FEDERAL REGISTER

VOLUME 34 • NUMBER 220

Saturday, November 15, 1969 • Washington, D.C.

Pages 18285–18347

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FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (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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Title 3—THE PRESIDENT

Executive Order 11493

ESTABLISHING THE COUNCIL FOR RURAL AFFAIRS

WHEREAS rural America is vitally important to this Nation's total economy and society; and

WHEREAS there is a need to provide expanded employment opportunities and more attractive living conditions outside the metropolitan areas; and

WHEREAS a viable rural America would offer an opportunity for farmers and other rural residents to share in the economic growth of the country:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of the Council.* (a) There is hereby established the Council for Rural Affairs (hereinafter referred to as "the Council").

(b) The President of the United States shall preside over meetings of the Council. The Vice President shall preside in the absence of the President.

(c) The Council shall be composed of the following:

The Vice President of the United States
Secretary of Agriculture
Secretary of Interior
Secretary of Commerce
Secretary of Health, Education and Welfare
Secretary of Housing and Urban Development
Secretary of Labor
Chairman of the Council of Economic Advisers
Director of the Bureau of the Budget
Director of the Office of Economic Opportunity

and such other heads of departments and agencies as the President may from time to time direct.

SEC. 2. *Functions of the Council.* The Council shall advise and assist the President with respect to the further development of the non-metropolitan areas of the country and shall perform such other duties as the President may from time to time prescribe. In addition to such duties, the Council is directed to:

(1) Assist the President in the development of policies for rural areas, which shall include consideration of the affairs of the smaller cities and towns which lie outside the metropolitan areas.

(2) Secure information on the problems confronting rural America, identify their causes, and develop means to deal with them by using available programs or initiating new ones.

(3) Foster effective use and coordination of Federal programs in the non-metropolitan areas in order to improve the delivery of public services to the people.

(4) Encourage the fullest cooperation between Federal, State, and local governments, with special concern for local initiative and local decision-making.

(5) Ensure that in the development of policies and programs concerning rural affairs, the relationships between urban, suburban, and rural areas are taken into account.

(6) Encourage the most effective role possible for voluntary organizations in dealing with rural problems and their solutions.

(7) Encourage an improved geographical distribution of the population of the United States.

(8) Keep the President advised on progress in meeting national objectives.

SEC. 3. *Administrative arrangements.* In compliance with provisions of applicable law, and as necessary to effectuate the purposes of this order, (1) the White House Office shall provide or arrange for supporting clerical, administrative, and other staff services for the Council, and (2) each Federal department and agency which is represented on the Council shall furnish the Council such information and other assistance as may be available.

SEC. 4. *Construction.* Nothing in this order shall be construed as subjecting any department, establishment, or other instrumentality of the executive branch of the Federal government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other such agency or head or as abrogating, modifying, or restricting any such function in any manner.

Richard Nixon

THE WHITE HOUSE,
November 13, 1969.

[F.R. Doc. 69-13668; Filed, Nov. 13, 1969; 1:45 p.m.]

Executive Order 11494

ESTABLISHING THE PRESIDENTIAL CITIZENS MEDAL

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Medal established.* The Presidential Citizens Medal (hereinafter referred to as the Medal), together with accompanying ribbons and appurtenances, is hereby established for the purpose of recognizing citizens of the United States of America who have performed exemplary deeds of service for their country or their fellow citizens.

SEC. 2. *Award of the Medal.* (a) The Medal may be bestowed by the President upon any citizen of the United States at the sole discretion of the President.

(b) The announcement of the granting of the Medal and the presentation ceremonies may take place at any time during the year.

(c) Subject to the provisions of this order, the Medal may be conferred posthumously.

SEC. 3. *Design of the Medal.* The Army Institute of Heraldry shall prepare for the approval of the President a design of the Medal, citation, and ribbon.

SEC. 4. *Prior orders.* The establishment of the Medal shall not operate to terminate any other medal and this order shall not be deemed to supersede the whole or any part of any other Executive order.

Richard Nixon

THE WHITE HOUSE,
November 13, 1969.

[F.R. Doc. 69-13667; Filed, Nov. 13, 1969; 1:45 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that the position of Special Assistant to the Secretary (Congressional Relations), Office of the Secretary, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (44) is added to paragraph (a) of § 213.3305 as set out below.

§ 213.3305 Department of the Treasury.

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

(44) Special Assistant to the Secretary (Congressional Relations).

* * * * *

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

[F.R. Doc. 69-13698; Filed, Nov. 14, 1969; 10:08 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—1970 Crop of Peanuts: Acreage Allotments and Marketing Quotas

Basis and purpose. The provisions of §§ 729.100 to 729.103 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.) (referred to as the "act") with respect to the 1970 crop of peanuts. The purposes of §§ 729.100 to 729.103 are to proclaim a national marketing quota, establish the national acreage allotment and apportion such allotment to the States for the 1970 crop of peanuts in accordance with section 358 of the act (7 U.S.C. 1358). Farmers voting in a referendum held in December 1968 favored marketing quotas for peanuts produced in 1969, 1970, and 1971 as set forth in the FEDERAL REGISTER of January 3, 1969 (34 F.R. 56); therefore quotas will be effective for the 1970 crop. The findings and determinations made with respect to these matters are based on the latest available statistics of the Federal Government.

Notice that the Secretary was preparing to determine the acreage allotments and marketing quota for the 1970 crop of peanuts was published in accordance with 5 U.S.C. 553 (80 Stat. 383) in the FEDERAL REGISTER of August 19, 1969 (34 F.R. 13373). No submissions were received in response to such notice. In order that peanut farmers may be notified as soon as possible of farm allotments for the 1970 crop of peanuts, it is essential that §§ 729.100 to 729.103 be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and §§ 729.100 to 729.103 shall be effective upon filing of this document with the Director, Office of the Federal Register.

Sec.

AUTHORITY: The provisions of this subpart issued under secs. 301, 358, 375, 52 Stat. 38, as amended, 55 Stat. 88, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1358, 1375.

§ 729.100 Proclamation of national marketing quota for the 1970 crop of peanuts.

(a) *Statutory requirements.* Section 358(a) of the act provides that between July 1 and December 1 of each calendar year the Secretary shall proclaim a national marketing quota for the crop of peanuts to be produced in the next succeeding calendar year. The quota for such crop shall be a quantity of peanuts which will make available for marketing a supply equal to the average quantity of peanuts harvested for nuts during the immediately preceding 5 years, adjusted for current trends and prospective demand conditions. The national marketing quota shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

(b) *Findings and determinations.* The following findings and determinations under section 358(a) of the act are hereby made:

(1) Average quantity of peanuts harvested for nuts during the 5-year period 1964–68, adjusted for current trends and prospective demand conditions—1,012,000 tons;

(2) Normal yield per acre of peanuts for the United States on the basis of the average yield per acre of peanuts in the 5-year period 1964–68, adjusted for trends in yields and abnormal conditions of production affecting yields—1,910 pounds;

(3) Conversion of the quantity of peanuts determined under (1) of this paragraph into acres on the basis of the normal yield, with an adjustment for under harvesting—1,219,686 acres;

(4) Conversion of the minimum national acreage allotment of 1,610,000 acres into tons of quota on the basis of the normal yield—1,537,550 tons.

(c) *National marketing quota.* The national marketing quota for the 1970 crop of peanuts is hereby proclaimed to be 1,537,550 tons on the basis of the minimum national acreage allotment determined under paragraph (b)(4) of this section since such amount of quota would not be obtained by the smaller amount determined under paragraph (b)(3) of this section.

§ 729.101 National acreage allotment for the 1970 crop of peanuts.

The national acreage allotment for the 1970 crop of peanuts based on the national marketing quota under §729.100 (c) is hereby established at 1,610,000 acres.

§ 729.102 National reserve for new farms.

Section 358(f) of the act provides for the establishment of a national reserve of not more than 1 percent of the national acreage allotment for apportionment among farms on which peanuts are to be produced in 1970 but on which peanuts were not produced during any of the years 1967, 1968, or 1969. A national reserve for such new farms in the amount of 1,610 acres is hereby established.

§ 729.103 Apportionment to States.

The national acreage allotment for the 1970 crop of peanuts of 1,610,000 acres, less the national reserve for new farms of 1,610 acres, is hereby apportioned to the States on the basis of their share of the national acreage allotment for 1969 as provided under section 358(c)(1) of the act:

State	*State acreage allotment*
Alabama	216,918
Arizona	762
Arkansas	4,188
California	931
Florida	55,418
Georgia	528,887
Louisiana	1,947
Mississippi	7,499
Missouri	247
New Mexico	5,738
North Carolina	167,968
Oklahoma	138,290
South Carolina	13,901
Tennessee	3,610
Texas	357,167
Virginia	104,919
Total apportioned to States	1,608,390
National reserve for new farms	1,610
Total, United States	1,610,000

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

Signed at Washington, D.C., on November 8, 1969.

CLIFFORD M. HARDIN,
Secretary.

[F.R. Doc. 69-13619; Filed, Nov. 14, 1969; 8:48 a.m.]

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

[Grapefruit Reg. 36, Amdt. 1]

PART 909—GRAPEFRUIT GROWN IN THE STATE OF ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Administrative Committee reflects its appraisal of the current grapefruit crop and the current and prospective market conditions. More grapefruit is misshapen due to excessive thick skin at the stem end of the fruit than heretofore estimated. Such grapefruit is otherwise of good quality and is readily desired by consumers. This amendment relaxes the requirement so as to provide a greater tolerance for such misshapen fruit so that more such grapefruit may be shipped.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held an assembled meeting on November 5, 1969, to consider recommendation for regulation; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such assembled meeting; necessary supplemental economic and statistical information upon which this recommended amendment is based were received November 5, 1969; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid; this amendment, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective on the date hereinafter set forth; and, compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed on or before the effective date hereof, and this amendment relieves restrictions on the handling of grapefruit.

Order. In § 909.336 (Grapefruit Reg. 36; 34 F.R. 15747) the provisions of paragraph (a)(1) preceding (a)(1)(ii) are amended to read as follows:

§ 909.336 Grapefruit Regulation 36.

(a) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period November 12, 1969, through August 31, 1970, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade which for purpose of this regulation shall include the requirement that the grapefruit be fairly well colored, instead of slightly colored, and free from peel that is more than one inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided,* That in lieu of the 10 percent tolerance provided for the U.S. No. 2 grade the following tolerances shall be allowed for the defects listed:

(*a*) 25 percent, by count, for grapefruit which fail to meet the requirements of the grade other than for shape: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(*1*) 20 percent, by count, for defects caused by scars, except that not more than 5 percent, by count, for scars other than scars which are light colored, fairly smooth, with no depth and aggregate more than 25 percent of the fruit surface;

(*2*) 10 percent, by count, for grapefruit which is not at least fairly well colored;

(*3*) 10 percent, by count, for defects, other than scarring and not being at least fairly well colored, including therein not more than 5 percent, by count, for any one defect, and including in this latter amount not more than one-half of 1 percent, by count, for decay.

(*b*) 15 percent, by count, for grapefruit which is not at least fairly well formed; or

* * * * *

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

Dated, November 12, 1969, to become effective November 12, 1969.

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

[F.R. Doc. 69-13620; Filed, Nov. 14, 1969; 8:48 a.m.]

[Lemon Reg. 401]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.701 Lemon Regulation 401.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to

make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 11, 1969.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period November 16, 1969, through November 22, 1969, are hereby fixed as follows:

(i) District 1: 13,020 cartons;

(ii) District 2: 42,780 cartons;

(iii) District 3: 130,200 cartons.

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

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

Dated: November 12, 1969.

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

[F.R. Doc. 69–13664; Filed, Nov. 14, 1969; 8:50 a.m.]

[Grapefruit Reg. 69]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.369 Grapefruit Regulation 69.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912, 34 F.R. 12881), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 13, 1969.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period November 17, 1969 through November 23, 1969, is hereby fixed at 130,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: November 14, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69–13703; Filed, Nov. 14, 1969; 11:26 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 69–CE–20–AD; Amdt. 39–875]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 99 and 99A Airplanes

An airworthiness directive was adopted on August 25, 1969, and made effective immediately as to all known owners of Beech Model 99 and 99A airplanes. This airworthiness directive was published in the FEDERAL REGISTER as Amendment 39–834 on September 4, 1969 (34 F.R. 14026), AD 69–18–6. The airworthiness directive provides a maximum speed restriction of 174 knots and emergency procedures in the event of pitch trim runaway. As a result of tests conducted by the manufacturer it has been determined that if the airplane is modified in accordance with Beechcraft Service Instruction No. 0285–364 this airspeed limitation can be raised to 200 knots. This service instruction limits the upward travel of the leading edge of the horizontal stabilizer on these model airplanes to 3¼° to 3½° leading edge up. The downward travel of the horizontal stabilizer leading edge remains unchanged. This modification is accomplished by readjusting the horizontal stabilizer limit switches and remarking of the trim indicator in the cockpit. Consequently, an amendment to AD 69–18–6 is necessary to provide that when the airplane is modified in accordance with Beechcraft Service Instruction No. 0285–364 and the airplane flight manual revised, the speed restriction of 174 knots may be raised to 200 knots.

Since it was found that this amendment is relaxatory in nature and that the owners of the Beech Model 99 and 99A airplanes should be advised of it immediately, notice and public procedure thereon was not practical and contrary to the public interest and good cause existed for making this airworthiness directive effective immediately as to all owners of said airplanes by individual air mail letters dated October 30, 1969. This condition still exists and an airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to section 39.13 of Part 39 to make it effective as to all persons.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), section 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–834 (34 F.R. 14026), AD 69–18–6, is amended as follows:

Add Paragraph D which reads as follows:

(d) The airspeed limitation of 174 knots where specified in paragraphs A, B, and C of this airworthiness directive may be increased to 200 knots when the following steps have been accomplished:

1. Modify the airplane in accordance with Beechcraft Service Instruction No. 0285–364.

2. Revise the Airplane Flight Manual in section II, Normal Procedure, page 2–4, before takeoff, Step 2, by adding "Note: Nose down travel stops on red line."

3. Revise the Airplane Flight Manual in section III, Emergency Procedures, by adding to temporary page 3–7, under unscheduled pitch trim—nose down, paragraph E as follows: In the event the wing flaps are extended above 174 knots indicated airspeed, a log book entry should be made stating the indicated airspeed at flap extension. In addition, the 90° drive of each wing flap actuator (4) should be inspected for signs of freeplay of the roll pin and deterioration of the actuator drive tangs.

This amendment becomes effective November 15, 1969.

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

Issued in Kansas City, Mo., on November 6, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69–13600; Filed, Nov. 14, 1969; 8:47 a.m.]

[Docket No. 69-CE-25-AD; Amdt. 39-876]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 99 and 99A Airplanes

Amendment 39-836 (34 F.R. 14207, 14208) AD 69-18-7, adopted on September 2, 1969, was made applicable to all Beech Models 99 and 99A airplanes. Paragraph B of AD 69-18-7 requires in part the installation of a replacement instrument air pressure system approved by the Federal Aviation Administration in these model airplanes by no later than November 15, 1969. This installation is required because the instrument air pressure system as presently installed in certain of these model airplanes is not in compliance with the type certification requirements which require that a single failure or malfunction not be a hazard to the airplane. On those airplanes utilizing air pressure driven instruments on both the pilot and copilot instrument panels, a single failure in the system could result in the loss of all these flight instruments.

Subsequent to the issuance of Amendment 39-836, the manufacturer designed a modified gyro instrument system for Beech Models 99 and 99A airplanes which utilizes electrically driven gyros on one pilot's panel and air driven gyros on the other pilot's panel. Beechcraft Service Instruction 0296-391 covers this system.

The FAA has determined that the installation of the dual electrical/air pressure instrument system as described in Beechcraft Service Instruction 0296-391 is a satisfactory means of complying with the type certification requirements of the flight instrument system in the Beech Models 99 and 99A airplanes. Consequently, an airworthiness directive is being issued requiring that on or before December 29, 1969, the flight instrument system either (1) be modified in accordance with Beechcraft Service Instruction 0296-391, or (2) be modified to provide a gyro instrument system that utilizes two independent sources of power for the pilot's and copilot's instrument panels such as vacuum/air pressure, vacuum/electrical, or air pressure/electrical powered systems if approved by the Chief, Engineering and Manufacturing Branch, Central Region, FAA. The requirement in the second paragraph of paragraph B of Amendment 39-836 that a replacement air pressure powered gyro instrument system must be installed in these model airplanes no later than November 15, 1969, will be superseded upon the issuance of this airworthiness directive.

Since immediate action is required in the interest of safety, compliance with the notice and public procedures provisions of the Administrative Procedure Act is impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, is amended by adding the following new airworthiness directive:

BEECH. Applies to Models 99 and 99A airplanes, Serial Nos. U-1 through U-130.

Compliance required on or before December 29, 1969, unless already accomplished.

To prevent a failure in the flight instrument system that results in the loss of all, or nearly all flight instruments accomplish the following:

Install a dual electrical/air pressure powered gyro instrument system in accordance with Beechcraft Service Instruction 0296-391, or any other system which utilizes two independent sources of power for the pilot's and copilot's instrument panels, approved by the Chief, Engineering and Manufacturing Branch, Central Region, FAA.

This amendment supersedes the second paragraph of paragraph B of AD 69-18-7.

This amendment becomes effective November 15, 1969.

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

Issued in Kansas City, Mo., on November 7, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-13601; Filed, Nov. 14, 1969; 8:47 a.m.]

[Docket No. 69-EA-137; Amdt. 39-870]

PART 39—AIRWORTHINESS DIRECTIVES

General Electric Aircraft Engines

The Federal Aviation Administration is amending section 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive reducing the life limits of certain parts of General Electric type CT58 aircraft engines.

As a result of continuing engineering programs applying new technology to refine life limits of rotating parts General Electric has recommended a precautionary reduction in the life limit of the stage two compressor disc shaft in the CT58 engine. While there have been no actual failures of the part, the lower life limits are based on analyses which show that higher times might develop cracks and possibly fail.

Since a situation exists which requires expeditious adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

GENERAL ELECTRIC. Applies to models CT58-100-1, CT58-100-2, CT58-110-1, CT58-110-2, CT58-140-1, CT58-140-2, T58-GE-1, and T58-GE-5 turboshaft engines.

Compliance required as indicated.

To prevent cracking and possible failure of stage 2 compressor rotor disc shafts the life limits on these parts have been reduced below the figures currently approved.

Unless already accomplished, remove from service stage 2 compressor rotor disc shafts prior to reaching the revised life limit or in accordance with the removal schedule given below for those parts which are close to or exceed the limit on the effective date of this AD.

Part No.	Previous life limits		Revised life limits		Removal schedule
	Hours	Cycles	Hours	Cycles	
					*Above 2,400 hours 5,800 cycles remove within.**
37E500153P101	2,500	8,000	2,500	6,000	100 hours, 200 Cycles.
37E500213P101	2,500	8,000	2,500	6,000	100 hours, 200 cycles.
37E500213P103	2,500	8,000	2,500	6,000	100 hours, 200 cycles.
					*Above 2,950 hours, 5,900 cycles, remove within.**
5008T79P01	10,000	40,000	3,000	6,000	50 hours, 100 cycles.
37E500153P101M	10,000	40,000	3,000	6,000	50 hours, 100 cycles.
					*Above 4,950 hours, 9,900 cycles remove within.**
5005T34P01	10,000	40,000	5,000	10,000	50 hours, 100 cycles.
5008T34P03	10,000	40,000	5,000	10,000	50 hours, 100 cycles.
5008T79P02	10,000	40,000	5,000	10,000	50 hours, 100 cycles.

*Time in service or cycles, whichever occurs first after the effective date of this AD.

For the purposes of this AD a cycle is considered as any engine operating sequence involving engine start, at least one acceleration to a power required for takeoff and shutdown.

This amendment is effective November 15, 1969.

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

Issued in Jamaica, N.Y., on November 4, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-13602; Filed, Nov. 14, 1969; 8:47 a.m.]

[Docket No. 69-EA-135; Amdt. 39-868]

PART 39—AIRWORTHINESS DIRECTIVES

Hartzell Propellers

The Federal Aviation Administration is amending section 39.13 of Part 39 of the Federal Aviation Regulations so as to revise AD 68-19-4 to include additional similar type propellers.

AD 68-19-4 was directed to the Hartzell type HC-A2XF, BHC-A2XF, HC-A2XK, HC-A2XL, HC-A3XK, and HC-A3VK series propellers equipped with Hartzell 8433 or V8433 blades. These models had experienced cracked blade shanks while in service.

When the AD was released the service record for the earlier Hartzell propellers of a similar type design was satisfactory and it was not considered necessary to include them. Since that time, cracked blade shanks have been reported to have been found on some of these models. Therefore, AD 68-19-4 should be revised to include these Hartzell propeller models.

The critical nature of the deficiency creates a situation which requires expeditious adoption of the amendment and therefore, notice and public procedure hereon are impractical, and the airworthiness directive may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by revising AD 68-19-4 to read as follows:

HARTZELL PROPELLERS. Applies to models HC-A2XF, HC-12X20, HC-82VF, BHC-A2XF, HC-13X20, HC-82VK, HC-A2XK, HC-D3X20, HC-82VL, HC-A2XL, HC-82X20, HC-13X20, HC-82VK, HC-A2XK, HC-83XK, HC-A3VK, HC-82XG, HC-83X20, HC-82XK, HC-82XL.

With 8433, V8433, 8833, or V8833 blades installed.

To detect blade shank cracks and prevent possible blade failure, accomplish the following:

(a) Propellers with 2,000 hours' or more time in service inspect in accordance with paragraph (c) within the next 100 hours' time in service after the effective date of this AD. If no cracks are found, shot peen propeller blade shank area in accordance with Hartzell Bulletin No. 93 amended August 12, 1969 or later FAA-approved revision. Shot peened blades are to be reinspected in accordance with paragraph (c) every 1,000 hours' time in service from the last inspection. For propellers which have been inspected within the last 1,000 hours' time in service, compliance with this paragraph is not necessary until 1,000 hours' time in service from the last inspection.

(b) Propellers with less than 2,000 hours' time in service inspect in accordance with paragraph (c) within 2,100 hours' total time in service. If no cracks are found, shot peen blade shank area in accordance with Hartzell Bulletin No. 93, Revision amended August 12, 1969, or later FAA-approved revision. Shot peened blades are to be reinspected in accordance with paragraph (c) every 1,000 hours' time in service from the last inspection.

