed to contact a particular, significant group, ethnic or otherwise, no issue is warranted.<sup>11</sup>

#### COMPARATIVE EFFORTS

8. NEF also requests the addition of a comparative efforts issue. In support of this request, NEF alleges that it undertook a substantial effort to ascertain the needs and interests of the area residents it seeks to serve. In contrast, NEF avers, it appears that Pacifica made few contacts for views on programing needs. In response, Pacifica states that it would welcome the opportunity to have its survey compared to that contained in the NEF application. The Broadcast Bureau objects to the inclusion of a comparative efforts issue, since, in its view, it would not have any significant bearing on the outcome of the proceeding.

9. NEF's generalized allegations with respect to disparity in number of contacts made in the applicants' respective surveys is an insufficient basis upon which to add a comparative efforts issue.<sup>12</sup> As indicated in Chapman Radio

<sup>11</sup> Some aspects of the showing required under a Suburban issue are, Pacifica suggests, implicit in Issue 3, as modified, which requires a determination of the efforts made by both applicants to ascertain the "overall cultural and educational" needs of the community to be served. However, unlike a Suburban issue, Issue 3 is comparative in nature, and does not directly inquire into the extent of the applicants' efforts to ascertain community needs.

<sup>12</sup> While NEF, in its application, states that 706 contacts were made, no details regarding these contacts are supplied either in the application or the subject pleadings.

and Television Co., 7 FCC 2d 213, 9 RR 2d 635 (1965), other factors such as survey methodology and its relationship to number of contacts made are directly relevant to the question of whether or not such a "significant disparity" in efforts exists. In light of the generalized nature of petitioner's allegations, and the absence of allegations directed to these other factors, a comparative efforts issue is unwarranted.

#### EDUCATIONAL OBJECTIVES AND OPERATIONS

10. NEF requests, and Pacifica concurs in that request, that the Review Board provide "more definite directory and significant guidelines" with respect to Issues 1 and 2, among others,<sup>13</sup> as designated, to aid in the evaluation of its application in its preparation for hearing.

11. The Review Board agrees with the Broadcast Bureau that the relief sought by NEF is not precisely drawn. Moreover, the action taken by the Board with respect to the comparative and Suburban issues serves, in part, to clarify the instant proceeding. With respect to providing further guidelines, such requests should be directed to the Hearing Examiner in the first instance, and should be drawn with sufficient particularity to enable responsive action on the part of the Hearing Examiner.

#### EDUCATIONAL QUALIFICATIONS

12. NEF requests that Issue 2, which relates to Pacifica's qualifications, be deleted and that Pacifica's application be immediately denied since, in petitioner's view, Pacifica's application clearly shows that it cannot conform to the requirement of accreditation by a State, regional or national educational organization as provided for in § 73.503(a)(2) of the rules. Although NEF's pleading is not entirely clear, the thrust of its argument is that the designation order in this proceeding raises a presumption that NEF would "in time" qualify under the rule and that there is no basis for concluding that Pacifica is or shall ever become qualified. Moreover, NEF contends that the Commission failed to provide "any statement or grounds for the latent omission of facts that could raise a presumption in favor of Pacifica's eligibility."

13. Pacifica, in opposition, argues that NEF's position is somewhat ambiguous, since it both requests that Pacifica's application be denied out of hand for failure to qualify for a noncommercial educational FM facility and at the same time NEF requests clarification of designated issues since it is unclear as to what the

<sup>13</sup> Although NEF's petition is unclear in this respect, the applicant appears to suggest that Issue 4 (the general conclusory issue) could be interpreted to encompass a shared time consideration. In our judgment New York University, supra, raises the possibility that shared time may be considered, if both applicants are found to be fully qualified. However, it should be noted that New York University dealt with the feasibility of a shared time provision with respect to two universities, a situation which involved a number of considerations not present in the instant proceeding.

standards for qualification actually are. The request is premature, Pacifica urges, since NEF will have full opportunity to propound such a theory on the basis of record evidence after hearing. The Broadcast Bureau, commenting on this request, contends that no presumption with respect to eligibility is raised by the designation order and that § 73.503 of the Rules clearly indicates that accreditation is something which may be taken into consideration in determining the eligibility of educational organizations.

14. The Review Board perceives no valid basis for granting the relief requested by NEF. Petitioner has supplied no factual allegation which could conceivably warrant deletion of Issue 1 and an immediate denial of Pacifica's application. Nor do we find any basis for concluding that the identical issues specified against both applicants in this proceeding contain a presumption in favor of NEF and no such presumption with respect to Pacifica. Moreover, § 73.503(a)(1) and (2), which deal with accreditation of public and private educational organizations, are not necessarily determinative of the qualifications of either Pacifica or NEF. A reading of § 73.503 in its entirety indicates that although accreditation by a state, regional or national educational body is a factor to be considered in determining whether an applicant qualifies as an educational organization under the section, accreditation is not mandatory in order to qualify. Here neither applicant is an accredited educational organization. Therefore, if either or both comply with § 73.503, such compliance must be found exclusive of accreditation considerations.

15. Accordingly, it is ordered, That the petition to certify petition to Commission under Rule 0.361(c), filed September 22, 1969, by National Education Foundation, Inc. is DENIED; that the request for modification of hearing order, filed September 10, 1969, by Pacifica Foundation, and the petition for enlargement, deletion, and for clarification of issues, filed September 10, 1969, by National Education Foundation, Inc., are granted to the extent indicated herein and denied in all other respects; and that Issue 3 as specified in the designation order herein is modified to read as follows:

3. To determine the extent to which each of the proposed operations will be integrated into the overall cultural and educational operation and objectives of the respective applicants as well as the manner in which such objectives meet the needs of the community to be served; or whether other factors in the record demonstrate that one applicant will provide a superior educational FM broadcast service.

Adopted: January 8, 1970.

Released: January 9, 1970.

FEDERAL COMMUNICATIONS

COMMISSION,<sup>14</sup>

[SEAL] BEN F. WAPLE,

Secretary.

[F.R. Doc. 70-483; Filed, Jan. 13, 1970; 8:48 a.m.]

<sup>14</sup> Board Member Stone absent. Board Member Kessler concurring in result.

## FEDERAL POWER COMMISSION

[Docket No. RI70-916 etc.]

## ASHLAND OIL &amp; REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates<sup>1</sup>

DECEMBER 30, 1969.

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

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

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

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

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are

suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 10, 1970.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Secretary.

## APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-916..	Ashland Oil & Refining Co., Post Office Box 18995, Oklahoma City, Okla. 73118.	108	6	Panhandle Eastern Pipe Line Co. (Keys Field, Beaver and Cimmaron Counties, Okla.) (Panhandle Area).	\$3,827	11-17-69	* 1-1-70	6-1-70	* 17.0	** 18.01	RI65-623.
.....do.....	.....do.....	109	9	Panhandle Eastern Pipe Line Co. (Various Fields, Meade, Morton, and Seward Counties, Kans.).	1,303	11-17-69	* 1-1-70	6-1-70	* 18.734	** 19.8385	RI65-623.
.....do.....	.....do.....	120	9	Panhandle Eastern Pipe Line Co. (Keys Field, Beaver and Cimmaron Counties, Okla.) (Panhandle Area).	6,396	11-17-69	* 1-1-70	6-1-70	* 17.0	** 18.0	RI65-623.
.....do.....	.....do.....	185	3	Natural Gas Pipeline Co. of America (Erick Field, Beckham County, Okla.) (Oklahoma "Other" Area).	2,517	11-17-69	* 1-1-70	6-1-70	* 15.615	** 16.655	RI68-328.
.....do.....	.....do.....	187	6	Natural Gas Pipeline Co. of America (Camrick Field, Texas County, Okla.) (Panhandle Area).	40	11-17-69	* 1-23-70	6-23-70	* 18.615	** 18.815	RI69-339.
.....do.....	.....do.....	121	8	Panhandle Eastern Pipe Line Co. (Hugoton Field, Meade, Morton, and Seward Counties, Kans.).	856	11-17-69	* 1-1-70	6-1-70	* 17.0	** 18.0025	RI65-623.
.....do.....	.....do.....	169	2	Natural Gas Pipeline Co. of America (Putnam Field, Dewey County, Okla.) (Oklahoma "Other" Area).	139	11-17-69	* 1-1-70	6-1-70	* 17.85	** 20.37	RI67-141.
RI70-917..	Texaco, Inc. (Operator) et al., Post Office Box 2420, Tulsa, Okla. 74102.	161	16	Cities Service Gas Co. (Northeast Waynoka Field, Woods County, Okla.) (Oklahoma "Other" Area).	46,858	11-12-69	* 1-1-70	6-1-70	* 14.0	** 15.0	RI66-330.
RI70-918.....do.....	.....do.....	216	8	Natural Gas Pipeline Co. of America (Morrow Field, Hansford County, Tex.) (R.R. District No. 10).	300	11-12-69	* 1-23-70	6-23-70	* 17.5656	** 18.8705	RI69-344.
.....do.....	.....do.....	163	5	Cities Service Gas Co. (Medford Field, Grant County, Okla.) (Oklahoma "Other" Area).	4,070	11-12-69	* 1-1-70	6-1-70	* 14.5	** 15.0	RI69-329.
.....do.....	.....do.....	368	2	Transwestern Pipeline Co. (Various Fields, Roberts and Ochiltree Counties, Tex.) (R.R. District No. 10).	5,395	11-17-69	* 1-1-70	6-1-70	* 18.355	** 19.434	
RI70-919..	Yucca Petroleum Co. (Operator) et al., Post Office Box 2585, Amarillo, Tex. 79105.	10	3	Panhandle Eastern Pipe Line Co. (Northwest Midwell Field, Cimmaron County, Okla.) (Panhandle Area).	1,500	11-13-69	* 1-1-70	6-1-70	* 17.0	** 18.0	RI64-376.
RI70-920..	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	51	6	Kansas-Nebaska Natural Gas Co., Inc. (Guymon-Hugoton Field, Texas County, Okla.) (Panhandle Area).	115	11-14-69	* 1-1-70	Accepted		** 12.6	
RI70-921..	Kickapoo Oils (Operator) et al., 11524 Millburn Dr., Baton Rouge, La.	1	2	Panhandle Eastern Pipe Line Co. (Texas County, Okla.) (Panhandle Area).	5,600	11-13-69	* 1-1-70	6-1-70	17.01	** 18.01	RI69-120.

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

<sup>2</sup> Periodic rate increase.

<sup>3</sup> Pressure base is 14.65 p.s.i.a.

<sup>4</sup> Subject to upward and downward B.t.u. adjustment.

<sup>5</sup> Subject to a downward B.t.u. adjustment.

<sup>6</sup> Includes dehydration charge of 0.75-cent deducted by buyer.

<sup>7</sup> Includes tax reimbursement of 0.0705 cent.

<sup>8</sup> Includes tax reimbursement of 0.065 cent.

<sup>9</sup> Contract amendment dated Oct. 29, 1969, which provides the basis for rate increase.

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

Concurrently with the filing of its rate increase, Skelly Oil Co. (Skelly) submitted a contract amendment dated October 29, 1969, designated as Supplement No. 6 to Skelly's FPC Gas Rate Schedule No. 51, which provides the basis for its proposed rate increase. We believe that it would be in the public

interest to accept for filing Skelly's proposed contract amendment to become effective as of January 1, 1970, the proposed effective date, but not the proposed rate contained therein which is suspended as ordered herein.

All of the producers' proposed increased rates and charges exceed the applicable area

price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

[F.R. Doc. 70-360; Filed, Jan. 13, 1970; 8:45 a.m.]

[Docket No. RI70-922 etc.]

## ASHLAND OIL &amp; REFINING CO. ET AL.

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

DECEMBER 30, 1969.

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

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

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

The Commission orders:

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

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

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

within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.<sup>2</sup>

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before February 10, 1970.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Secretary.

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

## APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in Dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-922	Ashland Oil & Refining Co. <sup>10</sup> 176 Post Office Box 18695, Oklahoma City, Okla. 73118.		1	Cities Service Gas Co. (Waynoka Field, Woodward County, Okla. (Panhandle Area) and Woods County, Okla.) (Oklahoma "Other" Area).	\$1,080	11-17-69	1-1-70	1-2-70	14.0	15.0	
RI70-923	American Petrofina Co. of Texas, Post Office Box 2159, Dallas, Tex. 75221.	70	15	Phillips Petroleum Co. (Texas-Hugoton Field, Sherman County, Tex.) (RR. District No. 10).	897	11-12-69	1-1-70	1-2-70	10.7703	11.47804	RI70-103.
RI70-924	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	23	10	Phillips Petroleum Co. (Hugoton Field, Sherman County, Tex.) (RR. District No. 10).	81	11-10-69	1-1-70	Accepted 1-2-70	4.20198	11.12656	
RI70-925	Amerada Hess Corp., Post Office Box 2040, Tulsa, Okla. 74102.	123	2	Cities Service Gas Co. (North Waynoka Field, Woods County, Okla.) (Oklahoma "Other" Area).	350	11-14-69	1-1-70	1-2-70	14.0	15.0	RI65-519.
	do	107	6	do	7,955	11-12-69	1-1-70	1-2-70	14.0	15.0	RI65-520.
RI70-926	Carl E. Gungoll, et al., Post Office Box 581, Enid, Okla. 73701.	1	5	Cities Service Gas Co. (Northeast Waynoka Field, Woods County, Okla.) (Oklahoma "Other" Area).	188	11-17-69	1-1-70	1-2-70	14.0	15.0	RI65-493.
	do	1	6	do	780	11-17-69	1-1-70	1-2-70	14.0	15.0	RI65-468.
	do	1	7	do	219	11-17-69	1-1-70	1-2-70	14.0	15.0	RI65-463.
	do	1	8	do	108	11-17-69	1-1-70	1-2-70	14.0	15.0	

<sup>10</sup> The stated effective date is the effective date requested by Respondent.

<sup>11</sup> The suspension period is limited to 1 day.

<sup>12</sup> Periodic rate increase.

<sup>13</sup> Pressure base is 14.65 p.s.i.a.

<sup>14</sup> Includes 0.75-cent dehydration charge deducted by buyer.

<sup>15</sup> Subject to downward B.T.U. adjustment.

<sup>16</sup> Phillips gathers and processes the gas under its Rate Schedule No. 4 and resells the residue gas to Michigan-Wisconsin Pipe Line Co. at a present effective rate of 15.22 cents plus tax reimbursement which is subject to refund in Docket No. RI65-526. A rate of 16.22 cents plus applicable tax reimbursement is suspended in Docket No. RI70-28 until Jan. 1, 1970.

<sup>17</sup> Basic contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1.

<sup>18</sup> Revenue-sharing rate increase.

<sup>19</sup> Phillips gathers and processes the gas and resells the residue gas to interstate pipeline companies at rates which are effective subject to refund.

<sup>20</sup> Letter agreement dated Oct. 1, 1969, which provides for increased rate.

<sup>21</sup> Renegotiated rate increase.

<sup>22</sup> Includes 0.75-cent compression charge deducted by buyer.

<sup>23</sup> Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and increased rate does not exceed initial rate ceiling of 15 cents per Mcf.

<sup>24</sup> Applicable to Viola Clemence Unit.

<sup>25</sup> Applicable to L. G. Bixler B Unit No. 1.

<sup>26</sup> Applicable to Bertha Miller Unit.

<sup>27</sup> Initial certificated rate.

<sup>28</sup> Basic contract dated after Sept. 28, 1960, the date of issuance of general policy No. 61-1 and proposed rate does not exceed area initial rate ceiling.

<sup>29</sup> Or 1 day from the date Phillips makes its 16.22-cent rate effective subject to refund in Docket No. RI70-28.

American Petrofina Company of Texas (Petrofina) proposes a revenue-sharing increase to Phillips Petroleum Co. (Phillips) in Texas Railroad District No. 10. Phillips gathers and processes the gas and resells the residue gas to Michigan-Wisconsin Pipe Line Co. at a present effective rate of 15.22 cents plus tax reimbursement which is effective subject to refund in Docket No. RI65-526. Petrofina's proposed increase is geared to

a base rate of 16.22 cents which is suspended in Docket No. RI70-28 until January 1, 1970. The contract provides for revenue-sharing increases to Petrofina based on increased rates collected by Phillips and not merely contractually due. Petrofina's proposed rate exceeds the area increased rate ceiling for Texas Railroad District No. 10 as announced in the Commission's statement of general policy No. 61-1, as amended, and should be

suspended because such ceiling is applicable to Phillips' resale rate and not to Petrofina's rate. Since Petrofina's rate is geared to Phillips' suspended rate in Docket No. RI70-28 we conclude that it should be suspended for 1 day from January 1, 1970, or 1 day from any such later date that Phillips makes its related suspended 16.22-cent rate effective. Concurrently with the filing of its rate increase, Shell Oil Co. (Shell) submitted a

letter agreement dated October 1, 1969, designated as Supplement No. 9 to Shell's FPC Gas Rate Schedule No. 23, which provides for its proposed rate increase. We believe that it would be in the public interest to accept for filing Shell's letter agreement to become effective as of January 1, 1970, the proposed effective date, but not the proposed rate contained therein which is suspended as ordered herein.

Shell's proposed renegotiated rate increase to Phillips in Texas Railroad District 10 to 11.12650 cents per Mcf exceeds the area increased rate ceiling. Phillips gathers and processes the gas and resells the residue gas to interstate pipeline companies at resale rates which are effective subject to refund. It cannot be determined under which of Phillips' rate schedules the gas is resold; however, Shell's proposed rate is not contractually geared or related to any of Phillips' resale rates in the area. Since the buyer's, Phillips, resale rates are in effect subject to refund we conclude that Shell's rate increase should be suspended for 1 day from January 1, 1970, the proposed effective date.

The basic contracts related to the proposed rate increases filed by Ashland Oil & Refining Co. (Ashland), Amerada Hess Corp. (Amerada) (Amerada's Rate Schedule No. 123), and Carl E. Gungoll et al. (Gungoll) were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, Ashland, Amerada and Gungoll's proposed rate filings should be suspended for 1 day from January 1, 1970, the proposed effective date.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

[F.R. Doc. 70-361; Filed, Jan. 13, 1970; 8:45 a.m.]

[Docket No. RI70-907 etc.]

**BOWERS DRILLING CO. ET AL.**

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

DECEMBER 24, 1969.

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

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

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

The Commission orders:

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

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

by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.<sup>2</sup>

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 10, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,  
Secretary.

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

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-907	Bowers Drilling Co. (operator) et al.	3	2	Cities Service Gas Co.	\$3,500	11-28-69	* 12-29-69	* 12-30-69	14.0	** 15.0	RI65-353.
RI70-908	Bowers Drilling Co., Inc.	10	1	do	3,070	12-1-69	* 1-1-70	* 1-2-70	14.0	** 15.0	RI65-381.
RI70-909	J. A. Mull, Jr. (operator) et al.	73	1	do	1,520	11-28-69	* 12-29-69	* 12-30-69	14.0	** 15.0	
RI70-910	Humble Oil & Refining Co.	428	3	Panhandle Eastern Pipe Line Co.	(*)	11-24-69	* 12-25-69	* 12-26-69	17.0	** 17.01	
	do	321	4	Natural Gas Pipeline Co. of America	64	11-24-69	* 12-25-69	* 12-26-69	17.0	** 18.515	
	do	326	2	do	18	11-24-69	* 12-25-69	* 12-26-69	12.0	** 12.015	
	do	379	5	do	1	11-24-69	* 12-25-69	* 12-26-69	17.0	** 17.015	
	do	426	1	Northern Natural Gas Co.	22	11-24-69	* 12-25-69	* 12-26-69	17.0	** 17.015	
	do	278	6	Natural Gas Pipeline Co. of America	39	11-24-69	* 12-25-69	* 12-26-69	18.0	** 18.015	
	do	194	4	Kansas Nebraska Natural Gas Co.	8	11-24-69	* 12-25-69	* 12-26-69	17.0	** 17.01	
	do	197	18	Colorado Interstate Gas Co.	215	11-24-69	* 12-25-69	* 12-26-69	17.0	** 17.015	RI68-2.
	do	203	5	Northern Natural Gas Co.	(**)	11-24-69	* 12-25-69	* 12-26-69	17.0	** 17.015	RI68-2.
RI70-911	Humble Oil & Refining Co. (Operator) et al.	333	5	Natural Gas Pipeline Co. of America	28	11-24-69	* 12-25-69	* 12-26-69	12.0	** 12.015	RI68-2.
	do	327	17	Northern Natural Gas Co.	6,878	11-24-69	* 12-25-69	* 12-26-69	17.0	** 18.015	
	do	407	2	Natural Gas Pipeline Co. of America	33	11-24-69	* 12-25-69	* 12-26-69	17.0	** 17.015	
	do	331	17	Arkansas Louisiana Gas Co.	39	11-24-69	* 12-25-69	* 12-26-69	17.8	** 17.815	
RI70-912	National Cooperative Refinery Association.	11	1	Panhandle Eastern Pipe Line Co.	530	11-24-69	* 12-25-69	* 12-26-69	14.0	** 15.0	

<sup>1</sup> The stated effective date is the first day after expiration of the statutory notice.  
<sup>2</sup> Periodic rate increase.  
<sup>3</sup> Pressure base is 14.05 p.s.i.a.  
<sup>4</sup> The suspension period is limited to 1 day.  
<sup>5</sup> Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and the proposed rate does not exceed the initial rate ceiling of 16 cents per Mcf.  
<sup>6</sup> Less than \$1.

<sup>7</sup> The stated effective date is the effective date requested by Respondent.  
<sup>8</sup> Tax reimbursement increase.  
<sup>9</sup> Contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1 and the proposed rate does not exceed the initial area rate ceiling of 17 cents per Mcf.  
<sup>10</sup> Applicable to acreage by Supplement No. 14 only.  
<sup>11</sup> No current deliveries.

Bowers Drilling Co., Inc. (Operator), et al., Bowers Drilling Co., Inc., and J. A. Mull, Jr. (Operator) et al. request that their proposed rate increases be permitted to become effective on December 22, 1969. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

The contracts related to Humble Oil & Refining Co. (Operator) et al. (Humble) (Humble's FPC Gas Rate Schedules Nos. 333 and 327), and J. A. Mull, Jr. (Operator), et al., FPC Gas Rate Schedule No. 3, were executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed rates exceed the area increased rate ceilings but do not exceed the initial service ceilings for the areas involved. We believe, in this situation Humble and Mull's proposed rate increases under the aforementioned rate schedules should be suspended for 1 day from December 29, 1969, the expiration date of the statutory notice.<sup>14</sup>

Several of Humble's proposed rate increases reflect partial reimbursement of the increase in Oklahoma excise tax which became effective on July 1, 1967. Consistent with

<sup>14</sup> The contract related to National Cooperative Refinery Association (National) was executed subsequent to Sept. 28, 1960, and the proposed rate exceeds the area increased rate ceiling but does not exceed the initial service ceiling of 16 cents per Mcf. We believe that National's rate increase should be accorded a 1 day suspension period from Dec. 25, 1969, the proposed effective date.

previous Commission action taken on tax filings we conclude that Humble's proposed increases containing such tax reimbursement should be suspended for 1 day from December 25, 1969, the proposed effective date.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

[F.R. Doc. 70-362; Filed, Jan. 13, 1970; 8:45 a.m.]

[Docket No. RI70-890 etc.]

### GLASSCOCK OIL CO. ET AL.

#### Order Providing for Hearings on and Suspension of Proposed Changes in Rates<sup>1</sup>

DECEMBER 24, 1969.

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

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

The Commission finds: It is in the public interest and consistent with the Nat-

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

#### APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-890..	Glasscock Oil Co. (Operator) et al., c/o Ralph J. Graham, Esq., 1912-13 The 600 Bldg., Corpus Christi, Tex. 78401.	1	14	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Capt. Lucy and North Alice Fields, Nueces and Jim Wells Counties, Tex.) (RR. District No. 4).	\$34,282	11-26-69	12-27-69	5-27-70	\$ 14.6	\$ 16.66142	
RI70-891..	Beleo Petroleum Corp., 630 Third Ave., New York, N.Y. 10017.	1	33	El Paso Natural Gas Co. (Big Piney Field, Sublette and Lincoln Counties, Wyo.).	200	11-28-69	12-29-69	5-29-70	\$ 15.0	\$ 16.0	RI62-37.
	Beleo Petroleum Corp.	2	21	do.	200	11-28-69	12-29-69	5-29-70	\$ 15.0	\$ 16.0	RI62-37.
	do.	3	19	El Paso Natural Gas Co. (Big Piney and Piney Fields, Sublette and Lincoln Counties, Wyo.).	2,616	11-28-69	12-29-69	5-29-70	\$ 15.384	\$ 18.0	
RI70-892..	Marathon Oil Co. (Operator) et al., 539 South Main St., Findlay, Ohio 45840.	5	9	El Paso Natural Gas Co. (Blinberry-Tubb Gas Pool, Lea County, N. Mex.) (Permian Basin Area).	11,328 1,383	11-24-69	12-25-69	5-25-70	14.99	\$ 17.6398 \$ 17.9023	
RI70-893..	do.	6	8	El Paso Natural Gas Co. (Jalmat Gas Pool, Lea County, N. Mex.) (Permian Basin Area).	3,603 428	11-24-69	12-25-69	5-25-70	13.79	\$ 17.6398 \$ 17.9023	
	do.	27	8	El Paso Natural Gas Co. (Eumont Unit, Lea County, N. Mex.) (Permian Basin Area).	306 36	11-24-69 11-24-69	12-25-69 12-25-69	5-25-70 5-25-70	13.41	\$ 17.1896 \$ 17.4454	
RI70-894..	Texaco, Inc. (Operator) et al., Houston, Tex. 77052.	211	15	El Paso Natural Gas Co. (La Barge Field, Lincoln and Sublette Counties, Wyo.).	70,495	11-24-69	12-25-69	5-25-70	17.435	\$ 20.50	RI69-649.
RI70-895..	J. Gregory Merrion (Operator) et al., c/o Robert L. Bayless, Post Office Box 1541, Farmington, N. Mex. 87401.	3	6	El Paso Natural Gas Co. (Gavilan Pictured Cliffs Field, Rio Arriba County, N. Mex.) (San Juan Basin Area).	400	11-25-69	12-26-69	5-26-70	12.0495	\$ 13.0536	
RI70-896..	J. Gregory Merrion et al.	8	9	El Paso Natural Gas Co. (Ignacio Pool, La Plata County, Colo.).	2,000	11-25-69	12-26-69	5-26-70	13.0	\$ 15.0	
RI70-897..	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	88	3	Northern Natural Gas Co. (Kiowa Creek Field, Lipscomb County, Tex.) (RR. District No. 10) and Laverne Morrow Pool, Beaver County, Okla. (Panhandle Area).	10,539 3,045	11-24-69	12-25-69	5-25-70	\$ 17.0638 \$ 17.0	\$ 18.0675 \$ 18.015	RI70-562.