(c) Remove propeller from aircraft and remove blades from hub. Inspect blade shank area for cracks by the penetrant method. Replace before further flight any cracked blade with a new blade or blade which has been inspected in accordance with this AD and found satisfactory, and shot peened in accordance with Hartzell Bulletin No. 93 amended August 12, 1969, or latter FAA-approved revision.

(d) Upon submission of substantiating data through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, Eastern Region, may adjust the repetitive inspection intervals specified in this AD. Revisions to Hartzell Bulletin No. 93 must be approved by the Engineering and Manufacturing Branch, Eastern Region.

This amendment is effective November 15, 1969.

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

Issued in Jamaica, New York on November 4, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-13603; Filed, Nov. 14, 1969; 8:47 a.m.]

[Docket No. 69-EA-136; Amdt. 39-869]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive which would require inspection and replacement where necessary of exhaust systems on certain serial numbered Piper Aircraft type PA-23 airplanes.

There has been undetected deterioration and failure of exhaust system components which caused severe overheat damage to adjacent wiring, lines and structures including heat damage to the tire. Since this condition is likely to exist or develop in other airplanes of the same design, an airworthiness directive is being issued to require inspections.

Since a situation exists that requires expeditious adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this airworthiness directive effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

PIPER. Applies to PA-23-250 and PA-E23-250 type airplanes Series Nos. 27-2505 through 27-4329 equipped with non-supercharged engines and certificated in all categories.

Compliance required as indicated.

(a) For airplane Serial Nos. 27-2505 through 27-3943 except Serial Nos. 27-3837 within the next 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 25 hours' time in service, and thereafter at intervals not to exceed 50 hours' time in service, visually inspect both engine exhaust system stacks, manifolds, support braces and the slip joint inside the alternate air heat shroud. Inspect for cracks, local distortion and heat deterioration as evidenced by corrosion, flaking or burning. Parts found cracked, distorted or deteriorated must be replaced with a serviceable part prior to further flight.

(b) For airplanes Serial Nos. 27-3837 and 27-3944 through 27-4329 inspect the left engine exhaust system in accordance with paragraph (a) above until a new exhaust stack assembly, Piper P/N 329070-7 is installed in accordance with Piper Service Letter No. 533 and subsequent FAA approved revisions thereto or an equivalent alteration approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(c) Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

Piper Service Letter No. 324C dated Jan. 22, 1969, and Piper PA-23-250 Parts Catalog covers this subject.

This amendment is effective Novem ber 15, 1969.

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

Issued in Jamaica, N.Y., on November 4, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-13605; Filed, Nov. 14, 1969; 8:47 a.m.]

[Docket No. 69-EA-142; Amdt. 39-871]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper Aircraft type PA-18 airplanes. This airworthiness directive was initially issued by telegram on October 24, 1969.

There has been a determination that certain PA-18 airplanes were manufactured with defective longerons in that unapproved steel had been used to construct the longerons. Since this condition is likely to exist in other airplanes of the same type design an airworthiness directive is being issued which will require inspection and where necessary, an approved alteration.

Since a situation exists that requires expeditious adoption of this airworthiness directive, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

Applies to Piper PA18-150 type airplanes, S/N 18-8809 through 18-8851, except S/N 18-8844 and 18-8849, certificated in all categories.

To determine if the lower longerons are made from 1,025 steel or the approved 4,130 steel, accomplish before further flight the following inspection:

(a) Remove the rear seat, look downward through the no sag springs and locate the lower fuselage longerons on the left and right sides of the aircraft.

(b) From a point adjacent to the aileron cable pulley measure aft 10 inches on the top of the longeron and perform the following:

(1) Using longitudinal strokes sand the top surface of the right and left lower longerons with No. 80 emery cloth, for an area approximately 3 inches in length and ½-inch wide. NOTE: No chemical reaction will occur unless this area is thoroughly cleaned down to the bare metal. Use only longitudinal

strokes to remove the paint, primer, metalizing or corrosion from this area.

(2) Wipe specified area with a clean cloth.

(3) Apply one drop of concentrated nitric acid on the sanded area.

(4) If the longeron is 1,025 steel, the acid drop will boil and turn a yellowish orange or brown.

(5) Wipe off the acid spot and neutralize the area with baking soda paste.

(6) Wipe surface and wash with water.

(7) Prime and paint the test area.

(8) If the test indicates (as described above) the longeron is 1,025 steel, the aircraft is considered unairworthy and must be grounded until the aircraft is altered in accordance with an alteration approved by the Chief, Engineering and Manufacturing Branch, Eastern Region.

(9) The aircraft is considered airworthy, relative to the longeron being 4,130 if there is no reaction to the aforementioned acid test, and can be returned to service.

Piper Service Bulletin No. 302, dated Oct. 23, 1969, covers this subject.

This amendment is effective November 15, 1969, and was effective upon receipt for all recipients of the telegram dated October 24, 1969, which contained this amendment.

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

Issued in Jamaica, N.Y., on November 4, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-13606; Filed, Nov. 14, 1969; 8:47 a.m.]

[Docket No. 69-EA-132; Amdt. 39-874]

PART 39—AIRWORTHINESS DIRECTIVES

United Aircraft of Canada

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to the United Aircraft of Canada type PT6 aircraft engines.

There have been failures of the coupling to the Pesco fuel pump on the PT6 engine resulting in inflight power loss. Since this condition is likely to exist on engines of the same type design, an airworthiness directive is being issued to require removal and replacement of the retaining ring.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this regulation effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.85 (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

UNITED AIRCRAFT OF CANADA, LTD. Applies to PT6 model series engines equipped with Pesco Model 024800 fuel pumps as follows:

PT6A-6, -6A, -6B, PT6B-9 all engines.

PT6A-20 prior to S/N PC-E22480.

PT6A-27 prior to S/N PC-E40311.

PT6A-28 prior to S/N PC-E50054 except 50051, 50052.

Compliance within 50 hours after the effective date of this Airworthiness Directive unless already accomplished.

To prevent disengagement of the fuel pump input coupling from the engine gearbox, remove retaining ring, Pesco P/N 99-4660 and install new snap ring Pesco P/N 99-4906. United Aircraft of Canada, Ltd., Service Bulletin No. 174 pertains to this subject.

This amendment is effective November 15, 1969.

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

Issued in Jamaica, N.Y., on November 5, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-13607; Filed, Nov. 14, 1969; 8:47 a.m.]

[Airspace Docket No. 69-SW-60]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Slidell, La.

On September 27, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14897) stating the Federal Aviation Administration proposed to designate the Slidell, La., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 8, 1970, as hereinafter set forth.

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

SLIDELL, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Slidell Airport (lat. 30°20'37" N., long. 89°49'18" W.), and within 2.5 miles each side of the New Orleans VORTAC 043° radial extending from the 5-mile radius area to 23 miles northeast of the VORTAC.

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

Issued in Fort Worth, Tex., on November 4, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-13613; Filed, Nov. 14, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SW-61]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Patterson, La.

On September 27, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 14898) stating the Federal Aviation Administration proposed to designate the Patterson, La., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 8, 1970, as hereinafter set forth.

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

PATTERSON, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harry P. Williams Memorial Airport (lat. 29°42'40" N., long. 91°20'18" W.), within 2.5 miles each side of the Tibby VORTAC 276° radial extending from the 5-mile radius area to 24 miles west of the VORTAC, and within 3.5 miles each side of the 228° bearing from the Patterson RBN (lat. 29°42'32" N., long. 91°20'14" W.) extending from the 5-mile radius area to 11.5 miles southwest of the RBN.

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

Issued in Fort Worth, Tex., on November 4, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-13614; Filed, Nov. 14, 1969; 8:48 a.m.]

[Airspace Docket No. 69-SW-59]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Jennings, La.

On October 2, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 15364) stating the Federal Aviation Administration proposed to designate the Jennings, La., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 8, 1970, as hereinafter set forth.

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

JENNINGS, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jennings Airport (lat. 30°14'30" N., long. 92°40'00" W.), and within 2.5 miles each side of the Lake Charles VORTAC 075° radial extending from the 5-mile radius area to 20.5 miles east of the VORTAC.

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

Issued in Fort Worth, Tex., on November 5, 1969.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 69-13615; Filed, Nov. 14, 1969; 8:48 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-591; Amdt. 8]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Extension of Termination Date of the Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of November 1969

By ER-584 adopted June 25, 1969, effective July 1, 1969, the Board established rates for Logair and Quicktrans services within the contiguous 48 States for use during fiscal year 1970 with an expiration date of June 30, 1970. The rule also provided that the rates for MAC international operations for fiscal 1970 would be established at a later date. In connection therewith, the rule stated that with respect to foreign and overseas transportation, transportation between the 48 contiguous States, on the one hand, and Hawaii or Alaska, on the other hand, and for transportation within Alaska, the part would expire on October 31, 1969. Thereafter, by EDR-168/PSDR-23, dated August 15, 1969, the Board proposed certain minimum rates for fiscal 1970, including those applicable to MAC international operations. Comments have been received, but because of the complex issues raised in the proceeding, the Board has not been able to establish final rates for those operations. It is therefore necessary to extend the term of the part until December 31, 1969, to give the Board adequate time to establish such final rates. The question of the effective date for these rates will be left open, however, and the extent of any retroactive effect to be given the rates will be determined at the time the rates are established.

Considering the matters discussed above, we find that notice with respect to the extension of the exemption and public procedure thereon are impracticable, unnecessary and contrary to the public interest. For these reasons, and also for the reason that we are extending an exemption, we further find that good cause exists for making the rule effective prior to the expiration of the 30-day notice period.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 288 of the Economic Regulations (14 CFR Part 288), effective November 1, 1969, by amending § 288.18(b) to read as follows:

§ 288.18 Expiration.

* * * * *

(b) With respect to foreign and overseas transportation, transportation between the 48 contiguous States, on the one hand, and Hawaii or Alaska, on the other hand, and for transportation within Alaska, including substitute service therefor, this part shall expire December 31, 1969, unless rescinded by the Board at an earlier date.

* * * * *

(Secs. 204, 403, and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758 (as amended by 74 Stat. 445) and 771; 49 U.S.C. 1324, 1373 and 1386)

By the Civil Aeronautics Board.

Effective: November 1, 1969.

Adopted: November 12, 1969.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-13639; Filed, Nov. 14, 1969; 8:49 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Manpower Administration, Department of Labor

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to Secretary's Order No. 14-69 and the Notice of Delegation of Authority published concurrently therewith in the FEDERAL REGISTER on April 15, 1969 (34 F.R. 6502), and in order to reflect organizational changes and delegations set forth in the said documents, the regulations in Chapter V of Title 20 of the Code of Federal Regulations are amended in the following respects:

1. The term "Bureau of Employment Security", wherever it appears, is changed to "Manpower Administration"; and the term "Bureau", wherever it appears, is changed to "Administration".

2. The term "United States Employment Service", wherever it appears, is changed to "United States Training and Employment Service".

3. The term "Director of the United States Employment Service", wherever it appears, is changed to "Manpower Administrator"; and the term "Director", wherever it appears, is changed to "Administrator".

4. The term "Regional Administrator", wherever it appears, is changed to "Regional Manpower Administrator".

5. The term "Director of the Farm Labor Service", wherever it appears, is changed to "Director of Farm Labor and Rural Manpower Service".

The provisions of 5 U.S.C. 553 which require notice of proposed rule making, public participation in their adoption, and delay in effective date are not applicable because these rules relate to public grants and benefits. Nor do I believe such procedures or delay will serve a useful purpose here. Accordingly, this amendment shall become effective immediately.

Signed at Washington, D.C., this 7th day of November 1969.

M. R. LOVELL, Jr.,
Manpower Administrator.

[F.R. Doc. 69-13591; Filed, Nov. 14, 1969; 8:46 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-11A, Direction 1, Amendment 3 of Nov. 14, 1969]

M-11A—COPPER AND COPPER-BASE ALLOYS

Direction 1, Amendment 3—Ammo Strip Set-Aside

This amendment to Direction 1 to BDSA Order M-11A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there was consultation with industry representatives and consideration was given to their recommendations.

This amendment to Direction 1 to BDSA Order M-11A affects Direction 1 to BDSA Order M-11A, of December 2, 1966, as amended, by changing the reserved production capacity, as set forth in section 3(b) of that direction, as amended by Amendment 2 of November 5, 1968, from thirty percent (30%) to twenty-five percent (25%) for orders calling for delivery after December 31, 1969. Amendment 2 of Direction 1 to BDSA Order M-11A, November 5, 1968, is superseded by this Amendment 3.

Section 3(b) of Direction 1 of BDSA Order M-11A of December 2, 1966, is hereby amended to read as follows:

(b) With respect to orders placed pursuant to parargaph (a) of this section calling for delivery after December 31, 1969, each ammo strip producer must reserve production capacity for the production of ammo strip in any month in a minimum amount determined by multiplying his average monthly shipments by weight of copper-base alloy plate, sheet, rolls, and strip (excluding ammo strip) and cups in the base period (January-June 1965, both inclusive), by 25 percent. This reserved portion of his production capacity for ammo strip shall be separate from the setaside for brass mill products—alloyed—plate, sheet, strip, and rolls, provided in Schedule A to this order, as revised from time to time.

(Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, Public Law 90-370, 82 Stat. 279)

This amendment shall become effective November 14, 1969.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
FORREST D. HOCKERSMITH,
Acting Administrator.

[F.R. Doc. 69-13627; Filed, Nov. 14, 1969; 8:48 a.m.]

[BDSA Order M-11A, Direction 2, as Amended Nov. 14, 1969]

M-11A—COPPER AND COPPER-BASE ALLOYS

Direction 2—Domestic Refined Copper Set-Aside

This amended direction to BDSA Order M-11A, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

The amended direction supersedes Direction 2 to BDSA Order M-11A as amended February 25, 1969, including Amendment 1 dated May 8, 1969, and Amendment 2 dated August 19, 1969. This amended direction: (1) deletes "certified order" from section 2(h); and (2) decreases the portion of production of domestic refined copper reserved for the acceptance of rated orders as set forth in section 8 from 16 percent to 14 percent of average monthly production, as defined.

Direction 2 to BDSA Order M-11A, as amended, is hereby further amended to read as follows:

Sec.

AUTHORITY: Sec. 704, 64 Stat. 816, as amended, 50 U.S.C. App. 2154; sec. 1, Public Law 90-370, 82 Stat. 279.

Section 1 What this direction does.

This direction applies to producers of domestic refined copper. It contains rules pertaining to the opening of order books, the acceptance and rejection of rated orders, and establishes a setaside for the required acceptance of such orders by producers of domestic refined copper on an equitable basis.

Sec. 2 Definitions.

As used in this direction:

(a) "Person" means any individual, corporation, partnership, association, or other organized group of persons, and includes any agency of the U.S. Government or any other government.

(b) "BDSA" means the Business and Defense Services Administration of the U.S. Department of Commerce.

(c) "Domestic refined copper" means copper metal made from ores mined in the continental United States which has been refined by any process of electrolysis or fire-refining to a grade and in a form suitable for fabrication, such as cathodes, wire bars, ingot bars, ingots, cakes, billets, or other refined shapes. It does not include copper-base alloy ingot, brass mill castings, intermediate shapes, anodes, powdermill products, copper wire mill products, brass mill products, or foundry copper or copper-base alloy products, or refined copper produced from secondary metal.

(d) "Producer of domestic refined copper" means any person who produces domestic refined copper for his own account in his own facility or who contracts for its production elsewhere from his own raw materials for his account under toll arrangements.

(e) "Controlled material" means steel, copper, aluminum, and nickel alloys, in the forms and shapes specified in Schedule I of DMS Reg. 1, as amended.

(f) "Controlled material producer" means any person who produces a controlled material. For purposes of this direction only, the term "controlled material producer" includes a producer of an intermediate shape as such shape is defined in section 2(m)(11) of BDSA Order M-11A, as amended.

(g) "Rated order" means any purchase order, contract, or other form of procurement for materials or services bearing an authorized rating and the certification required by BDSA Reg. 2 (formerly NPA Reg. 2), DMS Reg. 1 or any other applicable regulation or order of BDSA.

(h) "Mandatory acceptance order" means any authorized controlled material order, rated order, or any other purchase or delivery order, which a person is required to accept pursuant to any regulation or order of BDSA, or pursuant to a specific authorization or directive of BDSA.

(i) "Average monthly production of domestic refined copper" means the monthly average quantity of domestic refined copper produced by a producer of domestic refined copper in the last 6 months of calendar year 1968 and the first 6 months of calendar year 1969, including any domestic refined copper produced for his account by another person under toll arrangements.

Sec. 3 Use of rated orders for domestic refined copper.

A controlled material producer, as defined in section 2(f) of this direction, must use the rating DO-D1 or DX-D1, as the case may be, to obtain domestic refined copper needed to fill mandatory acceptance orders or to replace in inventory domestic refined copper used by him to fill such orders, in accordance with the provisions of section 4(c), 4(d), and 4(e) of DMS Reg. 1, Direction 3: *Provided*, That such ratings shall not be used to obtain a quantity of domestic refined copper in excess of the quantity of copper contained in the controlled material or intermediate shape produced or to be produced therefrom.

Sec. 4 Opening of order books.

Each producer of domestic refined copper shall open his order books for the purpose of accepting rated orders no later than the first day of the month preceding the calendar month for which delivery is requested.

Sec. 5 Acceptance of rated orders.

(a) Each producer of domestic refined copper shall, after receipt of any rated order tendered to him, promptly accept or reject such order. Receipt of a rated order shall not be deemed to have occurred until the order is received at the place where the producer usually processes such an order. Upon such acceptance or rejection, he shall promptly notify, by letter or telegram, the person who tendered the order, of such acceptance or rejection. For the purpose of this paragraph, the word "promptly" shall mean as soon as possible, but in no event later than five consecutive calendar days after receipt.

(b) Each producer of domestic refined copper must comply with such production and other directives as may be issued from time to time by BDSA and with the provisions of BDSA Reg. 2 (formerly NPA Reg. 2) and of all other applicable regulations and orders of BDSA.

Sec. 6 Rejection of rated orders.

A producer of domestic refined copper must accept all mandatory acceptance orders; however, he may reject rated orders in the following cases, but he shall not discriminate among customers in rejecting or accepting such orders:

(1) If the order is received from a person other than a controlled material producer.

(2) If the order is received after the 10th day of the month preceding the month of delivery requested in the order: *Provided*, That a DX order must be accepted without regard to this provision unless it is impracticable for him to make delivery within the required delivery month, in which event, he must accept such order for the earliest practicable delivery date: *Provided further*, That acceptance of a DX order by a producer of domestic refined copper prior to the date he opens his order books shall not effect an opening of his books so as to require acceptance of other orders for domestic refined copper.

(3) If the order is one for less than 20,000 pounds.

(4) If the person seeking to place the order is unwilling or unable to meet such producer's regularly established prices and terms of sale or payment.

(5) If the order calls for delivery of a quantity of domestic refined copper which, together with the quantity of that material for which he had previously accepted rated orders for delivery during the same month, would exceed the quantity of that material which he is required to reserve pursuant to section 8 of this direction: *Provided, however*, That

a DX order must be accepted even though the setaside has been or will be exceeded by such acceptance.

Sec. 7 Priority status of delivery orders.

Each producer of domestic refined copper who accepts rated orders for domestic refined copper pursuant to this direction shall make delivery pursuant to such orders in preference to any other delivery order for domestic refined copper which is not a rated order. However, a delivery order for domestic refined copper pursuant to a directive issued by BDSA, shall take precedence over any other delivery order (including rated orders) previously or subsequently received.

Sec. 8 Reserved portion of production (set-aside).

From the date of opening his books in any month for the acceptance of rated orders for domestic refined copper, each producer of domestic refined copper shall reserve at least 14 percent of his average monthly production of domestic refined copper (as defined in section 2(i) of this direction) for the acceptance of such rated orders calling for delivery in the immediately following month until the quantity of domestic refined copper for which he has accepted such rated orders is equal to at least the quantity thereof he is required to reserve, as indicated above; however, he need not accept such orders after the 10th day of that month even though he may not have accepted rated orders equivalent to the reserved quantity by that date: *Provided, however*, That DX rated orders must be accepted in accordance with the provisos contained in section 6 (2) and (5) above.

Sec. 9 Records and reports.

(a) Producers of domestic refined copper shall make and preserve for at least 3 years thereafter, accurate and complete records of production, receipts, sales, and deliveries of domestic refined copper. Such records shall include, but shall not be limited to, all rated orders received by such producers. Records shall be maintained in sufficient detail to permit the determination after audit whether each transaction involving rated orders complies with the provisions of this direction. This direction does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided the records required herein are maintained. Records may be retained in the form of microfilm, or other photographic copies or in the storage devices of automatic data processing equipment, instead of the originals by the producer of domestic refined copper who, at the time such microfilm or other photographic copies or magnetic tapes are made, maintains such types of record information in the regular and usual course of business.

(b) All records required by this direction shall be made available for inspection and audit by duly authorized representatives of the Business and Defense Services Administration, at the usual place of business, where maintained.

(c) Producers of domestic refined copper subject to this direction shall make such records and submit such reports to BDSA as it shall require subject to the terms of the Federal Reports Act of 1942 (5 U.S.C. 139–139F).

Sec. 10 Communications.

All communications concerning this direction shall be addressed to the Business and Defense Services Administration, Washington, D.C. 20230. Ref: BDSA Order M–11A.

This direction shall become effective November 14, 1969.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
FORREST D. HOCKERSMITH,
Acting Administrator.

[F.R. Doc. 69–13628; Filed, Nov. 14, 1969; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4728]

[Arizona 2139]

ARIZONA

Powersite Restoration No. 676; Powersite Cancellation No. 270

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission in DA–148–Arizona, it is ordered as follows:

1. The Executive Order of October 30, 1916, creating Powersite Reserve No. 558 and Departmental Order of February 7, 1917, creating Waterpower Designation No. 9, are hereby revoked so far as they affect the following described lands:

PRESCOTT NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

All portions of the following described lands lying within 50 feet of the centerline of the constructed transmission line of the Arizona Power Co., or of its successors in interest, as shown on maps filed with application Phoenix 037837 and on public land surveys made subsequent to construction:

T. 15 N., R. 3 E.,
Sec. 5, lots 3, 4, 7, and 9, NW¼NW¼;
Sec. 7, lots 5, 6, and 7, E½SE¼;
Sec. 8, NW¼, NW¼SW¼.

The areas described aggregate approximately 577.29 acres in Yavapai County.

2. At 10 a.m. on December 12, 1969, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69–13581; Filed, Nov. 14, 1969; 8:45 a.m.]

[Public Land Order 4729]

[I–2844]

IDAHO

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental order of December 9, 1918, creating Stock Driveway Withdrawal No. 48, is hereby revoked so far as it affects the following described national forest lands:

BOISE MERIDIAN

SAWTOOTH NATIONAL FOREST

T. 1 N., R. 10 E.,
Sec. 24, NE¼SW¼, N½SE¼;
Sec. 25, NW¼NE¼.

Containing 160 acres in Elmore County.

2. At 10 a.m. on December 12, 1969, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69–13582; Filed, Nov. 14, 1969; 8:46 a.m.]

[Public Land Order 4730]

[Nevada 053893]

NEVADA

Revocation of Air Navigation Site Withdrawal

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Public Land Order 2327 of April 7, 1961, withdrawing lands as an air navigation facility is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 27 N., R. 41 E.,
Sec. 19, E½SW¼.

The area described aggregates 80 acres in Lander County.

The lands are located about 46 miles southwest of Battle Mountain, Nev., on top of Mount Moses. Soil varies from rocky to gravelly coarse sandy loam.

2. At 10 a.m. on December 12, 1969, the public lands shall be open to operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m.

on December 12, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69-13583; Filed, Nov. 14, 1969; 8:46 a.m.]

[Public Land Order 4731]

[Utah 3715]

UTAH

Partial Revocation of Air Navigation Site Withdrawals

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), as amended, it is ordered as follows:

1. The departmental order of October 26, 1931, withdrawing lands as Air Navigation Site No. 70, is hereby revoked so far as it affects the following described lands:

SALT LAKE MERIDIAN

TIMPIE SITE

T. 1 S., R. 7 W.,
Sec. 8, SE¼NE¼NE¼NE¼.

The area described contains 2.5 acres, located in Tooele County, about one-half mile north of Delle, Utah, on top of a large knoll. The topography is undulating and the soil is a rocky clay loam.

2. The departmental order of May 4, 1945, withdrawing lands as Air Navigation Site No. 225, is hereby revoked so far as it affects the following described lands:

SALT LAKE MERIDIAN

NADA BUTTE SITE

T. 31 S., R. 12 W.,
Sec. 19, SE¼SE¼NW¼NW¼.
T. 31 S., R. 13 W.,
Sec. 24, SE¼SE¼NE¼NE¼.

The areas described contain 5 acres in Iron County. Topography is rough and mountainous and the soils are very rocky.

3. At 10 a.m. on December 12, 1969, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, and procedures. All valid applications received at or prior to 10 a.m. on December 12, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands will be open to location under the mining laws at 10 a.m. on December 12, 1969. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69-13584; Filed, Nov. 14, 1969; 8:46 a.m.]

[Public Land Order 4732]

[Arizona 2078]

ARIZONA

Revocation of Air Navigation Site Withdrawal No. 229

By virtue of the authority contained in section 4 of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The Departmental Order of August 26, 1946, so far as it withdrew the following described land as Air Navigation Site No. 229 is hereby revoked:

GILA AND SALT RIVER MERIDIAN

T. 17 N., R. 15 W.,
Sec. 28, NE¼SE¼SW¼.

The area described aggregates 10 acres in Mohave County.

2. At 10 a.m. on December 12, 1969, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on December 12, 1969, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the United States mining laws at 10 a.m. on December 12, 1969. They have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Ariz.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69-13585; Filed, Nov. 14, 1969; 8:46 a.m.]

[Public Land Order 4733]

[A 409]

ARIZONA

Revocation of Withdrawal for Small Tract Development

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141) as amended, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 317 of April 15, 1946, as amended by Public Land Order No. 922 of October 20, 1953, reserving certain public lands in Arizona for the purpose of development under the Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended, is hereby revoked so far as it affects the following described lands:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 14 S., R. 12 E.,
Sec. 23, W½NE¼ and NW¼;
Sec. 24, SW¼ and W½SE¼;
Sec. 25, NE¼ and S½;
Sec. 35.
T. 15 S., R. 12 E.,
Sec. 1, lots 8 to 23, inclusive (lot 3 and SW¼NW¼);
Sec. 3, lots 1, 2, 5 to 28, inclusive, S½NE¼ and SW¼NW¼ (N½);
Sec. 4, lots 1, 2, 5 to 68, inclusive, and S½ NE¼ (E½ and SW¼);
Sec. 5, lots 5 to 69, inclusive (E½);
Sec 7, lots 5 to 20, inclusive (S½SE¼);
Sec. 8, lots 1 to 67, inclusive (N½);
Sec. 9, NW¼;
Sec. 10.
T. 14 S., R. 13 E.,
Sec. 19, SE¼;
Sec. 27, W½SW¼ and SE¼SW¼;
Sec. 28, SW¼, N½SE¼, and SE¼SE¼;
Sec. 29, S½;
Sec. 30;
Sec. 31, lots 5 to 48, inclusive (lot 1, N½ NE¼, NE¼NW¼, SE¼SE¼);
Sec. 33, lot 2 (SW¼NW¼).
T. 15 S., R. 13 E.,
Sec. 4, lots 5 to 80, inclusive (lot 3, SW¼ NE¼, SE¼NW¼).

The areas described, including both public and nonpublic lands, aggregate 5,906.63 acres in Pima County. The lands are located on the western fringe of Tucson, Ariz., in an area of small homesites and commercial frontage south of Tucson Mount Park. Topography is flat with numerous small washes; soils are deep, sandy loam; vegetation is sparse and consists primarily of creosote bush, cacti, mesquite and a few annual grasses.

2. The lands shall not be open to disposition under the public land laws unless and until it is so provided in an appropriate classification and an order of opening of an authorized officer of the Bureau of Land Management.

3. The lands have been open to applications and offers under the mineral leasing laws and to location for metalliferous minerals. They will be open to location under the U.S. mining laws for nonmetalliferous minerals at 10 a.m. on December 12, 1969.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Ariz.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69-13586; Filed, Nov. 14, 1969; 8:46 a.m.]

[Public Land Order 4734]

[Sacramento 2349]

CALIFORNIA

Revocation of Withdrawals for National Forest Administrative Site and Ranger Station

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Departmental Orders of October 26, 1906, and October 29, 1907, for the Battle Creek Meadow Administrative Site and Ranger Station, are hereby revoked so far as they affect the following described lands:

MOUNT DIABLO MERIDIAN

LASSEN NATIONAL FOREST

T. 29 N., R. 4 E.,
Sec. 19, SE¼SE¼SW¼, N½NE¼SW¼SE¼, SW¼NE¼SW¼SE¼, N½SE¼NE¼SW¼SE¼, SW¼SW¼SE¼, W½SE¼SW¼SE¼, and S½S½SE¼SE¼SW¼SE¼;
Sec. 30, NE¼NW¼.

The areas described aggregate approximately 74.38 acres in Tehama County.

2. At 10 a.m. on November 17, 1969, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69-13587; Filed, Nov. 14, 1969; 8:46 a.m.]

[Public Land Order 4735]

[Arizona 2083]

ARIZONA

Partial Cancellation of Waterpower Designation No. 5; Partial Revocation of Powersite Reserve No. 606 (Powersite Restoration No. 677, and Powersite Cancellation No. 271)

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission in DA-146-Arizona, it is ordered as follows:

1. The Departmental Order of February 9, 1917, creating Waterpower Designation No. 5, and the Executive Order of April 4, 1917, creating Powersite Reserve No. 606, are hereby revoked so far as they affect the following described national forest lands:

COCONINO NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

T. 15 N., R. 4 E.,
Sec. 2, E½, SE¼SW¼;
Sec. 10, SE¼NE¼, NE¼SE¼;
Sec. 11, N½NE¼, SW¼NE¼, NE¼NW¼, S½NW¼, N½SW¼.
T. 16 N., R. 4 E.,
Sec. 14, SW¼NE¼, SE¼NW¼, SW¼, NW¼SE¼;
Sec. 23, NW¼NE¼, S½NE¼, NW¼NW¼, E½W½, SE¼;
Sec. 25, SW¼NW¼, W½SW¼;
Sec. 26, NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 35, E½NE¼, SE¼;
Sec. 36, W½NW¼, NW¼SW¼.
T. 17 N., R. 5 E.,
Sec. 13, SE¼SE¼;
Sec. 23, SE¼SE¼;
Sec. 24, NE¼, SE¼NW¼, S½;
Sec. 25, NE¼NE¼, W½NE¼, NW¼, NW¼SW¼;
Sec. 26, NE¼, NE¼NW¼, S½NW¼, S½.
T. 17 N., R. 6 E.,
Sec. 4, W½NE¼, NW¼, N½SW¼, SW¼SW¼;
Sec. 5, S½NE¼, NE¼SW¼, SW¼SW¼SW¼, W½SE¼SW¼SW¼, N½SE¼SW¼, NE¼SE¼SE¼SW¼, S½SE¼SE¼SW¼, SE¼;
Sec. 7, SE¼NE¼, N½NE¼SE¼, N½S½NE¼SE¼, W½SE¼, SE¼SE¼;
Sec. 8, NE¼NE¼, W½NE¼, NE¼NE¼NW¼, SE¼NW¼NE¼NW¼, S½NE¼NW¼, W½NW¼, SE¼NW¼, SW¼, NW¼SE¼;
Sec. 17, W½W½;
Sec. 18, N½NE¼, SW¼NE¼, W½W½SE¼NE¼, E½NW¼, NE¼NE¼SW¼, W½NE¼SW¼, NW¼SW¼, W½E½SW¼SW¼, W½SW¼SW¼, W½W½NE¼SE¼, NW¼SE¼, E½SE¼SE¼;
Sec. 19, NE¼NE¼NE¼, S½N½NE¼, S½NE¼, NW¼NE¼NW¼, S½NE¼NW¼, W½NW¼, SE¼NW¼, SW¼, NW¼SE¼;
Sec. 20, NW¼NW¼.
T. 18 N., R. 6 E.,
Sec. 27, S½SW¼;
Sec. 33, SE¼NE¼, E½SE¼;
Sec. 34, NW¼, N½SW¼, SW¼SW¼.

The areas described aggregate approximately 6,765 acres in Yavapai and Coconino Counties.

Some of the lands have been patented, subject to provisions of section 24 of the Federal Power Act. Others are withdrawn for transmission line Project No. 1363 of Project No. 1402, to which the general determination of the Federal Power Commission dated April 17, 1922, is applicable.

2. At 10 a.m. on December 12, 1969, the national forest lands, not otherwise withdrawn or appropriated, shall be open to such forms of disposition as may by law be made of national forest lands, subject to any existing withdrawals for power or other purposes.

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

HARRISON LOESCH,
Assistant Secretary of the Interior.

NOVEMBER 6, 1969.

[F.R. Doc. 69-13588; Filed, Nov. 14, 1969; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER I—ANCHORAGES

[CGFR 69-120]

PART 110—ANCHORAGE REGULATIONS

Subpart A—Special Anchorage Areas

MANHASSET BAY, SPECIAL ANCHORAGE AREA

1. Section 110.60(g) in describing the special anchorage area in Manhasset Bay, west area at Manorhaven, excludes therefrom the seaplane restricted area described in § 110.35. This reference to § 110.35 was due to a clerical error. The seaplane restricted area is described in § 207.35.

2. Accordingly, § 110.60(g) is corrected by changing in the last line "§ 110.35" to "§ 207.35".

(Sec. 1, 30 Stat. 98, as amended, sec. 6(g)(1)(B), 80 Stat. 937; 33 U.S.C. 180; 49 U.S.C. 1655(g)(1)(B); 49 CFR 1.4(a)(3)(ii))

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

Dated: November 7, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 69-13599; Filed, Nov. 14, 1969; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18607; FCC 69-1227]

PART 73—RADIO BROADCAST SERVICES

Determination of Power of Standard Broadcast Stations

In the matter of amendment of Part 73, Subpart A, of the Commission's rules and regulations concerning the determination of power of standard broadcast stations.

Report and order. 1. The notice of proposed rule making in this proceeding, adopted July 15, 1969, had, as its chief purpose, the amendment of the rules concerning the indirect measurement of power of standard broadcast stations. These rules, presently set forth in § 73.52, would be expanded and modified with respect to the procedures specified for the determination of the efficiency factor utilized in the computation of power by indirect measurement. In many situations, information is available from which more accurate and appropriate values for the efficiency factor can be obtained than is provided in the table in § 73.52, and the amended rules would take advantage of this fact.

2. In addition, we proposed the transfer of material on indirect measurement of power to § 73.51, which presently deals with the direct measurement of power, with an appropriate change in title for § 73.51; to renumber § 73.57, Operating power; how determined, as § 73.52, deleting § 73.57; to revise and retitle § 73.54 so that it deals exclusively with the subject of antenna resistance and reactance measurement; to delete § 73.39(e) as obsolete, and to make minor changes in § 73.186(a)(5). The deadlines for filing comments and reply comments were set as August 22, 1969, and September 5, 1969, respectively.

3. Four parties filed timely comments on these proposals: Association on Broadcasting Standards, Inc. (ABS), Collins Radio Co. (Collins), E. Harold Munn, Jr. (Munn), and Charles E. Strain

(Strain), both consulting engineers. No reply comments were submitted.

4. ABS supports the proposed rule amendments without qualification. Collins concurs generally with the proposed changes, but urges that we consider in this proceeding rule amendments which would permit the use of the radio frequency directional wattmeter as an alternative to the presently prescribed "I²R" method for the direct measurement of power of standard broadcast stations.

5. Collins requests, in effect, that we enlarge the scope of this proceeding to encompass its proposal. If we took this action, a further notice would be required, and additional comments and reply comments invited. The expeditious adoption of the essentially noncontroversial rule amendments which are the subject of this proceeding would be indefinitely delayed. Therefore, although we believe the Collins proposal may have merit, we will not consider it further here. In any event, Collins' basic proposal, together with the ancillary rule changes which it considers desirable, can be examined realistically only in a proceeding which reviews all aspects of present rules relating to the direct measurement of power. Such an examination may be timely and appropriate. If Collins wishes to petition for the institution of such a proceeding, its request will be given careful consideration.

6. Munn suggests that, in addition to requiring the efficiency factor F to be entered in the operating log each day for each mode of operation (see proposed § 73.51(c)(2)), we stipulate that the actual operating power be computed and entered in the operating log. In this way, the relationship of specific plate voltage and current readings to a specific operating power will be established for the information of the operator, who, particularly if he holds other than a first class radiotelephone license, may otherwise record such readings without regard to their significance in the maintenance of an authorized power output.

7. Even when power is being determined by the direct method, the operator cannot determine the operating power without a computation utilizing the antenna current, a variable, and the previously measured antenna resistance (assumed to be a constant). However, in such a case the power varies directly with variations in a single parameter, and an operator of lower grade properly instructed pursuant to § 73.93(b) presumably knows within what limits the antenna current may vary without the operating power deviating beyond the tolerances prescribed by the rules. On the other hand, when power is being determined indirectly, it varies as the product of two varying factors, i.e., the plate voltage and plate current of the final radio stage. Maximum and minimum values for this product corresponding to the upper and lower operating power limits, or those limits themselves, should be specified for the operator if he is to maintain the transmitter at the proper level. It follows that the operator must know the product of the plate voltage and plate current values which he enters on the operating log, and perhaps the power computed therefrom if he is to comply with the instructions given him. So long as the proper value for the efficiency factor is entered in the operating log, it would not seem necessary that the product be multiplied by this factor, unless the limits specified in the operator's instructions are in terms of the computed power. We believe that Munn's suggestion is a good one, and in addition to requiring the entry of the factor F on the operating log, we are requiring that for each entry of the values of indicated plate voltage and plate current in the operating log, the product of these two factors also be entered, or the power computed for these values. In the Appendix hereto, we have included an amendment to subparagraph (a)(5) of § 73.113, Operating Logs, to "flag" the particular logging requirements of § 73.51(e)(2).

8. Proposed subparagraph (a) of § 73.54 reads:

"The resistance of an omnidirectional series fed antenna shall be measured at the base of the antenna without intervening coupling networks. For a shunt excited antenna, the antenna resistance shall be measured at the point the slant wire or other feed wire couples to the transmission line (or to the transmitter if no transmission line is employed)."

Strain suggests that the words "or components" be added to the end of the first sentence, to obviate the possibility that some single circuit element, such as a capacitor, may be interposed between the measurement point and the base of the antenna. We will adopt this suggestion.[1] Strain further states that the second sentence does not clearly preclude the intervention of a network or "component" between the measuring point and the feed wire, and would amend that sentence to read:

"For a shunt excited antenna, the antenna resistance shall be measured at the point where the RF energy is fed to the slant wire or other feed wire circuits."

We accept Strain's language, but believe the point would be further clarified if we add "without intervening networks or components."

9. Finally, Strain remarks that although § 73.54(c)(1) specifies that antenna resistance measurements be made at intervals of approximately 5 kc/s, and § 73.54(e)(2) requires the submission of a "schematic diagram showing all components of coupling circuits * * *", etc., that the Commission in the past has approved engineering reports containing measurements made only at 10 kc/s intervals, or not including detailed schematic diagrams. If the rule requirements mentioned are not important to the Commission in all cases, he suggests they be relaxed for the benefit of all engineers submitting antenna measurement data.

10. We do not know of the particular circumstances surrounding cases in which the Commission may have accepted engineering reports with antenna resistance measurements made at greater than 5 kc/s intervals, or reports not including schematic diagrams. We believe that the basic requirements of the present rules in these respects are necessary for the proper evaluation of reports of antenna resistance measurements and they will be carried forward, in substance, in the amended rules.

11. The proposed rules, with minor editorial revisions, and modified in accordance with submitted comments, as discussed above, are set forth below.

12. *Accordingly, it is ordered*, Effective December 18, 1969, that Part 73 of the rules and regulations is amended as set forth below. Authority for this action is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

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

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

Adopted: November 7, 1969.

Released: November 14, 1969.

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

1. In § 73.39, the text of paragraph (e) is deleted, and (e) is shown as [Reserved].

§ 73.39 Indicating instruments—specifications.

* * * * *

(e) [Reserved]

* * * * *

2. Section 73.51 is amended to read as follows:

§ 73.51 Operating power; how determined.

(a) Except as provided in paragraph (b) of this section, the operating power shall be determined by the direct method, i.e., as the product of the antenna resistance at the operating frequency (see § 73.54) and the square of the antenna current at this frequency, measured at the point where the antenna resistance has been determined.

(b) The operating power shall be determined on a temporary basis by the indirect method described in paragraphs (c) and (d) of this section, in the following circumstances: (1) In an emergency, where the authorized antenna system has been damaged by causes beyond the control of the licensee or permittee (see § 73.45), or (2) pending completion of authorized changes in the

[1] We make this addition as we believe it will improve the understanding of the provision on the basis of common usage of the terms employed, although strictly speaking, it should be unnecessary. The term network includes the case of a single element, e.g., a capacitor constitutes a two terminal reactive network.

[2] Chairman Burch abstaining from voting; Commissioner Wells not participating.

antenna system, or (3) if changes occur in the antenna system or its environment which affect or appear likely to affect the value of antenna resistance or (4) if the antenna current meter becomes defective (see § 73.58). Prior authorization for determination of power by the indirect method is not required. However, an appropriate notation shall be made in the operating log.

(c) (1) Operating power is determined by the indirect method of applying an appropriate factor to the plate input power, in accordance with the following formula:

$$\text{Operating power} = Ep \times Ip \times F$$

Where:

Ep = Plate voltage of the final radio stage
Ip = Total plate current of the final radio stage
F = Efficiency factor

(2) The value of F applicable to each mode of operation shall be entered in the operating log for each day of operation, with a notation as to its derivation. This factor shall be established by one of the methods described in paragraph (d) of this section, which are listed in order of preference. The product of the plate current and plate voltage, or alternatively, the computed operating power, shall be entered in the operating log under an appropriate heading for each log entry of plate current and plate voltage.

(d) (1) If the transmitter and the power utilized during the period of indirect power determination are the same as have been authorized and utilized for any period of regular operation, the factor F shall be the ratio of such authorized power to the corresponding plate input power of the transmitter for regular conditions of operation, computed with values of plate voltage and plate current obtained from the operating logs of the station for the last week of regular operation. However, if the station has been regularly authorized for operation with directional antenna, and temporary authority has been granted for nondirectional operation with regularly authorized power, during the period that power is being determined indirectly, an adjusted factor F shall be employed, which is derived by dividing the factor, as determined above, by a constant (0.925 for authorized powers of 5 kw. or less; 0.95 for powers above 5 kw.).

(2) If a station has not been previously in regular operation with the power authorized for the period of indirect power determination, if a new transmitter has been installed, or if, for any other reason, the determination of the factor F by the method described in paragraph (d)(1) of this section is impracticable:

(i) The factor F shall be obtained from the transmitter manufacturer's letter or test report retained in the station's files, if such a letter or test report specifies a unique value of F for the power level and frequency utilized; or

(ii) By reference to the following table:

Factor (F)	Method of modulation	Maximum rated carrier power	Class of amplifier
0.70	Plate	0.25-1.0 kw.	
.80	Plate	5 kw. and over	
.35	Low level	0.25 kw. and over	B
.65	Low level	0.25 kw. and over	BC [1]
.35	Grid	0.25 kw. and over	

[1] All linear amplifier operation where efficiency approaches that of Class C operation.

(3) When the factor F is obtained from the table, this value shall be used even though the operating power may be less than the maximum rated carrier power of the transmitter.

§ 73.52 [Deleted]

3. The title and text of § 73.52 is deleted and the title and text of § 73.57 is redesignated as § 73.52.

§ 73.52 [Redesignated]

4. Section 73.54 is revised to read as follows:

§ 73.54 Antenna resistance and reactance; how determined.

(a) The resistance of an omnidirectional series fed antenna shall be measured at the base of the antenna, without intervening coupling networks or components. For a shunt-excited antenna, the antenna resistance shall be measured at the point when the radiofrequency energy is fed to the slant wire or other feed wire circuit without intervening networks or components.

(b) The resistance and reactance of a directional antenna shall be measured at the point of common radiofrequency input to the directional antenna system. The following conditions shall obtain:

(1) The antenna shall be finally adjusted for the required radiation pattern.