See footnotes at end of table.



APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-898	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	150	5	Natural Gas Pipeline Co. of America (Northeast Quinlan Field, Woodward County, Okla.) (Panhandle Area).	\$3,782	11-26-69	12-27-69	5-27-70	20.4020	20.9385	
RI70-899	National Cooperative Refinery Association, McPherson, Kans. 67460.	10	5	Panhandle Eastern Pipe Line Co. (Richfield Field, Morton County, Kans.).	1,500	11-24-69	12-25-69	5-25-70	17.0	18.0	RI65-27.
RI70-900	Diamond Shamrock Corp., Post Office Box 631, Amarillo, Tex. 79105.	28	5	Northern Natural Gas Co. (Ochiltree County, Tex.) (R.R. District No. 10).	1,462	11-24-69	12-25-69	5-25-70	17.0638	18.0675	RI63-421.
RI70-901	Diamond Shamrock Corp. (Operator).	34	2	Natural Gas Pipeline Co. of America (McKee Plants, Moore County, Tex.) (R.R. District No. 10) (Ochiltree County production).	25,886	11-24-69	12-25-69	5-25-70	17.0638	18.5694	RI70-287.
.....do.....	.....do.....	36	2	Natural Gas Pipeline Co. of America (McKee Plants, Moore County, Tex.) (R.R. District No. 10) (Ochiltree and Roberts Counties, Tex. production).	62,742	11-24-69	12-25-69	5-25-70	17.0638	18.5694	RI70-287.
RI70-902	Pan American Petroleum Corp.	390	8	Natural Gas Pipeline Co. of America (Boonesville Field, Jack County, Tex.) (R.R. District No. 9).	1,026	11-25-69	12-27-69	5-27-70	17.27	18.3385	RI69-349.
RI70-903	Maynard Oil Co. (Operator) et al., 2050 One Main Pl., Dallas, Tex. 75250.	1	16	Natural Gas Pipeline Co. of America (Boonsville Bend Field, Jack County, Tex.) (R.R. District No. 9).	1,596	11-28-69	12-29-69	5-29-70	16.25	17.3138	RI67-299.
.....do.....	.....do.....	4	3	Natural Gas Pipeline Co. of America (Boonsville Bend Field, Wise County, Tex.) (R.R. District No. 9).	26,595	11-28-69	12-29-69	5-29-70	16.25	17.3138	RI67-299.
.....do.....	.....do.....	3	4	.....do.....	3,723	11-28-69	12-29-69	5-29-70	16.25	17.3138	RI67-299.
RI70-904	Maynard Oil Co.	2	7	.....do.....	4,255	11-28-69	12-29-69	5-29-70	16.25	17.3138	RI67-300.
RI70-905	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	322	2	Panhandle Eastern Pipe Line Co. (Mocane-Laverne Field, Beaver County, Okla.) (Panhandle Area).	596	11-24-69	12-25-69	5-25-70	17.0	18.01	
.....do.....	.....do.....	399	4	Michigan Wisconsin Pipe Line Co. (Woodward Area, Dewey County, Okla.) (Oklahoma "Other" Area).	4,380	11-24-69	12-25-69	5-25-70	17.0	20.51	RI68-366.
.....do.....	.....do.....	364	5	Panhandle Eastern Pipe Line Co. (Northeast Trail Field, Dewey County, Okla.) (Oklahoma "Other" Area).	339	11-24-69	12-25-69	5-25-70	17.0	18.015	RI68-551.
.....do.....	.....do.....	316	8	Michigan Wisconsin Pipe Line Co. (Woodward Area, Dewey and Major Counties, Okla.) (Oklahoma "Other" Area).	5,555	11-24-69	12-25-69	5-25-70	17.0	20.51	RI68-436.
.....do.....	.....do.....	211	16	Panhandle Eastern Pipe Line Co. (Greenough-Leslie Field, Beaver County, Okla.) (Panhandle Area).	6,345	11-24-69	12-25-69	5-25-70	17.0	18.015	RI68-2.
.....do.....	.....do.....	332	9	Arkansas Louisiana Gas Co. (Lucy Area, Kingfisher County, Okla.) (Oklahoma "Other" Area).	7,767	11-24-69	12-25-69	5-25-70	17.0	17.815	RI68-223.
.....do.....	.....do.....	402	1	Panhandle Eastern Pipe Line Co. (Southeast Gage Field, Ellis County, Okla.) (Panhandle Area).	1,274	11-24-69	12-25-69	5-25-70	17.0	18.015	
.....do.....	.....do.....	410	1	Northern Natural Gas Co. (Arnett Field, Ellis County, Okla.) (Panhandle Area).	141	11-24-69	12-25-69	5-25-70	17.0	18.015	
.....do.....	.....do.....	456	8	Transwestern Pipeline Co. (Mendota Field, Hemphill County, Tex.) (R.R. District No. 10).	382	11-24-69	12-25-69	5-25-70	19.5853	21.0	RI69-722.
.....do.....	.....do.....	346	14	Transwestern Pipeline Co. (Mendota Field, Hemphill and Roberts Counties, Tex.) (R.R. District No. 10).	26,758	11-24-69	12-25-69	5-25-70	19.5853	21.0	RI66-28 and RI69-734.
.....do.....	.....do.....	223	6	Texas Gas Transmission Corp. (Red Rock et al., Field, Webster, and Claiborne Parishes, La.) (North Louisiana Area).	4,441	11-24-69	12-25-69	5-25-70	18.25	19.75	
.....do.....	.....do.....	340	3	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	460	11-24-69	12-25-69	5-25-70	17.0	18.015	
.....do.....	.....do.....	348	5	Michigan Wisconsin Pipe Line Co. (Woodward County, Okla.) (Panhandle Area).	3,967	11-24-69	12-25-69	5-25-70	17.0	20.51	
.....do.....	.....do.....	248	5	Panhandle Eastern Pipe Line Co. (East Mocane Field, Beaver County, Okla.) (Panhandle Area).	5,820	11-24-69	12-25-69	5-25-70	17.0	20.5	
.....do.....	.....do.....	268	2	Arkansas Louisiana Gas Co. (Cheniere Brake Field, Oulchita Parish, La.) (North Louisiana Area).	5,363	11-24-69	12-25-69	5-25-70	18.33	19.83	

See footnotes at end of table.

## APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
.....do.....		279	3	Northern Natural Gas Co. (Carrick Field, Beaver County, Okla.) (Panhandle Area).	\$390	11-24-69	<sup>12</sup> 12-25-69	5-25-70	<sup>20</sup> 17.0	<sup>4 7 20</sup> 18.015	
.....do.....		310	6	Michigan Wisconsin Pipe Line Co. (Holly Ridge Field, Tensas Parish, La.) (North Louisiana).	3,731	11-24-69	<sup>12</sup> 12-25-69	5-25-70	<sup>24</sup> 18.5	<sup>7 9 24</sup> 22.25	
.....do.....		205	6	Panhandle Eastern Pipe Line Co. (Greenough-Light Field, Beaver County, Okla.) (Panhandle Area).	98	11-24-69	<sup>12</sup> 12-25-69	5-25-70	17.0	<sup>4 7</sup> 18.01	RI68-2.
.....do.....		208	<sup>12</sup> 12	Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).	3,056	11-24-69	<sup>12</sup> 12-25-69	Accepted 5-25-70	13.5	<sup>4 20 20</sup> 17.0	
.....do.....		221	6	Northern Natural Gas Co. (Dower Field, Beaver County, Okla.) (Panhandle Area).	279	11-24-69	<sup>12</sup> 12-25-69	5-25-70	<sup>20</sup> 17.0	<sup>4 7 20</sup> 17.515	RI68-2.
.....do.....		231	5	Texas Gas Transmission Corp. (Calhoun Field, Ouchita Parish, La.) (North Louisiana).	2,874	11-24-69	<sup>12</sup> 12-25-69	5-25-70	<sup>20 20</sup> 18.75	<sup>4 7 20 20</sup> 20.25	
.....do.....		232	7	Lone Star Gas Co. (Deep Knox Field, Grady and Stephens Counties, Okla.) (Carter-Know Area).	( <sup>27</sup> )	11-24-69	<sup>12</sup> 12-25-69	5-25-70	17.9	<sup>4 7</sup> 19.015	RI68-2.
RI70-906..	Humble Oil & Refining Co. (Operator) et al.	430	7	Michigan Wisconsin Pipe Line Co. (Woodward Area, Dewey County, Okla.) (Oklahoma "Other" Area).	198 1,245	11-24-69	<sup>12</sup> 12-25-69	5-25-70	<sup>23 20</sup> 15.0 <sup>20 20</sup> 17.0	<sup>4 23 20</sup> 20.51 <sup>4 23 20</sup> 20.51	RI68-367.
.....do.....		239	38	Transwestern Pipe Line Co., (Panhandle Area, Various Counties, Tex.) (R. R. District No. 10 and Oklahoma Panhandle Area).	198,905 4,097	11-24-69	<sup>12</sup> 12-25-69	5-25-70	<sup>20 41</sup> 19.5853 <sup>20 42</sup> 19.5	<sup>4 20 33 41</sup> 21.0 <sup>4 20 33 42</sup> 20.51	RI69-726. RI69-726.
.....do.....		307	9	Natural Gas Pipeline Co. of America (Bryans Mill Field, Cass County, Tex.) (R. R. District No. 6).	507	11-24-69	<sup>12</sup> 12-25-69	5-25-70	<sup>20 24</sup> 18.0675	<sup>4 7 20 24</sup> 19.0713	RI69-414.

<sup>2</sup> The stated effective date is the first day after expiration of the statutory notice.

<sup>3</sup> Two-step periodic rate increase.

<sup>4</sup> Pressure base is 14.65 p.s.i.a.

<sup>5</sup> Subject to a 0.21931-cent dehydration charge by buyer.

<sup>6</sup> Applicable to low pressure gas sold under the terms of the agreement dated Feb. 10, 1963.

<sup>7</sup> Periodic rate increase.

<sup>8</sup> Footnote 8 not used.

<sup>9</sup> Pressure base is 15.025 p.s.i.a.

<sup>10</sup> Applicable to gas sold under Supplemental Agreement dated Apr. 4, 1963.

<sup>11</sup> Initial rate.

<sup>12</sup> The stated effective date is the effective date requested by respondent.

<sup>13</sup> Increase from applicable area ceiling rate to contract rate.

<sup>14</sup> Applicable to residue gas volumes—includes partial reimbursement for 0.55 percent increase in New Mexico Emergency School Tax.

<sup>15</sup> Applicable to gas lost in processing (plant fuel and shrinkage)—includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.

<sup>16</sup> Base rate plus tax reimbursement less 0.4467-cent compression charge.

<sup>17</sup> Not applicable to Supplement Nos. 13 and 14.

<sup>18</sup> Increase from fractured rate to present contract rate.

<sup>19</sup> 1 cent per Mcf periodic increase plus 1-cent minimum guarantee for liquids.

<sup>20</sup> Subject to a downward B.t.u. adjustment.

<sup>21</sup> Texas production.

<sup>22</sup> Oklahoma production.

<sup>23</sup> Subject to upward and downward B.t.u. adjustment.

<sup>24</sup> Includes base rate of 16 cents before increase and base rate of 17 cents after increase plus upward B.t.u. adjustment, tax reimbursement and 0.25 cent paid by buyer to seller for dehydration.

<sup>25</sup> Subject to upward and downward B.t.u. adjustment. Buyer deducts 0.25 cent to pay processor for dehydration.

<sup>26</sup> Filing to initial contract rate plus tax reimbursement.

<sup>27</sup> Fractured rate increase. Respondent contractually due 22 cents plus tax reimbursement.

<sup>28</sup> Fractured rate increase. Respondent contractually due 26 cents plus tax reimbursement.

<sup>29</sup> Fractured rate increase. Respondent contractually due 26 cents plus tax reimbursement.

<sup>30</sup> Fractured rate increase. Respondent contractually due 22 cents plus tax reimbursement.

<sup>31</sup> Includes 1.75-cent tax reimbursement.

<sup>32</sup> Fractured rate increase. Respondent contractually due 22 cents plus tax reimbursement.

<sup>33</sup> Fractured rate increase.

<sup>34</sup> Includes 1.33-cent tax reimbursement.

<sup>35</sup> Includes 1.5-cent tax reimbursement.

<sup>36</sup> Letter agreement dated Oct. 12, 1969, which provides for the proposed rate increase.

<sup>37</sup> Redetermined rate increase.

<sup>38</sup> No current deliveries.

<sup>39</sup> Filing to initial contract rate plus tax reimbursement.

<sup>40</sup> Applicable only to acreage added by Supplement No. 5.

<sup>41</sup> Applicable to all acreage other than that added by Supplement No. 5.

<sup>42</sup> Applicable to Texas production.

<sup>43</sup> Applicable to Oklahoma production.

Belco Petroleum Corp. (Belco) requests that its proposed rate increases be permitted to become effective as of November 28, 1969. Maynard Oil Co. (Operator) et al. and Maynard Oil Co. (both referred to herein as Maynard) request an effective date of December 27, 1969, for their rate filings. Texaco, Inc. (Operator) et al. request an effective date of November 15, 1969, and J. Gregory Merrion (Operator) et al. and J. Gregory Merrion et al. request effective date of January 1, 1969, and December 26, 1969, for his proposed rate filings. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

Humble Oil & Refining Co. and Humble Oil & Refining Co. (Operator) et al. (both referred to herein as Humble) request that should the Commission suspend their rate filings that the suspension period with re-

spect thereto be limited to 1 day, or as short a period as possible. Good cause has not been shown for limiting to 1 day the suspension periods with respect to Humble's rate filings and such request is denied.

Concurrently with the filing of its rate increase, Humble submitted a letter agreement dated October 12, 1969, designated as Supplement No. 12 to Humble's FPC Gas Rate Schedule No. 208, which provides for its proposed redetermined rate increase. We believe that it would be in the public interest to accept for filing Humble's proposed letter agreement to become effective as of December 25, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as ordered herein.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general

policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

[F.R. Doc. 70-363; Filed, Jan. 13, 1970; 8:45 a.m.]

[Docket No. RI70-913 etc.]

### PRESTON OIL CO. ET AL.

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

DECEMBER 24, 1969.

The respondents named herein have filed proposed changes in rates and

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

charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

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

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and under-

takings shall be deemed to have been accepted.<sup>2</sup>

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 10, 1970.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Secretary.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
170-913..	The Preston Oil Co., Post Office Box 1350,	39	2	United Fuel Gas Co. (Block 255 Field, Vermilion Area, Offshore Louisiana).	\$49,275	11-28-69	* 12-29-69	10 12-30-69	7.8 18.5	8.7 20.0	
170-914..	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	470	1	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Ship Shoal Block 176 Field, Offshore Louisiana).	3,375	11-28-69	* 12-29-69	10 12-30-69	7.8 18.5	8.7 20.0	
170-915..	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	108	1	Southern Natural Gas Co. (Block 273, 305 and 306, Main Pass Area, Offshore Louisiana).	0	11-28-69	* 1-1-70	10 1-2-70	7.8 18.5	8.7 20.0	

<sup>1</sup> Applicable to gas well gas sales only.  
The stated effective date is the first day after expiration of the statutory notice, or the date of initial delivery, whichever is later.  
<sup>2</sup> Rate increase filed pursuant to Paragraph (A) of Opinion No. 546-A.  
<sup>3</sup> Pressure base is 15.025 p.s.i.a.  
<sup>4</sup> Subject to quality adjustments.  
<sup>5</sup> Initial rate for sale of gas well gas as conditioned by temporary certificate issued Oct. 28, 1969, in Docket No. C170-126.

<sup>6</sup> Area base rate for gas well gas sold under contracts dated after Oct. 1, 1968, as established in Opinion No. 546.  
<sup>7</sup> The suspension period is limited to 1 day.  
<sup>8</sup> Initial rate for sale of gas well gas as conditioned by temporary certificate issued Nov. 20, 1969, in Docket No. C170-392.  
<sup>9</sup> Initial rate for sale of gas well gas as conditioned by temporary certificate issued July 14, 1969, in Docket No. C169-062.

[Docket No. G-5061 etc.]

SHELL OIL CO. ET AL.

Findings and Order After Statutory Hearing

DECEMBER 30, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceedings, making successor corespondent, redesignating proceedings, accepting agreements and undertakings for filing and accepting related rate schedules and supplements for filing.

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

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

The Graham Stuart Corp., applicant in Docket No. G-6447, and The Graham Stuart Corp. (Operator) et al., applicant in Dockets Nos. G-12521, CI69-42, and CI69-60, propose to continue sales of natural gas heretofore authorized in said dockets to be made pursuant to Rip C. Underwood FPC Gas Rate Schedule No. 1 and Rip C. Underwood (Operator) et al. FPC Gas Rate Schedules Nos. 4, 9, and 10, respectively. Said rate schedules will

The proposed rate increases, from 18.5 cents to 20 cents per Mcf, involve sales of third vintage gas well gas in Offshore Louisiana and were filed pursuant to ordering paragraph (A) of Opinion No. 546-A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contracts authorized increases up to the 20-cent base rate established in Opinion No. 546 for onshore gas well gas. These producers were issued temporary certificates authorizing the collection of third vintage price established in Opinion No. 546 (18.5 cents for offshore gas well gas and 17 cents for casinghead gas subject to quality adjustments).

Consistent with previous Commission action on similar rate filings, we conclude that these proposed rate increases should be suspended for 1 day from the date of expiration of the statutory notice or for 1 day from the date of initial delivery, whichever is later. Thereafter, the producers proposed increased rates may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the Area Rate Proceeding instituted in Docket No. AR69-1.

[F.R. Doc. 70-364; Filed, Jan. 13, 1970; 8:45 a.m.]

be redesignated as those of applicant. The presently effective rates under the predecessor's FPC Gas Rate Schedules Nos. 1, 4, 9, and 10 are in effect subject to refund in Dockets Nos. RI66-4, RI63-41, RI69-169, and RI69-169, respectively. Applicant has submitted agreements and undertakings to assure the refunds of any amounts collected by it in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, applicant will be made a co-respondent in said proceedings; the proceedings will be redesignated accordingly; and the agreements and undertakings will be accepted for filing.

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

After due notice by publication in the FEDERAL REGISTER, no petitions to intervene, notices of intervention or protests to the granting of the applications have been filed.

At a hearing held on December 11, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto submitted in support of the authorizations sought herein, and upon consideration of the record:

The Commission finds:

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

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

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

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

(5) It is necessary and appropriate in carrying out the provisions of the Nat-

ural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered and conditioned.

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

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

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

(9) The revenues received for sales at the increased rate under Marathon Oil Co. FPC Gas Rate Schedule No. 33 which were collected subject to refund in Dockets Nos. RI66-251 and RI66-355 are de minimis; and, therefore, the proceedings pending in Dockets Nos. RI66-251 and RI66-355 should be terminated and Marathon should be relieved from any refund obligations with respect to such sales.

(10) The proceeding pending in Docket No. RI68-415 should be terminated with respect to sales made pursuant to Mobil Oil Corp. (Operator) et al. FPC Gas Rate Schedules Nos. 175 and 350 since the suspended rate changes thereunder have been withdrawn.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that The Graham Stuart Corp. should be made a co-respondent in the proceeding pending in Docket No. RI66-4; that The Graham Stuart Corp. (Operator) et al. should be made a co-respondent in the proceedings pending in Dockets Nos. RI63-41 and RI69-169; that said proceedings should be redesignated accordingly; and that the agreements and undertakings submitted in said proceedings should be accepted for filing.

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

The Commission orders:

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

the applications and in the tabulation herein.

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

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

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

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

(a) The initial rate for the sale authorized in Docket No. CI70-291 shall be 17 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward B.t.u. adjustment.

(b) The initial rate for the sale authorized in Docket No. CI70-339 shall be 15 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward B.t.u. adjustment.

(c) The authorizations granted in Dockets Nos. CI70-291 and CI70-339 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R-338 with respect to the transportation of liquefiable hydrocarbons.

(F) Within 30 days from the date of this order applicant in Docket No. CI70-357 shall file a billing statement for the first month's service as required by the regulations under the Natural Gas Act.

(G) The orders issuing certificates in Dockets Nos. G-5061, G-7643, G-7670, G-10367, G-13212, CI61-1024, CI62-365,

CI63-234, CI66-53, CI69-876, and CI69-1179 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(H) The orders issuing certificates in Dockets Nos. G-4547 and G-5145 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to applicants in Dockets Nos. CI69-876 and G-13212, respectively.

(I) The orders issuing certificates in Dockets Nos. G-6447, G-12521, CI61-847, CI62-890, CI65-154, CI67-1017, CI69-42, and CI69-60 are amended by substituting the successors in interest as certificate holders.

(J) The order issuing a certificate in Docket No. G-11957 is amended to include thereunder sales of natural gas heretofore authorized to be made pursuant to the certificates issued in Dockets Nos. G-12354, G-12614, G-13216, G-14787, G-16303, G-17459, G-17629, G-17847, G-17903, G-18785, G-20318, CI61-34, CI64-1315, CI64-1316, CI66-833, and CI69-1070. The certificates heretofore issued in the latter dockets are terminated and the related rate schedules are canceled.

(K) The order issuing a certificate in Docket No. CI61-548 is amended to include thereunder sales of natural gas from additional acreage and sales of natural gas heretofore authorized to be made pursuant to the certificates issued in Dockets Nos. G-13380, G-15061, CI60-605, CI61-913, CI61-914, CI61-915, and CI61-1585. The certificates heretofore issued in the latter dockets are terminated and the related rate schedules are canceled.

(L) Permission for and approval of the abandonment of service by applicants, as hereinbefore described, all as more fully described in the applications and in the tabulation herein are granted.

(M) Permission for and approval of the abandonment in Docket No. CI70-328 shall not be construed to relieve Applicant of any refund obligations in the rate suspension proceedings pending in Dockets Nos. RI64-556 and RI66-295.

(N) Permission for and approval of the abandonment in Docket No. CI70-365 shall not be construed to relieve Applicant of any refund obligations in the rate suspension proceedings pending in Dockets Nos. RI60-69 and RI66-299.

(O) The certificates heretofore issued in Dockets Nos. G-10746, G-12144, G-13871, G-20319, CI62-661, CI62-1232, CI65-303, and CI65-1226 are terminated.

(P) The rate suspension proceedings pending in Dockets Nos. RI66-251 and RI66-355 are terminated and Marathon Oil Co. is relieved from any refund obligations in said dockets.

(Q) The proceeding pending in Docket No. RI68-415 is terminated with respect to sales made pursuant to Mobil Oil Corp. (Operator) et al. FPC Gas Rate Schedule Nos. 175 and 350.

(R) The Graham Stuart Corp. is made a co-respondent in the proceeding pending in Docket No. RI66-4; The Graham Stuart Corp. (Operator) et al. is made a co-respondent in the proceedings pend-

ing in Dockets Nos. RI63-41 and RI69-169; said proceedings are redesignated accordingly; and the agreements and undertakings submitted in said proceedings are accepted for filing. The Graham Stuart Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The agreements and undertakings shall re-

main in full force and effect until discharged by the Commission.