(2) The reactance at the operating frequency and at the point of measurement shall be adjusted to zero, or as near thereto as practicable.

(c) (1) The resistance of an antenna shall be determined by the following procedure: A series of discrete measurements shall be made over a band of frequencies extending from approximately 25 kc/s below the operating frequency to approximately 25 kc/s above that frequency, at intervals of approximately 5 kc/s. The measured values shall be plotted on a linear graph, with frequency as the abscissa and resistance as the ordinate. A smooth curve shall be drawn through the plotted values. The resistance value corresponding to the point of intersection of the curve and the ordinate representing the operating frequency of the station shall be the resistance of the antenna.

(2) For a directional antenna, the reactance of the antenna shall be determined by a procedure similar to that described in subparagraph (1) of this paragraph.

(d) The license of a station with a directional antenna, and authorized power of 5 kilowatts or less shall specify an antenna resistance 92.5 percent of that determined at the point of common input; for a station with directional antenna and authorized power exceeding 5 kilowatts the license shall specify an antenna resistance 95 percent of that determined at the point of common input.

(e) Applications for authority to determine power by the direct method shall specify the antenna or common point resistance, and shall include the following supporting information.

(1) A full description of the method used to make measurements.

(2) A schematic diagram showing clearly all components of coupling circuits, the point of resistance measurement, location of antenna ammeter, connections to and characteristics of all tower lighting isolation circuits, static drains, and any other fixtures, sample lines, etc., connected to or supported by the antenna, including other antennas and associated circuits.

(3) Make and type of each calibrated instrument employed, manufacturer's rated accuracy, together with the date of last calibration of the instrument, the accuracy of the calibration, and the identity of the person or firm making the calibration.

(4) A tabulation of all measured data.

(5) Graph(s) plotted from this data.

(6) The qualifications of the engineer(s) making the measurements.

§ 73.57 [Deleted]

5. Section 73.57 is deleted. The title and text are redesignated as § 73.52.

§ 73.58 [Amended]

6. In § 73.58(b)(3), the section reference in the first sentence is changed from "§ 73.52" to "§ 73.51 (c) and (d)."

7. In § 73.113, subparagraph (5) of paragraph (a) is amended to read as follows:

§ 73.113 Operating log.

(a) * * *

(5) Any other entries required by the instrument of authorization or the provisions of this part. See particularly, the additional entries required by § 73.51(c) (2) when power is being determined by the indirect method.

* * * * *

8. In § 73.186, subparagraph (5) of paragraph (a) is amended to read as follows:

§ 73.186 Field intensity measurements in allocation; establishment of effective field at 1 mile.

(a) * * *

(5) The antenna power of the station shall be maintained at the authorized level during all field intensity measurements. The power determination requires a knowledge of the total antenna resistance, which must be accurately measured and modified in accordance with § 73.54(d) in the case of a directional antenna, and of the antenna current, measured by an ammeter of acceptable accuracy (see §§ 73.39 and 73.58).

* * * * *

[F.R. Doc. 69-13629; Filed, Nov. 14, 1969; 8:48 a.m.]

[FCC 69-1219]

PART 95—CITIZENS RADIO SERVICE
PART 97—AMATEUR RADIO SERVICE
PART 99—DISASTER COMMUNICATIONS SERVICE

Antenna Limitations

In the matter of amendment of Parts 95, 97, and 99 of the Commission's rules to comply with Part 17 of the Commission's rules concerning antenna limitations.

Order. 1. The Commission has under consideration the amendment of Parts 95, 97, and 99 of the Commission's rules governing the Citizens Radio Service, the Amateur Radio Service, and the Disaster Radio Service, respectively, to effect the editorial changes described below.

2. Docket No. 16474 (FCC 67-871) which was adopted on July 26, 1967, amended Part 17 of the Commission's Rules on Construction, Marking, and Lighting of Antenna Structures. Since Part 17 governs the antenna standards adhered to by the Commission, Parts 95, 97, and 99 of the rules should be amended to reflect the changes applicable.

3. In addition, paragraph (a)(3) of § 95.35 has been clarified to indicate that an application for modification is required for any change in the antenna structure of a Class A station. Since the antenna data is part of the parameters specified in the license, any change therefrom requires prior Commission approval.

4. Except for § 95.35(a)(3), the amendments adopted herein make no change in our rules other than to conform them precisely to the pertinent changes in Part 17, already accomplished by Docket No. 16474. Therefore, compliance with the provisions for notice and public procedure (5 U.S.C. 553) is unnecessary and they may be made effective immediately. Authority for these changes is contained in section 4(i) and section 303(r) of the Communications Act of 1934, as amended.

5. In view of the foregoing, *It is ordered*, That, effective November 21, 1969, Parts 95, 97, and 99 of the Commission's rules are amended, as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 164, 303)

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

I. Part 95 of the Commission's rules is amended to read as follows:

1. In § 95.3(c) the definition for "Landing area" is deleted and the definition for "Antenna structure" is revised to read as follows:

§ 95.3 Definitions.

* * * * *

(c) * * *

Antenna structures. The term "antenna structures" includes the radiating system, its supporting structures and any appurtenances mounted thereon.

* * * * *

2. Section 95.35(a)(3) is amended to read as follows:

§ 95.35 Changes in authorized stations.

* * * * *

(a) * * *

(3) Move, change the height of, or erect a Class A station antenna structure.

* * * * *

3. Section 95.37 is amended to read as follows:

§ 95.37 Limitations on antenna structures.

(a) Except as provided in paragraph (b) of this section, an antenna for a Class A station which exceeds the following height limitations may not be erected or used unless notice has been filed with both the FAA on FAA Form 7460-1 and with the Commission on Form 714 or on the license application form, and prior approval by the Commission has been obtained for:

(1) Any construction or alteration of more than 200 feet in height above ground level at its site (§ 17.7(a) of this chapter).

(2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes (§ 17.7(b) of this chapter):

(i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport with at least one runway more than 3,200 feet in length, excluding heliports, and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory of the current Airman's Information Manual or is operated by a Federal military agency.

(ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport with its longest runway no more than 3,200 feet in length, excluding heliports, and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory or is operated by a Federal military agency.

(iii) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport listed in the Airport Directory or operated by a Federal military agency.

(3) Any construction or alteration on any airport listed in the Airport Directory of the current Airman's Information Manual (§ 17.7(c) of this chapter).

(b) A notification to the Federal Aviation Administration is not required for any of the following construction or alteration of Class A station antenna structures.

(1) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. Applicants claiming such exemption shall submit a statement with their application to the Commission explaining the basis in detail for their finding (§ 17.14(a) of this chapter).

(2) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure (§ 17.14(b) of this chapter).

(c) A Class B, Class C, or Class D station operated at a fixed location shall employ a transmitting antenna which complies with at least one of the following:

(1) The antenna and its supporting structure does not exceed 20 feet in height above ground level; or

(2) The antenna and its supporting structure does not exceed by more than 20 feet the height of any natural formation, tree or manmade structure on which it is mounted; or

(3) The antenna is mounted on the transmitting antenna structure of another authorized radio station and does not exceed the height of the antenna supporting structure of the other station; or

(4) The antenna is mounted on and does not exceed the height of an antenna structure otherwise used solely for receiving purposes, which structure itself complies with subparagraph (1) or (2) of this paragraph.

NOTE: A manmade structure is any construction other than a tower, mast, or pole.

(d) Class C stations operated on frequencies in the 72–76 Mc/s band shall employ a transmitting antenna which complies with all of the following:

(1) The gain of the antenna shall not exceed that of a half-wave dipole;

(2) The antenna shall be immediately attached to, and an integral part of, the transmitter; and

(3) Only vertical polarization shall be used.

(e) Further details as to whether an aeronautical study and/or obstruction marking and lighting may be required, and specifications for obstruction marking and lighting when required, may be obtained from Part 17 of this chapter, "Construction, Marking, and Lighting of Antenna Structures."

4. Section 95.107 is revised to read as follows:

§ 95.107 Inspection and maintenance of tower marking and lighting, and associated control equipment.

The licensee of any radio station which has an antenna structure required to be painted and illuminated pursuant to the provisions of section 303(q) of the Communications Act of 1934, as amended, and Part 17 of this chapter, shall perform the inspection and maintain the tower marking and lighting, and associated control equipment, in accordance with the requirements set forth in Part 17 of this chapter.

5. Section 95.111 is revised to read as follows:

[1] Chairman Burch abstaining from voting; Commissioner Wells not participating.

§ 95.111 Recording of tower light inspections.

When a station in this service has an antenna structure which is required to be illuminated, appropriate entries shall be made in the station records in conformity with the requirements set forth in Part 17 of this chapter.

II. Part 97 of the Commission's Rules is amended as follows:

1. In § 97.3 paragraph (h) is amended and paragraph (i) is deleted to read as follows:

§ 97.3 Definitions.

* * * * *

(h) *Antenna structures.* The term antenna structures includes the radiating system, its supporting structures and any appurtenances mounted thereon.

2. Section 97.45 is revised to read as follows:

§ 97.45 Limitations on antenna structures.

(a) Except as provided in paragraph (b) of this section, an antenna for a station in the Amateur Radio Service which exceeds the following height limitations may not be erected or used unless notice has been filed with both the FAA on FAA Form 7460–1 and with the Commission on Form 714 or on the license application form, and prior approval by the Commission has been obtained for:

(1) Any construction or alteration of more than 200 feet in height above ground level at its site (§ 17.7(a) of this chapter).

(2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes (§ 17.7(b) of this chapter):

(i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport with at least one runway more than 3,200 feet in length, excluding heliports and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory of the current Airman's Information Manual or is operated by a Federal military agency.

(ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport with its longest runway no more than 3,200 feet in length, excluding heliports and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory or is operated by a Federal military agency.

(iii) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport listed in the Airport Directory or operated by a Federal military agency.

(3) Any construction or alteration on an airport listed in the Airport Directory of the Airman's Information Manual (§ 17.7(c) of this chapter).

(b) A notification to the Federal Aviation Administration is not required for any of the following construction or alteration:

(1) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. Applicants claiming such exemption shall submit a statement with their application to the Commission explaining the basis in detail for their finding (§ 17.14(a) of this chapter).

(2) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure (§ 17.14(b) of this chapter).

(c) Further details as to whether an aeronautical study and/or obstruction marking and lighting may be required, and specifications for obstruction marking and lighting when required, may be obtained from Part 17 of this chapter, "Construction, Marking, and Lighting of Antenna Structures." Information regarding the inspection and maintenance of antenna structures requiring obstruction marking and lighting is also contained in Part 17 of this chapter.

III. Part 99 of the Commission's rules is amended as follows:

1. In § 99.3, paragraph (h) is amended, and paragraph (i) deleted to read as follows:

§ 99.3 Definitions.

* * * * *

(h) *Antenna structures.* The term "antenna structures" includes the radiating system, its supporting structures and any appurtenances mounted thereon.

2. Section 99.13 is revised to read as follows:

§ 99.13 Limitations on antenna structures.

(a) Except as provided in paragraph (b) of this section, an antenna for a station in the Disaster Communications Service which exceeds the following limitations may not be erected or used unless notice has been filed with both the FAA on FAA Form 7460–1 and with the Commission on Form 714 or on the license application form, and prior approval by the Commission has been obtained for:

(1) Any construction or alteration of more than 200 feet in height above ground level at its site (§ 17.7(a) of this chapter).

(2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes (§ 17.7(b) of this chapter):

(i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport with at least one runway more than 3,200 feet in length, excluding heliports and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory of the current Airman's Information Manual or is operated by a Federal military agency.

(ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport with its longest runway no more than 3,200 feet in length, excluding heliports and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory or is operated by a Federal military agency.

(iii) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport listed in the Airport Directory or operated by a Federal military agency.

(3) Any construction or alteration on an airport listed in the Airport Directory of the Airman's Information Manual (§ 17.7(c) of this chapter).

(b) A notification to the Federal Aviation Administration is not required for any of the following construction or alteration:

(1) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. Applicants claiming such exemption shall submit a statement with their application to the Commission explaining the basis in detail for their finding (§ 17.14(a) of this chapter).

(2) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure (§ 17.14(b) of this chapter).

(c) Further details as to whether an aeronautical study and/or obstruction marking and lighting may be required, and specifications for obstruction marking and lighting when required, may be obtained from Part 17 of this chapter, "Construction, Marking, and Lighting of Antenna Structures." Information regarding the inspection and maintenance of antenna structures requiring obstruction marking and lighting is also contained in Part 17 of this chapter.

[F.R. Doc. 69-13630; Filed, Nov. 14, 1969; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

[No. 32485]

PART 1204—PIPELINE COMPANIES

Uniform System of Accounts for Pipeline Companies; Postponement of Effective Date

OCTOBER 30, 1969.

By order of the Commission entered October 30, 1969, the effective date of the amendments to Part 1204 of Title 49 of the Code of Federal Regulations published on page 15483 of the October 3,

1969, issue of the FEDERAL REGISTER is postponed until further order of the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-13634; Filed, Nov. 14, 1969; 8:49 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

Havasu Lake National Wildlife Refuge, Arizona and California

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.

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Havasu Lake National Wildlife Refuge, Needles, Calif., is open to public access, use and recreation, subject to the provisions of Title 50, Code of Federal Regulations, all applicable Federal and State laws and regulations, and the following special conditions:

(1) Water skiing is permitted in the channelized segment of the Colorado River, as designated by signs, from 1.7 miles south of Topock, Ariz., to the north boundary of the refuge; and on that portion of Lake Havasu, as designated by signs, laying south of the Island.

(2) Fires may be built only at designated camping and picnicking areas.

(3) Camping is limited to 7 days and only at designated sites.

(4) Boating is permitted in all waters of the refuge except where restricted by appropriate signs.

(5) Vehicle access is permitted on all refuge roads except where restricted by appropriate signs.

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

BLAYNE D. GRAVES,
Refuge Manager, Havasu Lake National Wildlife Refuge, Needles, Calif.

NOVEMBER 4, 1969.

[F.R. Doc. 69-13589; Filed, Nov. 14, 1969; 8:46 a.m.]

PART 33—SPORT FISHING

Havasu Lake National Wildlife Refuge, Arizona and California

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Havasu Lake National Wildlife Refuge, Arizona and California, is permitted on waters designated as open to fishing. These waters, comprising 6,674 acres, are delineated on maps available at the refuge headquarters, Needles, Calif., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1, through December 31, 1970, inclusive, except that the closed area in Topock Marsh is closed to fishing during the waterfowl hunting season.

(2) The taking of fish with such devices as bow and arrow, spear, spear gun or other mechanical devices capable of propelling pellets or shafts is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1970.

BLAYNE D. GRAVES,
Refuge Manager, Havasu Lake National Wildlife Refuge, Needles, Calif.

NOVEMBER 4, 1969.

[F.R. Doc. 69-13590; Filed, Nov. 14, 1969; 8:46 a.m.]

PART 33—SPORT FISHING

Imperial National Wildlife Refuge, Arizona and California

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Sport fishing on the Imperial National Wildlife Refuge, Arizona and California, is permited only on the areas designated as open to fishing. These open areas, comprising 8,100 acres, are delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1970, inclusive, except for an area of approximately 165 acres in Martinez Lake as posted to be closed during the periods January 1 through February 28, 1970, inclusive, and October 1 through December 31, 1970, inclusive.

(2) The use of bow and arrow for the taking of carp, buffalo, mullet, and suckers is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1970.

CLAUDE F. LARD,
Refuge Manager, Imperial National Wildlife Refuge, Yuma, Ariz.

NOVEMBER 6, 1969.

[F.R. Doc. 69-13643; Filed, Nov. 14, 1969; 8:49 a.m.]

PART 33—SPORT FISHING

Tewaukon National Wildlife Refuge, N. Dak.

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

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, Cayuga, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,470 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from December 15, 1969, through March 22, 1970, daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 22, 1970.

HERBERT G. TROESTER,
Refuge Manager, Tewaukon National Wildlife Refuge, Cayuga, N. Dak. 58013.

NOVEMBER 7, 1969.

[F.R. Doc. 69-13644; Filed, Nov. 14, 1969; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 813]

1970 SUGAR QUOTA FOR DOMESTIC BEET SUGAR AREA

Notice of Hearing on Proposed Allotment

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922) and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) and on the basis of information available to me, I do hereby find that the allotment of the sugar quota established for the Domestic Beet Sugar Area for the calendar year 1970 is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held beginning at 10:00 a.m., e.s.t., November 25, 1969, in Room 2-W, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250.

The purpose of this hearing is to receive evidence to enable the Secretary of Agriculture to make fair, efficient and equitable distribution of the abovementioned quota for the calendar year 1970 among persons who process and market sugar produced from sugar beets in the Domestic Sugar Beet Area. The finding made above is based on the best information now available. It will be appropriate at the hearing to present evidence on the basis of which the Secretary may affirm, modify, or revoke such finding and made or withhold allotment of any such quota in accordance therewith.

In addition, the subjects and issues of this hearing include (1) the manner in which consideration should be given to the statutory factors as provided in section 205(a) of the Act, and (2) the manner in which allotments should apply to sugar or liquid sugar processed under contracts providing for sugar beets or molasses to be sold to and processed for the account of one allottee by another.

This notice of hearing also constitutes notice that at such hearing it will be appropriate to present evidence on the basis of which the allotment of the quota or proration thereof may be revised or amended by the Secretary for the purposes of (1) allotting any increase or decrease in the quota; (2) prorating any deficit in the allotment for any allottee; and (3) substituting revised estimates or final actual data for estimates of such data whenever estimates are used in the formulation of an allotment of the quota.

Signed at Washington, D.C., on November 14, 1969.

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

[F.R. Doc. 69-13701; Filed, Nov. 14, 1969; 10:38 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 69-CE-15-AD]

AIRWORTHINESS DIRECTIVES

Learjet Models 23 and 24 Airplanes; Withdrawal

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring on or before January 15, 1970, the installation of a wing leading edge anti-icing system on Learjet Models 23 and 24 airplanes which have not been certificated for flight into icing conditions was published in the FEDERAL REGISTER on August 1, 1969 (34 F.R. 12594). The proposal requires this installation to be made in accordance with Learjet Engineering Change Record No. 457D on Learjet Model 24 (Serial Nos. 140 through 150) airplanes and in accordance with Learjet Modification Drawing 2481006 on Learjet Model 23 (Serial Nos. 003 through 099) airplanes and Learjet Model 24 (Serial Nos. 100 through 139) airplanes, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region.

Subsequent to the issuance of this proposal the manufacturer contacted the FAA and advised that they had obtained voluntary commitments from all but five of the owners of these model airplanes to have the modification accomplished on or before January 15, 1970. In addition, the type design data is being revised effective January 15, 1970, to include this modification as a required item of equipment.

Since the Learjet Models 23 and 24 airplanes will no longer conform to the type design data if not modified by January 15, 1970, the agency has written each of the 5 uncommitted owners recommending that they make arrangements to accomplish the required modification on or before January 15, 1970, to avoid suspension of the airworthiness certificate of said airplane. Under these circumstances, the agency has determined that the proposed airworthiness directive is not required at this time.

Withdrawal of this notice of proposed rule making constitutes only such action, and does not preclude the agency from issuing another Notice in the future, or commit the agency to any course of action in the future.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), the proposed airworthiness directive published in the FEDERAL REGISTER on August 1, 1969 (34 F.R. 12594), is hereby withdrawn.

Issued in Kansas City, Mo., on November 7, 1969.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 69-13604; Filed, Nov. 14, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-123]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Watertown, N.Y., Control Zone (34 F.R. 4633) and Transition Area (34 F.R. 4781).

Since designation of controlled airspace at Watertown, N.Y., the VOR instrument approach procedure for Watertown Municipal Airport has been revised and criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Watertown, N.Y., control zone and transition area to protect aircraft executing the procedure.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Watertown, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of the Federal Aviation Regulations so as to delete in the description of the Watertown, N.Y., control zone the words "and within" and all thereafter and insert in lieu thereof the following: "and within 3 miles each side of the Watertown, N.Y., VOR 211° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Watertown, N.Y., 700-foot transition area "and within 2 miles each side of the Watertown, N.Y., VOR 214° radial extending from the 7-mile radius to 8 miles southwest of the VOR." and insert in lieu thereof the following: "and within 3.5 miles each side of the Watertown, N.Y., VOR 211° radial, extending from the 7-mile radius area to 12 miles southwest of the VOR."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348], and section 6(c) of the DOT Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on November 4, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-13608; Filed, Nov. 14, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-124]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Augusta, Maine, control zone (34 F.R. 4562) and Transition Area (34 F.R. 4646).

The VOR Runway 17 instrument approach procedure for Augusta State Airport, Augusta, Maine, has been revised. In addition, criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Augusta, Maine, control zone and transition area to protect aircraft executing the instrument approach procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, FAA, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Augusta, Maine, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Augusta, Maine, control zone all after "Augusta State Airport, Augusta, Maine;" and insert the following in lieu thereof: "within 3.5 miles each side of the Capital City, Maine, RBN (44°20'18" N., 69°48'42" W.) 333° bearing, extending from the 5-mile radius zone to 10.5 miles northwest of the RBN and within 3.5 miles each side of the Augusta VORTAC 328° radial, extending from the 5-mile radius zone to 10.5 miles northwest of the VORTAC."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Augusta, Maine, transition area, all after "Augusta State Airport, Augusta, Maine;" and insert the following in lieu thereof; "within 4.5 miles northeast and 9.5 miles southwest of the Capital City, Maine, RBN (44°20'18" N., 69°48'42" W.) 333° bearing, extending from the Capital City RBN to 18.5 miles northwest of the RBN and within 4.5 miles northeast and 9.5 miles southwest of the Augusta VOR TAC 328° radial, extending from the Augusta VORTAC to 18.5 miles northwest of the VORTAC."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the DOT Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on November 4, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-13609; Filed, Nov. 14, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-130]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Lebanon, N.H., control zone (34 F.R. 4597) and transition area (34 F.R. 4714).

A new VOR-2 instrument approach procedure and revision of the VOR-1 instrument approach procedure for Lebanon Regional Airport, Lebanon, N.H., will require alteration of the Lebanon, N.H., control zone and 700-foot floor transition area to provide controlled airspace protection for aircraft executing these procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Lebanon, N.H., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Lebanon, N.H., control zone, "within 2 miles each side of the Lebanon VOR 231° and 051° radials extending from the 5-mile radius zone to 2 miles northeast", and insert the following in lieu thereof, "within 3.5 miles each side of the Lebanon VOR 231° and 051° radials extending from the 5-mile radius zone to 8.5 miles northeast"; delete "104° radial" and insert in lieu thereof, "103° radial".

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to add in the description of the Lebanon, N.H., 700-foot floor transition area, the following: "and within 4.5 miles southeast and 9.5 miles northwest of the Lebanon VOR 051° radial extending from the Lebanon VOR to 18.5 miles northeast of the VOR".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the DOT Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on November 4, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-13610, Filed, Nov. 14, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-134]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Paducah, Ky. control zone (34 F.R. 4612) and transition area (34 F.R. 4740).

The NDB (ADF) Runway 4 and VOR Runway 4 instrument approach procedures for Barkley Field, Paducah, Ky., have been revised and will require alteration of the Paducah, Ky., control zone and the Paducah, Ky., 700-foot floor and 1,200-foot floor transition area.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Paducah, Ky., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Paducah, Ky., control zone and substitute the following in lieu thereof: "within a 5-mile radius of the center, 37°03'40" N., 88°46'20" W., of Barkley Field, Paducah, Ky., and within 3 miles each side of the 234° bearing from the Paducah RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Paducah, Ky., transition area and substitute the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 37°03'40" N., 88°46'20" W., of Barkley Field, Paducah, Ky.; within 3.5 miles each side of the 234° bearing from the Paducah RBN, extending from the 9-mile radius area to 12 miles southwest of the RBN; and within 3.5 miles each side of the Paducah VORTAC 225° radial, extending from the 9-mile radius area to 12 miles southwest of the VORTAC.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 37°01'30" N., 88°35'00" W. to 36°41'30" N., 88°55'30" W. to 36°53'30" N., 89°10'00" W. to 37°10'00" N., 89°07'10" W. to point of beginning.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the DOT Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on November 4, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-13611; Filed, Nov. 14, 1969; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-EA-141]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Laconia, N.H., Transition Area (34 F.R. 4711).

The NDB (ADF) Runway 8 instrument approach procedure for Laconia Municipal Airport, Laconia, N.H., has been revised. The revision requires alteration of the Laconia, N.H., transition area to provide airspace protection for aircraft executing the arrival and departure procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Laconia, N.H., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation regulations so as to delete the description of the Laconia, N.H., transition area and substitute the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the center, 43°34'30" N., 71°25'25" W. of Laconia Municipal Airport, Laconia, N.H.; within 3.5 miles each side of the 249° bearing from the Laconia RBN, 43°33'14" N., 71°29'12" W., extending from the 6.5-mile radius area to 9.5 miles west of the RBN; and within 2 miles each side of the Runway 17 centerline, extended from the 6.5 mile radius area to 9.5 miles southeast of the end of the runway.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the DOT Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on November 4, 1969.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 69-13612; Filed, Nov. 14, 1969; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 69-SO-123]

TRANSITION AREA

Proposed Alteration

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

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

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

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

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Franklin-Wilkins Airport (lat. 35°39'07" N., long. 88°22'47" W.); within 3 miles each side of the Jacks Creek VORTAC 165° radial, extending from the 8-mile radius area to 8.5 miles southeast of the VORTAC.

Since the last alteration of controlled airspace in the Lexington terminal area, turboprop aircraft have begun utilizing Franklin-Wilkins Airport. Also, application of Terminal Instrument Procedures (TERPs) and current airspace criteria requires the following actions:

1. Increase the transition area basic radius circle from 5 to 8 miles.

2. Increase the extension predicated on the Jacks Creek VORTAC 165° radial 2 miles in width and 0.5 mile in length.

The proposed alteration is required to provide controlled airspace protection for IFR operations in climb from 700 to 1,200 feet above the surface and in descent from 1,500 to 1,000 feet above the surface.

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

Issued in East Point, Ga., on November 5, 1969.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 69-13616; Filed, Nov. 14, 1969; 8:48 a.m.]

[14 CFR Part 93]

[Docket No. 9974; Notice 69-51]

HIGH DENSITY TRAFFIC AIRPORTS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 93 of the Federal Aviation Regulations to continue in effect special air traffic rules for high density traffic airports which would otherwise expire on December 31, 1969.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington D.C. 20590. All communications received on or before December 15, 1969, will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Amendments 93-13, 93-15, and 93-17 designate high density traffic airports and prescribe the aircraft equipment and air traffic rules for operating aircraft to or from those airports. An implementing provision of the rule provides for a limitation on the number of allocated IFR operations that may be reserved by certain specified classes of users on a daily basis from 6 a.m. to 12 midnight at John F. Kennedy, La Guardia, Newark, O'Hare, and Washington National, the designated high density airports.

This limitation was considered essential to provide relief from excessive delays at the designated high density airports during the summer of 1968. However, at the time of its adoption it was clearly stated that the FAA would not rely exclusively on the prospects of the proposed rule to relieve the air congestion problem. In this connection, procedures were changed to permit the accommodation of additional traffic, flow control procedures were instituted and it was anticipated that in the future there would be an upgrading of facilities.

The rule has now been in effect approximately four months. Insofar as aircraft delay information obtained during this time can be related to judge the success or failure of the rule, we are able to conclude at least that the congestion problem has improved somewhat as compared to the situation a year ago. While aircraft delays were higher during June of this year than in June of last year, during the months of July, August, and September the combined delay figures were substantially lower than a year ago. Since during this time no substantial change has been made to the system, we have concluded that the improvement in the delay situation can be attributed directly to the high density traffic airports rule.

The rule assigns allocations of operations to each class of aircraft operator on an hourly basis at each of the affected airports. A review of the usage of each airport shows that full utilization of all allocated quotas occurs infrequently and only during the early evening hours. Use of the entire quota by carriers throughout any extended periods has only been experienced at Washington National Airport. The highest continuous usage of allotments by all three user groups occurs at La Guardia. During some hours at La Guardia and nearly all the time at the other airports, there are reservations available within the quotas for the nonairline group.

Even though a judgment as to the precise degree to which the rule has inhibited operations at the five high density airports is unknown, the information available demonstrates that the decrease in total operations is common to all five airports, due in part to shifting operations to other locations and to other airports. While there has undoubtedly been inconvenience to some aircraft operators, this is more than offset by the decreased congestion and reduced delays at the airports concerned. Experience to date strongly supports continuation of the rule.

The present expiration date of the rule, December 31, 1969, was established in anticipation of significant increase in system capacity. While there have been some procedural improvements to increase ATC capability, these are not sufficient at present to accommodate all aircraft users desiring to use the high density airports without the restraining influence of the rule.

Because of these factors and the encouraging operational experience with the rule, it is proposed to continue the rule for a period of 9 to 12 months. The rule will be kept under continuing review and modified as circumstances require or permit. In this regard, as a result of operational experience to date several procedural adjustments in the methods used to obtain reservations are being considered. The present 48-hour limitation on obtaining advance IFR reservations will be adjusted to provide for a longer period through weekends. Other changes are contemplated to improve the administration of the rule.

This amendment to Part 93 of the Federal Aviation Regulations is proposed under the authority of sections 103, 307 (a), (b), and (c), 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1303, 1348 (a), (b), and (c), 1354(a), and 1421), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 13, 1969.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[F.R. Doc. 69-13665; Filed, Nov. 14, 1969; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 18]

[Docket No. 18731; FCC 69-1215]

INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The Commission believes that the wording in § 18.3(b) of Part 18 of the rules which refers to "surgical diathermy apparatus designed for intermittent operation with low power" is too general and should be more specific as to the meaning of low power. It is proposed that "input power of 50 watts or less" be substituted for the words "low power" so that the definition in § 18.3 will read:

(b) "Medical Diathermy equipment" shall include any apparatus (other than surgical diathermy apparatus designed for intermittent operation with input power of 50 watts or less) which utilizes a radio frequency oscillator or any other type of radio frequency generator and transmits radio frequency energy used for therapeutic purposes.

3. This proposal to amend the Commission's rules is issued under the authority of §§ 4(i) and 303(r) of the Communications Act of 1934, as amended.

4. Comments in support of or in opposition to the proposed amendment may

be filed on or before December 18, 1969. Reply comments may be filed on or before January 2, 1970. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

5. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Federal Communications Commission.

Adopted: November 7, 1969.

Released: November 13, 1969.

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

[F.R. Doc. 69-13631; Filed, Nov. 14, 1969; 8:48 a.m.]

[47 CFR Parts 91, 95]

[Docket No. 18733; FCC 69-1218]

CLASS C STATIONS IN CITIZENS RADIO SERVICE FOR RADIO CONTROL OF MODELS

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. By its report and order (FCC 66-421) in Docket No. 16122, adopted May 11, 1966, the Commission permitted Class C stations in the Citizens Radio Service, under specified conditions, to use frequencies in the 72–76 Mc/s band for the control of model aircraft only. The Commission now has under consideration a petition (RM-1424) filed by W. C. Young requesting amendment of the rules to extend this privilege to the radio control of model boats and cars as well.

3. In support of his request, the petitioner states that members of the radio control modeling fraternity who race model boats and cars have exactly the same problems as those flying model airplanes. The interference received to their operations on the 27 Mc/s band where they are currently confined subjects them to loss or damage of equipment. Further, many modelers are engaged in both types of operation and it becomes a financial burden to purchase radio equipment in both frequency ranges.

4. A number of informal comments were received which supported the request. No opposing comments were received. In the period of more than three years that airplane modelers have been permitted to use the 72–76 Mc/s band, the Commission is aware of no instances where such operation has created interference to other users of the band. In view of the foregoing, it appears that the public interest would be served by extending the privileges of Class C stations operating in the 72–76 Mc/s band to include the radio control of models of any type. The text of the proposed amendments is set forth in the attached appendix.

5. Authority for the rule amendments as proposed in the attached appendix is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before December 18, 1969, and reply comments on or before January 2, 1970. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

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

Adopted: November 7, 1969.

Released: November 10, 1969.

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

I. Proposed amendment to Part 91, Industrial Radio Services.

Section 91.730(b)(13) is amended to read as follows:

§ 91.730 Frequencies available.

* * * * *

(b) * * *

(13) This frequency is shared with Class C stations in the Citizens Radio Service which are used solely for the radio control of models.

* * * * *

II. Proposed amendments to Part 95, Citizens Radio Service.

1. In § 95.3(b), the definition of Class C station is amended to read as follows:

§ 95.3 Definitions.

* * * * *

(b) * * *

Class C station. A station in the Citizens Radio Service licensed to be operated on an authorized frequency in the 26.96–27.23 Mc/s band, or on the frequency 27.255 Mc/s for the control of remote objects or devices by radio, or for the remote actuation of devices which are used solely as a means of attracting attention, or on an authorized frequency in the 72–76 Mc/s band for the control of models only.

* * * * *

2. The text preceding the table in § 95.41(c)(2) is amended to read as follows:

§ 95.41 Frequencies available.

* * * * *

(c) * * *

(2) Solely for the radio control of models and subject to the conditions (i) that interference will not be caused to the remote control of industrial equipment operating on the same or adjacent frequencies and to the reception of television transmissions on channels 4 or 5 and (ii) that no protection will be afforded from interference due to the operation of fixed and mobile stations in other services assigned to the same or adjacent frequencies in the band, the following frequencies are available.

* * * * *

[F.R. Doc. 69-13632; Filed, Nov. 14, 1969; 8:49 a.m.]

[1] Chairman Burch abstaining from voting; Commissioner Wells not participating.

[1] Chairman Burch abstaining from voting; Commissioner Wells not participating.

FEDERAL RESERVE SYSTEM

[12 CFR Part 206]

[Reg. F]

SECURITIES OF MEMBER STATE BANKS

Notice of Proposed Rule Making and Amendments to Forms

The Board of Governors of the Federal Reserve System is considering the adoption of amendments to Part 206 (Regulation F). The proposed amendments to Part 206, set forth below, would make the following changes:

(1) *Definitions* (*§ 206.2*). The definition of "significant subsidiary" would be expanded to clarify the meaning of the term "investments" as used therein. This amendment would incorporate present administrative practice.

(2) *Inspection and publication of information filed under the Act* (*§ 206.3*). The regulation presently provides that statements and reports filed pursuant thereto will be available for inspection at the Board's offices and at each of the 12 Federal Reserve Banks. A study has indicated that there is not sufficient use of such records by the public to justify the maintenance of such records at all Federal Reserve Banks. Accordingly, it is proposed to provide that all such records will only be maintained at the New York, Chicago, and San Francisco Federal Reserve Banks but that reports filed by banks outside the districts served by such Reserve Banks will also be maintained at the Reserve Bank of the district in which such bank is located.

In this connection, other sections of the regulation that presently require the filing of 16 copies of each statement or report would be amended to reduce the number of required copies to eight.

(3) *Registration statements and reports of banks* (*§206.4*). Experience has indicated that there is a considerable time lag between the time financial information is first released to the public

by banks subject to Regulation F and the time that such information is filed with the Board. Accordingly, it is proposed to reduce the time within which annual reports are required to be filed from 120 days after the close of the bank's fiscal year, as presently required, to 90 days after the close of such fiscal year, or within 15 days of the mailing of the bank's annual report to stockholders, whichever occurs first. It is also proposed to reduce the period within which a bank is required to file quarterly reports from 45 days after the end of the quarter to 30 days.

(4) *Proxy statements* (§ *206.5*)—(a) *Requirement of statement.* It is proposed to clarify the language of § 206.5(a) with respect to the time for furnishing an "information statement" and the circumstances under which required. In addition, the minimum notice period would be extended from 15 to 20 days. No time period for mailing of proxy soliciting material is specified, since it is presumed that management will make the solicitation sufficiently early to allow return of proxies; in such cases the minimum notice period is that prescribed by State law.

(b) *Annual report to security holders to accompany statements.* Section 206.5 (c) would be revised to require inclusion in an annual report to security holders of financial statements for the last 2 fiscal years rather than only the preceding fiscal year, as presently required. In addition, instructions would be added to codify to some extent a 1965 Board interpretation (12 CFR 206.103) concerning minimum requirements for financial statements to be included in annual reports to security holders. The substance of such interpretation would be changed to the extent necessary to make it consistent with changes in financial statement reporting proposed hereinafter.

It is also proposed to amend § 206.5(c) by adding a note which would indicate that only one copy of an annual report need be sent to holders of record having the same address, provided (1) that management has reasonable cause to believe that the record holder to whom the report is sent is the "beneficial owner" (as defined in § 206.2(ff) of Regulation F) of securities registered in the name of such person in other capacities or in the name of other persons at such address, or (2) the security holders at such address consent thereto in writing. However, where a record holder has an obligation to obtain or send the annual report to other persons, such as the beneficial owners of the securities held in his name, he would not be relieved of such obligation by the new provision.

(c) *Requirements as to proxy.* The present requirements as to the form of proxies do not permit the security holder being solicited an opportunity to withhold authority to vote for directors if he wishes to cast a vote with respect to other matters to be acted upon at the meeting. Section 206.5(d) would be amended to require that the form of proxies be prepared so as to enable the security holder to vote on specified matters without conferring authority to vote for elections to office. It would not apply, however, in cases of a merger or consolidation involving elections to office where such elections are part of the plan and are not to be separately voted upon.

In addition, it is proposed to itemize certain matters that may arise during the course of a meeting with respect to which a proxy may confer discretionary authority. The amendment would incorporate present administrative practice in this regard.

(d) *Material required to be filed.* Paragraph (1) of § 206.5(f) presently requires the preliminary filing with the Board of three copies of the proxy soliciting material at least 10 calendar days prior to the date such material is to be sent or given to security holders in the case of a "routine" meeting (that is, involving only the election of directors and other recurring matters) and 15 days in the case of a nonroutine meeting. It is also provided that the management or other person filing such material may presume that the Board will have no comments with respect thereto unless such comments are received, or they are otherwise advised, before the expiration of the applicable period. This latter provision was intended to reduce the amount of communication necessary between bank management and the Board and to eliminate the uncertainty as to when proxy soliciting material may be commenced to be mailed; in practice, such provision has had the opposite effect. Accordingly, it is proposed that such provision be replaced with a cautionary provision to the effect that printing of definitive copies of the proxy soliciting material for distribution to security holders should be deferred until comments are received from the Board's staff or the persons submitting such material are advised that the Board's staff has no comments. The Board's staff would continue to endeavor to complete its review of preliminary proxy material and communicate its comments with respect thereto within the time periods referred to above.

In addition, paragraph (1) of § 206.5 (f) would be amended to indicate that in computing the 10- or 15-day period, (1) the filing date is the date preliminary material is actually received by the Board (not the date on which it was mailed to the Board), and (2) the filing date of the preliminary material is to be counted as the first day and the 11th or the 16th day, as the case may be, as the date on which definitive material can be planned to be mailed to security holders. Where additional time is required for final printing after receipt of comments, the preliminary proxy material should be filed as early as possible prior to the intended mailing date.

(e) *False or misleading statements.* Section 206.5(h), which relates to false or misleading statements in proxy soliciting material, would be amended to state specifically that the filing of proxy material with the Board or the examination of such material by the Board's staff is not to be deemed a finding by the Board that such material is accurate or complete or that the Board has "approved" such material or the proposals contained therein. The amendment would incorporate into the regulation the principles of section 26 of the Securities Exchange Act of 1934, as made applicable specifically to proxy statements.

(f) *Prior solicitations.* In general, the regulation's provisions relating to proxy solicitations provide that no solicitation may be made prior to furnishing to security holders a written proxy statement. An exception, permitting prior solicitations under certain conditions, is made in connection with contests involving elections to office. A proposed new paragraph "(o)" would permit prior solicitations under similar conditions in the case of contests involving other matters, such as invitations for tenders.

(5) *Form and content of financial statements* (§ *206.7*). To emphasize the importance of explanatory notes to financial statements and improve readability of financial presentations, a requirement is proposed to reference such notes to appropriate captions of the financial statements.

Since experience has indicated that the detailed information furnished in "Schedule VIII—Occupancy Expense of Bank Premises" is of marginal use, it is proposed to eliminate such schedule. In this connection, proposed amendments to the form of "Statement of Income" (Form F–9B) would require under the item "occupancy expense of bank premises" inset entries setting forth gross occupancy expense and rental income.

The Board of Governors also has under consideration amendments to Forms F–2, "Annual Report"; F–4, "Quarterly Report"; F–5, "Proxy Statement; Statement Where Management Does Not Solicit Proxies"; and Form F–9, "Financial Statements". Copies of the forms as proposed to be amended, or amendments to the forms, have been filed as part of this document with the Office of the Federal Register and may be obtained from the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

An explanation of the proposed amendments is as follows:

Form F–2—Annual Report

Consistent with the proposed requirement to include financial statements for the last 2 fiscal years in annual reports to security holders (§ 206.5(c)), it is proposed to require comparative financial statements for the current and preceding year in the annual report filed with the Board. Such comparative presentations in annual financial reports have gained wide acceptance in recent years and have a useful analytical purpose.

Form F–4—Quarterly Report

The quarterly report has been extended to include the reporting of net income on an interim basis. While a summarized statement of interim earnings may not necessarily be indicative of annual results, the availability of such information is meaningful disclosure to the security holder. As suggested in Instruction (c) to the form, appropriate

qualification as to interim results may be made.

FORM F-5—FORM FOR PROXY STATEMENT: STATEMENT WHERE MANAGEMENT DOES NOT SOLICIT PROXIES

Item 2. Dissenters' rights of appraisal. This item requires a description of dissenters' rights of appraisal with respect to any matter to be acted upon. It is proposed to add an instruction requiring an indication as to whether a security holder's failure to vote against a proposal will constitute a waiver of his appraisal rights. This instruction would codify current administrative practice in requiring such information.

Item 5. Voting securities and principal holders thereof. This item, which requires certain information as to the voting securities of the bank and principal holders thereof would be amended to require disclosure where any person "and his associates" own of record or beneficially more than 10 percent of the bank's stock. This amendment is intended to resolve an ambiguity in the present requirements of this Item, which is sometimes interpreted as applying only to a single person owning more than a 10 percent interest in the bank. It is intended that aggregate ownership of a more than 10 percent interest by a group of related persons also be disclosed.

Item 6. Nominees and directors. This item would be amended to delete the requirement that directors' qualifying shares be excluded in reporting beneficial ownership of the bank's shares by the nominees and directors. In addition, a new paragraph (c) would be added to specify that where fewer nominees are named than the number provided in the governing documents, a statement be included of the reason for such procedure and that the proxies cannot be voted for a greater number of nominees than were named. These proposals codify current administrative practice.

Item 7. Remuneration and other transactions with management and others.

(i) Paragraph (a) of this item specifies the individuals whose remuneration must be separately disclosed. It is proposed to amend the item to clarify its applicability in this regard.

(ii) Instruction 3 to paragraph (b) of the item would be amended to specifically require a brief description of the material terms of certain types of pension or retirement plans (where the bank's contribution is not actuarially computed), including the method used in determining the bank's contribution.

(iii) Item 7(b) specifies the information to be disclosed with respect to options granted to or exercised by officers and directors of the bank. The amendment to this item would also require disclosure of the amount of options held as of the latest practicable date by each officer and director named in answer to Item 7(a) and the amount held by all officers and directors as a group. It is believed that this information, together with that regarding options granted and exercised, would give a more complete picture of remuneration, actual and potential.

(iv) Subparagraph (e) of this item, which relates in a general way to disclosure of indebtedness, would be amended in view of the specific provisions referred to in (v) below. In the future, this subparagraph would only require disclosure of liability arising from "insider trading" in violation of section 16(b) of the Securities Exchange Act.

(v) The amendment to subparagraph (f), which requires disclosure of certain material transactions between the bank and its officers, directors, and 10 percent stockholders and their associates, would mainly codify an interpretation of the Board of Governors which appeared in the December 1965 issue of the Federal Reserve Bulletin at page 1707 (30 F.R. 15089). The principal effect of the interpretation and the codifying proposed amendments is to (1) indicate more clearly that a transaction involving a director of a bank need not be reported where the only "interlock" is that the director is a director, officer, and/or less than 10 percent stockholder of the other party to the transaction, and (2) provide criteria for determining whether loans to "insiders" made in the ordinary course of a bank's business are required to be reported. A loan that meets all the conditions of the specific exemptive provisions would not be required to be disclosed; otherwise, it would be prima facie reportable. In addition, a general description of loan transactions with directors, officers, and 10 percent stockholders, as a group, would be required where the amount of such loans exceeded 20 percent of the equity accounts of the bank at any time during the preceding year.