(S) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

[SEAL]

GORDON M. GRANT,  
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted	
			Description and date of document	No. Supp.
G-5061 D 10-15-69	Shell Oil Co.	Cities Service Gas Co., Hugoton Field, Stanton County, Kans.	Notice of partial cancellation 10-14-69. <sup>1,2</sup>	256 3
G-6447 E 7-18-69	The Graham Stuart Corp. (successor to Rip C. Underwood).	Colorado Interstate Gas Company, a division of Colorado Interstate Corp., Keyes Dome Field, Tex. and Cimarron Counties, Okla.	Rip C. Underwood, FPC GRS No. 1. Supplement Nos. 1-5. Notice of succession 7-16-69. Assignment 3-1-69. <sup>3</sup> Assignment 3-1-69. <sup>4</sup> Effective date: 3-1-69.	1 1 1 1 1 7
G-7643 D 10-13-69	Mobile Oil Corp. et al.	Northern Natural Gas Co., Hugoton Field, Stevens County, Kans.	Notice of partial cancellation 10-10-69. <sup>1,2</sup>	282 13
G-7670 C 10-15-69 <sup>3</sup>	Southern Union Gathering Co.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	Supplemental agreement 6-30-69. <sup>2</sup>	2 58
G-10367 (CS68-1) <sup>1</sup>	Humble Oil & Refining Co.	El Paso Natural Gas Co., South Andrews Field, Andrews County, Tex.	Assignment 4-29-69. <sup>1</sup> Assignment 5-7-69. <sup>2</sup> Effective date: 5-1-69.	116 16 116 17
G-11957 C 10-9-69 <sup>10</sup>	Mobil Oil Corp. (Operator) et al.	El Paso Natural Gas Co., Spraberry (Trend Area) Field, Upton, et al., Counties, Tex.	Letter agreement 8-21-69. <sup>11</sup> Notice of cancellation 10-6-69. <sup>12</sup>	20 25 20 26
(G-12614)	do	do	Cancels FPC GRS No. 119.	119 8
(G-13216)	do	do	Cancels FPC GRS No. 133.	133 8
(G-16303)	do	do	Cancels FPC GRS No. 175.	175 7
(CI64-1315)	do	do	Cancels FPC GRS No. 246.	346 8
(CI64-1316)	do	do	Cancels FPC GRS No. 347.	347 8
(G-14787)	do	do	Cancels FPC GRS No. 348.	348 20
(G-17847)	do	do	Cancels FPC GRS No. 349.	349 8
(G-17629)	do	do	Cancels FPC GRS No. 350.	350 14
(G-18785)	do	do	Cancels FPC GRS No. 351.	351 15
(G-12354)	do	do	Cancels FPC GRS No. 353.	353 8
(CI61-34)	do	do	Cancels FPC GRS No. 355.	355 11
(G-17903)	do	do	Cancels FPC GRS No. 379.	379 15
(G-20318)	do	do	Cancels FPC GRS No. 384.	384 17
(CI66-833)	do	do	Cancels FPC GRS No. 386.	386 8
(G-17459)	do	do	Cancels FPC GRS No. 443.	443 14
(CI69-1070)	do	do	Cancels FPC GRS No. 453. <sup>2</sup>	453 6
G-12521 E 7-18-69	The Graham Stuart Corp. (Operator) et al. (successor to Rip C. Underwood (Operator) et al.).	Northern Natural Gas Co., North Hansford Field, Hansford County, Tex.	Rip C. Underwood (Operator) et al., FPC GRS No. 4. Supplement No. 1. Notice of succession 7-16-69. Assignment 3-13-69. <sup>13</sup> Effective date: 3-1-69.	2 1 2 2 2 2
G-13212 (G-5145) F 10-3-69	Hanley Co. et al.	El Paso Natural Gas Co., Spraberry Field, Glasscock County, Tex.	Assignment 9-26-68. <sup>14</sup> Assignment 7-18-69. <sup>15</sup> Assignment 9-19-69. <sup>16</sup> Assignment 5-1-69. <sup>17</sup> Effective date: 5-1-69.	19 11 19 12 19 13 249 6
CI61-548 (CS66-119) F 10-9-69 <sup>18</sup> C 10-9-69 <sup>19</sup>	Mobil Oil Corp. (Operator) et al.	El Paso Natural Gas Co., Langlie-Mattix and Jalmat Fields, Lea County, N. Mex.	Letter agreement 8-20-69. <sup>20</sup> Supplemental agreement 9-11-69. <sup>21</sup> Notice of cancellation 10-6-69.	249 7 249 8
(G-13380)	do	do	Cancels FPC GRS No. 135.	135 9
(G-15061)	do	do	Cancels FPC GRS No. 157.	157 6
(CI60-605)	do	do	Cancels FPC GRS No. 235.	235 5
(CI61-914)	do	do	Cancels FPC GRS No. 252.	252 5
(CI61-915)	do	do	Cancels FPC GRS No. 253.	253 5
(CI61-913)	do	do	Cancels FPC GRS No. 254.	254 5
(CI61-1585)	do	do	Cancels FPC GRS No. 265. <sup>1</sup>	265 6
CI61-847 E 10-10-69	Franklin Adkins (successor to Edith Swadley et al., d. b. a. Conrad Oil & Gas Co.).	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Edith Swadley et al., d. b. a., Conrad Oil & Gas Co., FPC GRS No. 8. Notice of succession (undated). Assignment 10-18-68. <sup>22</sup> Effective date: 1-24-69.	4 1
CI61-1024 D 10-13-69	Mobil Oil Corp. (Operator) et al.	Natural Gas Pipeline Co. of America, North Custer City Field, Custer County, Okla.	Notice of partial cancellation 10-10-69. <sup>24</sup>	266 15
CI62-365 C 10-9-69 <sup>4</sup>	Continental Oil Co.	El Paso Natural Gas Co., Lindrieth Area, Rio Arriba County, N. Mex.	Supplemental agreement 7-1-69. <sup>17</sup>	208 10
CI62-300 E 10-3-69	Sun Oil Co. (successor to Van-Grisso Oil Co.).	Northern Natural Gas Co., Laverne Field, Harper County, Okla.	Van-Grisso Oil Co., FPC GRS No. 3. Supplement No. 1. Notice of succession 10-3-69. Conveyance 9-1-68. <sup>25</sup> Effective date: 9-1-68.	253 253 1 253 2

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted	
			Description and date of document	No. Supp.
CJ70-351 A 10-10-69 <sup>1</sup>	PetroDynamics, Inc. (Operator) et al.	El Paso Natural Gas Co., Moore Laverne Area, Beaver County, Okla.	Contract 9-12-69 <sup>11</sup>	20
CJ70-353 (CJ165-303) B 10-10-69	Regent Gas Producers, Inc. (Operator) et al.	Consolidated Gas Supply Corp., Sherman District, Boone County, W. Va.	Notice of Cancellation 10-7-69. <sup>12</sup>	1
CJ70-354 A 10-9-69 <sup>1</sup>	Patrick A. Doherty (Operator) et al.	Kansas-Nebraska Natural Gas Co., Retewing Field, Washington County, Colo.	Contract 8-15-69.	6
CJ70-357 A 10-10-69 <sup>1</sup>	E. K. Edmiston (Operator) et al.	Panhandle Eastern Pipe Line Co., J. Scott, Mississippi Gas Unit, Reno County, Kans.	Contract 2-25-69, 11 <sup>23</sup>	6
CJ70-358 (G-10746) B 10-10-69	Grace E. Lowther et al.	Consolidated Gas Supply Corp., Grant District, Wetzel County, W. Va.	Notice of Cancellation 10-9-69. <sup>23</sup>	2
CJ70-359 (CJ162-661) B 10-10-69	Claude Drake, d.b.a. Elyson Gas Co.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	Notice of cancellation 10-9-69. <sup>23</sup>	3
CJ70-360 A 10-10-69 <sup>1</sup>	Winnie Fae Morris et al., d.b.a. Russell G. Beall et al.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Contract 6-9-69 <sup>11</sup>	11
CJ70-361 A 10-10-69 <sup>1</sup>	Reeves Lewenthal	Consolidated Gas Supply Corp., Elk District, Barbour County, W. Va.	Contract 5-21-69 <sup>11</sup>	5
CJ70-362 (CJ162-1232) B 10-10-69	M. J. Moran, agent for C. A. Tully Lease.	Consolidated Gas Supply Corp., Court House District, Lewis County, W. Va.	Notice of cancellation 10-9-69. <sup>23</sup>	11
CJ70-363 A 10-10-69 <sup>1</sup>	R. K. Bogert, Jr. et al.	Consolidated Gas Supply Corp., Phillippi District, Barbour County, W. Va.	Contract 7-18-69 <sup>11</sup>	1
CJ70-364 A 10-10-69 <sup>1</sup>	R. Wayne Christenson et al.	Consolidated Gas Supply Corp., Court House District, Lewis County, W. Va.	Contract 7-8-69 <sup>11</sup>	3
CJ70-365 (G-20319) B 10-10-69	J. M. Huber Corp.	Cities Service Gas Co., Mendon Field, Alfalfa County, Okla.	Notice of cancellation 10-8-69. <sup>12</sup>	40
CJ70-366 A 10-10-69 <sup>1</sup>	Galaxy Oil Co.	Arkansas Louisiana Gas Co., Kinta and Wilburton Fields, Haskell, LeFlore, Latimer, and Pittsburg Counties, Okla., and Franklin County, Ark.	Contract 3-30-64 Agreement 9-25-69.	1
CJ70-367 A 10-13-69 <sup>1</sup>	James F. Scott, agent for Hershegger Explorations, Inc., et al.	Consolidated Gas Supply Corp., Union and Elk Districts, Barbour County, and Warren District, Upshur County, W. Va.	Contract 4-24-69 Letter agreement 8-19-69 <sup>24</sup> Letter agreement 8-19-69. <sup>24</sup>	17 17
CJ70-369 A 10-13-69 <sup>1</sup>	William A. Sidwell, Jr. (Operator) et al.	Kansas-Nebraska Natural Gas Co., Inc., Redwing Field, Washington County, Colo.	Contract 9-24-69.	2
CJ70-370 (G-13871) B 10-13-69	Marathon Oil Co.	Michigan Wisconsin Pipe Line Co., Nichols Field, Kiowa County, Kans.	Notice of cancellation 10-10-69. <sup>12</sup>	33
CJ70-371 A 10-13-69 <sup>1</sup>	Hunting Oil Co., Inc.	The Ohio Fuel Gas Co., Lebanon Township, Meigs County, Ohio.	Contract 10-3-69.	4
CJ70-376 (CJ165-1226) B 10-15-69	Grant Mullenax (Operator) et al.	Texas Gas Transmission Corp., Sugar Creek Field, Hopkins County, Ky.	Notice of cancellation 10-3-69. <sup>12</sup>	1

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted	
			Description and date of document	No. Supp.
CJ163-234 D 10-13-69	Mobil Oil Corp. (Operator) et al.	Arkansas Louisiana Gas Co., Red Oak Area, Latimer and LeFlore Counties, Okla.	Notice of partial cancellation 10-10-69. <sup>25</sup>	333
CJ165-154 E 10-8-69	Gulf Oil Corp. (successor to Warren Petroleum Corp.).	Natural Gas Pipeline Co. of America, Thomas Area, Dewey and Custer Counties, Okla.	Warren Petroleum Corp., FPC GRS No. 53, Supplement No. 1, Notice of succession 10-6-69.	414 414
CJ166-53 D 10-13-69	Mobil Oil Corp. (Operator) et al.	Northern Natural Gas Co., East Clark Area, Harper County, Okla.	Assignment 5-1-69. <sup>26</sup> Effective date: 5-1-69. Notice of partial cancellation 10-10-69. <sup>24</sup>	414 425
CJ167-1017 E 8-7-69	Clifford Blanton (successor to W. P. Ryan, for The Estate of James A. May).	Kentucky-West Virginia Gas Co., Beaver Creek Field, Floyd County, Ky.	W. P. Ryan, for The Estate of James A. May, FPC GRS No. 1, Notice of succession 8-5-69.	1
CJ169-42 E 7-18-69	The Graham Stuart Corp. (Operator) et al. (successor to Rip C. Underwood (Operator) et al.).	Phillips Petroleum Co., West Panhandle Field, Hutchinson County, Tex.	Conveyance 12-14-67. <sup>27</sup> Effective date: 12-14-67. Rip C. Underwood (Operator) et al., FPC GRS No. 9, Supplement No. 1, Notice of succession 7-16-69.	1 3
CJ169-60 E 7-18-69	do. do.	do. do.	Assignment 3-1-69. <sup>15</sup> Effective date: 3-1-69. Rip C. Underwood (Operator) et al., FPC GRS No. 10, Notice of succession 7-16-69.	3 4
CJ169-388 A 9-13-69 <sup>3</sup>	Clearfield Trust Co., agent for Marie Cole Berger et al.	Consolidated Gas Supply Corp., Driftwood Field, Cameron County, Pa.	Assignment 3-1-69. <sup>15</sup> Effective date: 3-1-69. Contract II-7-69. Letter agreement 6-5-63.	4 1
CJ169-876 (C-434) F 6-17-69	R. C. Wynn	El Paso Natural Gas Co., Blanco Mesa Verde Pool, San Juan County, N. Mex.	Assignment 11-5-69. 11 <sup>29</sup>	1
CJ169-1179 C 10-15-69 <sup>1</sup>	MacDonald Spidel	Equitable Gas Co., Salt Creek District, Braxton County, W. Va.	Letter agreement 9-23-69. <sup>11</sup>	5
CJ170-291 A 9-22-69 <sup>1</sup>	Leas Petroleum Corp. (Operator) et al.	Panhandle Eastern Pipe Line Co., McComb Laverne Field, Beaver County, Okla.	Contract 3-5-69. Compliance 10-28-69. 11 <sup>30</sup>	2 2
CJ170-323 (G-12144) B 9-29-69	A. L. Abercrombie (Operator) et al.	Cities Service Gas Co., McGuire-Goemann Field, Barber County, Kans.	Notice of cancellation 10-22-69. <sup>1</sup>	3
CJ170-339 A 10-6-69 <sup>1</sup>	Texaco, Inc. <sup>31</sup>	Arkansas Louisiana Gas Co., Northeast Hillsdale Field, Grant and Garfield Counties, Okla.	Contract 8-27-69 <sup>11</sup>	437
CJ170-346 A 10-9-69 <sup>1</sup>	George Jackson	Consolidated Gas Supply Corp., West Union District, Doddridge County, W. Va.	Contract 7-15-69 <sup>11</sup>	44
CJ170-347 A 10-9-69 <sup>1</sup>	Va. Roy Hildreth et al., d.b.a. Va. Roy Drilling Co.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	Contract 7-23-69 <sup>11</sup>	10
CJ170-348 A 10-9-69 <sup>1</sup>	Martin J. Moran	Consolidated Gas Supply Corp., Dekalb District, Gilmer County, W. Va.	Contract 8-25-69 <sup>11</sup>	22
CJ170-349 A 10-9-69	Vincent Kutch, et al.	Consolidated Gas Supply Corp., Bell Township, Jefferson County, Pa.	Contract 6-24-69 <sup>11</sup>	1

1 Source of gas depleted.  
2 Effective date of this order.  
3 Assessor's name.  
4 Assessor's acreage in Texas County, from Rip C. Underwood to applicant.

See footnotes at end of table.

- <sup>1</sup> Release of nonproductive acreage to landowners.
- <sup>2</sup> Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.
- <sup>3</sup> No certificate filing made or necessary; the order issuing a certificate in Docket No. G-10367 will be amended by deleting therefrom acreage assigned to the small producer, K. K. Amini (now Amini Oil Corp.), Docket No. C866-1.
- <sup>4</sup> To K. K. Amini (overall effect of the two assignments results in Humble assigning Amini an interest in lease down to base of Devonian Formation).
- <sup>5</sup> Instrument whereby K. K. Amini reassigns to Humble all interest in lease below base of Devonian Formation.
- <sup>6</sup> Application to amend the certificate in Docket No. G-11957 to include thereunder those sales now authorized in Dockets Nos. G-12614, G-13216, G-16303, C164-1315, C164-1316, G-14787, G-17847, G-17629, G-18785, G-12354, C161-34, G-17903, G-20318, C166-833, G-17459, and C169-1070. The certificates in the latter dockets will be terminated and the related rate schedules will be canceled.
- <sup>7</sup> Agreement providing for the consolidation of various sales to be made under contract dated Sept. 6, 1952 (FPC GRS No. 20).
- <sup>8</sup> Partially cancels FPC GRS No. 20 only insofar as it pertains to contract dated Oct. 16, 1954. All sales now to be covered under Sept. 6, 1952 contract.
- <sup>9</sup> Assigns acreage from Rip C. Underwood to The Graham Stuart Corp.
- <sup>10</sup> From Humble to Morris R. Antwell who is covered by a small producer certificate in Docket No. C866-27, acreage previously covered by Humble's FPC GRS No. 5. Humble Oil & Refining Co. FPC GRS No. 5 and Hanley Co. FPC GRS No. 19 are comprised of the same contract.
- <sup>11</sup> From Antwell to Hanley Co. to a depth of 9,000 feet.
- <sup>12</sup> From Hanley Co. to W. L. Hanley, an "et al." party to the rate schedule.
- <sup>13</sup> Effective date: Date of initial delivery (applicant shall advise the Commission as to such date).
- <sup>14</sup> Application to amend the certificate in Docket No. C161-548 to add acreage acquired from George L. Buckles (Docket No. C866-119); to add additional acreage; and to include thereunder those sales now authorized in Dockets Nos. G-13380, G-15061, C160-605, C161-914, C161-915, C161-913, and C161-1585; the certificates in the latter dockets will be terminated and the related rate schedules will be canceled.
- <sup>15</sup> From George L. Buckles, et ux., to Mobil Oil Corp.
- <sup>16</sup> Agreement providing for continuation of service under FPC GRS Nos. 135, 157, 235, 252, 253, 254, and 265 and also dedicates acreage acquired from Buckles.
- <sup>17</sup> Effective date: Date of authorization for Mobil's existing sales and date of acquisition (May 1, 1969) for those sales from acreage acquired from Buckles.
- <sup>18</sup> Adds new acreage.
- <sup>19</sup> From Swadley, et al., to Franklin Adkins.
- <sup>20</sup> Deletes acreage due to expiration or cancellation of nonproducing leases.
- <sup>21</sup> From Van-Grasso Oil Co. to Sun Oil Co.
- <sup>22</sup> From Warren Petroleum Corp. to Gulf Oil Corp.
- <sup>23</sup> From Ryan to Clifford Blanton.
- <sup>24</sup> Sale being rendered on June 7, 1954.
- <sup>25</sup> Transfers interest covered under Atlantic Richfield Co. FPC GRS No. 498 to R. C. Wynn.
- <sup>26</sup> Complies with temporary certificate issued Oct. 10, 1969. By letter dated Oct. 15, 1969, Applicant stated willingness to accept a permanent certificate conditioned to an initial rate of 17 cents per Mcf subject to B.t.u. adjustment and to the outcome of the proceedings in Docket No. R-338.
- <sup>27</sup> Contract provides for a rate of 17 cents per Mcf; however, Applicant has indicated willingness to accept a permanent certificate conditioned to the area ceiling rate of 15 cents per Mcf subject to upward and downward B.t.u. adjustment and subject to the outcome of the proceedings in Docket No. R-338.
- <sup>28</sup> Acreage committed with respect to gas produced from the Mississippi System only.
- <sup>29</sup> Production of gas no longer economically feasible.
- <sup>30</sup> Adds acreage; covers the Kane-DeMars Leases (Supplement No. 1) and the Bennett-Miller Leases (Supplement No. 2), respectively.

[F.R. Doc. 70-365; Filed, Jan. 13, 1970; 8:45 a.m.]

[Docket No. R170-865 etc.]

**UNION OIL COMPANY OF CALIFORNIA ET AL.**

**Order Providing for Hearings on and Suspension of Proposed Changes in Rates<sup>1</sup>**

DECEMBER 24, 1969.

The respondents named herein have filed proposed increased rates and

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

charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission

enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

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

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 10, 1970.

By the Commission.

[SEAL] GORDON M. GRANT, Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
R170-865	Union Oil Co. of California (Operator) et al., Union Oil Center, Los Angeles, Calif. 90017.	32	14	West Lake Natural Gasoline Co. <sup>2</sup> (Lake Trammell Area, Nolan County, Tex.) (R.R. District No. 7-B).	\$790	11-21-69	12-31-69	1-1-70	9.0	9.5	R170-2.
R170-866	Union Oil Co. of California, agent et al.	45	7	do	100	11-20-69	12-31-69	1-1-70	8.5	9.5	R160-451.
R170-867	Union Oil Co. of California.	112	6	West Lake Natural Gasoline Co. <sup>2</sup> (Nena-Lucia Field, Nolan County, Tex.) (R.R. District No. 7-B).	452	11-20-69	12-31-69	1-1-70	9.0338	9.5356	R165-119.
R170-868	Sun Oil Co., DX Division, Post Office Box 2039, Tulsa, Okla. 74120.	158	5	do	762	11-21-69	12-31-69	1-1-70	9.0	9.5	R165-383.
R170-869	Humble Oil & Refining Co. (Operator) et al., Post Office Box 2180, Houston, Tex. 77001.	5	65	El Paso Natural Gas Co. (Spraberry Field, Glasscock, et al. Counties, Tex.) (R.R. District No. 8).	14,694	11-24-69	12-25-69	5-25-70	18.3105	19.3278	R169-51.
do	do	118	15	El Paso Natural Gas Co. (Amacker, Tippet, and King Mountain Fields, Upton County, Tex.) (R.R. District No. 7-C).	533	11-24-69	12-25-69	5-25-70	15.2588	16.2760	R169-51.
do	do	144	9	El Paso Natural Gas Co. (Amacker, Tippet, Field, Upton County, Tex.) (R.R. District No. 7-C).	948	11-24-69	12-25-69	5-25-70	15.2588	16.2760	R169-51.
do	do	260	13	El Paso Natural Gas Co. (Snyder Plant, Scurry County, Tex.) (R.R. District No. 8).	43,958	11-24-69	12-25-69	5-25-70	17.1467	18.1553	R169-51.
do	do	262	10	El Paso Natural Gas Co. (Wilshire Field, Upton County, Tex.) (R.R. District No. 7-C).	10,934	11-24-69	12-25-69	5-25-70	15.2588	16.2760	R169-51.

See footnotes at end of table.

## APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
.....do.....		294	6	El Paso Natural Gas Co. (Sand Hill Field, Crane County, Tex.) (R.R. District No. 8) (Permian Basin Area).	\$41,124	11-24-69	* 12-25-69	5-25-70	18.3105	* 19.3278	RI69-51.
.....do.....		31	22	El Paso Natural Gas Co. (Cooper Jal Field, Lea County, N. Mex.) (Permian Basin Area).	63,013	11-24-69	* 12-25-69	5-25-70	10 16.8882	* 17.9117	RI69-51.
.....do.....		318	4	Natural Gas Pipeline Co. of America (South Angelton Field, Brazoria County, Tex.) (R.R. District No. 3).	9,723	11-24-69	* 12-25-69	5-25-70	11 18.0675	* 19.0713	
.....do.....		424	11	Natural Gas Pipeline Co. of America (West Bernard Field, Wharton County, Tex.) (R.R. District No. 3).	9,639	11-24-69	* 12-25-69	5-25-70	11 18.0376	* 20.0	
RI70-870..	Humble Oil & Refining Company.	9	15	El Paso Natural Gas Co. (Clara Couch Field, Crockett County, Tex.) (R.R. District No. 7-C).	429	11-24-69	* 12-25-69	5-25-70	16.7846	* 17.8019	RI69-52.
.....do.....		16	17	El Paso Natural Gas Co. (Dollahide Plant, Andrews County, Tex.) (R.R. District No. 8).	3,040	11-24-69	* 12-25-69	5-25-70	18.3105	* 19.3278	RI69-52.
.....do.....		159	7	El Paso Natural Gas Co. (South Pecos Valley Field, Pecos County, Tex.) (R.R. District No. 8).	127	11-24-69	* 12-25-69	5-25-70	16.7846	* 17.8019	RI69-52.
.....do.....		160	9	El Paso Natural Gas Co. (Roberts Field, Sutton County, Tex.) (R.R. District No. 7-C).	30	11-24-69	* 12-25-69	5-25-70	16.7846	* 17.8019	RI69-52.
.....do.....		259	9	El Paso Natural Gas Co. (Pecos Valley Field, Pecos County, Tex.) (R.R. District No. 8).	1,705	11-24-69	* 12-25-69	5-25-70	16.7846	* 17.8019	RI69-52.
.....do.....		276	9	Transwestern Pipeline Co. (Bell Lake Field, Lea County, N. Mex.).	16,970	11-24-69	* 12-25-69	5-25-70	18.5870	* 21.1016	RI69-52.
.....do.....		288	12	El Paso Natural Gas Co. (Spraberry (J. F. Nunn) Field, Reagan County, Tex.) (R.R. District No. 7-C).	106	11-24-69	* 12-25-69	5-25-70	18.3105	* 19.3278	RI69-52.
.....do.....		289	12	El Paso Natural Gas Co. (Spraberry (E. Nunn) Field, Reagan County, Tex.) (R.R. District No. 7-C).	114	11-24-69	* 12-25-69	5-25-70	18.3105	* 19.3278	RI69-52.
.....do.....		296	5	El Paso Natural Gas Co. (Walker Hollow Unit, Uintah County, Utah).	28,757	11-24-69	* 12-25-69	5-25-70	17.0	* 19.5	RI69-2.
.....do.....		302	22	El Paso Natural Gas Co. (Spraberry (Boone) Field, Midland and Upton Counties, Tex.) (R.R. District Nos. 8 and 7-C) (Permian Basin Area).	175	11-24-69	* 12-25-69	5-25-70	18.3105	* 19.3278	RI69-210.
.....do.....		313	3	El Paso Natural Gas Co. (East Boundary Butte Field, Apache County, Ariz.).	848	11-24-69	* 12-25-69	5-25-70	17.7	* 18.7	
.....do.....		320	17	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.) (R.R. District No. 7-C) (Permian Basin Area).	36	11-24-69	* 12-25-69	5-25-70	18.3105	* 19.3278	RI69-52.
.....do.....		330	9	El Paso Natural Gas Co. (Clara Couch Field, Crockett County, Tex.) (R.R. District No. 7-C) (Permian Basin Area).	4,775	11-24-69	* 12-25-69	5-25-70	16.7846	* 17.8019	RI69-52.
.....do.....		358	7	El Paso Natural Gas Co. (Spraberry Field, Upton County, Tex.) (R.R. District No. 7-C) (Permian Basin Area).	19	11-24-69	* 12-25-69	5-25-70	18.2403	* 19.2631	RI68-422.
.....do.....		290	11	El Paso Natural Gas Co. (Spraberry (Walker) Field, Reagan County, Tex.) (R.R. District No. 7-C).	60	11-24-69	* 12-25-69	5-25-70	18.3105	* 19.3278	RI69-52.
.....do.....		291	22	El Paso Natural Gas Co. (Spraberry (C. W. Merchant) Field, Reagan County, Tex.) (R.R. District No. 7-C).	333	11-24-69	* 12-25-69	5-25-70	18.3105	* 19.3278	RI69-52.
.....do.....		423	7	El Paso Natural Gas Co. (Spraberry Field, Upton County, Tex.) (R.R. District No. 7-C).	491	11-24-69	* 12-25-69	5-25-70	18.3105	* 19.3278	RI69-124.
.....do.....		440	7	do.	811	11-24-69	* 12-25-69	5-25-70	14.5544	* 19.3278	RI70-404.
.....do.....		361	10	El Paso Natural Gas Co. (XBC Field, Upton County, Tex.) (R.R. District No. 7-C).	15	11-24-69	* 12-25-69	5-25-70	18.3105	* 19.3278	RI69-52.
.....do.....		374	9	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.) (R.R. District No. 7-C).	39	11-4-69	* 12-25-69	5-25-70	18.3105	* 19.3278	RI69-52.
.....do.....		393	4	El Paso Natural Gas Co. (Three Bar Field, Andrews County, Tex.) (R.R. District No. 8).	6,336	11-24-69	* 12-25-69	5-25-70	18.0675	* 19.0713	RI69-52.
.....do.....		212	14	El Paso Natural Gas Co. (Aneth Area, San Juan County, Utah).	13,408	11-24-69	* 12-25-69	5-25-70	17.7	* 19.50	
.....do.....		249	10	El Paso Natural Gas Co. (Green River Bend Unit, Lincoln and Sublette Counties, Wyo.).	3,394	11-24-69	* 12-25-69	5-25-70	17.225	* 19.7926	RI70-469.
.....do.....		260	10	El Paso Natural Gas Co. (Figure Four Canyon Unit, Sublette County, Wyo.).	2,602	11-24-69	* 12-25-69	5-25-70	17.225	* 19.7926	RI70-469.
.....do.....		292	21	El Paso Natural Gas Co. (Spraberry (Merchant-13) Field, Reagan County, Tex.) (R.R. District No. 7-C) (Permian Basin Area).		11-24-69	* 12-25-69	5-25-70	18.3105	* 19.3278	RI69-52.
.....do.....		293	22	El Paso Natural Gas Co. (Spraberry (Nunn Estate) Field, Reagan County, Tex.) (R.R. District No. 7-C) (Permian Basin Area).	63	11-24-69	* 12-25-69	5-25-70	18.3105	* 19.3278	RI69-52.
.....do.....		415	4	El Paso Natural Gas Co. (Wilshire (Devonian) Field, Upton County, Tex.) (R.R. District No. 7-C) (Permian Basin Area).	10,585	11-24-69	* 12-25-69	5-25-70	18.0675	* 19.0713	RI69-52.
.....do.....		421	9	El Paso Natural Gas Co. (Pecos County (King Mountain Field, Upton County, Tex.) (R.R. District No. 7-C) (Permian Basin Area).	245	11-24-69	* 12-25-69	5-25-70	15.2588	* 16.2760	RI69-52.

See footnotes at end of table.



APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
.....do.....		28	18	El Paso Natural Gas Co. (Cooper Jal Field, Lea County, N. Mex.) (Permian Basin Area).	\$2,808	11-24-69	* 12-25-69	5-25-70	<sup>10</sup> 16.8882	<sup>8 7 10</sup> 17.9117	RI69-52.
.....do.....		33	14	El Paso Natural Gas Co. (Cooper Jal Field, Lea County, N. Mex.).	153	11-24-69	* 12-25-69	5-25-70	<sup>10</sup> 16.8882	<sup>8 7 10</sup> 17.9117	RI69-52.
.....do.....		116	19	El Paso Natural Gas Co. (South Andrews Field, Andrews County, Tex.) (R.R. District No. 8) (Permian Basin Area).	5,332	11-24-69	* 12-25-69	5-25-70	15.2588	<sup>8 7</sup> 16.2760	RI69-52.
.....do.....		466	2	Transwestern Pipeline Co. (Henderson Field, Winkler County, Tex.) (Permian Basin Area).	.....	11-20-69	* 1-1-70	6-1-70	17.91	<sup>8 10</sup> 19.0831	
.....do.....		122	6	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Rock Island Field, Colorado County, Tex.) (R.R. District No. 3).	(20)	11-24-69	* 12-25-69	5-25-70	<sup>21</sup> 15.6585	<sup>8 7</sup> 16.7203	
.....do.....		125	6	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (West Rock Island Field, Colorado County, Tex.) (R.R. District No. 3).	(20)	11-24-69	* 12-25-69	5-25-70	<sup>21</sup> 15.6585	<sup>8 7</sup> 16.7203	
.....do.....		137	5	Natural Gas Pipeline Co. of America (Ramirena Southwest Field, Live Oak County, Tex.) (R.R. District No. 2).	8,013	11-24-69	* 12-25-69	5-25-70	<sup>21</sup> 15.5581	<sup>8 7</sup> 16.5619	
.....do.....		338	6	Natural Gas Pipeline Co. of America (Sugar Valley Field, Matagorda County, Tex.) (R.R. District No. 3).	44,287	11-24-69	* 12-25-69	5-25-70	<sup>21</sup> 18.0675	<sup>8 22</sup> 20.0	
RI70-871..	Estate of Julius Fohs et al., 1077 San Jacinto Bldg., Houston, Tex. 77062.	4	6	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (East Bay City Field, Matagorda County, Tex.) (R.R. District No. 3).	1,543	11-26-69	* 12-27-69	5-27-70	<sup>21</sup> 14.65475	<sup>8 7</sup> 15.6585	
RI70-872..	McGuire Oil Co., 4200 First National Bank Bldg., Dallas, Tex. 75202.	1	16	Texas Eastern Transmission Corp. (Harris County, Tex.) (R.R. District No. 3).	510	11-24-69	* 12-25-69	5-25-70	<sup>28</sup> 16.6	<sup>8 7 28</sup> 16.8	RI69-128.
RI70-873..	Eason Oil Co., Post Office Box 18755, Oklahoma City, Okla. 73118.	5	2	Lone Star Gas Co. (Carter-Knox Field, Stephens County, Okla.) (Carter-Knox Area).	66	11-26-69	* 12-27-69	5-27-70	16.8	<sup>8 28</sup> 19.0	
.....do.....		8	7	Northern Natural Gas Co. (Mocane-Laverne Field, Beaver County, Okla.) (Panhandle Area).	1,398	11-26-69	* 12-27-69	5-27-70	17.0	<sup>8 1</sup> 22.0	
.....do.....		10	7	Michigan Wisconsin Pipe Line Co. (Mocane-Laverne Field, Beaver, Ellis, and Harper Counties, Okla.) (Panhandle Area).	7,531	11-26-69	* 12-27-69	5-27-70	<sup>27</sup> 17.0	<sup>8 7 27</sup> 19.5	
.....do.....		12	1	Cities Service Gas Co. (Lucien Field, Noble County, Okla.) (Oklahoma "Other" Area).	801	11-26-69	* 12-27-69	5-27-70	<sup>28</sup> 11.0	<sup>8 28 28</sup> 13.0	
.....do.....		13	2	Arkansas Louisiana Gas Co. (Southeast Crane Field, Custer County, Okla.) (Oklahoma "Other" Area).	4,567	11-26-69	* 12-27-69	5-27-70	15.0	<sup>8 7</sup> 17.8	
.....do.....		9	4	Panhandle Eastern Pipe Line Co. (Mocane-Laverne Field, Beaver County, Okla.) (Panhandle Area).	2,899	11-26-69	* 12-27-69	5-27-70	<sup>27</sup> 17.0	<sup>8 28 27</sup> 22.0	
.....do.....		16	2	Arkansas Louisiana Gas Co. (Southwest Lacey Field, Kingfisher County, Okla.) (Oklahoma "Other" Area).	284	11-26-69	* 12-27-69	5-27-70	15.0	<sup>8 1</sup> 16.0	
.....do.....		17	1	Northern Natural Gas Co. (Southeast Floris Field, Beaver County, Okla.) (Panhandle Area).	1,514	11-26-69	* 12-27-69	5-27-70	<sup>28</sup> 17.0	<sup>8 7 28</sup> 18.0	
.....do.....		18	6	Arkansas Louisiana Gas Co. (Red Oak Field, Latimer County, Okla.) (Oklahoma "Other" Area).	364	11-26-69	* 12-27-69	5-27-70	15.0	<sup>8 7</sup> 16.0	
.....do.....		20	1	Lone Star Gas Co. (Sholem Alechem Field, Carter County, Okla.) (Oklahoma "Other" Area).	33	11-26-69	* 12-27-69	5-27-70	15.0	<sup>8 1</sup> 16.0	
.....do.....		23	5	Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Mocane-Laverne Field, Harper County, Okla.) (Panhandle Area).	90	11-26-69	* 12-27-69	5-27-70	<sup>27</sup> 16.0	<sup>8 7 27</sup> 17.0	RI63-47.
.....do.....		15	3	Arkansas Louisiana Gas Co. (Northwest O'Keene Field, Blaine County Okla.) (Oklahoma "Other" Area).	544	11-26-69	* 12-27-69	5-27-70	15.0	<sup>8 28</sup> 17.8	

<sup>1</sup> Gas resold to El Paso Natural Gas Co. under West Lake's Rate Schedule No. 1.  
<sup>2</sup> The stated effective date is the date preceding the termination date of West Lake's suspension period.  
<sup>3</sup> The termination date of West Lake's suspension period.  
<sup>4</sup> Revenue-sharing rate increase. The contract price is 50 percent of buyer's resale rate but not less than 50 percent of 13 cents. Buyer's proposed rate of 19 cents is suspended in Docket No. RI70-54 until Jan. 1, 1970.  
<sup>5</sup> Pressure base is 14.65 p.s.i.a.  
<sup>6</sup> Periodic rate increase.  
<sup>7</sup> The stated effective date is the effective date requested by Respondent.  
<sup>8</sup> Includes tax reimbursement of 0.3278 cent per Mcf.  
<sup>9</sup> Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.  
<sup>10</sup> Pressure base is 15.025 p.s.i.a.  
<sup>11</sup> Includes tax reimbursement of 0.3278 cent per Mcf.  
<sup>12</sup> Initial contract rate for 5-year period ended Jan 1, 1967.  
<sup>13</sup> Rate established by previously accepted quality statement.  
<sup>14</sup> Reflects tax reimbursement of 0.2537 cent per Mcf.  
<sup>15</sup> Increase up to contract rate.  
<sup>16</sup> "Fractured" rate increase. Respondent contractually entitled to 22.28 cents per Mcf.  
<sup>17</sup> Increase from fractured rate to contract rate.  
<sup>18</sup> Increase from ceiling rate to contract rate.  
<sup>19</sup> No current deliveries.  
<sup>20</sup> Includes Texas tax which has been filed.  
<sup>21</sup> Fractured rate. Humble contractually due 22.5844 cents.  
<sup>22</sup> Fractured rate. Humble contractually due 20.73314 cents.  
<sup>23</sup> The stated effective date is the first day after expiration of the statutory notice.  
<sup>24</sup> Includes 0.5-cent deduction for pipeline amortization.  
<sup>25</sup> Two-step periodic rate increase.  
<sup>26</sup> Subject to upward and downward B.t.u. adjustment.  
<sup>27</sup> Subject to a downward B.t.u. adjustment.  
<sup>28</sup> Respondent filing from initial certificated rate to first periodic increase under contract.

The Estate of F. Julius Fohs et al. (Fohs) request waiver of the notice requirement to permit an effective date of January 1, 1969, or as soon thereafter as possible, for their proposed rate increase. McGuire Oil Co. (Operator) et al. (McGuire) request an effective date of November 1, 1969 for their rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Fohs and McGuire's rate filings and such requests are denied.  
 Union Oil Company of California (Operator) et al., Union Oil Company of California,

Agent, et al., and Union Oil Co.'s (all referred to herein as Union) proposed rate increases are revenue-sharing increases for sales of gas to West Lake Natural Gasoline Co. in Nolan County, Tex. The proposed increases represent 50 percent of West Lake's resale rate of 19 cents to El Paso Natural Gas Co. which is suspended in Docket No. RI70-54 until January 1, 1970. Although the proposed rates are below the applicable area ceiling rates, they are a percentage portion of a suspended rate and consistent with prior Commission action we conclude that they should be suspended until January 1, 1970, the termination date of West Lake's suspension period.

Supplement No. 10 to Humble Oil & Refining Co.'s (Humble) FPC Gas Rate Schedule Nos. 249 and 250, respectively, reflect partial reimbursement of a severance tax recently enacted by the State of Wyoming. The proposed increases reflect a double amount of contractually entitled tax reimbursement to provide reimbursement of taxes applicable to future production as well as reimbursement for taxes applicable to past production back to January 1, 1968. Since Humble's proposed rate filings reflect both tax and periodic increases we conclude that they should be suspended for 5 months from December 25, 1969, the proposed effective date.

After the amounts of tax reimbursement applicable to past production have been recovered, Humble shall file appropriate rate decreases under its Rate Schedule Nos. 249 and 250 to reduce the rate proposed herein so as to provide for tax reimbursement for future production only. Humble will also be required to refund any reimbursement relating to the Wyoming tax collected in this proceeding in the event the tax is for any reason held invalid upon judicial review.

Humble's 19.5-cent rate increases (Supplement Nos. 5 and 14 to Humble's FPC Gas Rate Schedule Nos. 296 and 212, respectively), are for sales of gas in the Aneth Area of Utah and the proposed rate of 18.7 cents per Mcf is for a sale of gas in Apache County, Ariz.<sup>30</sup> Although no formal ceiling rates have been announced for either area, the Commission has previously suspended rates at these levels for 5 months. Accordingly, Humble's proposed rates are suspended for 5 months from December 25, 1969, the proposed effective date.

Three of Humble's proposed rate increases reflect partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to

file a protest to these rate increases. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico legislation effected a higher rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, the hearing provided for herein with respect to the rate filings containing such tax shall concern itself with the contractual basis for such rate filings, as well as the statutory lawfulness of the proposed increased rates and charges.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56), with the exception of the rate increases filed by Humble in the Aneth Area of Utah and Apache County, Ariz., where no formal guideline prices have been announced by the Commission.

[F.R. Doc. 70-366; Filed, Jan. 13, 1970; 8:45 a.m.]

[Docket No. RI70-999 etc.]

#### BOWERS DRILLING CO.

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

JANUARY 2, 1970.

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

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be sus-

pending and their use be deferred as ordered below.

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.<sup>2</sup>

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 16, 1970.

By the Commission.

[SEAL]

KENNETH F. PLUMB,  
Acting Secretary.

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

<sup>30</sup> Supplement No. 3 to Humble's FPC Gas Rate Schedule No. 313.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-999	Bowers Drilling Co., Inc.	# 4	1	Cities Service Gas Co.	\$400	12-5-69	# 1-5-70	# 1-6-70	# 14.0	# 15.0	
	do.	# 5	1	do.	4,220	12-5-69	# 1-5-70	# 1-6-70	# 14.0	# 15.0	
	do.	# 8	1	do.	460	12-5-69	# 1-5-70	# 1-6-70	# 14.0	# 15.0	
	do.	# 9	1	do.	250	12-5-69	# 1-5-70	# 1-6-70	# 14.0	# 15.0	
	do.	# 11	2	do.	4,255	12-5-69	# 1-5-70	# 1-6-70	# 14.0	# 15.0	
	do.	7	5	do.	367	12-5-69	# 1-5-70	# 1-6-70	# 14.0	# 15.0	
RI70-1000	Sunset International Petroleum Corp. et al.	35	13	El Paso Natural Gas Co.	5	12-4-69	# 12-4-69	# 12-5-69	17.0	# 17.06375	
RI70-1001	Northern Pump Co., Agent (Operator) et al.	22	10	Phillips Petroleum Co. <sup>12</sup>	305	# 12-4-69	1-1-70	# 1-2-70	# 10.7703	# 11.4780	RI66-234.

<sup>1</sup> Contract dated after Sept. 28, 1969, the date of issuance of the Commission's statement of general policy No. 61-1 and proposed rate does not exceed the initial service ceiling rate.  
<sup>2</sup> The stated effective date is the first day after expiration of the statutory notice.  
<sup>3</sup> The suspension period is limited to 1 day.  
<sup>4</sup> Periodic rate increase.  
<sup>5</sup> Pressure base is 14.65 p.s.i.a.  
<sup>6</sup> Subject to a downward B.t.u. adjustment.  
<sup>7</sup> The stated effective date is the date of filing pursuant to the Commission's order No. 390.  
<sup>8</sup> Tax reimbursement increase.

<sup>9</sup> Corrected by filing of Dec. 15, 1969.  
<sup>10</sup> Phillips gathers and processes the gas and resells the residue gas to Michigan-Wisconsin Pipe Line Co. under its Rate Schedule No. 4 at a rate of 15.22 cents plus applicable tax reimbursement, subject to refund in Docket No. RI65-256. A rate of 16.22 cents plus applicable tax reimbursement is suspended in Docket No. RI70-28 until Jan. 1, 1970.  
<sup>11</sup> Footnote 13 not used.  
<sup>12</sup> Suspended for 1 day from Jan. 1, 1970, or, one day from when Phillips places the 16.22 cents rate into effect.  
<sup>13</sup> Revenue-sharing rate increase.

The contracts related to the rate filings proposed by Bowers Drilling Co., Inc. (Bowers) were executed subsequent to September 28, 1969, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceilings for increased rates but below the initial service ceilings for the areas involved. We believe, in this situation, Bowers' proposed rate filings should be suspended for 1 day from January 5, 1970, the expiration date of the statutory notice. Good cause has not been shown for granting Bowers' request for a December 22, 1969, effective date for its rate filings and such request is denied.

Sunset International Petroleum Corp. et al. (Sunset) proposed rate increase reflect the 0.5-percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on September 9, 1969, to be effective as of October 1, 1969. Sunset's proposed rate exceeds the applicable area ceiling rate for the area involved as set forth in the Commission's statement of general policy No. 61-1, as amended, and should be suspended for 1 day from December 24, 1969, the date of filing, pursuant to Commission's Order No. 390 issued October 10, 1969.

Northern Pump Co., Agent (Operator) et al. (Northern) proposes a revenue-sharing increase from 10.7703 cents to 11.4780 cents, including tax reimbursement, for a sale for resale to Phillips Petroleum Co. (Phillips). Phillips resells the gas to Michigan-Wisconsin Pipe Line Co. under its FPC Gas Rate Schedule No. 4. Northern's instant increase is geared to a 16.22-cent resale rate to Phillips

which is suspended in Docket No. RI70-28 until January 1, 1970. Northern's proposed rate exceeds the increased rate ceiling for the Oklahoma Panhandle Area. Since Northern's proposed rate increase is based on Phillips' suspended resale rate, we conclude that it should be suspended for 1 day from January 4, 1970, or 1 day from the date Phillips places its 16.22-cent rate into effect in Docket No. RI70-28.

[F.R. Doc. 70-418; Filed, Jan. 13, 1970; 8:45 a.m.]

[Docket No. RI70-988]

W. C. PERRYMAN ET AL.

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

JANUARY 2, 1970.

The respondent named herein has filed proposed increased rate and charge of currently effective rate schedule for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearing regarding the lawfulness of the proposed change, and that

the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

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

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 16, 1970.

By the Commission.

[SEAL] KENNETH F. PLUMB, Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf at 15,025 p.s.i.a.	
									Rate in effect	Proposed increased rate
RI70-888	W. C. Perryman (Operator) et al.	2	(1)	Texas Gas Transmission Corp. (Red		12-5-69	# 1-5-70	(Accepted)	16.5	
		2	# 1	Rock-North Shongaloo Area, Webster		12-5-69	# 1-5-70	(Accepted)	16.5	
		2	2	Parish, Northern Louisiana).	\$46,800	12-5-69	# 1-5-70	6-5-70	16.5	# 19.75

<sup>1</sup> Adopts terms of contract dated June 6, 1969 between buyer and Bodcaw Co. Supersedes FPC Gas Rate Schedule No. 1 as to all acreage and formations except Bodcaw Co.—International Paper Co. No. 1 well and Reservoir B of Smackover A Zone in which it is producing. Contract dated Nov. 25, 1969.  
<sup>2</sup> The stated effective date is the first day after expiration of the statutory notice period.

<sup>3</sup> Contract dated June 6, 1969.  
<sup>4</sup> Initial certificated rate. No tax reimbursement provided.  
<sup>5</sup> Includes 1.75 cents per Mcf tax reimbursement.

Respondent has filed a renegotiated increased rate of 19.75 cents, including 1.75-cent tax reimbursement, for sales in North Louisiana for which he requests an effective date of November 1, 1969. Respondent claims that the notice of change in rate is within the scope of Opinion No. 567. That opinion provides that, beginning November 1, 1969, gas well gas from a reservoir committed to interstate commerce by contract prior to the date of its discovery should command the price which would have been applicable had the contract been coincident with discovery. It also provides that in those areas where just and reasonable rates have not yet been determined (areas outside the Permian and Southern Louisiana areas), the initial service ceilings established in the Commission's statement of general policy No. 61-1, as amended, shall apply. Respondent, however, has not filed the documents required by § 2.56(f) (2) of the Commission's rules of practice and procedure as prescribed in Opinion No. 567. Furthermore, since the proposed increased rate exceeds the initial service ceiling for North Louisiana of 18.5 cents, inclusive of tax reimbursement, it would not be acceptable under the provisions of Opinion No. 567. Good cause therefore does not exist for granting the requested effective date of November 1, 1969, and we shall suspend the proposed rate for 5 months from the expiration of the 30-day statutory notice period. However, if respondent submits the documents required by § 2.56(f) (2) of the Commission's rules of practice and procedure, and if these documents show that respondent is entitled under Opinion No. 567 to the initial rate ceiling in North Louisiana, then respondent's refund obligation in the subject suspension proceeding will be limited to amounts collected in excess of 18.75 cents per Mcf for sales of gas well gas or residue gas derived therefrom.

[F.R. Doc 70-420; Filed, Jan. 13, 1970; 8:45 a.m.]

[Docket No. G-7500 etc.]

**PAN AMERICAN PETROLEUM CORP.**  
**Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates<sup>1</sup>**

JANUARY 2, 1970.