Item 9. Bonus, profit-sharing, and other remuneration plans. Item 10. Pension and retirement plans. Item 11. Options, warrants, or rights. These items specify the information to be furnished where the matter to be acted upon is the adoption or amendment of a bonus, profit-sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plan. It is proposed to amend these items to provide that in describing provisions already made for similar benefits for officers, directors, and employees, information is to be given not only with respect to plans currently in effect, but also with respect to benefits under similar plans in effect within the past 2 years. In addition, other clarifying amendments, which also codify present administrative practice, are proposed.

Item 12. Authorization or issuance of securities. Where action is to be taken with respect to the authorization or issuance of securities, this item calls for a description of such securities and of the proposed transaction. Some State banking laws permit banks to solicit stockholder approval for future issuances of securities, although the bank has no definite plans to issue such securities in the proximate future. The proposed amendment would codify current administrative practice of requiring the bank to advise security holders of the possible effects of such future issuances of securities on their interests.

Item 14. Mergers, consolidations, acquisitions, and similar matters. This item specifies the information to be furnished with respect to each person, other than the bank making the solicitation, that may be involved in a proposed merger, consolidation, acquisition, or similar transaction. The amendment would require that such information also be furnished with respect to the bank making the solicitation, in order that security holders may have a complete picture of the nature and effect of the proposed transaction. The amended item would also require information with respect to the existing and pro forma capitalization, summaries of income on an historical and pro forma basis, and appropriate comparative per share data, for the banks and other persons involved in the transaction. Information concerning the management of the surviving bank would also be required. Since under many State banking laws, stockholder approval is required even though the merger or acquisition is not "significant", in terms of size or operations, to the acquiring or surviving bank, it is proposed to include an instruction that, with respect to such transaction, the information specified need only be included to the extent necessary for the exercise of prudent judgment with respect to the matter to be acted upon. The proposed amendments would codify current administrative practice.

Item 15. Financial statements. This item specifies financial statements required to be furnished if action is to be taken with respect to certain matters. The item presently provides that all schedules to financial statements may be omitted; the item would be amended to require the inclusion of the information specified in "Schedule VII—Allowance for Possible Loan Losses". In addition, it is proposed to require that the financial statements of the other party to a merger or acquisition shall be verified, if practicable. (The item presently states that such financial statements need not be verified.)

Item 20. Vote required for approval. It is proposed to amend Items 12(d), 13(c), 14(a), and 18 to delete the requirement for stating the vote needed for approval of the matter to be acted upon. This information would be required by Item 20 which would require a statement of the vote required for approval of each matter to be submitted to security holders other than elections to office and the election or approval of auditors.

FORM F-9—FINANCIAL STATEMENTS

The principal purpose of the proposed revisions in the guideline forms and related instructions for the preparation of financial statements is to incorporate in the regulation certain bank accounting practices recently agreed upon by representatives of industry, professional accountants, and Federal regulatory

agencies. This agreement was announced by the Board on July 18, 1969. In addition, changes are proposed to achieve basic compatibility with the reporting requirements of the annual Report of Income and Reports of Condition periodically called by the Federal bank supervisory agencies.

Changes to be noted in the balance sheet include a restructure of the investment securities classifications and the new placement of the "Allowance for loan losses" account in a section preceding the bank capital accounts. Such changes conform to the revised Statement of Condition used for call purposes in 1969.

Important revisions proposed for the Statement of Income include (1) the designation of "net income," (2) allocation of a loan loss factor to operating expenses, and the inclusion of net securities gains or losses, as realized, in the determination of net income. Provision has been made in the Statement of Income for treatment of extraordinary items in accordance with generally accepted accounting principles and for reporting earnings per share data.

Appropriate revisions of the Statement of Changes in Capital Accounts and supporting schedules have been made to conform with the proposed changes discussed above.

Other proposed revisions in the guideline forms and related instructions incorporate administrative procedures adopted by the Board's staff during the 5 years Regulation F has been in effect.

This notice is published pursuant to section 553(d) of title 5, United States Code, and § 262.2(a) of the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2 (a)).

To aid in the consideration of this matter by the Board, interested persons are invited to submit, in writing, relevant data, views, or arguments. Such material should be sent to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 5, 1969. Under the Board's rules regarding availability of information (12 CFR 261), such materials will be made available for inspection and copying to any person upon request unless the person submitting the material requests that it be considered confidential.

By order of the Board of Governors, November 12, 1969.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

The proposed amendments to Part 206 are as follows (those provisions of Part 206 not shown below will remain unchanged):

§ 206.2 Definitions.

* * * * *

(z) The term "significant subsidiary" means a subsidiary meeting either of the following conditions:

(1) The investments in the subsidiary by its parent plus the parent's proportion of the investments in such subsidiary by the parent's other subsidiaries, if any, exceed 5 percent of the equity capital accounts of the bank. "Investments" refers to the amount carried on the books of the parent and other subsidiaries or the amount equivalent to the parent's proportionate share in the equity capital accounts of the subsidiary, whichever is greater.

* * * * *

§ 206.3 Inspection and publication of information filed under the Act.

* * * * *

(b) *Inspection.* Except as provided in paragraph (c) of this section, all information filed regarding a security registered with the Board will be available for inspection at the Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. In addition, copies of the registration statement and reports required by § 206.4 (exclusive of exhibits), the statements required by § 206.5(a), and the annual reports to security holders required by § 206.5(c), will be available for inspection at the New York, Chicago, and San Francisco Federal Reserve Banks and at the Reserve Bank of the district in which the bank filing the statements or reports is located.

* * * * *

§ 206.4 Registration statements and reports of banks.

* * * * *

(e) *Requirement of annual reports.* Every registrant bank shall file an annual report for each fiscal year after the last full fiscal year for which financial statements were filed with the registration statement. The report, which shall conform to the requirements of Form F-2, shall be filed within 90 days after the close of the fiscal year or within 15 days of the mailing of the bank's annual report to stockholders, whichever occurs first.

* * * * *

(h) *Quarterly reports.* Every registrant bank shall file a quarterly report in conformity with the requirements of Form F-4 for each fiscal quarter ending after the close of the latest fiscal year for which financial statements were filed in a registration statement except that no report need be filed for the fiscal quarter which coincides with the end of the fiscal year of the bank. Such reports shall be filed not later than 30 days after the end of such quarterly period, except that the report for any period ending prior to the date on which a class of securities of the bank first becomes effectively registered may be filed not later than 30 days after the effective date of such registration.

* * * * *

(q) *Number of copies; signatures; binding.* (1) Except where otherwise provided in a particular form, eight copies of each registration statement and report (including financial statements) and four copies of each exhibit and each other document filed as a part thereof, shall be filed with the Board. At least one complete copy of each statement shall be filed with each exchange, if any, on which the securities covered thereby are being registered. At least one copy of each report shall be filed with each exchange, if any, on which the bank has securities registered.

* * * * *

§ 206.5 Proxies, proxy statements, and statements where management does not solicit proxies.

(a) *Requirement of statement.* No solicitation of a proxy with respect to a security of a bank registered pursuant to section 12 of the Act shall be made unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the information required by Form F-5. If the management of any bank having such a security outstanding fails to solicit proxies from the holders of any such security in such a manner as to require the furnishing of such proxy statement, such bank shall transmit to all holders of record of such security a statement containing the information required by Form F-5. The "information statement" required by the preceding sentence shall be transmitted (i) at least 20 calendar days prior to any annual or other meeting of the holders of such security at which such holders are entitled to vote, or (ii) in the case of corporate action taken with the written authorization or consent of security holders, at least 20 days prior to the earliest date on which the corporate action may be taken. A proxy statement or a statement where management does not solicit proxies required by this paragraph is hereinafter sometimes referred to as a "Statement".

* * * * *

(c) *Annual report to security holders to accompany statements.* (1) Any statement furnished on behalf of the management of the bank that relates to an annual meeting of security holders at which directors are to be elected shall be accompanied or preceded by an annual report to such security holders containing such financial statements for the last 2 fiscal years as will, in the opinion of the management, adequately reflect the financial position of the bank at the end of each such year and the results of its operations for each such year on a consistent basis. The financial statements included in the annual report may omit details or summarize information if such statements, considered as a whole in the light of other information contained in the report and in the light of the financial statements of the bank filed or to be filed with the Board, will not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances. Subject to the foregoing requirements with respect to financial statements, the annual report to security holders may be in any form deemed suitable by the management. This paragraph (c) shall not apply, however, to solicitations made on behalf of management before the financial statements are available if solicitation is being made at

the time in opposition to the management and if the management's Statement includes an undertaking in bold-faced type to furnish such annual report to all persons being solicited at least 20 days before the date of the meeting.

NOTES: 1. To reflect adequately the financial position and results of operations of a bank in its annual report to security holders, the financial presentation shall include, but not necessarily be limited, to the following:

(a) Comparative statements of condition at the end of each of the last 2 fiscal years.

(b) Comparative statements of income in a form providing for the determination of "net income" for each fiscal year and per share earnings data.

(c) Comparative statements of changes in capital accounts, preferably in columnar form, for each fiscal year.

(d) A comparative reconciliation of the "Allowance for Possible Loan Losses" account similar in form to schedule VII, Form F-9D.

(e) Supplemental notes to financial statements to the extent necessary to furnish a fair financial presentation.

2. The financial statements should be prepared on a consolidated basis to the extent required by § 206.7(d). Any differences from the principles of consolidation or other accounting principles or practices, or methods of applying accounting principles or practices, applicable to the financial statements of the bank filed or to be filed with the Board, which have a material effect on the financial position or results of operations of the bank, shall be noted and the effect thereof reconciled or explained in the annual report to security holders.

3. When financial statements included in the annual report (Form F-2) filed, or proposed to be filed, with the Board are accompanied by an opinion of an independent public accountant, the financial statements in the annual report to security holders should also be accompanied by an opinion of such independent public accountant.

4. The requirement for sending an annual report to each person being solicited will be satisfied with respect to persons having the same address by sending at least one report to a holder of record at that address provided (i) that management has reasonable cause to believe that the record holder to whom the report is sent is the "beneficial owner" (see definition in § 206.2(ff)) of securities registered in the name of such person in other capacities or in the name of other persons at such address, or (ii) the security holders at such address consent thereto in writing. Nothing herein shall be deemed to relieve any person so consenting of any obligation to obtain or send such annual report to any other person.

(2) Eight copies of each annual report sent to security holders pursuant to this paragraph (c) shall be sent to the Board not later than (i) the date on which such report is first sent or given to security holders or (ii) the date on which preliminary copies of the management statement are filed with the Board pursuant to paragraph (f), whichever date is later. Such annual report is not deemed to be "soliciting material" or to be "filed" with the Board or otherwise subject to this § 206.5 or the liabilities of section 18 of the Act, except to the extent that the bank specifically requests that it be treated as a part of the proxy soliciting material or incorporates it in the proxy statement by reference.

(d) *Requirements as to proxy.* * * *

(3) A form of proxy which provides both for the election of directors and for action on other specified matters shall be prepared so as clearly to provide, by a box or otherwise, means by which the security holder may withhold authority to vote for the election of directors. Any such form of proxy which is executed by the security holder in such manner as not to withhold authority to vote for the election of directors shall be deemed to grant such authority, provided the form of proxy so states in bold-face type.

INSTRUCTION: Paragraph (3) does not apply (i) in the case of a merger, consolidation or other plan if the election of directors is an integral part of the plan and is not to be separately voted upon or (ii) if the only matters to be acted upon are the election of directors and the election, selection, or approval of other persons such as clerks or auditors.

(4) A proxy may confer discretionary authority to vote with respect to any of the following matters:

(i) Matters that the persons making the solicitation do not know, within a reasonable time before the solicitation, are to be presented at the meeting, if a specific statement to that effect is made in the proxy tsatement or form of proxy;

(ii) Approval of the minutes of the prior meeting if such approval does not amount to ratification of the action taken at that meeting;

(iii) The election of any person to any office for which a bona fide nominee is named in the proxy statement and such nominee is unable to serve or for good cause refuses to serve;

(iv) Any proposal omitted from the proxy statement and form of proxy pursuant to § 206.5(k);

(v) Matters incident to the conduct of the meeting.

(5) No proxy shall confer authority (i) to vote for the election of any person to any office for which a bona fide nominee is not named in the proxy statement, or (ii) to vote at any annual meeting other than the next annual meeting (or any adjournment thereof) to be held after the date on which the proxy statement and form of proxy are first sent or given to security holders. A person shall not be deemed to be a bona fide nominee and he shall not be named as such unless he has consented to being named in the proxy statement and to serve if elected.

(6) The proxy statement or form of proxy shall provide, subject to reasonable specified conditions, that the shares represented by the proxy will be voted and that where the person solicited specifies by means of a ballot provided pursuant to subparagraph (2) of this paragraph, a choice with respect to any matters to be acted upon, the shares will be voted in accordance with the specifications so made.

* * * * *

(f) *Material required to be filed.* (1) Three preliminary copies of each statement, form of proxy, and other items of soliciting material to be furnished to security holders concurrently therewith, shall be filed with the Board by management or any other person making a solicitation subject to this § 206.5 at least 10 calendar days (or 15 calendar days in the case of other than routine meetings, as defined below) prior to the date such item is first sent or given to any security holders, or such shorter period prior to that date as may be authorized. For the purposes of this subparagraph (1), a routine meeting means a meeting with respect to which no one is soliciting proxies subject to this § 206.5 other than on behalf of management and at which management intends to present no matters other than the election of directors, election of inspectors of election, and other recurring matters. In the absence of actual knowledge to the contrary, management may assume that no other such solicitation of the bank's security holders is being made. In cases of annual meetings, one additional preliminary copy of the Statement, the form of proxy, and any other soliciting material, marked to show changes from the material sent or given to security holders with respect to the preceding annual meeting, shall be filed with the Board.

(2) Three preliminary copies of any additional soliciting material, relating to the same meeting or subject matter, furnished to security holders subsequent to the proxy statement shall be filed with the Board at least 2 days (exclusive of Saturdays, Sundays, and holidays) prior to the date copies of such material are first sent or given to security holders, or such shorter period prior to such date as may be authorized upon a showing of good cause therefor.

(3) Eight copies of each Statement, form of proxy, and other item of soliciting material, in the form in which such material is furnished to security holders, shall be filed with, or mailed for filing to, the Board not later than the date such material is first sent or given to any security holders. Three copies of such material shall at the same time be filed with, or mailed for filing to, each exchange upon which any security of the bank is listed.

(4) If the solicitation is to be made in whole or in part by personal solicitation, three copies of all written instructions or other material that discusses or reviews, or comments upon the merits of, any matter to be acted upon and is furnished to the individuals making the actual solicitation for their use directly or indirectly in connection with the solicitation shall be filed with the Board by the person on whose behalf the solicitation is made at least 5 days prior to the date copies of such material are first sent or given to such individuals, or such shorter period prior to that date as may be authorized upon a showing of good cause therefor.

* * * * *

(9) The date that proxy material is "filed" with the Board for purposes of subparagraphs (1), (2), and (4) of this

paragraph is the date of receipt of the material by the Board, not the date of mailing to the Board. In computing the advance filing period for preliminary copies of proxy soliciting material referred to in such subparagraph, the filing date of the preliminary material is to be counted as the first day of the period and definitive material should not be planned to be mailed or distributed to security holders until after the expiration of such period. Where additional time is required for final printing after receipt of comments, the preliminary proxy material should be filed as early as possible prior to the intended mailing date.

(10) Where preliminary copies of material are filed with the Board pursuant to this subsection, the printing of definitive copies for distribution to security holders should be deferred until the comments of the Board's staff have been received and considered.

* * * * *

(h) *False or misleading statements.* (1) No solicitation or communication subject to this section shall be made by means of any Statement, form of proxy, notice of meeting, or other communication, written or oral, containing any statement that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or that omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for the same meeting or subject matter that has become false or misleading. Depending upon particular circumstances, the following may be misleading within the meaning of this paragraph: predictions as to specific future market values, earnings, or dividends; material that directly or indirectly impugns character, integrity, or personal reputation, or directly or indirectly makes charges concerning improper, illegal, or immoral conduct or associations, without factual foundation; failure so to identify a statement, form of proxy, and other soliciting material as clearly to distinguish it from the soliciting material of any other person or persons soliciting for the same meeting or subject matter; claims made prior to a meeting regarding the results of a solicitation.

(2) The fact that a proxy statement, form of proxy, or other soliciting material has been filed with or reviewed by the Board or its staff shall not be deemed a finding by the Board that such material is accurate or complete or not false or misleading, or that the Board has passed upon the merits of or approved any statement therein or any matter to be acted upon by security holders. No representation contrary to the foregoing shall be made.

* * * * *

(o) *Solicitation prior to furnishing required proxy statement.* (1) Notwithstanding the provisions of § 206.5(a), a solicitation (other than one subject to § 206.5(i)) may be made prior to furnishing security holders a written proxy statement containing the information specified in Form F–5 with respect to such solicitation if:

(i) The solicitation is made in opposition to a prior solicitation or an invitation for tenders or other publicized activity, which if successful, could reasonably have the effect of defeating the action proposed to be taken at the meeting;

(ii) No form of proxy is furnished to security holders prior to the time the written proxy statement required by § 206.5(a) is furnished to security holders: *Provided, however,* That this subparagraph (ii) shall not apply where a proxy statement then meeting the requirements of Form F–5 has been furnished to security holders by or on behalf of the person making the solicitation;

(iii) The identity of the person or persons by or on whose behalf the solicitation is made and a description of their interests direct or indirect, by security holdings or otherwise, are set forth in each communication sent or given to security holders in connection with the solicitation, and

(iv) A written proxy statement meeting the requirements of this section is sent or given to security holders at the earliest practicable date.

(2) Three copies of any soliciting material proposed to be sent or given to security holders prior to the furnishing of the written proxy statement required by § 206.5(a) shall be filed with the Board in preliminary form at least 5 business days prior to the date definitive copies of such material are first sent or given to security holders, or such shorter period as may be authorized.

§ 206.7 Form and content of financial statements.

* * * * *

(c) *Provisions of general application.* * * *

(9) General notes to balance sheets. If present with respect to the person for which the statement is filed, the following shall be set forth in the balance sheet or in referenced notes thereto:

* * * * *

(10) General notes to statements of income. If present with respect to the person for which the statement is filed, the following shall be set forth in the statement of income or in referenced notes thereto:

* * * * *

(f) *Schedules to be filed.* * * *

(2) The following schedule shall be filed with each statement of income filed pursuant to this part: Schedule VII—Allowance for Possible Loan Losses.

* * * * *

[F.R. Doc. 69–13622; Filed, Nov. 14, 1969; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 69-245]

AIRCRAFT IN FOREIGN TRADE

Supplies and Equipment for Aircraft of Foreign Registry

NOVEMBER 7, 1969.

Treasury Decision 52431(4), dated March 14, 1950, stated that in accordance with section 309(d) of the Tariff Act of 1930, as amended (19 U.S.C. 1309(d)), the Department of Commerce had found and advised the Secretary of the Treasury that Canada allowed privileges to aircraft registered in the United States and engaged in foreign trade substantially reciprocal to those referred to in sections 309(a) and 317 of the Tariff Act of 1930, as amended (19 U.S.C. 1309(a), 1317) in respect of aircraft registered in a foreign country and actually engaged in foreign trade.

Under date of April 30, 1969, the Department of Commerce advised that its finding did not include ground equipment since it was not included in the exemptions allowable under section 309 of the tariff act prior to its amendment by the Customs Simplification Act of 1953 (sec. 11(a), 67 Stat. 514). At the same time, the Department of Commerce issued a finding that Canada was not allowing exemptions from duty or tax on ground equipment brought into that country for aircraft of U.S. registry engaged in foreign trade.

Effective May 1, 1969, in Treasury Decision 69-149, ground equipment was excluded from the free withdrawal privileges of section 309(a)(3) of the Tariff Act of 1930, as amended, for aircraft registered in Canada.

On October 13, 1969, the Department of Commerce issued a finding that, effective September 17, 1969, Canada allows exemption from duty or tax on ground equipment brought into that country for aircraft of U.S. registry engaged in foreign trade.

Accordingly, effective September 17, 1969, ground equipment may be withdrawn under section 309(a)(3) of the tariff act for aircraft registered in Canada.

During the period May 1, 1969, to September 16, 1969, inclusive, ground equipment did not qualify for free withdrawal under section 309(a)(3) of the tariff act for aircraft registered in Canada and the finding of the Department of Commerce of October 13, 1969, does not affect that situation.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[F.R. Doc. 69-13638; Filed, Nov. 14, 1969; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Docket No. SH 279]

SUGAR BEETS

Notice of Hearings on Wages and Prices and Designation of Presiding Officers

Pursant to the authority contained in subsections (c)(1) and (c)(2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that public hearings will be held as follows:

At Detroit, Mich., on December 1, 1969, in the Shelby Room, Pick-Fort Shelby Hotel, beginning at 9:30 a.m.;

At Fargo, N. Dak., on December 3, 1969, in the Bowler, Inc. (north entrance), 2630 South University Drive, beginning at 9:30 a.m.;

At Sacramento, Calif., on December 5, 1969, in Room W-1140, New Federal Building, 2800 Cottage Way, beginning at 9:30 a.m.;

At San Antonio, Tex., on December 9, 1969, in the John F. Kennedy High School Auditorium, 1922 South General McMullen Drive, beginning at 9:30 a.m.;

At Denver, Colo., on December 12, 1969, in Room 269 (second floor), U.S. Post Office Building, corner of 19th and Stout Streets, beginning at 9:30 a.m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301(c)(1) of the Act, whether the wage rates established for sugarbeet fieldworkers in the wage determination which became effective April 7, 1969 (33 F.R. 5904 and 34 F.R. 6651), continue to be fair under existing circumstances, or whether such determination should be amended; and (2) pursuant to the provisions of section 301(c)(2) of the Act, fair and reasonable prices for the 1970 crop of sugarbeets to be paid, under purchase or toll agreements, by producers who process sugarbeets grown grown by other producers and who apply for payments under the Act.

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

The hearings, after being called to order at the times and places mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officers.

T. O. Murphy, C. F. Denny, R. R. Stansberry, J. E. Agnew, and R. Jordan are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

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

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

[F.R. Doc. 69-13663; Filed, Nov. 14, 1969; 8:50 a.m.]