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

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 19, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the ap-

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

propriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time re-

quired herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

[SEAL] KENNETH F. PLUMB,  
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-7500 (CS86-48) C 12-3-69 <sup>1</sup>	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex.	14.5	14.85
G-9396 D 12-4-69	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla., 74102 (partial abandonment).	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	(*)	-----
G-12908 C 12-4-69	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	22.0	14.65
G-13679 D 12-8-69	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., East La- Barge Field, Lincoln and Sub- lette Counties, Wyo.	Assigned	-----
G-15012 C 12-4-69	Skelly Oil Co.	El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex.	13.0551	15.025
C162-851 C 12-8-69	Depeco, Inc. (Operator), et al., c/o J. V. Kowalski, Assistant Secre- tary, 1625 Petroleum Club Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., South Blanco Field, Rio Arriba County, N. Mex.	13.0	15.025
C163-815 E 12-12-69	Pioneer Gas Products Co. (successor to Eleor Chemical Corp.), Post Office Box 511, Amarillo, Tex. 79105	Lone Star Gas Co., Madill Plant, Marshall County, Okla.	15.0	14.85
C163-1237 12-3-69 <sup>1</sup>	Nancy Lee Qualls, d.b.a. Central Production Co. (formerly Nancy Lee Elliott, d.b.a. Central Pro- duction Co.), Post Office Box 655, El Paso, Tex. 79944.	El Paso Natural Gas Co., Pictured Cliffs Field, Rio Arriba County, N. Mex.	11.0	15.025
C166-63 D 11-13-69	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001 (partial abandonment).	Northern Natural Gas Co., East Clark Area, Harper County, Okla.	(*)	-----
C167-1213 E 12-8-69	Kirby Petroleum Co. et al. (succe- sor to Kirby Royalties, Inc., et al.), Post Office Box 1745, Hous- ton, Tex. 77001.	Mountain Fuel Supply Co., West Side Canal Area, Moffat County, Colo.	15.0	15.025
C168-84 C 11-14-69	W. B. Osborn, Jr. (Operator) et al., Post Office Box 6767, San Antonio, Tex. 78209.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	17.0	14.65
C168-286 <sup>1</sup> E 12-3-69	Crystal Oil Co. (successor to David C. Bintliff (Operator) et al.), 600 Ray P. Oden Bldg., Shreveport, La. 71101.	Texas Gas Transmission Corp., South Thornwell Field, Jefferson Davis Parish, La.	21.25	15.025
C169-197 C 12-4-69	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	United Fuel Gas Co., Poca Dis- trict, Kanawha County, W. Va.	28.0	15.325
C169-637 <sup>1</sup> E 11-17-69	Crystal Oil Co. (successor to David C. Bintliff).	United Gas Pipe Line Co., South- west Kinder Field, Allen Parish, La.	21.25	15.025
C169-761 C 12-5-69	R. L. Moorhouse, Trustee, c/o Sol Smith, Esq., 815 Brown Bldg., Austin, Tex. 78701.	United Gas Pipe Line Co., Ewing Field, San Patricio County, Tex.	15.0	14.65
C170-482 (C167-1799) F 11-7-69	Samedan Oil Corp. et al. (successor to Apache Corp. (Operator) et al.), 301 Little Bldg., Ardmore, Okla. 73401.	Transwestern Pipeline Co., King Field Area, Lipscomb County, Tex.	18.918407	14.65
C170-504 (G-19572)	Arthur J. Wessely (successor to Shell Oil Co.,	Colorado Interstate Gas Co., a divi- sion of Colorado Interstate Corp., Southwest Camp Creek Field, Beaver County, Okla.	17.0	14.65
(G-13704)	Shell Oil Co., and	Northern Natural Gas Co., South- west Camp Creek Field, Beaver County, Okla.	17.0	14.65
(G-13098) F 11-24-69	Atlantic Richfield Co.) 2002 Repub- lic Bank Bldg., Dallas, Tex. 75201.	do	17.0	14.65
C170-510 (G-18708)	Phil W. Phillips (successor to At- lantic Richfield Co.	Michigan Wisconsin Pipe Line Co., Alexander and Woodson Gas Units, Laverne Area, Beaver County, Okla.	23.155	14.65
(G-18933) F 12-1-69	Apache Corp., Rural Route No. 1, Cleveland, Okla. 74020.	do	20.94 20.89	14.65 -----

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

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pres-sure base
C170-511 B 12-8-69	Apache Corp. (successor to Mobil Oil Corp., Post Office Box 2299, Tulsa, Okla. 74101.)	Natural Gas Pipeline Co. of America, Custer City Field, Custer County, Okla.	7 17.0	14.65
C170-512 A 12-2-69	Sheldon Petroleum Co., 904 Lubbock National Bank Bldg., Lubbock, Tex. 79401.	Valley Gas Transmission, Inc., Maczie Field, Goliad County, Tex.	14.0	14.65
C170-513 B 11-28-69	Wiley W. Singleton Drilling Co., Inc. (Operator) et al., c/o Keys, Russell, Watson & Seaman, 18th Floor, Driscoll Bldg., Corpus Christi, Tex. 78401.	Valley Gas Transmission Inc., Laguna Field, Live Oak County, Tex.	Depleted	
C170-514 A 12-3-69	White Shield Oil & Gas Corp. (Operator) et al., Post Office Box 2189, Tulsa, Okla. 74101.	Panhandle Eastern Pipe Line Co., Masson East Field, Seward County, Kans.	7 16.0	14.65
C170-515 F 12-3-69	White Shield Oil & Gas Corp. (Operator) et al. (successor to Amadarko Production Co. (Operator) et al.)	do	7 16.0	14.65
C170-516 A 12-3-69	Lear Petroleum Corp., c/o Joe Bob Brown, Attorney, 415 West Eighth St., Amarillo, Tex. 79101.	Transwestern Pipeline Co., Ivanhoe Field, Beaver County, Okla.	7 18.0	14.65
C170-517 A 12-4-69	I. A. Wyatt et al., 1421 First National Bldg., Oklahoma City, Okla. 73102.	Michigan Wisconsin Pipe Line Co., acreage in Major County, Okla.	7 19.5	4.65
C170-518 B 12-3-69	Nancy Lee Qualls (Operator) et al.	El Paso Natural Gas Co., Pictured Cliffs Field, Rio Arriba County, N. Mex.	(*)	
C170-519 A 12-4-69	Oakland Corp., Post Office Box 5152, Shreveport, La. 71105.	Texas Gas Transmission Corp., Walker Creek Field, Lafayette and Columbia Counties, Ark.	15 20.0	15.025
C170-520 A 12-4-69	Nichols Drilling Co. et al., Post Office Box 988, Duncan, Okla. 73533.	Panhandle Eastern Pipe Line Co., Rhoades Field Extension, Barber County, Kans.	7 16.0	14.65
C170-521 A 12-4-69	Bill Ferguson, d.b.a. Ferguson Oil Co., Suite 115, 100 Park Avenue Bldg., Oklahoma City, Okla. 73101.	Northeast Natural Gas Co., Eralyn Field, Seward County, Kans.	3 16.0	14.65
C170-522 A 12-4-69	Lee Scott, Post Office Box 417, Beipre, Ohio 45714.	Consolidated Gas Supply Corp., acreage in Gilmer County, W. Va.	27.0	15.325
C170-523 A 12-4-69	Kawanes Oil Co., Post Office Box 2289, Tulsa, Okla. 74101.	do	19 28.0	15.325
C170-524 A 12-4-69	Reeves Lewenthal, 530 Park Ave., New York, N.Y. 10021.	Consolidated Gas Supply Corp., Philippi District, Barbour County, W. Va.	27.0	15.325
C170-525 B 12-5-69	Bodewig Co. (Operator) et al., 1300 Mercantile Dallas Bldg., Dallas, Tex. 75201.	United Gas Pipe Line Co., Cotton Valley Field, Webster Parish, La.	Depleted	
C170-526 F 12-4-69	Crystal Oil Co. (successor to David C. Bintliff (Operator) et al.)	Trunkline Gas Co., East Lake Field, Jefferson Davis Parish, La.	21.25	15.025
C170-527 A 12-5-69	Raymond H. Hedge (Operator) et al., 314 Peoples National Bank Bldg., Tyler, Tex. 75701.	Texas Gas Transmission Corp., Red Rock-North Shongaloo Field, Webster Parish, La.	19.75	15.025
C170-528 A 12-5-69	White Shield Oil & Gas Corp. (Operator) et al.	United Gas Pipe Line Co., Joaquin Field, Shelby and Panola Counties, Tex.	7 17.0	14.65
C170-529 A 12-8-69	Pan American Petroleum Corp.	United Gas Pipe Line Co., West Bastian Bay Field, Plaquemines Parish, La.	21.25	15.025
C170-530 A 12-8-69	Professional Oil Management, Inc., Post Office Box 374, Ann Arbor, Mich. 48107.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	28.0	15.325
C170-531 A 12-4-69	J & H Productions, c/o Harold M. Phillips, Agent, 227 Worley Ave., Clarksburg, W. Va. 26301.	Pennzoil United, Inc., Ten Mile District, Harrison County, W. Va.	12.0	15.325
C170-532 A 12-8-69	Quaker State Oil Refining Corp., Post Office Box 989, Oil City, Pa. 16301.	Pennzoil United, Inc., Grant District, Wetzel County, W. Va.	15.0	15.325
C170-533 A 12-8-69	A. C. Radford & J. W. Frame, c/o A. C. Radford, Coowner, Post Office Box 6, Winfield, W. Va. 25213.	United Fuel Gas Co., Poca District, Kanawha County, W. Va.	28.0	15.325

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pres-sure base
C170-534 B 12-8-69	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Delta Farms Field, Lafourche Parish, La.	Depleted	
C170-535 A 12-10-69	Earlshoro Oil & Gas Co., Inc., 1380 First National Bldg., Oklahoma City, Okla. 73102.	Clinton Oil Co., Goodson Lease, Kay County, Okla.	6.2	14.65
C170-536 A 12-10-69	do	Clinton Oil Co., Carmichael Lease, Kay County, Okla.	6.2	14.65
C170-537 A 12-10-69	E. C. Ware, Post Office Box 7348, Beauty, Ky. 41203.	United Fuel Gas Co., acreage in Martin County, Ky.	27.0	15.325
C170-538 A 12-8-69	Kirby Petroleum Co. (Operator) et al.	Phillips Petroleum Co., Cheatham Lease, Hutchinson County, Tex.	20 14.0 21 13.5634 (2)	14.65
C170-539 A 12-10-69	Quaker State Oil Refining Corp.	The Ohio Fuel Gas Co., acreage in Meigs County, Ohio.	21 18.0	15.025
C170-540 F 12-11-69	Occidental Petroleum Corp. (successor to Glover Hehner Kennedy Oil Co.), 500 Stockdale Highway, Bakersfield, Calif. 93309.	Arkansas Louisiana Gas Co., North Carter Field, Beckham County, Okla.	21 17.9	14.65
C170-541 F 12-11-69	do	do	21 17.9	14.65
C170-542 A 12-11-69	Occidental Petroleum Corp.	Panhandle Eastern Pipe Line Co., North Carter Field, Beckham County, Okla.	27 16.65	14.65

- 1 Adds acreage acquired from Thornton Petroleum Corp. et al., Docket No. CS66-48.
- 2 Well is incapable of producing gas into Buyer's line.
- 3 Subject to upward B.t.u. adjustment.
- 4 Rate in effect subject to refund in Docket No. R168-543.
- 5 Amendment to certificate filed to reflect change in name.
- 6 Deletes interest of Gulf Oil Corp., now covered by Gulf's own contract.
- 7 Subject to upward and downward B.t.u. adjustment.
- 8 No permanent certificate issued; temporary authorization granted only.
- 9 Includes 1.838 cents upward B.t.u. adjustment and 0.082407-cent tax reimbursement.
- 10 Rate in effect subject to refund in Docket No. R165-475.
- 11 Rate in effect subject to refund in Docket No. R168-69.
- 12 Rate in effect subject to refund in Docket No. R168-90.
- 13 Rate in effect subject to refund in Docket No. R169-774.
- 14 Production from Woodson Unit. Rate in effect subject to refund in Docket No. R166-366.
- 15 Production from Alexander Unit. Rate in effect subject to refund in Docket No. R166-366.
- 16 Certificate issued to Kent Elliott (Operator), et al.
- 17 Acreage assigned to Buyer.
- 18 Applicant proposes 20.0 cents per Mcf or area ceiling rate, whichever is higher.
- 19 Includes 1 cent per Mcf gathering and transportation charge.
- 20 For sweet gas.
- 21 Less than 500 Mcf per month, rate shall be 22 cents per Mcf; 500 Mcf or more per month, 25 cents per Mcf; 1,000 Mcf or more per month, rate shall be 27 cents per Mcf.
- 22 Successor in interest to Sinclair Oil Corp. (now Atlantic Richfield Co.).
- 23 Rate in effect subject to refund in Docket No. R157-79.
- 24 Successor in interest to Shell Oil Co.
- 25 Rate in effect subject to refund in Docket No. R167-19.
- 26 Rate in effect subject to refund in Docket No. R167-19.
- 27 Includes 1.45 cents per Mcf B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

[F.R. Doc. 70-419; Filed, Jan. 13, 1970; 8:45 a.m.]

charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and

**SUN OIL CO. ET AL.**

**Order Providing for Hearings on and Suspension of Proposed Changes in Rates<sup>1</sup>**

JANUARY 2, 1970.

The respondents named herein have filed proposed increased rates and

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

that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

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

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

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until dis-

position of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 16, 1970.

By the Commission.

[SEAL]

KENNETH F. PLUMB,  
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended <sup>2</sup>	Date suspended until	Cents per Mcf at 14.65 p.s.i.a.		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI70-989	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa.	21	14	United Gas P/L Co. (Carthage Field, Panola County, Tex.) (RR. District No. 6).	\$316	12- 5-69	1- 5-70	Accepted	11.9298	14.0346	
RI70-990	A. G. Hill (Operator) et al., 1401 Elm St., Dallas, Tex. 75202.	3	5	Transwestern P/L Co. (Parsell Field, Hemphill County, Tex.) (RR. District No. 10).	11,425	12- 4-69	1- 4-70	6- 4-70	19.5853	26.1138	RI66-51.
RI70-991	do	1	7	Transwestern P/L Co., (Cree-Flowers Field, Roberts County, Tex.) (RR. District No. 10).	2,612	12- 4-69	1- 4-70	6- 4-70	19.5853	26.1138	RI66-63.
RI70-992	Petrodyne, Inc. et al., 310 Kermac Bldg., Oklahoma City, Okla.	2	5	Arkansas-Louisiana Gas Co. (Star Field, Kingfisher and Blaine Counties, Okla.) (Other Area).	365	12- 4-69	1- 4-70	6- 4-70	16.8	17.815	RI67-39.
RI70-993	Sunset International Petroleum Corp. et al., 2400 Fidelity Union Tower Bldg., Dallas, Tex. 75201.	41	12	Michigan-Wisconsin P/L Co. (Laverne Field, Beaver County, Okla.) (Panhandle Area).	541	12- 4-69	1- 4-70	6- 4-70	19.5	23.107	RI68-683.
RI70-994	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	46	7	Natural Gas P/L Co. of America (Southeast Camrick Pool, Beaver County, Okla.) (Panhandle Area).	86	12- 4-69	1- 4-70	6- 4-70	17.0	18.6	RI68-25.
	do	262	4	Natural Gas P/L Co. of America (Northwest Dover Gas Pool, Beaver County, Okla.) (Panhandle Area).	116	12- 4-69	1- 4-70	6- 4-70	17.8	18.4	RI65-547.
	do	265	3	Natural Gas P/L Co. of America (Southwest Boyd Pool, Beaver County, Okla.) (Panhandle Area).	54	12-4-69	1-4-70	6-4-70	17.0	18.6	
	do	267	2	Natural Gas P/L Co. of America (Mocane Pool, Beaver County, Okla.) (Panhandle Area).	1,063	12-4-69	1-4-70	6-4-70	17.0	18.0	
RI70-995	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19143.	69	8	Cities Service Gas Co. (Hardtner Field, Barber County, Kans.).	1,800	12-4-69	1-4-70	6-4-70	14.0	15.0	RI68-100.
RI70-996	Edwin L. Cox (Operator) et al., 3800 First National Bank, Dallas, Tex. 75202.	75	2	Cimarron Transmission Co. (Eville Area, Love County, Okla.) (Other Area).	7,300	12-4-69	1-4-70	6-4-70	15.0	17.0	
RI70-997	Sunset International Petroleum Corp. et al., 2400 Fidelity Union Tower Bldg., Dallas, Tex. 75201.	35	14	El Paso Natural Gas Co. (North Perrytown Field, Ochiltree County, Tex.) (RR. District No. 10).	434	12-5-69	1-5-70	6-5-70	17.06375	23.08625	
RI70-998	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001.	222	4	Cities Service Gas Co. Northeast Waynoka Field, Woods County, Okla.) (Other Area).	730	12-5-69	1-5-70	6-5-70	14.0	* 15.0	RI67-272.
	do	369	1	Panhandle Eastern P/L Co. (Postle-Hough Field, Texas County, Okla.) (Panhandle Area).	2,285	12-5-69	1-5-70	6-5-70	16.0	17.015	
	do	385	2	Panhandle Eastern P/L Co. (Panhandle Field, Moore County, Tex.) (RR. District No. 10).	342	12-5-69	1-5-70	6-5-70	16.0	17.0638	

<sup>1</sup> The stated effective date is the first day after expiration of the statutory notice period.

<sup>2</sup> Buyer deducts 0.75 cent for dehydration from rate shown.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 70-421; Filed, Jan. 13, 1970; 8:45 a.m.]

[Docket No. G-12793]

**EL PASO NATURAL GAS CO.**

**Notice of Petition To Amend**

JANUARY 7, 1970.

Take notice that on December 29, 1969, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. G-12793 a petition to amend further the order of the Commission issued on September 10, 1957, in the subject docket, to authorize an increase in the volumetric limitation on the delivery of natural gas to the Stauffer Chemical Co. (Stauffer) for use in its

chemical processing plant near Sage, Wyo., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant was initially authorized to transport up to 300 Mcf of natural gas per day to Stauffer. This volume was increased by authorizations up to 1,350 Mcf per day by the amendments to the order of the Commission of September 24, 1958, and May 24, 1966. Applicant states that it has been advised by Stauffer that it has installed a washing plant and related facilities at its Sage plant which has increased its maximum firm daily

requirement to 1,500 Mcf of natural gas per day. Applicant further states that Stauffer has increased its annual requirements to 400,000 Mcf in 1970, and 450,000 Mcf for the years 1971-74, and applicant therefore requests an increase in the volumetric limitation to 1,500 Mcf per day.

Applicant states that no new facilities will be needed for the delivery of the proposed volumes.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 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.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 70-493; Filed, Jan. 13, 1970;  
8:49 a.m.]

[Docket No. CP70-161]

**MISSOURI EDISON CO. AND PANHANDLE EASTERN PIPE LINE CO.**

**Notice of Application**

JANUARY 7, 1970.

Take notice that on December 29, 1969, Missouri Edison Co. (applicant), 202 South Third Street, Louisiana, Mo. 63353, filed in Docket No. CP70-161 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Panhandle Eastern Pipe Line Co. (respondent) to establish physical connection of facilities and to sell and deliver natural gas to applicant for a proposed addition to its gas distribution system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests an additional physical connection on respondent's line at the northerly edge of Louisiana, Mo., for resale and distribution of gas to Hercules, Inc., whose contract with respondent for delivery has expired and now has requested applicant to furnish the supply. The estimated maximum annual and daily requirements for the first 3 years of operation are 3,693,000 Mcf and 13,500 Mcf, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 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). 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.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 70-494; Filed, Jan. 13, 1970;  
8:49 a.m.]

[Docket No. RI70-1002, etc.]

**SUPERIOR OIL CO.**

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

JANUARY 5, 1970.

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

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

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

The Commission orders:

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

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf	
									Rate in effect	Proposed increased rate
RI70-1002...	The Superior Oil Co.	105	2	Cities Service Gas Co.—Oklahoma, Other Area.	\$1,732	12-10-69	1-10-70	1-11-70	14.0	15.0
RI70-1003...	Westmore Drilling Co.	1	1	Cities Service Gas Co.—Kans.	2,160	12-8-69	1-8-70	1-9-70	14.0	15.0
RI70-1004...	Westmore Drilling Co., Inc. (Operator), et al.	4	1	do	720	12-8-69	1-8-70	1-9-70	14.0	15.0
RI70-1005...	Gulf Oil Corp.	406	1	Kansas-Nebraska Natural Gas Co., Inc.	20,988	12-12-69	12-12-69	12-13-69	17.0	17.0575

<sup>1</sup> Pursuant to the Commission's Order No. 390, issued Oct. 10, 1969.

[F.R. Doc. 70-460; Filed, Jan. 13, 1970; 8:46 a.m.]

[Docket No. CP70-160]

**UNITED GAS PIPE LINE CO. AND  
TEXAS EASTERN TRANSMISSION  
CORP.**

**Notice of Application**

JANUARY 7, 1970.

Take notice that on December 29, 1969, United Gas Pipe Line Co. (United), 1500 Southwest Tower, Houston, Tex. 77002, and Texas Eastern Transmission Corp. (Texas Eastern), Post Office Box 2521, Houston, Tex. 77001, filed in Docket No. CP70-160 a joint 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 and the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to install a tap on Texas Eastern's Clinton-Kosciusko 30-inch line; construct approximately 590 feet of 6-inch line; install an orifice meter regulator and appurtenant facilities to connect United's 6-inch Canton Lateral in sec. 27, T. 8 N., R. 2 E., Madison County, Miss., to Texas Eastern's Clinton-Kosciusko line; and to establish a point of exchange through an existing sales meter station in sec. 14, T. 13 N., R. 7 E., Attala County, Miss.

Applicants state that the receipt of additional gas by United on its 6-inch Canton Lateral Line will provide needed peak period volumes for the customers served from said lateral and these volumes will be returned concurrently at the existing point of intersection between the systems of the two companies near Kosciusko, Miss.

The total estimated cost of the proposed facilities is \$28,505, which will be financed from general funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 30, 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 re-

view 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 applicants to appear or be represented at the hearing.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 70-495; Filed, Jan. 13, 1970;  
8:49 a.m.]

[Project No. 962]

**WASHINGTON**

**Order Vacating Withdrawals**

JANUARY 6, 1970.

Application has been filed by the U.S. Forest Service (applicant) for vacation of the land withdrawals pertaining to the following described lands of the United States:

WILLAMETTE MERIDIAN, WASHINGTON

T. 18, N., R. 10 E. (unsurveyed),  
Sec. 34, approximately.

All lands within the project boundaries, as shown on the map designated "Exhibit F" and entitled "Silver Springs Hydro-Electric Project of John Espen, Enumclaw, Washington," and filed in the office of the Federal Power Commission on February 18, 1929.

Also, all lands within the project boundaries, as shown on the map designated "Exhibit F" and entitled "Hydroelectric Power Project of John Espen, Enumclaw, Washington," and filed in the office of the Federal Power Commission on July 6, 1936.

The lands lie within the Snoqualmie National Forest and are located along Silver Creek, a tributary of the White River, near Mount Rainier, in Pierce County, Wash.

The lands were withdrawn for power purposes pursuant to the filing on February 18, 1929 of an application for license for Project No. 962 and pursuant to the filing on July 6, 1936 of an application for amendment of license for the project. Notices of the withdrawals were given to the General Land Office (now Bureau of Land Management) by Commission letters dated March 29, 1929, and September 14, 1936, respectively.

The last of three 10-year licenses for Project No. 962 (generating equipment of 4 kw. capacity) expired on July 17, 1960. Applicant has advised that the project structures have been removed; the project area has been restored to a condition satisfactory to applicant; and commercial power is available in the area.

According to the U.S. Geological Survey, the drainage area of Silver Creek above former Project No. 962 is less than 12 square miles, there are no potential storage sites within the basin, and no plans are known to be under consider-

ation for the development of water power on Silver Creek.

The Commission finds: Inasmuch as the subject lands have insignificant power value, the land withdrawals pertaining thereto serve no useful purpose and should be vacated.

The Commission orders: The withdrawals of the subject lands pursuant to the application for Project No. 962 are hereby vacated.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Acting Secretary.

[F.R. Doc. 70-459; Filed, Jan. 13, 1970;  
8:46 a.m.]

**INTERSTATE COMMERCE  
COMMISSION**

**FOURTH SECTION APPLICATION FOR  
RELIEF**

JANUARY 9, 1970.

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. 41855—*Joint motor-rail rates on lumber and related articles from points in Colorado and New Mexico.* Filed by Western Trunk Line Committee, agent (No. A-2613), for and on behalf of the Rio Grande Motor Way, Inc., and interested rail carriers. Rates on lumber, forest products, and related articles, in carloads, as described in the application, from points in Colorado and New Mexico on the routes of the named motor carrier, to points in official, southwestern and western trunkline territories.

Grounds for relief—Abandonment of rail stations.

Tariffs—Supplement 59 to Western Trunk Line Committee, agent, tariff ICC A-4555, supplement 39 to Southwestern Freight Bureau, agent, tariff ICC 4832, and supplement 58 to Denver and Rio Grande Western Railroad Co. tariff ICC 1054.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 70-473; Filed, Jan. 13, 1970;  
8:47 a.m.]

[Notice 584]

**MOTOR CARRIER ALTERNATE ROUTE  
DEVIATION NOTICES**

JANUARY 9, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 1042.1



(c) (8) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 109598 (Deviation No. 13), CAROLINA SCENIC STAGES, Post Office Box 2387, Charlotte, N.C. 28201, filed December 29, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Batesburg, S.C. (Junction U.S. Highway 178 and U.S. Highway 1), over U.S. Highway 1 to Augusta, Ga., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service route as follows: (1) From Newberry, S.C., over South Carolina Highway 121 (formerly South Carolina Highway 19) via Saluda and Johnston, S.C., to junction U.S. Highway 25, thence over U.S. Highway 25 to Augusta, Ga.; (2) from Saluda, S.C., over U.S. Highway 178 to Batesburg, S.C., thence over U.S. Highway 1 to Columbia, S.C. (also from Saluda over South Carolina Highway 39 to junction South Carolina Highway 23, thence over South Carolina Highway 23 to junction U.S. Highway 178); and (3) from Johnston, S.C., over South Carolina Highway 23 to junction South Carolina Highway 39, and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[FR. Doc. 70-474; Filed, Jan. 13, 1970;  
8:47 a.m.]

[Notice 1]

#### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 9, 1969.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d) (11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d) (11)).

Protests against the use of any proposed deviation route herein described

may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d) (12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PROPERTY

No. MC 33641 (Deviation No. 8), IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110, filed December 24, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Salem, Ill. (junction U.S. Highway 50 and Illinois Highway 37), over Illinois Highway 37 to Mount Vernon, Ill., thence over U.S. Highway 460 to Carmi, Ill., thence over Illinois Highway 1 to junction Interstate Highway 64 near Grayville, Ill., thence over Interstate Highway 64 to junction U.S. Highway 41 near Stacer, Ind., thence over U.S. Highway 41 to junction Indiana Highway 68, thence over Indiana Highway 68 to junction Indiana Highway 57, thence over Indiana Highway 57 to junction Indiana Highway 64, thence over Indiana Highway 64 to junction Interstate Highway 64 near Duncan, Ind., thence over Interstate Highway 64 to Louisville, Ky., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 50 to Shoals, Ind., thence over U.S. Highway 150 to Louisville, Ky., and return over the same route.

No. MC 33641 (Deviation No. 9), IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110, filed December 24, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 50 and Interstate Highway 57 near Salem, Ill., over Interstate Highway 57 to junction Illinois Highway 15 near Mount Vernon, Ill., thence over Illinois Highway 15 to junction U.S. Highway 460 at Mount Vernon, Ill., thence over U.S. Highway 460 to Carmi, Ill., thence over Illinois Highway 1 to junction Interstate Highway 64 near Grayville, Ill., thence over Interstate Highway 64 to junction U.S. Highway 41 near Stacer, Ind., thence over U.S. Highway 41 to junction Indiana Highway 68, thence over Indiana Highway 68 to junction Indiana Highway 57, thence over Indiana Highway 57 to junction Indiana Highway 64, thence over Indiana Highway 64 to junction Interstate Highway 64 near Duncan, Ind., thence over Interstate Highway 64 to Louisville, Ky., and return over the same route for operating convenience only.

The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 50 to Shoals, Ind., thence over U.S. Highway 150 to Louisville, Ky., and return over the same route.

No. MC 33641 (Deviation No. 10), IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110, filed December 29, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Louisville, Ky., and Cincinnati, Ohio, over Interstate Highway 71, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Louis, Mo., over U.S. Highway 50 via Shoals, Ind., to Cincinnati, Ohio; and (2) from St. Louis, Mo., over U.S. Highway 50 to Shoals, Ind., thence over U.S. Highway 150 to Louisville, Ky., and return over the same routes, restricted (1) to the transportation of commodities moving from, to, or through points in the St. Louis, Mo., commercial zone, as defined by the Commission, and Centralia, Ill.; and (2) against the transportation of traffic moving between the Louisville, Ky., commercial zone as defined by the Commission, on the one hand, and, on the other, the Cincinnati, Ohio, commercial zone as defined by the Commission.

No. MC 33641 (Deviation No. 11), IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110, filed December 29, 1969. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over U.S. Highway 40 to junction U.S. Highway 13 near State Road, Del., thence over U.S. Highway 13 to Philadelphia, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Cincinnati, Ohio, over Ohio Highway 3 to junction Ohio Highway 350, thence over Ohio Highway 350 to Clarksville, Ohio, thence over unnumbered highway (formerly portion Ohio Highway 3) to junction Ohio Highway 3, thence over Ohio Highway 3 to Columbus, Ohio, thence over U.S. Highway 40 to junction Ohio Highway 440, thence over Ohio Highway 440 via Hebron and Jacksontown, Ohio, to junction U.S. Highway 40, thence over U.S. Highway 40 to Cambridge, Ohio, thence over U.S. Highway 22 to junction Pennsylvania Highway 60, thence over Pennsylvania Highway 60 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Export and Delmont, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 via Harrisburg, Pa., to junction Interstate Highway 83 (formerly portion U.S. Highway 111),

thence over Interstate Highway 83 to York, Pa., thence over unnumbered highway (formerly portion U.S. Highway 111) via Jacobus, Logansville, and Shrewsbury, Pa., to the Pennsylvania-Maryland State line, thence over Maryland Highway 45 via Hereford and Cockeysville, Md., to junction Interstate Highway 83 (formerly portion U.S. Highway 111), thence over Interstate Highway 83 to Baltimore, Md., thence over U.S. Highway 1 to junction unnumbered highway (formerly portion U.S. Highway 1), thence over unnumbered highway via Media, Pa., to Philadelphia, Pa., thence over U.S. Highway 1 to junction Alternate U.S. Highway 1, thence over Alternate U.S. Highway 1 via Morrisville, Pa., to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., and return over the same route, restricted to service to or from the termini and intermediate and off-route points to traffic moving to or from points in Ohio.

No. MC 33641 (Deviation No. 12), IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110, filed December 30, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 22 and Pennsylvania Highway 512 near Bethlehem, Pa., over Pennsylvania Highway 512 to junction Pennsylvania Highway 115 near Wind Gap, Pa., thence over Pennsylvania Highway 115 to junction U.S. Highway 209 near Sciota, Pa., thence over U.S. Highway 209 to junction U.S. Highway 611 near Stroudsburg, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Cincinnati, Ohio, over Ohio Highway 3 to junction Ohio Highway 350, thence over Ohio Highway 350 to Clarksville, Ohio, thence over Ohio Highway 3 to junction Ohio Highway 3, thence over Ohio Highway 3 to Columbus, Ohio, thence over U.S. Highway 40 to junction Ohio Highway 440, thence over Ohio Highway 440 via Hebron and Jacksontown, Ohio, to junction U.S. Highway 40, thence over U.S. Highway 40 to Cambridge, Ohio, thence over U.S. Highway 22 to junction Pennsylvania Highway 60, thence over Pennsylvania Highway 60 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Export and Delmont, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 via Harrisburg, Pa., to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Ono and Jonestown, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway via Upper Bern and Hamburg, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Elizabeth, N.J.; and

(2) From Columbus, Ohio, over U.S. Highway 23 to Waldo, Ohio, thence over

Ohio Highway 98 to Bucyrus, Ohio, thence over U.S. Highway 30N to Mansfield, Ohio, thence over unnumbered highway (formerly portion U.S. Highway 30), to junction U.S. Highway 30 at Mifflin, Ohio, thence over U.S. Highway 30 to East Liverpool, Ohio, thence over Ohio Highway 39 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 68 to Rochester, Pa., thence over Pennsylvania Highway 65 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Export and Delmont, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Hollidaysburg, Pa., thence over U.S. Highway 220 to junction Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14), at or near Halls, Pa., thence over Pennsylvania Highway 147 via Muncy, Pa., to Northumberland, Pa., thence over U.S. Highway 11 to Scranton, Pa., thence over U.S. Highway 611 to Portland, Pa., thence over U.S. Highway 46 to Buttzville, N.J., thence over New Jersey Highway 31 (formerly New Jersey Highway 69) to junction U.S. Highway 22, thence over U.S. Highway 22 to Elizabeth, N.J., thence over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 via Hartford, Conn., to Springfield, Mass., thence over U.S. Highway 20 to Boston, Mass., restriction, service to or from the termini and all intermediate and off-route points on the above routes restricted to traffic moving to or from points in Ohio and return over the same routes.

No. MC 33641 (Deviation No. 13), IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110, filed December 30, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 22 and Pennsylvania Turnpike Extension near Allentown, Pa., over the Pennsylvania Turnpike Extension to Yatesville, Pa., thence over Interstate Highway 81 to Scranton, Pa., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Columbus, Ohio, over U.S. Highway 23 to Waldo, Ohio, thence over Ohio Highway 98 to Bucyrus, Ohio, thence over U.S. Highway 30N to Mansfield, Ohio, thence over unnumbered highway (formerly portion U.S. Highway 30), to junction U.S. Highway 30 at Mifflin, Ohio, thence over U.S. Highway 30 to East Liverpool, Ohio, thence over Ohio Highway 39 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 68 to Rochester, Pa., thence over Pennsylvania Highway 65 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Export and Delmont, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to

Hollidaysburg, Pa., thence over U.S. Highway 220 to junction Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14), at or near Halls, Pa., thence over Pennsylvania Highway 147 via Muncy, Pa., to Northumberland, Pa., thence over U.S. Highway 11 to Scranton, Pa., thence over U.S. Highway 611 to Portland, Pa., thence over U.S. Highway 46 to Buttzville, N.J., thence over New Jersey Highway 31 (formerly New Jersey Highway 69) to junction U.S. Highway 22, thence over U.S. Highway 22 to Elizabeth, N.J., thence over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 via Hartford, Conn., to Springfield, Mass., thence over U.S. Highway 20 to Boston, Mass.; and

(2) From Cincinnati, Ohio, over Ohio Highway 3 to junction Ohio Highway 350, thence over Ohio Highway 350 to Clarksville, Ohio, thence over unnumbered highway (formerly portion Ohio Highway 3) to junction Ohio Highway 3, thence over Ohio Highway 3 to Columbus, Ohio, thence over U.S. Highway 40 to junction Ohio Highway 440, thence over Ohio Highway 440 via Hebron and Jacksontown, Ohio, to junction U.S. Highway 40, thence over U.S. Highway 40 to Cambridge, Ohio, thence over U.S. Highway 22 to junction Pennsylvania Highway 60, thence over Pennsylvania Highway 60 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Export and Delmont, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 via Harrisburg, Pa., to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Ono and Jonestown, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Upper Bern and Hamburg, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Elizabeth, N.J., thence over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 via Hartford, Conn., to Springfield, Mass., thence over U.S. Highway 20 to Boston, Mass., restriction, with service to or from the termini and all intermediate and off-route points on the above routes restricted to traffic moving to or from points in Ohio, and return over the same routes.

No. MC 33641 (Deviation No. 14), IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110, filed December 30, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Columbus, Ohio, over Interstate Highway 71 to Cleveland, Ohio, thence over Interstate Highway 90 to Albany, N.Y., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service (1) from Cincinnati, Ohio, over Highway 3 to junction Ohio Highway 350,

thence over Ohio Highway 350 to Clarksville, Ohio, thence over unnumbered highway (formerly portion Ohio Highway 3) to junction Ohio Highway 3, thence over Ohio Highway 3 to Columbus, Ohio, thence over U.S. Highway 40 to junction Ohio Highway 440, thence over Ohio Highway 440 via Hebron and Jacksontown, Ohio, to junction U.S. Highway 40, thence over U.S. Highway 40 to Cambridge, Ohio, thence over U.S. Highway 22 to junction Pennsylvania Highway 60, thence over Pennsylvania Highway 60 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Export and Delmont, Pa., to junction U.S. Highway 22 via Harrisburg, Pa., to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Ono and Jonestown, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Upper Bern and Hamburg, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Elizabeth, N.J., thence over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 via Hartford, Conn., to Springfield, Mass., thence over U.S. Highway 20 to Boston, Mass.;

(2) From New York, N.Y., over U.S. Highway 9 to Albany, N.Y., thence over U.S. Highway 9 to Albany, N.Y., thence over U.S. Highway 20 to Springfield, Mass., with service to and from the termini and intermediate and off-route points on the above routes restricted to traffic moving to or from points in Ohio; (3) from Cincinnati, Ohio, to Harrisburg, Pa., as specified in Route (1) above, thence over Interstate Highway 83 (formerly portion U.S. Highway 111), to York, Pa., thence over unnumbered highway (formerly portion U.S. Highway 111) via Jacobus, Logansville, and Shrewsbury, Pa., to the Pennsylvania-Maryland State line, thence over Maryland Highway 45 via Hereford and Cockeyville, Md., to junction Interstate Highway 83 (formerly portion U.S. Highway 111), thence over Interstate Highway 83 to Baltimore, Md., thence over U.S. Highway 1 to junction unnumbered highway (formerly portion U.S. Highway 1), thence over unnumbered highway via Media, Pa., to Philadelphia, Pa., thence over U.S. Highway 1 to junction Alternate U.S. Highway 1, thence over Alternate U.S. Highway 1 via Morrisville, Pa., to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y.; and (4) from Cincinnati, Ohio, to Harrisburg, Pa., as specified in Route (1) above, thence over U.S. Highway 422 to Philadelphia, Pa., thence over Delaware River Bridge to Camden, N.J., thence over U.S. Highway 130 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y. (also from Cincinnati to Harrisburg as specified above, thence over U.S. Highway 230 to junction unnumbered highway (formerly U.S. Highway 230), thence over unnumbered highway via Landisville, Pa., to Lan-

caster, Pa., thence over U.S. Highway 30 to Philadelphia, Pa., thence to New York, N.Y., as specified above); and return over the same route.

No. MC 33641 (Deviation No. 15), IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110, filed December 31, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Harrisburg, Pa., and Scranton, Pa., over Interstate Highway 81, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Cincinnati, Ohio, over Ohio Highway 3 to junction Ohio Highway 350, thence over Ohio Highway 350 to Clarksville, Ohio, thence over unnumbered highway (formerly portion Ohio Highway 3) to junction Ohio Highway 3, thence over Ohio Highway 3 to Columbus, Ohio, thence over U.S. Highway 40 to junction Ohio Highway 440, thence over Ohio Highway 440 via Hebron and Jacksontown, Ohio, to junction U.S. Highway 40, thence over U.S. Highway 40 to Cambridge, Ohio, thence over U.S. Highway 22 to junction Pennsylvania Highway 60, thence over Pennsylvania Highway 60 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Export and Delmont, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 via Harrisburg, Pa., to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Ono and Jonestown, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Upper Bern and Hamburg, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Elizabeth, N.J., thence over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 via Hartford, Conn., to Springfield, Mass., thence over U.S. Highway 20 to Boston, Mass.;

(2) From Columbus, Ohio, over U.S. Highway 23 to Waldo, Ohio, thence over Ohio Highway 98 to Bucyrus, Ohio, thence over U.S. Highway 30N to Mansfield, Ohio, thence over unnumbered highway (formerly portion U.S. Highway 30), to junction U.S. Highway 30 at Mifflin, Ohio, thence over U.S. Highway 30 to East Liverpool, Ohio, thence over Ohio Highway 39 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 68 to Rochester, Pa., thence over Pennsylvania Highway 65 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Export and Delmont, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Hollidaysburg, Pa., thence over U.S. Highway 220 to junction Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14), at or near Halls, Pa., thence over Pennsylvania

Highway 147 via Muncy, Pa., to Northumberland, Pa., thence over U.S. Highway 11 to Scranton, Pa., thence over U.S. Highway 611 to Portland, Pa., thence over U.S. Highway 46 to Buttzville, N.J., thence over New Jersey Highway 31 (formerly New Jersey Highway 69) to junction U.S. Highway 22, thence over U.S. Highway 22 to Elizabeth, N.J., thence over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 via Hartford, Conn., to Springfield, Mass., thence over U.S. Highway 20 to Boston, Mass.; and (3) from Lewistown, Pa., over U.S. Highway 522 to Selinsgrove, Pa., thence over U.S. Highway 11 to Northumberland, Pa., restriction, service to and from the termini and all intermediate and off-route points on the above routes is restricted to traffic moving to or from points in Ohio, and return over the same routes.

No. MC 33641 (Deviation No. 16), IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110, filed December 31, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Oxford, Pa., over Pennsylvania Highway 10 to Morgantown, Pa., thence over Interstate Highway 176 to Reading, Pa., thence over Pennsylvania Highway 61 to junction Interstate Highway 81 near Frackville, Pa., thence over Interstate Highway 81 to Scranton, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Cincinnati, Ohio, over Ohio Highway 3 to junction Ohio Highway 350, thence over Ohio Highway 350 to Clarksville, Ohio, thence over unnumbered highway (formerly portion Ohio Highway 3) to junction Ohio Highway 3, thence over Ohio Highway 3 to Columbus, Ohio, thence over U.S. Highway 40 to junction Ohio Highway 440, thence over Ohio Highway 440 via Hebron and Jacksonville, Ohio, to junction U.S. Highway 40, thence over U.S. Highway 40 to Cambridge, Ohio, thence over U.S. Highway 22 to junction Pennsylvania Highway 60, thence over Pennsylvania Highway 60 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Export and Delmont, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 via Harrisburg, Pa., to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Ono and Jonestown, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Upper Bern and Hemburg, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Elizabeth, N.J., thence over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 via Hartford, Conn., to Springfield, Mass., thence over U.S. Highway 20 to Boston, Mass.;

(2) From Cincinnati, Ohio, to Harrisburg, Pa., as specified in Route (1) above, thence over Interstate Highway 83 (formerly portion U.S. Highway 111), thence over Interstate Highway 83 to York, Pa., thence over unnumbered highway (formerly portion U.S. Highway 111) via Jacobus, Logansville, and Shrewsbury, Pa., to the Pennsylvania-Maryland State line, thence over Maryland Highway 45 via Hereford and Cockeysville, Md., to junction Interstate Highway 83 (formerly portion U.S. Highway 111), thence over Interstate Highway 83 to Baltimore, Md., thence over U.S. Highway 1 to junction unnumbered highway (formerly portion U.S. Highway 1), thence over unnumbered highway via Media, Pa., to Philadelphia, Pa., thence over U.S. Highway 1 to junction Alternate U.S. Highway 1, thence over Alternate U.S. Highway 1 via Morrisville, Pa., to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y.; and (3) from Columbus, Ohio, over U.S. Highway 23 to Waldo, Ohio, thence over Ohio Highway 98 to Bucyrus, Ohio, thence over U.S. Highway 30N to Mansfield, Ohio, thence over unnumbered highway (formerly portion U.S. Highway 30), to junction U.S. Highway 30 at Millin, Ohio, thence over U.S. Highway 30 to East Liverpool, Ohio, thence over Ohio Highway 39 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 68 to Rochester, Pa., thence over Pennsylvania Highway 65 to Pittsburgh, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly portion U.S. Highway 22), thence over unnumbered highway via Export and Delmont, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to Hollidaysburg, Pa., thence over U.S. Highway 220 to junction Pennsylvania Highway 147 (formerly portion Pennsylvania Highway 14), at or near Hulls, Pa., thence over Pennsylvania Highway 147 via Muncy, Pa., to Northumberland, Pa., thence over U.S. Highway 11 to Scranton, Pa., thence over U.S. Highway 611 to Portland, Pa., thence over U.S. Highway 46 to Buttzville, N.J., thence over New Jersey Highway 31 (formerly New Jersey Highway 69) to junction U.S. Highway 22, thence over U.S. Highway 22 to Elizabeth, N.J., thence over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 via Hartford, Conn., to Springfield, Mass., thence over U.S. Highway 20 to Boston, Mass., restriction with service to or from the termini and all intermediate and offroute points on the routes above restricted to traffic moving to or from points in Ohio, and return over the same routes.

No. MC 59583 (Deviation No. 37), THE MASON & DIXON LINES, INCORPORATION, Post Office Box 969, Kingsport, Tenn. 37662, filed December 23, 1969. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 30, thence over U.S. Highway 30 to Fort Wayne, Ind., thence over U.S. Highway 33 to Columbus, Ohio,

and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service route as follows: (1) From Chattanooga, Tenn., over U.S. Highway 41 to Nashville, Tenn., thence over U.S. Highway 31W via Goodlettsville, Tenn., to Sellersburg, Ind., thence over U.S. Highway 31 to junction Alternate U.S. Highway 31, thence over Alternate U.S. Highway 31 via Seymour, Ind., to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Indiana Highway 431, at a point just south of Greenwood, Ind., thence over Indiana Highway 431 to Indianapolis, Ind., thence over U.S. Highway 52 to Kentland, Ind., thence over U.S. Highway 41 to Chicago, Ill.; and (2) from Indianapolis, Ind., over U.S. Highway 40 to junction Ohio Highway 440 near Vandalia, Ohio, thence over U.S. Highway 40 to Columbus, Ohio, and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 70-475; Filed, Jan. 13, 1970;  
8:47 a.m.]

[Notice 5]

#### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 9, 1970.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

#### APPLICATIONS ASSIGNED FOR ORAL HEARING

##### MOTOR CARRIERS OF PROPERTY

Nos. MC 30209 (Sub-No. 6) (Republication) filed April 10, 1962, published in the FEDERAL REGISTER issue of May 9, 1962; and MC 30209 (Sub-No. 9) filed September 11, 1962, published in the FEDERAL REGISTER issues of October 24, 1962 and November 7, 1962; and Subs 6 and 9 petition filed October 23, 1964, published in the FEDERAL REGISTER issue of November 11, 1964, and republished this issue. Applicant: JOHN O'SHEA, INC., Foot of Birch Street, Ridgefield Park, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. By petition filed September 19, 1969, application is made to amend permits Nos. MC 30209 (Sub-Nos. 6 and 9), in order to substitute S and W Fine Foods, Inc., of Carlstadt, N.J., for Seeman Bros., Inc., or Francis H. Leggett and Co., a wholly owned subsidiary of Seeman Bros., Inc., as the shipper for whom service may be performed, and in order to substitute the warehouse site of S and W Fine Foods, Inc., for that of Seeman Bros., Inc., in the territorial description contained in permit No. MC 30209 (Sub-No. 9). An order of the Commission, Operation Rights Board dated December 12, 1969, and served December 29, 1969, finds that in Nos., MC 30209 (Sub-Nos. 6 and 9), operation by petitioner, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes: In permit No. MC 30209 (Sub-No. 6), as modified, of such merchandise, as in dealt in by wholesale and retail grocery businesses, between Carlstadt, N.J., on the one hand, and, on the other, points in Orange, Rockland, Westchester, Nassau, and Suffolk Counties, N.Y., and points in Northampton, Lehigh, and Berks Counties, Pa.

Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with S and W Fine Foods, Inc., Carlstadt, N.J. In permit No. MC 30209 (Sub-No. 9), as modified, of such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, from the warehouse site of S and W Fine Foods, Inc., at Carlstadt, N.J., to Albany, N.Y., and points in Sullivan, Ulster, Dutchess, and Putnam Counties, N.Y.; and returned shipments of the above-described commodities, from Albany, N.Y., and points in Sullivan, Ulster, Dutchess, and Putnam Counties, N.Y., to the warehouse site of S and W Fine Foods, Inc., at Carlstadt, N.J. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract with S and W Fine Foods, Inc., Carlstadt, N.J., will be consistent with the public interest and the national transportation policy; that petitioner is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. No notice of the said petition was given in as much as the petition was not published in the FEDERAL REGISTER, and because it is possible that other parties may have an interest in and would be prejudiced by the lack of notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of permits in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

#### NOTICE OF FILING OF PETITION

No. MC 42240 (notice of filing of petition for interpretation of property broker license). Petitioner: MOTOR

CARRIER SERVICE BUREAU, INC., New York, N.Y. Petitioner's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. By petition dated December 19, 1969, (1) petitioner indicates that it holds broker license No. MC-42240 which authorizes it to engage in operations as a broker at New York, N.Y., in providing, procuring, furnishing, or arranging for the transportation by motor vehicle, in interstate or foreign commerce, over irregular routes, of general commodities, except fish and fresh vegetables, (a) between points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (b) between New York, N.Y., on the one hand, and, on the other, points in the above-specified States, and (2) petitioner requests that, upon investigation and such hearing as may be found necessary, the Commission interpret the above-noted license as authorizing it to conduct its business as a property broker not only at New York, N.Y., but at any point where petitioner deems there is a practical need for such operation. Any interested person desiring to participate in this proceeding may file an original and six copies of his written representations, views or argument, supporting or opposing the relief sought, within 30 days from the date of this publication in the FEDERAL REGISTER.

#### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

#### MOTOR CARRIERS OF PROPERTY

No. MC-F-10631 (Substitution) (INTERSTATE TRUCK SERVICE, INC.—Purchase (Portion)—HENNIS FREIGHT LINES, INC., OF NEBRASKA) published in the October 16, 1969, issue of the FEDERAL REGISTER, on page 16581. By motion filed January 5, 1970, MIDWEST EMERY FREIGHT SYSTEM, INC. seeks to be substituted as transferee in lieu of INTERSTATE TRUCK SERVICE, INC.