Office of the Secretary

FOREIGN ECONOMIC DEVELOPMENT SERVICE

Notice of Proposed Transfer of Assignments of Functions and Delegations of Authority

In accordance with Reorganization Plan No. 2 of 1953, and in order to afford interested persons and groups an opportunity to place before the Department their views with respect to the proposed action, the Department is giving advance public notice of a proposed transfer of assigned functions and the establishment of a new agency.

1. *Purpose.* Agriculture provides the major source of national income and is a way of life for more than half the population of the less developed countries of the world. It is recognized that the development of practically all countries receiving assistance is dependent upon the social well-being and production efficiency of their rural populations. Recently some success has been achieved in accelerating agricultural production. This has brought into focus the needs of overall economic and social development. New problems must now be attacked, such as distribution of the benefits of development, use of the labor force, improved nutrition and related agricultural policies. The resources of the USDA must be coordinated and mobilized to more fully assist in planning, executing and evaluating agricultural assistance programs in the developing countries.

2. *Functions shifted.* In order to bring foreign economic development closer to other economically-oriented activities of the Department, we are proposing the establishment of a new agency. This agency will be the Foreign Economic Development Service. This agency, under the direction of an Administrator, will report to the Secretary, through the Director of Agricultural Economics.

The Department proposes to transfer to the Foreign Economic Development Service all international agricultural

development, technical assistance and training functions administered by the Foreign Agricultural Service.

3. *Management support activities.* Support activities such as accounting, budget, personnel and other administrative services as are required by the new agency will be provided by the Office of Management Services.

In order to be considered, views and comments of interested persons and groups must be received by the Secretary by November 24, 1969.

Done at Washington, D.C., this 8th day of November, 1969.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[F.R. Doc. 69-13621; Filed, Nov. 14, 1969; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

HANOVER BOROUGH SCHOOL DISTRICT, PA., ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

Correction

In F.R. Doc. 69-13254 appearing at page 18047 in the issue of Friday, November 7, 1969, on page 18048, Column 1, the reference to "Docket No. 70-02265-33-46500" should read "Docket No. 70-00265-33-46500".

OHIO STATE UNIVERSITY ET AL.

Notice of Applications for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00273-33-46040. Applicant: The Ohio State University, Department of Psychiatry, 190 North Oval Drive, Columbus, Ohio 43210. Article: Electron microscope, Model EM 9A. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used in numerous projects in the study of the pathology of the nervous system by faculty members. Besides research, the microscope will be utilized by graduate students in a program to familiarize themselves with research techniques; by medical students to study ultrastructure; and by residents to learn the technique of electron microscopy and to pursue specific problems. Application received by Commissioner of Customs: October 22, 1969.

Docket No. 70-00274-00-46040. Applicant: University of Minnesota, College of Dentistry, 519 Owre Hall, Minneapolis, Minn. 55455. Article: Exposure meter shutter combination. Manufacturer: Siemens & Halske, West Germany. Intended use of article: The article will be used to improve resolution and performance of an existing electron microscope. Application received by Commissioner of Customs: October 22, 1969.

Docket No. 70-00274-00-46040. Applicant: University of Minnesota, College of Dentistry, 519 Owre Hall, Minneapolis, Minn. 55455. Article: Short focal length objective pole piece. Manufacturer: Siemens & Halske, West Germany. Intended use of article: The article will be used to improve resolution and performance of an existing electron microscope. Application received by Commissioner of Customs: October 22, 1969.

Docket No. 70-00276-33-46040. Applicant: Stanford University, Department of Biological Sciences, Stanford, Calif. 94205. Article: Electron microscope, Model HU-11E-1. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for research by faculty members and advanced graduate students. Specific projects under investigation are the study of the ultrastructure of cell junctions in developing epithelial organs, contractile filament systems in morphogenetically active epithelial cells, and the fine structure of collagenous microfilaments embedded within the basal lamina of developing organ systems. Application received by Commissioner of Customs: October 23, 1969.

Docket No. 70-00277-61-46040. Applicant: Duke University, Durham, N.C. 27706. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used primarily to investigate the genetic control of organelle differentiation in green algae and higher plants. A series of mutants which fail to form morphologically and/or functionally normal chloroplasts or mitochondria are being studied. Application received by Commissioner of Customs: October 27, 1969.

Docket No. 70-00278-97-80600. Applicant: U.S. Department of Commerce, National Bureau of Standards, 325 Broadway, Boulder, Colo. 80302. Article: N. P. L. Teramet. Manufacturer: National Physical Laboratory, United Kingdom. Intended use of article: The article will be used for research investigation involving the measurement of submillimetre wave refractive indices and of distances by submillimetre waves. Application received by Commissioner of Customs: October 27, 1969.

Docket No. 70-00279-33-46040. Applicant: Case Western Reserve University, School of Medicine, 2109 Adelbert Road, Cleveland, Ohio 44106. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for biological and medical research. Specific projects include a study on the formation of myofibrils in developing skeletal and cardiac muscle; an analysis of the factors influencing the aggregation of myosin and actin in aqueous solutions; and studies on nerve function and morphology. Application received by Commissioner of Customs: October 27, 1969.

Docket No. 70-00266-33-61200. Applicant: Fairview Hospital, 2312 South Sixth Street, Minneapolis, Minn. 55402. Article: Frame for correction of curvature of the spine. Manufacturer: Ets Belembert, France. Intended use of article: The article will be used for experimental trial in correction of the spine. Application received by Commissioner of Customs: October 20, 1969.

Docket No. 70-00281-00-61800. Applicant: Trenton State College, Physics Department, Pennington Road, Trenton, N.J. 08625. Article: Projection orrery. Manufacturer: Goto Optical Co., Japan. Intended use of article: The article is an attachment designed specifically for use on an exisiting planetarium. Application received by Commissioner of Customs: October 27, 1969.

Docket No. 70-00282-63-46040. Applicant: University of California, Santa Barbara, Department of Biological Sciences, Santa Barbara, Calif. 93106. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for research on the forms and distribution of plant viruses in cells of the hosts; for reactions of host cells to the presence of virus as revealed by formation of virus particles and viral byproducts in the cells and by degenerative changes in the components of host protoplasts; and for the continuation of studies of subcellular structure of food conducting tissues in plants. Application received by Commissioner of Customs: October 28, 1969.

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

[F.R. Doc. 69-13568; Filed, Nov. 14, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MONSANTO CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, has withdrawn its petition (FAP 9B2371), notice of which was published in the FEDERAL REGISTER of January 8, 1969 (34 F.R. 273), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of polyamine-epichlorohydrin resins as components of paper and paperboard for food-contact use.

Dated: November 6, 1969.

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

[F.R. Doc. 69-13580; Filed, Nov. 14, 1969; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 115-5]

DAIRYLAND POWER COOPERATIVE AND LA CROSSE BOILING WATER REACTOR

Notice of Issuance of Provisional Operating Authorization

No request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on July 23, 1968 (33 F.R. 10467), the Atomic Energy Commission (the Commission) has issued Provisional Operating Authorization No. DPRA-6 to Dairyland Power Cooperative (DPC) of La Crosse, Wis. The authorization, effective as of the date of issuance, authorizes DPC to use and operate the La Crosse Boiling Water Reactor (LACBWR) located in Vernon County, Wis. The authorization was issued substantially as proposed except that a temporary restriction was added to the Technical Specifications which limits operation of the LACBWR to 10 Mwt until the nonlinearity of the nuclear instrumentation has been satisfactorily resolved and approved in writing by the Commission's Division of Reactor Licensing (DRL) or until DRL has received and approved changes to the Technical Specifications establishing appropriate restrictions for operation with the existing nonlinear nuclear instrumentation.

This authorization supersedes Provisional Operating Authorization No. DPRA-5 issued to the Allis-Chalmers Manufacturing Co. on July 3, 1967, for use and operation of LACBWR at 165 megawatts (thermal).

The Commission has found that DPC's application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR, Chapter I, and that the issuance of the provisional operating authorization will not be inimical to the common defense and security or to the health and safety of the public.

A copy of Provisional Operating Authorization No. DPRA-6 with appended Technical Specifications is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of the authorization may be obtained at the Commission's Public Document Room or upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 31st day of October 1969.

For the Atomic Energy Commission.

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

[F.R. Doc. 69-13567; Filed, Nov. 14, 1969; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 21493; Order 69-11-37]

AIR WEST, INC., ET AL.

Discussions on Baggage Rules and Practices, Order Regarding Application by Certain Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of November 1969.

By application filed on October 6, 1969, the Air Traffic Conference of America (ATC), on behalf of 24 carrier members[1] requested Board approval for those carriers to meet and discuss possible solutions to problems that have arisen as a result of the industry change to the baggage "piece" concept. The letter states that since the industry change to the piece concept in 1965, some passengers have taken what appears to be an unfair advantage of the situation. Some carriers have discovered that passengers were checking baggage which met the measurement limits, but which carried such concentrated weight that it posed a hazard to personnel. Some carriers have also discovered that they are moving commercial products at excess baggage rates (which are far below airfreight rates) in a number of instances. ATC states that the lack of a per piece weight limitation in the tariff has created an atmosphere of permissiveness which is being seized upon by experienced travelers.

ATC requests that approval be given for discussion to take place on this problem, with the view toward reaching agreement on a maximum number of pieces of excess baggage per passenger, as well as a maximum weight per piece of baggage. Such maximums, ATC states, should not only offer flexibility to bona fide travelers but also prevent abuses of the present provisions. ATC believes this would offer effective control of the situation and common tariff filings would permit interline traffic that is acceptable uniformly. Finally, ATC estimates that the discussions could be concluded within 90 days from the date of Board authorization.

No objections to the request have been filed.

The Board normally permits carrier discussions of matters relating to tariff rules and practices only when two basic considerations are met. First, the intended purpose of the discussions must appear to be per se in the public interest. Second, the intended result must be one that could not be achieved readily by individual carrier action. The carriers' instant proposal would appear to meet satisfactorily both requirements which justify industry meetings on baggage rules and practices.

Therefore, the Board is of the opinion that ATC has shown that a need exists at this time for intercarrier discussions regarding possible solutions to problems that have arisen as a result of the industry change to the baggage piece concept in 1965. It appears that the specific instances of abuse referred to by ATC may warrant some change in the presently effective rules and practices in this area. Such an objective appears to be in the public interest and better and more quickly obtained by joint carrier action. However, the carrier discussions authorized will be restricted solely to the questions raised in the ATC application, and discussion of rates will not be permitted. Furthermore, we will not permit discussions that may lead to any rules that are as restrictive as those in effect prior to the industry change to the baggage piece concept. We will limit the discussion authority, therefore, to carrier agreement on a maximum number of pieces of excess baggage per passenger and to a maximum weight per piece of baggage. The Board would expect the carriers to support their conclusions and any agreement filings with factual data to the maximum extent possible.

Under the circumstances, the discussions sought by the carriers appear to meet the test of public interest, and we shall authorize discussions for a period of 90 days. The discussions will not, however, be limited to the 24 named carriers,

[1] Air West, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Hawaiian Airlines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., New York Airways, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., Wien Consolidated Airlines, Inc.; Associate: CP Air, Inc.

but should be open to all certificated interstate scheduled air carriers. As in the past, the Board will condition its approval to permit the attendance of Board observers.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412, and 414 thereof:

It is ordered, That:

1. All certificated interstate scheduled air carriers are authorized for a period of 90 days from the date of this order to meet and discuss establishment of rules regarding the maximum number of pieces of excess baggage per passenger and the maximum weight per piece of baggage.

2. The Board shall be given at least 48 hours' notice of the time and place of any discussion authorized herein by written notice filed with the Board's Docket Section.

3. The Civil Aeronautics Board reserves that the right to have one or more observers in attendance at all discussions of the carriers.

4. Complete and accurate minutes shall be kept of all discussions by the carriers, and a true copy thereof filed with the Board not later than 30 days after the conclusion of the discussions.

5. Any agreement or agreements reached as a result of such discussions shall be filed with the Board in accordance with section 412 of the Act and approved by the Board prior to being incorporated in a tariff filing or placed in effect.

6. This order shall be served upon all domestic certificated local-service and trunkline air carriers.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-13640; Filed, Nov. 14, 1969; 8:49 a.m.]

[Docket No. 21594; Order 69-11-31]

EASTERN AIR LINES, INC., ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of November 1969.

By Order 69-11-19, November 6, 1969, the Board dismissed a complaint of the government of the Virgin Islands against fare increases proposed by Eastern Air Lines, Inc. (Eastern), Pan American World Airways, Inc. (Pan American), and Trans Caribbean Airways, Inc. (Trans Caribbean), between east coast points and Puerto Rico and the Virgin Islands.[1]

The carriers proposed to increase one-way day third-class fares between Boston, New York, Baltimore/Washington, and San Juan by $5. The night third-class one-way fare between New York and San Juan was to be increased by $6. Other revisions which had been proposed include increases in the one-way Miami-San Juan first-class fare of $6 and second- and third-class one-way fare increases of $4 in this market. In the New York/Washington-Virgin Islands market the carriers proposed to increase one-way first-class fares by $6 and economy (second class) class one-way fares by $4. The Miami-Virgin Islands one-way first-class fare was to be increased $8 and the economy class fare by $4. Proposed increases in round-trip excursion fares to San Juan were generally $10 and a weekend differential was to be added to Virgin Islands excursion fares.

A petition for reconsideration of that order and a complaint against the proposed fare increases were filed by the Commonwealth of Puerto Rico on November 7, 1969. The petition states that the Commonwealth vigorously opposes the increases and asserts that they are based solely on the short-run financial condition of two of the three carriers, including their losses in other markets; that the carriers' costs in these markets have not increased sufficiently to justify the proposed increases; and that no consideration has been given to costs of the more efficient carrier, the effect of the increases on traffic, the impact on tourism, or the Board's own historic policy of supporting low fares to Puerto Rico. The petition alleges that immediate favorable reconsideration is the only means of avoiding an adverse impact on the Puerto Rico travel and tourism industry, pending a full investigation of the allegations of Pan American and Trans Caribbean concerning their costs.

Since the complaint and petition for reconsideration raise matters not before the Board prior to issuance of the earlier order, the Board has decided to order the fares to Puerto Rico investigated and to suspend the fares so as to afford an opportunity for consideration of allegations raised by the Commonwealth of Puerto Rico. In view of the close interrelationship between these fares and those applicable to the Virgin Islands we will likewise suspend the latter.

The Board finds that the proposed fares, and the rules, regulations, and practices affecting such fares may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential or unduly prejudicial. Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A attached hereto, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board; the fares and provisions described in Appendix A [2] hereto are suspended and their use deferred to and including February 6, 1970, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints of the Government of the Virgin Islands, in Docket 21526, and the Commonwealth of Puerto Rico, in Docket 21590, are consolidated herein.

4. This order vacates Order 69-11-19, November 6, 1969;

5. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

6. A copy of this order be filed with the aforesaid tariffs and be served upon Eastern Air Lines, Inc., Pan American World Airways, Inc., Trans Caribbean Airways, Inc., the Commonwealth of Puerto Rico, and the government of the Virgin Islands, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-13641; Filed, Nov. 14, 1969; 8:49 a.m.]

[Docket No. 21559; Order 69-11-40]

TRANS WORLD AIRLINES, INC.

Order Dismissing Complaint Against Container Rate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of November 1969.

By tariff filed October 15, 1969, and marked to become effective November 14, 1969, Trans World Airlines, Inc. (TWA), proposes to establish a Type A (igloo) container charge on general commodity traffic of $450 from Los Angeles, Calif., to New York, N.Y., or Newark, N.J.[3] Such charge would apply up to 5,500 pounds per container, and any payload in excess of 5,500 pounds would be rated at $7.45 per 100 pounds. TWA's filing represents a reduction from their present Type A container rates and charges in this market,[3] but is substantially equivalent to

[1] Revisions to International Air Traffic Corp., Agent, Tariffs CAB Nos. 258 and 334; Trans Caribbean Airways, Inc., Tariff CAB No. 26; Eastern Air Lines, Inc., Tariff CAB No. 232.

[2] Filed as part of the original document.

[3] An earlier filing by TWA for effectiveness Oct. 19, 1969, and bearing an expiration date of Dec. 31, 1969, was rejected for technical reasons.

[3] TWA's present general commodity rates per Type A container in this market range from $788 to $1,344, depending upon the weight of the container and the aggregate weight of the total shipment.

the rates currently in effect by The Flying Tiger Line Inc. (Flying Tiger).[3]

A complaint requesting suspension and investigation of TWA's proposal has been filed by American Airlines, Inc. (American), and an answer filed by TWA, as summarized below.

In brief, American states that TWA's proposal is economically unsound; that TWA has itself described Flying Tiger's rates as "uneconomically low * * * having the potential to seriously injure * * * an economically viable freight business * * * and a long term threat to carrier profitability"; that an industry agreement on container rates is now pending Board action;[4] and that the filing discriminates against shippers in other markets. In reply, TWA concedes that the rates may be uneconomically low, but contends that neither suspension nor investigation is justified since their filing is competitive with Flying Tiger; that TWA is prepared to cancel its rates if the Board approves the industry container agreement now pending before it; and that the law does not require that all markets receive identical rates.

Upon consideration of the complaint and answer, and other relevant matters, the Board will dismiss the complaint and permit TWA's tariff to become effective without investigation. The Board has previously approved Flying Tiger's rates and dismissed a complaint of American thereon,[5] and TWA is simply meeting competition. The alleged discrimination resulting from TWA's proposed low rate in only a single market is not sufficient to warrant investigation and suspension.

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

It is ordered, That:

The complaint of American Airlines, Inc., in Docket 21559 is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 69-13642; Filed, Nov. 14, 1969; 8:49 a.m.]

[3] In addition to the identical single-container rate filed by TWA to match Flying Tiger, the latter also offers a multicontainer (five or more) rate of $420, applicable up to 5,500 pounds, and an excess rate of $6.80 per 100 pounds, which TWA does not propose to match. In addition, for two or more containers where one unit is loaded to less than 5,500 pounds and others are loaded to more than such weight, Flying Tiger will permit an averaging of weights whereby the charges for excess weight are eliminated or reduced. TWA does not propose to match this provision. Flying Tiger's tariff bears an expiration date of December 31, 1969.

[4] Agreement CAB No. 21225 covering container specifications, incentive discounts, and other relevant provisions was filed on August 14, 1969, on behalf of 12 carriers, including American, Flying Tiger, and TWA, and is now pending Board action.

[5] Order 68-12-57 dated Dec. 10, 1968.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18616; FCC 69R-452]

TRANS AMERICA BROADCASTING CORP.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Trans America Broadcasting Corp. for renewal of licenses of radio stations KTYM and KTYM-FM, Inglewood, Calif.; Docket No. 18616, File No. BR-3611, File No. BRH-968.

1. This proceeding involves the applications of Trans America Broadcasting Corp. (Trans America) for renewal of its broadcast facilities, Stations KTYM and KTYM-FM, Inglewood, Calif. By memorandum opinion and order, FCC 69-839, 34 F.R. 12847 (published Aug. 7, 1969), the Commision designated these applications for hearing on various issues to determine whether the applicant violated provisions of the Commision's rules and of the Communications Act; whether the applicant made misrepresentations to, or sought to conceal information from, the Commission and its staff; and whether, in light of the evidence adduced pursuant to such issues, the applicant possesses the requisite qualifications to remain a licensee. Presently before the Review Board is a petition to enlarge issues, filed August 18, 1969, by Trans America, which requests the addition of a "forfeiture issue" and a programing issue to this proceeding.[1]

"FORFEITURE ISSUE"

2. Trans America claims that the issues, as framed by the Commission in its designation order, apparently do not afford the Examiner the option of imposing a lesser penalty on the licensee, i.e., one short of denial of the renewal applications. Petitioner submits that, in other cases of like gravity, the Commission's order of designation permitted the Examiner to impose, as an alternative to denial of renewal, a forfeiture for the infraction of Commission rules.[2] According to Trans America, equity dictates that the Examiner's choice in this proceeding should be governed by the same considerations and options as in other cases of a similar nature.

[1] Also before the Review Board are: (a) Comments, filed Sept. 3, 1969, by the Broadcast Bureau; and (b) response, filed Sept. 8, 1969, by Trans America.

[2] Petitioner cites Allen Bigham, Jr., FCC 67D-61, 12 RR 2d 529 (1967), which allegedly involved issues similar to those in the instant proceeding and wherein the designation order allegedly afforded the Examiner an alternative short of denial of renewal. Trans America also refers to Lum A. Humphries, trading as Wagoner Radio Co., FCC 68-288, 33 F.R. 5056 (1968), which allegedly involved allegations pertaining to a licensee's representations to the Commission and which allegedly permitted the imposition of a forfeiture as an alternative to denial of renewal.

3. In its comments, the Broadcast Bureau correctly notes that petitioner's pleading was not directed to either the Review Board or to the Commission and that, therefore, the request does not comply with § 1.291(a)(5) of the rules. The Bureau contends that the instant petition is subject to summary dismissal since it contains, in one pleading, requests that must be acted upon by different bodies, i.e., the Commission and the Review Board.[3] It is the Bureau's position that the request for a "forfeiture issue" should have been directed to the Commission inasmuch as such a request involves the modification of the basic character of the proceeding and that, therefore, it will reserve further comment on this aspect of Trans America's pleading until such time as an appropriate and separate request is filed with the Commission. In response to the Bureau's comments, Trans America concedes its initial failure to comply with § 1.291(a)(5), but asserts that the omission of the authority to which its pleading was addressed was due to inadvertence. Contrary to the Bureau's position, the petitioner contends that the request for a "forfeiture issue" falls within the purview of the Board's jurisdiction under § 0.365(b)(1) of the Rules. Arguing that § 1.111 of the Commission's rules limits the filing of petitions for reconsideration to cases where it is asserted that an application should have been granted without hearing and that such is not the thrust of the instant request, the petitioner urges the Board to assume jurisdiction here. It is Trans America's view that the Commission intended the Board to consider all questions short of the question of the necessity for hearing itself and that, since a similar request addressed to the Commission would have been subject to dismissal under Orange Nine, Inc., FCC 67-960, 10 RR 2d 1090 (1967), the Board should consider this portion of the instant request. Finally, the petitioner suggests that the Board deny the "forfeiture issue" request without prejudice to its refiling with the Commission in the event the Board should decline to exercise jurisdiction over this matter.