No. MC-F-10701. Authority sought for merger into PENNSYLVANIA TRUCK LINES, INC., 49th Street and Parkside Avenue, Philadelphia, Pa. 19101, of the operating rights and property (1) MERCHANTS TRUCKING COMPANY, 1234 Cary Street, Norfolk, Va. 23504, (2) NEW YORK CENTRAL TRANSPORT COMPANY, 49th Street and Parkside Avenue, Philadelphia, Pa. 19101, and (3) PENN TRUCK COMPANY, INC., 1241 Gibbard Avenue, Columbus, Ohio 43219, and for acquisition by PENN CENTRAL TRANS-

PORTATION COMPANY, 6 Penn Center, Philadelphia, Pa. 19103, of control of such rights and property through the transaction. Applicants' attorney: Gilbert Nurick, Post Office Box 1166, Harrisburg, Pa. 17108. Operating rights sought to be controlled and merged: (1) *General commodities*, excepting, among others, dangerous explosives, household goods, and commodities in bulk, as a *common carrier*, over regular routes, between Norfolk, Va., and Old Point Comfort, Va., serving no intermediate points, subject to certain conditions; and *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points within 10 miles of Portsmouth, Va., including Portsmouth, between Norfolk and Portsmouth, Va., on the one hand, and, on the other, certain specified points in Virginia, between points in Accomac and Northampton Counties, Va., located on the rail routes of the Pennsylvania Railroad, on the one hand, and, on the other, points in Accomac and Northampton Counties, Va.;

(2) *General commodities*, as a *common carrier*, over regular routes, between Cleveland, Ohio, and Cincinnati, Ohio, between Springfield, Ohio, and Sandusky, Ohio, between Dayton, Ohio, and Bryan, Ohio, between Huntsville, Ohio, and St. Marys, Ohio, between Gallon, Ohio, and East St. Louis, Ill., between Springfield, Ohio, and Elkhart, Ind., between Cincinnati, Ohio, and Kankakee, Ill., between Cincinnati, Ohio, and Connersville, Ind., between McCordsville, Ind., and North Vernon, Ind., between Indianapolis, Ind., and Greensburg, Ind., between Terre Haute, Ind., and Evansville, Ind., between Indianapolis, Ind., and Peoria, Ill., between Danville, Ill., and Cairo, Ill., serving certain intermediate and off-route points, between Lawrenceville, Ill., and Vincennes, Ind., serving no intermediate points, between East St. Louis, Ill., and Alton, Ill., serving the intermediate points of Wood River and East Alton, Ill., between Evansville, Ind., and Mount Carmel, Ill., serving the intermediate and off-route points of Cynthiana and Johnson, Ind., between Mount Carmel, Ill., and Oakland City, Ind., serving no intermediate points, with restrictions; between Phalanx, Ohio, and Dillonvale, Ohio, serving all intermediate points, and the off-route point of Apex, Ohio, between Carthage, N.Y., and Newton Falls, N.Y., serving all intermediate points, with restrictions; between Jersey City, N.J., and Congers, N.Y., between junction U.S. Highway 46 (formerly New Jersey Highway 6) and U.S. Highway 9 and Congers, N.Y., between junction U.S. Highway 9W and New York Highway 59 and West Nyack, N.Y., between junction unnumbered highway and U.S. Highway 46 (formerly New Jersey Highway 6) and Little Ferry, N.Y., serving all intermediate points, with restrictions; over one alternate route for operating convenience only;

*General commodities*, excepting, among others, classes A and B explosives, household goods, and commodities in bulk, between Chicago, Ill., and Elkhart,

Ind., serving certain intermediate points; *general commodities*, except household goods as defined by the Commission, between Toledo, Ohio, and Norwalk, Ohio, serving all intermediate points, and all off-route points located within 3 miles of the described route, between Cleveland, Ohio, and Elyria, Ohio, serving all intermediate points, between Cleveland, Ohio, and Buffalo, N.Y., serving all intermediate points, and serving all off-route points located within 5 miles of the described routes, between Genoa, Ohio, and Elyria, Ohio, serving all intermediate points, and all off-route points located within 4 miles of the described route, with restrictions; *general commodities*, between Wakeman, Ohio, and Elyria, Ohio, serving all intermediate points, between Dunkirk, N.Y., and Titusville, Pa., between Williamsfield, Ohio, and Shipperville, Pa., between Ashtabula, Ohio, and Youngstown, Ohio, between Toledo, Ohio, and Elkhart, Ind., between Gary, Ind., and Osceola, Ind., between Kankakee, Ill., and South Bend, Ind., between Kankakee, Ill., and Ladd, Ill., between Hammond (Gibson Transfer), Ind., and Danville, Ill., between Toledo, Ohio, and Columbus, Ohio, between Columbus, Ohio, and Crooksville, Ohio, between Columbus, Ohio, and Gallipolis, Ohio, serving certain intermediate and off-route points, between Norwalk, Ohio, and Wakeman, Ohio, serving no intermediate points, with restrictions;

*General commodities*, household goods as defined by the Commission, commodities in bulk, in tank vehicles, and motor vehicles when transported in special equipment, between Albany, N.Y., and Springfield, Mass., between Springfield, Mass., and Worcester, Mass., between Worcester, Mass., and Boston, Mass., between Buffalo, N.Y., and Rochester, N.Y., between Buffalo, N.Y., and Rochester, N.Y., between Rochester, N.Y., and Syracuse, N.Y., between Syracuse, N.Y., and Watertown, N.Y., between Syracuse, N.Y., and Utica, N.Y., between Syracuse, N.Y., and Corning, N.Y., between Corning, N.Y., and Jersey Shore, Pa., between Linden, Pa., and Clearfield, Pa., between Clearfield, Pa., and Clymer, Pa., between Watertown, N.Y., and Roosevelttown, N.Y., between Watertown, N.Y., and junction New York Highway 87 and U.S. 11, serving all intermediate points and certain off-route points between Utica, N.Y., and Watertown, N.Y., serving all intermediate points and the off-route point of McConnellsville, N.Y., between Utica, N.Y., and Watertown, N.Y., serving all intermediate points and certain off-route points between Utica, N.Y., and Thendara, N.Y., serving all intermediate points and the off-route points of Remsen and Forestport, N.Y., between Constable, N.Y., and Tupper Lake, N.Y., between Utica, N.Y., and Albany, N.Y., between Albany, N.Y., and Poughkeepsie, N.Y., between Poughkeepsie, N.Y., and New York, N.Y., between Albany, N.Y., and Kingston, N.Y., serving all intermediate points, and certain off-route points, between Albany, N.Y., and

Poughkeepsie, N.Y., serving all intermediate points and the off-route points of Philmont and Copake Falls, N.Y., between Poughkeepsie, N.Y., and New York, N.Y.,

Between Kingston, N.Y., and Jersey City, N.J., serving all intermediate points and certain off-route points, between Kingston, N.Y., and Utica, N.Y., serving all intermediate points and the off-route point of Hobart, N.Y., between Kingston, N.Y., and Newburgh, N.Y., serving all intermediate points and certain off-route points, between Benson Mines, N.Y., and Tupper Lake, N.Y., serving no intermediate points, between Jackson, Mich., and Elkhart, Ind., serving all intermediate points, and certain off-route points, between Jackson, Mich., and Grand Rapids, Mich., serving all intermediate points and the off-route points of Rives Junction and Byron Center, Mich., between Jackson, Mich., and Bryan, Ohio, between Waterloo, Ind., and Coldwater, Mich., between junction U.S. Highway 27 and Indiana Highway 120, and junction U.S. Highway 12 and 127, between Jackson, Mich., and Elkhart, Ind., between Jackson, Mich., and Detroit, Mich., between Elkhart, Ind., and Middlebury, Ind., serving all intermediate points and certain off-route points, between Elkhart, Ind., and Joliet, Ill., serving all intermediate points and the off-route point of Wollow Creek, Ind., between Toledo, Ohio, and Monroe, Mich., between Jackson, Mich., and Bay City, Mich., serving all intermediate points and certain off-route points, between Detroit, Mich., and Toledo, Ohio, serving all intermediate points and the off-route points of Wyandotte, and Trenton, Mich., between Detroit, Mich., and Midland, Mich., serving all intermediate points, and certain off-route points, between Bay City, Mich., and Mackinaw City, Mich., serving all intermediate points and the off-route point of Gladwin, Mich., with restrictions; over one alternate route for operating convenience only; and

(3) *General commodities*, excepting, among others, dangerous explosives, household goods, and commodities in bulk, as a *common carrier*, over regular routes, between certain specified points in Indiana, serving all intermediate points except Waterloo, and the off-route points of Wallen and Moore, Ind., with restriction; *general commodities*, between certain specified points in Indiana, between East St. Louis, Ill., and Effingham, Ill., between Effingham, Ill., and Terre Haute, Ind., between Indianapolis, Ind., and Louisville, Ky., serving intermediate and off-route points which are stations on the rail line of the Pennsylvania Railroad Co., service to off-route points authorized above shall be from points on the authorized route which lies nearest to a particular off-route point, and the only off-route points to be served, in connection with any particular route, shall be those which are stations on the most direct line of the railroad between the termini on such route, with restrictions; between Logansport, Ind., and Chicago, Ill., between

Chicago, Ill., and Plymouth, Ind., between Terre Haute, Ind., and Decatur, Ill., between Terre Haute, Ind., and Decatur, Ill., between Logansport, Ind., and Effner, Ind., between Logansport, Ind., and South Bend, Ind., between Cambridge City, Ind., and Columbus, Ind., between Terre Haute, Ind., and Frankfort, Ind., between Indianapolis, Ind., and Shelbyville, Ind., between Indianapolis, Ind., and Rushville, Ind., serving intermediate and off-route points which are stations on the rail line of the Pennsylvania Railroad Co., with restrictions;

Between Anderson, Ind., and Muncie, Ind., between Muncie, Ind., and Matthews, Ind., between Yorktown, Ind., and Matthews, Ind., serving no intermediate points, with restrictions; between Fort Wayne, Ind., and Grand Rapids, Mich., serving certain intermediate points, and the off-route point of Indianfield, Mich., between Kendallville, Ind., and Rome City, Ind., between Nottawa, Mich., and Schoolcraft, Mich., serving no intermediate points, between Grand Rapids, Mich., and Cadillac, Mich., serving certain intermediate points, and the off-route point of Tustin, Mich., between Grand Rapids, Mich., and junction County highway and U.S. Highway 131 north of Grand Rapids, serving the intermediate point of Belmont, Mich., between Cadillac, Mich., and Mackinaw City, Mich., serving certain intermediate and off-route points, between junction U.S. Highway 31 and Michigan Highway 131 north of Bay View, Mich., and Conway, Mich., between Cadillac, Mich., and Traverse City, Mich., serving certain intermediate points, between Walton, Mich., and Traverse City, Mich., serving no intermediate points, between Cadillac, Mich., and Falmouth, Mich., serving the intermediate point of Lake City, Mich., between Cadillac, Mich., and Falmouth, Mich., serving no intermediate points, between Grand Rapids, Mich., and Muskegon, Mich., serving the intermediate points of Ravenna and Conklin, Mich., between Grand Rapids, Mich., and Muskegon, Mich., between Lake City, Mich., and Manton, Mich., serving no intermediate points, with restrictions, over numerous alternate routes for operating convenience only. PENNSYLVANIA TRUCK LINES, INC., is authorized to operate as a *common carrier* in Pennsylvania, Indiana, Ohio, West Virginia, New York, Maryland, New Jersey, Delaware, Virginia, and the District of Columbia; and as a *contract carrier* in New Jersey, New York, Connecticut, Ohio, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). Note: Transferee and transferors are motor carriers under common control by PENN CENTRAL TRANSPORTATION COMPANY, wherever necessary by prior proceedings.

No. MC-F-10705. Authority sought for purchase by TOSE, INC., 64 West Fourth Street, Bridgeport, Pa. 19405, of a portion of the operating rights of BOSTON AND SPRINGFIELD DESPATCH, INC., 137 Harvard Street, Stamford, Conn.

06902, and for acquisition by LEONARD H. TOSE, also of Bridgeport, Pa., and DESMOND J. MCTIGHE, 11 East Airy Street, Norristown, Pa. 19401 (EXECUTORS OF THE ESTATE OF MIKE TOSE), of control of such rights through the purchase. Applicants' attorneys: Anthony C. Vance, Suite 501, 1111 E Street NW., Washington, D.C. 20004 and Desmond J. Mctighe, 11 East Airy Street, Norristown, Pa. 19401. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Hartford, Conn., and New Britain, Conn., serving all intermediate points, unrestricted, the off-route point of Warehouse Point, Conn., restricted to south-bound traffic only, and the off-route point of Waterville, Conn., restricted to north-bound traffic only, from East Hartford, Conn., to New Haven, Conn., from New Haven, Conn., to Avon, Conn., serving all intermediate points; between New York, N.Y., and New Haven, Conn., serving all intermediate points, and the off-route points of Mount Vernon, and Pelham, N.Y., Old Greenwich, Glenbrook, Springdale, New Canaan, and South Norwalk, Conn., and points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, between Norwalk, Conn., and Bridgeport, Conn., serving all intermediate points, and certain off-route points, between Mamaroneck, N.Y., and Port Chester, N.Y., serving all intermediate points; and general commodities, excepting among others classes A and B explosives, household goods and commodities in bulk, over irregular routes, between certain specified points in Connecticut, on the one hand, and, on the other, certain specified points in Connecticut. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Maryland, Delaware, New Jersey, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10706. Authority sought for purchase by THE SQUAW TRANSIT COMPANY, 5121 South 49th West Avenue, Post Office Box 9415, Tulsa, Okla. 74107, of the operating rights of C. RAMPY TRUCKING CO., INC., 2462 North Lewis Street, Post Office Box 4093, Tulsa, Okla. 74152, and for acquisition by COMMODORE STONE, and RALEIGH W. BEATTY, both also of 5121 South 49th West Avenue, Tulsa, Okla., of control of such rights through the purchase. Applicants' attorney: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, materials, equipment, and supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and

picking up thereof, as a *common carrier*, over irregular routes, between points in Texas, Arkansas, Kansas, Missouri, Oklahoma, and Tennessee, between points in Alabama, Georgia, Florida, and Mississippi, on the one hand, and, on the other, points in Texas and Arkansas, traversing Louisiana, for operating convenience only; and *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells, between points in Texas, Arkansas, Kansas, Missouri, Oklahoma, and Tennessee, between points in Alabama, Georgia, Florida, and Mississippi, on the one hand, and, on the other, points in Texas and Arkansas. Vendee is authorized to operate as a *common carrier* in Oklahoma, Colorado, Kansas, Nebraska, Illinois, Arkansas, Indiana, Kentucky, Louisiana, Missouri, New Mexico, Ohio, Texas, Michigan, Montana, and North Dakota. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10707. Authority sought for merger into A-P-A TRANSPORT CORP., 2110 85th Street, North Bergen, N.J. 07047, of the operating rights and property of LIBERTY FAST FREIGHT CO., INC., 2110 85th Street, North Bergen, N.J. 07047, and for acquisition by A-P-A TRUCK LEASING CO., INC., 1207 Tonnelle Avenue, North Bergen, N.J. 07047, of control of such rights and property through the transaction. Applicants' attorney: Herbert Burstein, 30 Church Street, New York, N.Y. 10007. Operating rights sought to be merged: *General commodities*, except classes A and B explosives, coal, coke, currency or precious metals, and gem materials, dynamite, furs, sand, gravel, crushed stone, iron or steel articles exceeding 30 feet in length, alcoholic beverages, livestock, silk, raw or finished, and bulky or heavy freight the dimensions of which exceed 7 feet in width, 6½ feet in height, and 25 feet in length, or weighing in excess of 6,000 pounds, and liquid chemicals in bulk, as a *common carrier*, over regular routes, between Albany, N.Y., and New York, N.Y., between Albany, N.Y., and Amsterdam, N.Y., serving all intermediate points; *general commodities*, with exceptions as above, over regular and irregular routes, between New York, N.Y., and certain specified points in New Jersey, and Fort Edward, N.Y., serving all intermediate points on the specified regular route; *general commodities*, with exceptions as above, over irregular routes, between New York, N.Y., and certain specified points in New Jersey, on the one hand, and, on the other, Fort Edward, N.Y.; and *general commodities*, except those of unusual value, classes A

and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, and liquid chemicals in bulk, between points in Union County, N.J., on the one hand, and, on the other, points in New York within 200 miles of Newark, N.J., between Newark, N.J., and points in New Jersey (except Union County) within 20 miles of Newark, on the one hand, and, on the other, points in New York within 200 miles of Newark, N.J. (except Owego, N.Y., and points east and south of New York Highway 7, including points on the highway specified), with restriction; between points in the New York, N.Y., commercial zone as defined by the Commission, on the one hand, and, on the other, points in that part of New Jersey north of a line from the New Jersey-Pennsylvania State line at Trenton, N.J., to Asbury Park, N.J., including the points named. A-P-A TRANSPORT CORP. is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, and Connecticut. Application has not been filed for temporary authority under section 210a(b). NOTE: A-P-A TRANSPORT CORP., controls LIBERTY FAST FREIGHT CO., INC., through ownership of capital stock pursuant to authority granted in Docket No. MC-F-9563, by Division 3, acting as an Appellate Division, dated August 16, 1968, and consummated September 11, 1968.

No. MC-F-10708. Authority sought for purchase by INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001, of the operating rights and property of ROSENBERG & COHEN, INC., 511 West 36th Street, New York, N.Y. 10018, and for acquisition by DOROTHY GIDDINS, JACK LIEBERMAN, and DOROTHY GIDDINS, TRUSTEE for ROBERT GIDDINS, BARRY GIDDINS, and GAIL HAMMER, all also of 247 West 35th Street, New York, N.Y. 10001, of control of such rights and property through the purchase. Applicants' attorney: Herbert Burstein, 30 Church Street, New York, N.Y. 10007. Operating rights sought to be transferred: *Garments, and materials, equipment, and machinery* used in the manufacture thereof, as a *common carrier*, over irregular routes, from points in that part of the New York, N.Y., commercial zone as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Act (the exempt zone), to certain specified points in New York, from certain specified points in New York, to points in that part of the New York, N.Y., commercial zone as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Act (the exempt zone), from points in Albany County, N.Y., to points in Ulster County, N.Y., from points in Columbia County, N.Y., to certain specified points in New York, from points in Dutchess County, N.Y., to certain specified points

in New York, from points in Greene County, N.Y., to certain specified points in New York, from points in Rockland County, N.Y., to points in Dutchess and Westchester Counties, N.Y., from points in Ulster County, N.Y., to certain specified points in New York, between points in Westchester County, N.Y., from points in Westchester County, N.Y., to certain specified points in New York, with restriction. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, New Jersey, Maryland, South Carolina, West Virginia, and Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10709. Authority sought for merger into HENNIS FREIGHT LINES OF CANADA LIMITED, Post Office Box 612, Winston-Salem, N.C. 27102, of the operating rights and property of FLORIDA REFRIGERATED SERVICE, INC., Post Office Box 1297, Dade City, Fla. 33525, and for acquisition by S. H. MITCHELL, also of Winston-Salem, N.C., of control of such rights and property through the transaction. Applicants' representative: B. M. Shirley, Jr., Post Office Box 612, Winston-Salem, N.C. 27102. Operating rights sought to be merged: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over irregular routes, from and to specified points in the States of Alabama, Georgia, Florida, Arizona, California, New Mexico, North Carolina, Mississippi, South Carolina, Ohio, Colorado, Nevada, Oregon, Utah, Idaho, Wyoming, Montana, Washington, Texas, Tennessee, Kentucky, Nebraska, Kansas, Oklahoma, Michigan, Wisconsin, Illinois, Missouri, North Dakota, Indiana, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, South Dakota, New Jersey, New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Maine, Iowa, Minnesota, Louisiana, and the District of Columbia, with certain restrictions, as more specifically described in Docket No. MC 120543 Sub 1 and subs thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. HENNIS FREIGHT LINES OF CANADA LIMITED is authorized to operate as a *common carrier* in the State of Michigan. Application has not been filed for temporary authority under section 210a(b). NOTE: HENNIS FREIGHT LINES OF CANADA LIMITED, controls FLORIDA REFRIGERATED SERVICE, INC., through ownership of capital stock pursuant to authority granted in Docket No. MC-F-9653, by Review Board No. 5, dated October 31, 1967, and consummated March 21, 1968.

No. MC-F-10710. Authority sought for purchase by SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio 45380, of a portion of the operating rights of JOHN F. COYNE, doing business as COYNE TRUCKING CO., Scotland Lane,

New Castle, Pa. 16101, and for acquisition by KENNETH SUBLER, Woodland Drive, Versailles, Ohio, and BASIL SUBLER, Park Boulevard, Versailles, Ohio, of control of such rights through the purchase. Applicants' attorneys: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603, and Marshall G. Matheny, 306 North Mercer Street, New Castle, Pa. 16101. Operating rights sought to be transferred: *Paper, paperboard, and paper boxes*, as a *common carrier*, over irregular routes, from Rittman, Ohio, to Chicago, Ill.; *rubber articles*, from Akron, Ohio, to Chicago, Ill.; *tinplate, metal lockers, and metal shelving*, from Canton, Ohio, to Chicago, Ill.; and *alkalies*, from Barberton, Ohio, to Chicago, Ill. Vendee is authorized to operate as a *common carrier* in Maryland, Illinois, Ohio, Wisconsin, Delaware, New Jersey, Kentucky, New York, Pennsylvania, Indiana, West Virginia, Massachusetts, Connecticut, Michigan, Missouri, Rhode Island, Vermont, Virginia, Iowa, Maine, Nebraska, New Hampshire, North Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10712. Authority sought for purchase by CHEROKEE HAULING & RIGGINS, INC., 540 Meriott Avenue, Nashville, Tenn. 37203, of the operating rights of KenZ STEEL TRANSPORT, INC., Post Office Box 1384, Owensboro, Ky. 42301, and for acquisition by M. BRYAN STANLEY, also of Nashville, Tenn. 37203, of control of such rights through the purchase. Applicants' attorney: Fred F. Bradley, 213 St. Clair Street, Frankfort, Ky. 40601. Operating rights sought to be transferred: *Iron and steel and iron and steel articles* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, as a *common carrier*, over irregular routes, from points in Allegheny, Beaver, Mercer, Washington, and Westmoreland Counties, Pa., and Warren, Ohio, to points in Kentucky and Tennessee (except from Warren, Ohio, to Ashland, Ky., and points in the Ashland, Ky., commercial zone, as defined by the Commission) with restriction. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-10713. Authority sought for purchase by POINT EXPRESS, INC., Post Office Box 10185, Station C, Charleston, W. Va. 25312, of a portion of the operating rights of CLINE MUNDY, doing business as GENERAL MOTOR LINES, 526 Orange Avenue NE., Roanoke, Va. 24012, and for acquisition by PAUL F. YOUNGBLOOD, Route 4, Box 89, Luray, Va. 22835, and WILLIAM T. MALE, 708 Watts Street, Charleston, W. Va. 25312, of control of such rights through the purchase. Applicants' attorney: Jacob P. Billig, 1108 16th Street NW., Washington, D.C. 20036. Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods

and commodities in bulk, as a *common carrier* over regular routes, between Bluefield, W. Va., and Honaker, Va., serving all intermediate points and the off-route points of Raven and Richlands, Va., between Claypool Hill, Va., and Virginia-Kentucky State line, serving all intermediate points; *such merchandise* as is dealt in by retail and wholesale food business houses, from Bluefield, W. Va., to Bristol, Tenn., and Appalachia and Rich Creek, Va., from Bluefield over U.S. Highway 21 to Wytheville, Va., thence over U.S. Highway 11 to Bristol, serving no intermediate points, from Bluefield over U.S. Highway 19 to Lebanon, Va., thence over Virginia Highway 71 to junction Virginia Highway 64, thence over Virginia Highway 64 to junction Virginia Highway 70, thence over Virginia Highway 70 to Norton, Va., and thence over U.S. Highway 23 to Appalachia, serving certain intermediate and off-route points, restricted to delivery only, from Bluefield over U.S. Highway 21 to Princeton, Va., thence over U.S. Highway 219 to Rich Creek, serving no intermediate points and serving the off-route points of Christiansburg and East Radford, Va., restricted to delivery only; *canned milk*, between Galax, Va., and Bluefield, Va., serving no intermediate; *general commodities*, excepting among others, dangerous explosives, household goods and commodities in bulk, over irregular routes, between Bluefield, W. Va., on the one hand, and, on the other, points in Virginia; and *canned goods*, between Newport and Sevierville, Tenn., and points in Virginia. Vendee is authorized to operate as a *common carrier* in West Virginia, Ohio, Kentucky, Indiana, Missouri, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10714. Authority sought for purchase by CAROLINA FREIGHT CARRIERS CORPORATION, Post Office Box 697, Cherryville, N.C. 28021, of a portion of the operating rights of EUGENE J. KANE, 101-111 East Market Street, Scranton, Pa. 18509, and for acquisition by C. G. BEAM, also of Cherryville, N.C., of control of such rights through the purchase. Applicants' attorney: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Operating rights sought to be transferred: *General commodities*, excepting, among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Scranton, Pa., and points within 8 miles of Scranton; *such commodities* as are processed, packed, or distributed by meat packinghouses, and in connection therewith *advertising matter and stationery*, from Williamsport, Pa., to points in Pennsylvania within 100 miles of Williamsport, Pa., with restrictions; and *packinghouse products*, between points in Pennsylvania within 100 miles of Williamsport, Pa., including Williamsport, Pa., with restrictions; and a portion under a certificate of registration, in Docket No. MC-99567 Sub-1, covering the transportation of property, as a class A carrier, in intrastate commerce, within

the State of Pennsylvania. Vendee is authorized to operate as a *common carrier* in North Carolina, Georgia, South Carolina, Alabama, Florida, New York, Ohio, Massachusetts, Connecticut, West Virginia, Rhode Island, New Jersey, Maryland, Virginia, Pennsylvania, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: Docket No. MC-2253 Sub-43 is a matter directly related.

#### MOTOR CARRIER OF PASSENGERS

No. MC-F-10704. Authority sought for purchase by MICHAUD BUS LINES, INC., 250 Jefferson Avenue, Salem, Mass., of the operating rights and property of APPLEYARD'S BUS, INC., 7 Lowell Street, Methuen, Mass. 01844, and for acquisition by J. ALEXANDER MICHAUD, also of Salem, Mass., of control of such rights and property through the purchase. Applicants' attorneys: Frank Daniels, 15 Court Square, Boston, Mass. 02108 and Maxwell A. Howell, 1120 Investment Building, 1311 K Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: *Passengers and their baggage*, and newspapers, in the same vehicle with passengers, as a *common carrier* over regular routes, between Lawrence, Mass., and Salisbury, Mass., serving certain intermediate points, between Haverhill, Mass., and Methuen, Mass., serving no intermediate points; *passengers and their baggage*, and newspapers, in the same vehicle with passengers, during the season extending from the 1st day of May to the 1st day of October, inclusive of each year, between Salisbury, Mass., and Hampton Beach, N.H., serving no intermediate points; *passengers and their baggage*, during the season extending from the 1st day of May to the 1st day of October, inclusive of each year, between Lowell, Mass., and Hampton, N.H., serving all intermediate points; over one alternate route for operating convenience only; *passengers*, in special round-trip operations, over irregular routes, beginning and ending at certain specified points in Massachusetts, and extending to Seabrook, N.H., beginning and ending at Haverhill and Newburyport, Mass., and extending to Portsmouth and Exeter, N.H., beginning and ending at certain specified points in Massachusetts, and extending to certain specified points in New Hampshire, beginning and ending at Newburyport, Mass., and extending to Somersworth, N.H. with restriction; and *passengers*, in special operations, beginning and ending at certain specified points in Massachusetts, and extending to Merrimack, N.H., with restriction. Vendee is authorized to operate as a *common carrier* in all points in the United States (including Alaska, but excluding Hawaii). Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 70-476; Filed, Jan. 13, 1970;  
8:47 a.m.]



[Notice 4]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 8, 1970.

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 1824 (Sub-No. 48 TA), filed December 24, 1969. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655. Applicant's representative: Frank V. Klein (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs and frozen poultry*, from Hummels Wharf, Harrisburg, Steelton and York, Pa., to points in Indiana, Michigan, and Ohio, for 180 days. NOTE: Applicant intends to tack with its existing authority. Supporting shipper: CPC International, Inc., International Plaza, Englewood Cliffs, N.J. 07632 (R. V. Haugen, Assistant, Transportation Manager, Motor Transportation). Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 30837 (Sub-No. 383 TA), filed December 24, 1969. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camper trailers*, in initial movements, in truckaway service, from Fort Madison, Iowa, to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Montgomery Ward, 619 West Chicago Avenue, Chicago, Ill. 60607 (R. Weidmann, Traffic Manager-Heavy Lines General Traffic Department). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission,

Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 67583 (Sub-No. 14 TA), filed December 22, 1969. Applicant: KANE TRANSFER COMPANY, 5400 Tuxedo Road, Tuxedo, Md. 20701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail grocery and food business houses*, and in connection therewith, *equipment, materials, and supplies* used in conduct of such business, from Landover, Md., to Rockingham County, Va., for 180 days. Supporting shipper: The Grand Union Co., 640 Winters Avenue, Paramus, N.J. 07652. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Room 2218 Washington, D.C. 20423.

No. MC 89523 (Sub-No. 17 TA), filed December 24, 1969. Applicant: MID-STATES TRUCKING CO., 2517 North Grand, Enid, Okla. 73701. Applicant's representative: Ray F. Hayes (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sodium hydroxide solutions, and dry laundry bleaches*, in containers, from Houston, Tex., to points in Oklahoma, for 180 days. Supporting shipper: The Clorox Co., Earl M. Matson, Vice President, Traffic, 850 42d Avenue, Oakland, Calif. 94601. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 100623 (Sub-No. 18 TA), filed December 19, 1969. Applicant: HOURLY MESSENGERS, INC., doing business as H. M. PACKAGE DELIVERY SERVICE, 20th and Indiana Avenue, Philadelphia, Pa. 19132. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toiletries, cosmetics, toilet and cosmetic accessories, and related advertising and display materials*, from the facilities of Revlon, Inc., at or near Edison, N.J., to points in Delaware, Maryland, New Jersey, Virginia, the District of Columbia; and Chester, Delaware, Montgomery, Bucks, Berks, Philadelphia, Dauphin, Lancaster, Lebanon, Lehigh, Northampton, York, Schuylkill, Carbon, Monroe, Luzerne, Lackawanna, Adams, Perry, Cumberland, and Franklin Counties, Pa., subject to the restriction that no service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined and no service shall be rendered in the transportation of packages or articles weighing in the aggregate more than 250 pounds from the consignor to one consignee at one location on any one day, for 180 days. Supporting shipper: Revlon, Inc., Harry J. Newman, Director, Materials Management, Route

27 and Talmadge Road, Edison, N.J. 08817. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 107760 (Sub-No. 1 TA), filed December 22, 1969. Applicant: MO-HAWK TRUCKING AND SALVAGE CO., 62 Elm Street, Johnston, R.I. 02919. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I. 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chloride*, with or without anticaking agents, in bulk, in dump trucks from Providence, R.I., to points on and east of Interstate Highway 91, beginning at New Haven, Conn., and extending to Springfield, Mass., including Hartford, Conn., to points on and south of the Massachusetts Turnpike, beginning at Springfield, Mass., and extending to Boston, Mass., including Boston, Mass., and points in Rhode Island, for 150 days. Supporting shipper: The Chemical Corp., 144 Allens Avenue, Providence, R.I. 02903. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, R.I. 02903.

No. MC 114273 (Sub-No. 54 TA), filed December 18, 1969. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, Iowa 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and cold storage facilities of Wilson & Co., Inc., located at or near Monmouth, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Washington, D.C.; restricted to traffic originating at the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., located at or near Monmouth, Ill., and destined to the above-specified destination points, for 180 days. Supporting shipper: Wilson & Co., Inc., Prudential Plaza, Chicago, Ill. 60601. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 119391 (Sub-No. 4 TA), filed December 22, 1969. Applicant: AJAX TRANSFER COMPANY, 550 East Fifth Street South, South St. Paul, Minn. 55075. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes,

transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and liquid commodities in bulk, in tanks, from South St. Paul, Minn., to points in Minnesota; points in Otonagon and Gogebic Counties, Mich., Vilas, Iron, Ashland, Bayfield, Douglas, Burnett, Washburn, Sawyer, Price, Taylor, Rush, Barron, Polk, St. Croix, Dunn, Chippewa, Clark, Wood, Eau Claire, Pepin, Pierce, Buffalo, Jackson, Trempealeau, La Crosse, Monroe, Juneau, Vernon, Crawford, Richland, Sauk Counties, Wis., and those in that part of Marathon County, Wis., on and west of Wisconsin Highway 97; Cass and Grand Forks Counties, N. Dak., for account of Swift & Co., for 180 days. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 126738 (Sub-No. 3 TA), filed December 16, 1969. Applicant: CENTER DISTRIBUTING COMPANY, 78th and Serun Street, Ralston, Nebr. 68127. Applicant's representative: Clayton H. Schrout, 1004 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bottled and canned beverages and sirup* (except alcoholic or malt beverages) for the account of Pepsi-Cola Bottling Co., from Oskaloosa, Iowa to sites and plants of Pepsi-Cola Bottling Co., in Illinois, Wisconsin, Minnesota, South Dakota, and Oklahoma and on return, *carbonated beverages in containers, and empty containers, pallets, vending machines, sirups, advertising material and equipment used in manufacture and sale of carbonated beverages* (except alcoholic or malt), from points in Nebraska, Iowa, Illinois, Missouri, Texas, Oklahoma, Kansas, South Dakota, Minnesota, Wisconsin, and Kentucky, for 180 days. Supporting shipper: Mahaska Bottling Co., Oskaloosa, Iowa (Pepsi-Cola Bottling Co.). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 129150 (Sub-No. 3 TA), filed December 16, 1969. Applicant: CIACCIA TRUCKING COMPANY, INC., 106 Industrial Street, Rochester, N.Y. 14608. Applicant's representative: David L. Henehan, 900 Midtown Tower, Rochester, N.Y. 14604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, in secondary movements, in truckaway service, together with *parts and accessories* at the same time and with the vehicle of which they are a part and on which they are to be installed, restricted against the handling of shipments (1) for automobile manufacturers; (2) having an immediately

prior or subsequent movement by rail; or (3) moving on Government bills of lading; and further restricted against tacking with any other authority held by applicant, or interlining with any other carrier, for through movements to other destination, from Rochester, N.Y., to Manheim, Pa., for 150 days. Supporting shippers: Nagle Ford, Inc., Rochester, N.Y.; Universal Cartown, Inc., Rochester, N.Y.; B. Grabriel Motors, 32 Main Street, Webster, N.Y.; Midtown Auto Sales, Rochester, N.Y.; King Auto Sales, 991 Broad Street, Rochester, N.Y.; Astman Motors, 31 Canterbury Road, Rochester, N.Y.; P & P Motors Used Cars, 160 Griffith Street, Rochester, N.Y. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard W., Syracuse, N.Y. 13202.

No. MC 133581 (Sub-No. 2 TA), filed December 24, 1969. Applicant: HOLDT POTATO COMPANY, INC., Route 2, Red Cloud, Nebr. 68970. Applicant's representative: Frederick J. Coffman, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from the plants and storage warehouse facilities of Oxford Cheese Co. at or near Ravenna, Nebr.; and Ord Cheese Co. at or near Ord, Nebr., to points in New Mexico, Oklahoma, Kansas, California, Arizona, and Missouri, for 180 days. Supporting shipper: Don Pauly Cheese, Inc., Manitowoc, Wis. Send protests to: District Supervisor, Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 133599 (Sub-No. 1 TA), filed December 19, 1969. Applicant: BIG VALLEY SUPPLY & ENTERPRISES, LTD., 4150F 14th and A Streets, East Calgary, Alberta, Canada. Applicant's representative: Earl H. Scudder, Jr., Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and equipment and parts and accessories thereof* (except oilfield commodities as described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from Hudson, St. Claire, and Finley, Ohio; Racine and Milwaukee, Wis.; Burlington and Cedar Rapids, Iowa; Terre Haute and Evansville, Ind.; Wichita and Topeka, Kans.; Rock Island and Chicago, Ill.; Tulsa, Okla.; Oakland and Los Angeles, Calif.; Minneapolis, Minn.; Lubbock, Pampa, and San Antonio, Tex.; and Renton, Wash., to ports of entry on the international boundary line, between the United States and Canada, restricted to export traffic destined to points in the Province of Alberta, Canada, under contract with Percival Machinery & Supply Co. (Calgary), Ltd., and Ferguson Supply Alberta, Ltd., for 150 days. Supporting shippers: Ferguson Supply Alberta, Ltd., 4632 First Street, SE., Calgary, Alberta, Canada; Percival Machinery & Supply Co., Ltd., 5505 Sixth Street SE., Calgary, Alberta, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Com-

mission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133845 (Sub-No. 2 TA), filed December 24, 1969. Applicant: ANTHONY COLANGELO, doing business as COLE TRUCKING COMPANY, 200 West 26th Street, New York, N.Y. 10015. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, from piers in the New York, N.Y., Harbor Area and Port Newark and Port Elizabeth, N.J., and from airports in New York, N.Y., to Carlstadt, N.J., for 180 days. Supporting shipper: Tri Sportswear, Inc., 135 West 50th Street, New York, N.Y. 10020. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 134203 (Sub-No. 1 TA), filed December 24, 1969. Applicant: CHEMICAL STORAGE AND TRANSPORT CORPORATION, Post Office Box 419, 5100 Virginia Beach Boulevard, Norfolk, Va. 23501. Applicant's representative: R. G. Fitzgerald (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur, molten*, in bulk, in tank vehicles, from the storage facilities of Chemical Storage and Transport Corp., Chesapeake, Va., to Tunis (Hertford County), N.C., for 180 days. Supporting shipper: Texas Gulf Sulphur Co., Houston, Tex. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va. 23240.

No. MC 134234, TA filed December 23, 1969. Applicant: GATE CITY TOWING SERVICE, INC., Route 8, Box 141, Greensboro, N.C. 27406. Applicant's representative: Robert McNeely, Post Office Box 3074, 216 West Friendly Avenue, Greensboro, N.C. 27402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled and wrecked motor vehicles*, at the direction of the vehicle owner and lessees, from the site of disablement or wreck (which is exempt) and also from whatever point to which the vehicle has been moved after the disablement or wreck (which is not exempt), to a repair facility of owners and lessees, and to tow a replacement for the disabled vehicle to a point where the replacement can pull a trailer to the original point of destination, to or from any point in the United States east of the Mississippi River, for 180 days. Supporting shippers: There are approximately 16 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: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 10885, Cameron Village Station, Raleigh, N.C. 27605.

## MOTOR CARRIER OF PASSENGERS

No. MC 134130 (Sub-No. 1 TA), filed December 24, 1969. Applicant: WILLIE HERBERT HARGIS, R.F.D. Bloxom, Va. 23308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, from points in Northampton and Accomack Counties, Va., to Perdue Foods, Inc., Salisbury, Md. and return, for 180 days. Supporting shipper: Perdue Foods, Inc., Post Office Box 1537, Salisbury, Md. 21801, Ralph C. Moore, Production Manager. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 70-477; Filed, Jan. 13, 1970;  
8:47 a.m.]

[Notice 5]

MOTOR CARRIER TEMPORARY  
AUTHORITY APPLICATIONS

JANUARY 9, 1970.

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 109397 (Sub-No. 188 TA), filed December 22, 1969. Applicant: TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Special nuclear materials*, between the Kerr-McGee Facility at or near Crescent, Okla., on the one hand, and, on the other, the facilities of Combustion Engineering, Hartford, Conn., and Babcock-Wilcox, Campbell County, Va., for 150 days. Supporting shipper: Kerr-McGee Corp., Kerr McGee Building, Oklahoma City,

Okla. 73102. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 112822 (Sub-No. 142 TA), filed December 24, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal wood, charcoal briquets, and charcoal pellets*, from Branson, Mo., to points in Iowa, Illinois, Kansas, Nebraska, Oklahoma, and Wisconsin, for 180 days. Supporting shipper: Royal Oak Charcoal Co., T. C. Clarkson, Vice President, Marketing, Post Office Box 38, Memphis, Tenn. 38101. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 114045 (Sub-No. 330 TA) (Correction), filed December 16, 1969, published in the FEDERAL REGISTER issue of January 3, 1970, and republished as corrected, this issue. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic plastics liquid, and chemicals*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from Houston, Tex., to points in California, Connecticut, Illinois, Indiana, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, and Washington, for 180 days. NOTE: Applicant does not intend to tack with existing authority. The purpose of this republication is to include the territorial scope which was inadvertently omitted in the previous publication. Supporting shipper: The Upjohn Co., Kalamazoo, Mich. 49001. 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 114897 (Sub-No. 86 TA), filed December 24, 1969. Applicant: WHITFIELD TANK LINES, INC., 300-316 North Clark Road, Post Office Drawer 9897, El Paso, Tex. 79989. Applicant's representative: J. P. Rose (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats (tallow)*, in bulk, in tank vehicles, from Clovis, N. Mex., to feed lots located within 10 miles of Amarillo, Hereford, Hale Center, Farwell, and Morton, Tex., for 150 days. Supporting shipper: Atlas Rendering Co., Post Office Box 1092, Clovis, N. Mex. 88101. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Com-

mission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 119531 (Sub-No. 133 TA), filed December 24, 1969. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Raymond C. Minks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, less than 1 gallon in capacity, from Rockdale, Ill., to Detroit, Mich., for 150 days. Supporting shipper: Universal Glass Products Co., 936 Moen Avenue, Rockdale, Ill. 60436. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 107311 (Sub-No. 18 TA), filed December 24, 1969. Applicant: PACIFIC WESTERN TRANSPORT, INC., 909 29th Street North, Lewiston, Idaho 83501. Applicant's representative: Donald A. Ericson, Suite 708, Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap automobiles and parts; and used automobile parts*, from points in Idaho to points in Multnomah and Washington Counties, Oreg., and Pierce, King, and Spokane Counties, Wash., for 180 days. Supporting shipper: For-Mark Inc., Post Office Box G, 566 Mill Road, Lewiston, Idaho 83501. Send protests to: L. C. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 133453 (Sub-No. 7 TA) (Correction), filed December 15, 1969, published in the FEDERAL REGISTER issue of January 3, 1970, and republished as corrected, this issue. Applicant: TROJAN TRANSPORTATION, INC., Delaware Avenue and Jackson Street, Philadelphia, Pa. 19105. Applicant's representative: John H. Derby, 2122 Cross Road, Glenside, Pa. 19038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nonalcoholic beverages*, in containers, from Philadelphia, Pa., to Atlantic City, Neptune, Trenton, N.J.; New Castle and Wilmington, Del.; Silver Spring, Md.; and Maspeth, L.I., N.Y.; and (2) *containers, materials, and supplies* used or useful in the manufacture of beverages, from Baltimore, Md.; Bridgeton, Carteret, Cliffwood, Freehold, Millville, North Bergen, Salem, and Vineland, N.J.; to Philadelphia, Pa., for 180 days. NOTE: The purpose of this republication is to include (2) above which was inadvertently omitted in the previous publication. Supporting shipper: Canada Dry Corp., Whitaker Avenue and Foulkrod Street, Philadelphia, Pa. 19124. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 134149 (Sub-No. 1 TA) (Correction), filed November 24, 1969, published in the FEDERAL REGISTER issue of

December 6, 1969, and republished as corrected, this issue. Applicant: COASTAL TRUCKING COMPANY, INC., 1801 Selma Avenue, Selma, Ala. 36701. Applicant's representative: Cecil C. Jackson, Jr., 519 Lauderdale Street, Selma, Ala. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Clothing, manufactured under contract with the Department of Defense, U.S. Government, from the plantsites of Coastal Industries, Inc., Selma, Ala., and Choctaw Manufacturing Co., Inc., Silas, Ala., to points in Alabama, Arizona, Ar-

kansas, California, Colorado, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, and West Virginia, and return movements of materials used in the manufacturing of end products, for 180 days. NOTE: Applicant states shippers' contracts with the Department of Defense contain an option to divert a particular shipment from original destination to new shipping point. The purpose of this republication is to reflect movement as "from" in lieu

of "between", and to include the return movements. Supporting shippers: Choctaw Manufacturing Co., Inc., Silas, Ala. 36919; and Coastal Industries, Inc., Selma, Ala. 36701. Send protests to: Clifford R. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

By the Commission,

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 70-478; Filed, Jan. 13, 1970;  
8:47 a.m.]

### CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

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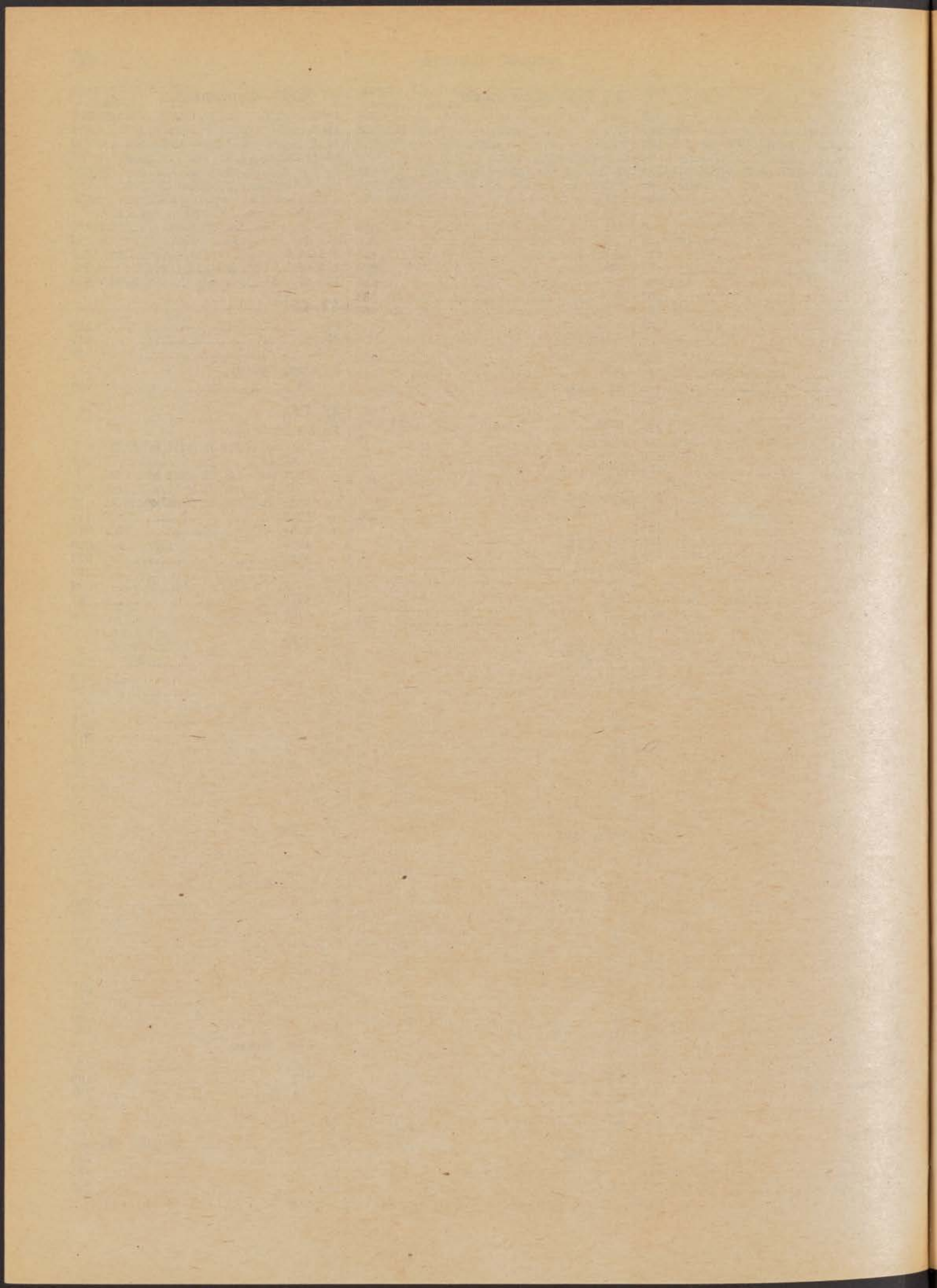
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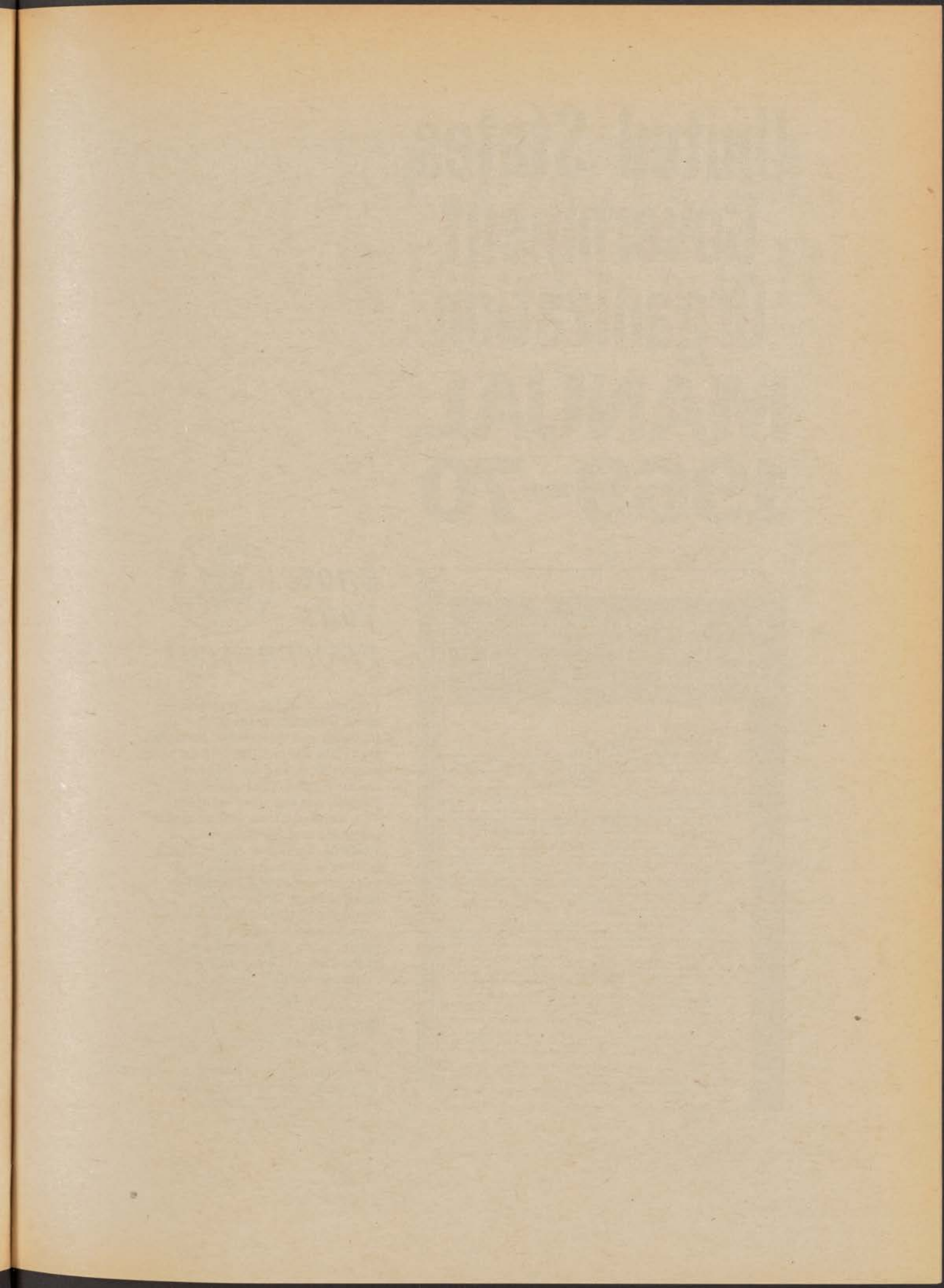
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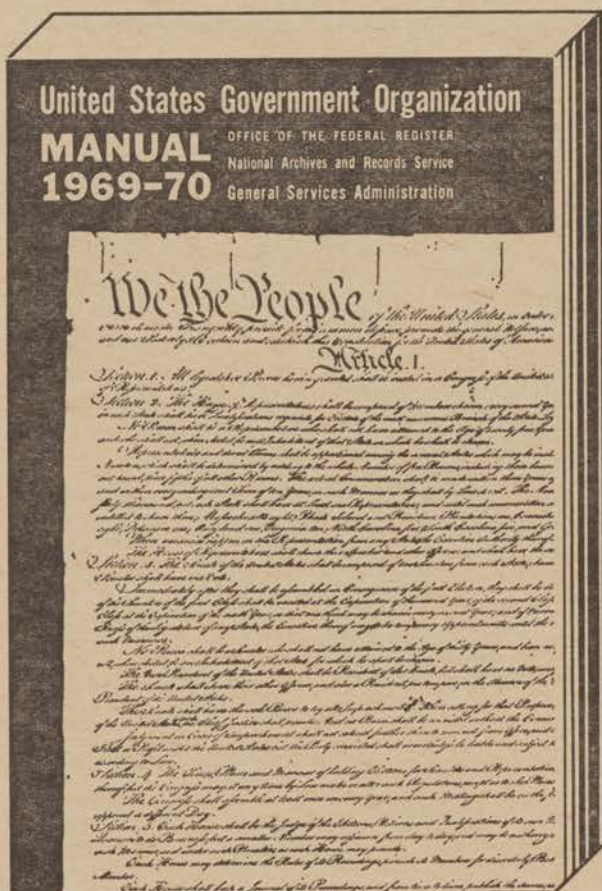
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