4. As the Bureau has properly recognized, the instant request is subject to summary dismissal since it violates § 1.44(a) of the rules in that it combines requests to be acted upon by the Commission and by the Review Board in one pleading. In spite of this procedural infirmity, we do not believe it is necessary to exercise such an option. Instead, we will consider the Trans America petition to the extent that it contains a proper request for enlargement of issues, an area where we appropriately have jurisdiction under § 0.365(b) of the rules. To the extent that petitioner seeks the basic modification of the designation order herein,

[3] Section 1.44(a) of the rules prohibits the combining of requests requiring action by the Commission in a pleading with requests for action by a Hearing Examiner or by any person or persons pursuant to delegated authority.

however, we must decline to entertain such a request. In effect, Trans America's request for the inclusion of a forfeiture provision in this proceeding as an alternative to denial of renewal is not for the addition of an issue as such, but rather is a request which seeks to affect the basic nature of the proceeding by the inclusion of an alternative administrative sanction, i.e., forfeiture. In this regard, we note that, under section 503 of the Communications Act, the Commission is invested with the responsibility to issue written notices of apparent forfeiture liability and that this grant of authority has not been delegated to, or exercised by, the Review Board. Since the Board is without specific authority to issue notices of apparent liability, which are required prior to the imposition of forfeitures, and since the Board does not have access to the relevant information which may give rise to the inclusion of a forfeiture provision in a designation order,[1] we cannot agree with the petitioner that the Board can exercise its jurisdiction over this question. We may note in passing, however, that, although the designation orders in the Bigham and Humphries proceedings did make specific provision for the imposition of a forfeiture (unlike the present case), the forfeiture provision was not included as an alternative to denial of renewal as petitioner is suggesting here. Rather, the designation orders in those cases directed a consideration of forfeiture only after the Hearing Examiner had decided that denial of renewal was not warranted and that repeated or willful violations of the Communications Act or the Commission's rules had taken place within 1 year of the issuance of the designation order. The further fact that the designation orders in those cases also served as notices of apparent liability[2] reinforces our view that the Board is without authority to entertain this aspect of Trans America's petition. Since the question raised by the petitioner is novel insofar as it concerns the scope of appropriate reconsideration of the designation order, we will dismiss that portion of the instant petition relating to a request for a "forfeiture issue", but without prejudice to its refiling with the Commission for its consideration.

PROGRAMING ISSUE

5. Trans America also requests that an issue be added to this proceeding "to determine whether the past programing of Stations KTYM and KTYM-FM has served the needs of the community so as to constitute a countervailing factor in the resolution" of the already specified issues. The petitioner proposes to introduce evidence of the allegedly high quality of its program service herein and claims that its request is in line with Commission precedent and policy. In this regard, Trans America cites Wagoner Radio Co., 12 FCC 2d 978, 13 RR 2d 114 (1968), wherein the Review Board stated that the Commission has received evidence of this type in analogous cases, although not required to do so, since the public interest is better served if a licensee is permitted to make a showing as to its past record in mitigation of adverse findings under existing issues.

6. The Broadcast Bureau interposes no objection to the addition of an issue similar to that framed in Wagoner Radio Co., supra, and the Board is of the opinion that such action is appropriate in this instance. The public interest would best be served in this proceeding if Trans America is permitted an opportunity to adduce evidence concerning the merits of its past programing in mitigation of any adverse findings under the specified issues. However, as we noted in Wagoner Radio Co., supra, no consideration can be given alleged meritorious programing instituted after the licensee has received notice that action against it is being contemplated by the Commission, and the parties will be afforded the right to argue the weight to be accorded the evidence so adduced.

7. *Accordingly, is it ordered*, That the petition to enlarge issues, filed August 18, 1969, by Trans America Broadcasting Corp., is granted to the extent indicated below, and is dismissed without prejudice in all other respects; and

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

To determine whether the programing of Stations KTYM and KTYM-FM has been meritorious, particularly with regard to public service programs.

9. *It is further ordered*, That the burdens of proceeding with the introduction of evidence and of proof under the issue added herein shall be on Trans America Broadcasting Corp.

Adopted: November 4, 1969.

Released: November 5, 1969.

FEDERAL COMMUNICATIONS COMMISSION,[3]

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

[F.R. Doc. 69-13633; Filed, Nov. 14, 1969; 8:49 a.m.]

[1] For example, we note that, pursuant to section 503 of the Act, no forfeiture liability may attach for any violation occurring more than 1 year prior to the date of issuance of the notice of apparent liability.

[2] In Humphries, the designation order was titled "Order and Notice of Apparent Liability", and paragraph 8 thereof stated that the designation order is to be considered as a notice of apparent liability pursuant to section 503(b)(2).

[3] Board Member Berkemeyer absent.

FEDERAL MARITIME COMMISSION

[Docket No. 69-54; Agreement 9793]

CONFERENCE AGREEMENT U.S. NORTH ATLANTIC/ATLANTIC SPAIN TRADE

Order of Investigation and Hearing

The Commission has before it an application for approval of a conference agreement, pursuant to section 15 of the Shipping Act, 1916, between American Export Isbrandtsen Lines, Inc., Fresco Line, Companhia de Navegacao Carregadores Acoreanos, Spanish Line and United States Lines in the trade from the U.S. North Atlantic to the Atlantic Coast of Spain in the Vigo/Passajes Range. The agreement has been designated Federal Maritime Commission Agreement No. 9793.

Whereas, it appears that Agreement No. 9793 will have a significant impact upon commerce from the U.S. North Atlantic to the Atlantic Coast of Spain; and

Whereas, the parties have not demonstrated, nor is it shown or otherwise evident, that Agreement No. 9793 is required by a serious transportation need or is necessary to secure important public benefits or to serve the regulatory purposes of the Shipping Act, 1916;

Therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, the Commission institute an investigation and hearing to determine whether Agreement No. 9793 would be unjustly discriminatory or unfair as between carriers, shippers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, contrary to the public interest, or in violation of the Shipping Act, 1916, and on the basis of the findings, to determine whether Agreement No. 9793 should be approved, disapproved, or modified;

It is further ordered, That the parties listed in the Appendix attached hereto be made respondents in this proceeding;

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

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents;

It is further ordered, That any person, other than respondents, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene in accordance with Rule 5(1), 46 CFR 502.72 of the Commission's rules of practice and procedure;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

APPENDIX

American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y. 10004.

Companhia de Navegacao Carregadores Acoreanos c/o East Coast Overseas Corp., Agents, 80 Broad Street, New York, N.Y. 10004.

Fresco Lines, c/o Kerr Steamship Co., Inc., General Agents, 29 Broadway, New York, N.Y. 10006.

Spanish Line, c/o Garcia & Diaz, Inc., Agents, 25 Broadway, New York, N.Y. 10004.

United States Lines, Inc., 1 Broadway, New York, N.Y. 10004.

[F.R. Doc. 69-13645; Filed, Nov. 14, 1969; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-426 etc.]

HUMBLE OIL & 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 [1]

NOVEMBER 5, 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, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 19, 1969.

By the Commission.

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

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

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-426...	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	1	15	Trunkline Gas Co. (Sabine Tram Field, Newton County, Tex.) (RR. District No. 3).	(3)	10-6-69	[4] 10-1-69	[5] 10-2-69	[6] 15.0	[7] 15.0557	
	do	6	12	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Heyser Field, Calhoun County, Tex.) (RR. District No. 2).	$2,838	10-6-69	[4] 10-1-69	[5] 10-2-69	[6] 15.0	[7] 15.0557	
	do	11	36	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (District 4 Area, Tex.).	8,509	10-6-69	[4] 10-1-69	[5] 10-2-69	[6] 15.0	[7] 15.0557	
	do	15	23	Texas Eastern Transmission Corp. (Silsbee Field, Hardin County, Tex.) (RR. District No. 3).	257	10-6-69	[4] 10-1-69	[5] 10-2-69	[6] 15.0	[7] 15.0649	
	do	17	9	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Mariposa Field, Brooks County, Tex.) (RR. District No. 4).	640	10-6-69	[4] 10-1-69	[5] 10-2-69	[6] 15.0	[7] 15.0555	
	do	170	[8] 12	Transcontinental Gas Pipe Line Corp. (San Miguel Creek and Dilworth Fields, McMullen County, Tex.) (RR. District No. 1).	81	10-6-69	[4] 10-1-69	[5] 10-2-69	[9] 15.0	[7] [10] 15.0563	
	do	257	18	Texas Eastern Transmission Corp. (Helen Gohlke (B-Sand) Field, De Witt County, Tex.) (RR. District No. 2).	(3)	10-6-69	[4] 10-1-69	[5] 10-2-69	[6] 15.0	[7] 15.0649	
	do	350	3	Natural Gas Pipeline Co. of America (Sal Del Ray et al., Fields, Hidalgo County, Tex.) (RR. District No. 4).	1,795	10-6-69	[4] 10-1-69	[5] 10-2-69	[11] 16.0	[7] 16.06	
	do	371	1	Natural Gas Pipeline Co. of America (Laura Thomason Area, Bee County, Tex.) (RR. District No. 2).	269	10-6-69	[4] 10-1-69	[5] 10-2-69	[11] 16.0	[7] 16.06	
	do	380	2	Natural Gas Pipeline Co. of America Santa Fe et al., Fields, Brooks et al., Counties, Tex.) (RR. District No. 4).	5,605	10-6-69	[4] 10-1-69	[5] 10-2-69	[11] 16.0	[7] 16.06	
	do	401	1	Texas Eastern Transmission Corp. (El Paistle (Deep) Field, Kenedy County, Tex.) (RR. District No. 4).	498	10-6-69	[4] 10-1-69	[5] 10-2-69	[11] 16.0	[7] 16.07	
	do	429	1	Natural Gas Pipeline Co. of America (Viggo (Wilcox) Area, Duval County, Tex.) (RR. District No. 4).	129	10-6-69	[4] 10-1-69	[5] 10-2-69	[11] 16.0	[7] 16.06	
	do	460	1	South Texas Natural Gas Gathering Co. (South Jay Simmons Field, Starr County, Tex.) (RR. District No. 4).	216	10-6-69	[4] 10-1-69	[5] 10-2-69	[11] 16.0	[7] 16.06	
	do	404	1	Valley Gas Transmission, Inc. (East Scott and Hopper Area, Brooks County, Tex.) (RR. District No. 4).	70	10-6-69	[4] 10-1-69	[5] 10-2-69	[11] 15.0	[7] 15.0563	
	do	400	1	Florida Gas Transmission Co. (Skipper Area, Brooks County, Tex.) (RR. District No. 4).	309	10-6-69	[4] 10-1-69	[5] 10-2-69	[11] 16.0	[7] 16.06	

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	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-427..	Humble Oil & Refining Co. (Operator) et al.	352	5	Natural Gas Pipeline Co. of America (Santa et al., Fields, Kenedy County, Tex.) (RR. District No. 4).	$27,099	10-6-69	[4] 10-1-69	[5] 10-2-69	[12] 16.0	[6] [7] 16.06	
	....do....	373	3	Trunkline Gas Co. (Kelsey et al., Fields, Brooks et al., Counties, Tex.) (RR. District No. 4).	16,537	10-6-69	[4] 10-1-69	[4] 10-2-69	[12] 16.0	[6] [7] 16.06	
RI70-428..	Humble Oil & Refining Co. (Operator).	377	1	Natural Gas Pipeline Co. of America (Tomball Gas Plant, Harris County, Tex.) (RR. District No. 3).	6,097	10-6-69	[4] 10-1-69	[4] 10-2-69	[13] 17.0	[6] [7] 17.0638	
RI70-429..	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	301	2	Natural Gas Pipeline Co. of America (Willamar Field, Willacy County, Tex.) (RR. District No. 4).	93	10-6-69	[4] 10-1-69	[4] 10-2-69	[12] 16.0	[6] [7] 16.06	
RI70-430..	Pan American Petroleum Corp., Post Office Box 3092, Houston, Tex. 77001.	58	17	Texas Eastern Transmission Corp. (Karon Field, Live Oak County, Tex.) (RR. District No. 2).	64	10-6-69	[4] 10-1-69	[8] 10-2-69	[8] 14.5	[6] [7] 14.5627	
	....do....	73	13	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Lucky Field, Matagorda County, Tex.) (RR. District No. 3).	303	10-6-69	[4] 10-1-69	[4] 10-2-69	[8] 15.0	[6] [7] 15.0553	
RI70-431..	Jack P. Rayzor et al., Post Office Box 7553, Houston, Tex. 77007.	5	9	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (South Lucky Field, Matagorda County, Tex.) (RR. District No. 3).	(16)	10-7-69	[4] 10-1-69	[8] 10-2-69	[8] 15.0	[6] [7] 15.0557	

[3] No current production.
[4] The stated effective date is the effective date of the tax increase enacted by the State of Texas.
[5] The suspension period is limited to 1 day.
[6] Tax reimbursement increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] Settlement rate.
[9] Applicable only to acreage added by Supplement No. 8.
[10] Initial rate. Increase to 16.2160 cents suspended in Docket No. RI70-256 until Mar. 9, 1970.
[11] Initial rate. Increase to 17 cents suspended in Docket No. RI69-777 until Dec. 1, 1969.
[12] Initial rate.
[13] Initial rate. Increase to 17 cents suspended in Docket No. RI69-775 until Jan. 1, 1970.
[16] Not stated.

The proposed rate increases herein reflect the 0.5 percent increase in the production tax from 7 percent to 7.5 percent enacted by the State of Texas on October 9, 1969, to be effective as of October 1, 1969. All of the proposed rates herein exceed the applicable area ceilings for the areas involved as set forth in the Commission's statement of general policy No. 61–1, as amended.

Respondents request waiver of the statutory notice to permit their proposed rate increases to become effective as of October 1, 1969, the effective date of the tax increase enacted by the State of Texas. Pursuant to the Commission's Order No. 390 issued October 10, 1969, we believe that it would be in the public interest to waive the statutory notice requirement provided in section 4(d) of the Natural Gas Act to permit an October 1, 1969 effective date for the producers' rate filings and suspend such rate increases from underlying firm rates for 1 day from October 1, 1969, the proposed effective date.

[F.R. Doc. 69–13520; Filed, Nov. 14, 1969; 8:45 a.m.]

[Docket No. RI66–234]

NORTHERN PUMP CO., AGENT, ET AL.

Order Accepting Decreased Rate Filing Subject to Refund in Existing Rate Suspension Proceeding

NOVEMBER 5, 1969.

Northern Pump Co., agent (Operator), et al. (Northern), on November 6, 1969, submitted a proposed revenue-sharing rate decrease from 11.5961 cents to 10.5877 cents per Mcf for a sale for resale to Phillips Petroleum Co. (Phillips) in Texas Railroad District No. 10, designated as Supplement No. 9 to Northern's FPC Gas Rate Schedule No. 22. Phillips gathers and processes the gas in its Sherman Gasoline Plant and resells the residue gas to Michigan-Wisconsin Pipe Line Co. under its FPC Gas Rate Schedule No. 4 at a rate of 15.22 cents plus applicable tax reimbursement which is in effect subject to refund in Docket No. RI65–256. Northern's present effective rate is subject to refund in Docket No. RI66–234 and its last firm rate (not subject to refund) is 6.7747 cents per Mcf. Northern requests an effective date of October 6, 1969, the date of filing; however, the contractual effective date for the proposed decreased rate is August 1, 1969. Under the circumstances we conclude that it would be in the public interest to accept Northern's proposed decreased rate subject to the existing rate proceeding in Docket No. RI66–234 to become effective as of August 1, 1969, the contractual effective date, with waiver of notice granted.

The Commission finds:

Good cause exists for accepting for filing Northern's proposed rate decrease, as set forth in Appendix A hereof, effective as of August 1, 1969, subject to refund in the existing rate suspension proceeding in Docket No. RI66–234.

The Commission orders: The proposed rate decrease contained in Appendix A hereof, is accepted for filing and permitted to become effective as of August 1, 1969, subject to refund in the existing rate suspension proceeding in Docket No. RI66–234.

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 decrease	Date filing tendered	Effective date	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed decreased rate	Rate in effect subject to refund in dockets Nos.
RI66–234	Northern Pump Co., agent (Operator) et al., 1915 57th Ave. North, Minneapolis, Minn. 55430.	22	9	Phillips Petroleum Co.[1] (Hughey Gas Unit, Texas County, Okla.) (Panhandle Area).	$4,565	10–6–69	[2] 8–1–69	(Accepted subject to refund).	[3] [7] 11.5961	[4] [5] [7] 10.5877	RI66–234.

[1] Phillips gathers and processes the gas and resells the residue gas to Michigan-Wisconsin Pipe Line Co. under its FPC Gas 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.

[2] The stated effective date is the contractual effective date.

[3] Revenue-sharing-tax decrease.

[4] Pressure base is 14.65 p.s.i.a.

[5] Subject to a downward B.t.u. adjustment.

[6] Based on 148.157 percent of a base rate of 7.1463 cents (148.157 equals Phillips' present 15.22 cents rate divided by Phillips' 10.2729 cents base rate which became contractually due on Aug. 1, 1969) plus tax reimbursement.

[7] Subject to a deduction of 0.4466 cent for sour gas.

[F.R. Doc. 69–13521; Filed, Nov. 14, 1969; 8:45 a.m.]

[Docket No. RI70–403 etc.]

PHILLIPS PETROLEUM CO. ET AL.

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

NOVEMBER 5, 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, Chapter 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* [2] 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.[3]

(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 December 19, 1969.

By the Commission.

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

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

[2] The *"Provided, however"* clause does not apply to Supplement No. 59 to Phillips' FPC Gas Rate Schedule No. 18 which is suspended for 5 months.

[3] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-403..	Phillips Petroleum Co. (Operator), Bartlesville, Okla. 74003.	18	56	Northern Natural Gas Co. (Andrews Plant, Andrews County, Tex.) (RR. District No. 9) (Permian Basin Area).	$180 10,151	10-10-69	[3] 10- 1-69	[4] 10- 2-69 ([25])	[7] 15.07 [9] 14.0	[8] [11] 15.1622 [9] [11] 14.0853	RI68-329.
	do	18	57	Northern Natural Gas Co. (Benedum Plant, Upton County, Tex.) (RR. District 7-C) (Permian Basin Area).	2,346	10-10-69		([25])	14.0	[8] [11] 14.0853	RI68-329.
	do	18	58	Northern Natural Gas Co. (Spraberry Plant, Midland County, Tex.) (RR. District No. 8) (Permian Basin Area).	94 3,241	10-10-69	[3] 10- 1-69	[4] 10- 2-69 ([25])	[7] 14.04 [9] 14.0	[8] [11] 14.1256 [9] [11] 14.0853	RI68-329.
	do	18	[10] 59	Northern Natural Gas Co. (Puckett-Devonian Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	102,324	10-10-69	[3] 11-10-69	4-10-70	[12] 17.1632	[8] [11] [13] 18.2403	RI68-329.
	do	419	2	Panhandle Eastern Pipe Line Co. (Como Area, Hansford, Ochiltree, and Lipscomb Counties, Tex.) (RR. District No. 10).	1,056	10-10-69	[3] 10- 1-69	[4] 10- 2-69	[11] 17.0	[8] [11] [13] 17.0364	
RI70-404..	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	372	10	Northern Natural Gas Co. (Gomez Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	19,288	10- 6-69	[3] 10- 1-69	[4] 10- 2-69	15.52	[8] [11] 15.5782	
	do	438	5	Northern Natural Gas Co. (Northeast Oates Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	500 *Decrease* (4,625)	[22] 10- 6-69	[3] 10- 1-69 [23] 11- 8-69	[4] 10- 2-69 (Accepted) subject to suspension proceeding.	13.3485 13.3986	[8] [14] 13.3986 *Decrease* [8] [11] [26] 12.9268	
	do	440	6	El Paso Natural Gas Co. (Spraberry Field, Upton County, Tex.) (RR. District No. 7-C) (Permian Basin Area).	9	10- 6-69	[3] 10- 1-69	[4] 10- 2-69	14.5	[8] [11] 14.5544	
	do	437	3	Northern Natural Gas Co. (Coyanosa Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	792	10- 6-69	[3] 10- 1-69	[4] 10- 2-69	16.5	[8] [11] 16.5619	
	do	454	3	Northern Natural Gas Co. (West Waha Field, Reeves County, Tex.) (RR. District No. 8) (Permian Basin Area).	43	10- 6-69	[3] 10- 1-69	[4] 10 2-69	16.1535	[8] [11] 16.2141	
RI70-405..	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020.	319	5	El Paso Natural Gas Co. (Brown-Bassett Field, Crockett County, Tex.) (RR. District No. 7-C).	82	10- 8-69	[3] 10- 1-69	[4] 10- 2-69	[17] 14.25	[8] [11] 14.3175	
RI70-406..	Shell Oil Co. (Operator) et al.	249	9	do	428	10- 8-69	[3] 10- 1-69	[4] 10- 2-69	[17] 14.25	[8] [11] 14.3175	
RI70-407..	Sun Oil Co., Post Office Box 2880, Dallas, Tex. 75221.	65	11	El Paso Natural Gas Co. (Northeast Noelke Field, Crockett County, Tex.) (RR. District No. 7-C).	([27])	10-10-69	[3] 10- 1-69	[4] 10- 2-69	13.64	[8] [11] 13.8241	
	do	151	10	El Paso Natural Gas Co. (Brown-Bassett Field, Crockett and Terrell Counties, Tex.) (RR. District No. 7-C).	608	10-10-69	[3] 10- 1-69	[4] 10- 2-69	14.25	[8] [11] 14.3175	
	do	105	11	Texas Gas Transmission Corp. (Carthage Field, Panola County, Tex.) (RR. District No. 6).	41	10-10-69	[3] 10- 1-69	[4] 10- 2-69	[15] [16] 15.0	[8] [11] [15] 15.0563	
	do	207	1	Panhandle Eastern Pipe Line Co. (Southeast Feldman (Tonkawa) Field, Hemphill County, Tex.) (RR. District No. 10).	13	10-10-69	[3] 10- 1-69	[4] 10- 2-69	[11] 17.0	[8] [11] [13] 17.0638	
	do	212	1	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.) (RR. District No. 10).	13	10-10-69	[3] 10- 1-69	[4] 10- 2-69	[21] 18.7	[8] [11] [13] 18.7638	
	do	250	1	Panhandle Eastern Pipe Line Co. (Morse Field, Hansford County, Tex.) (RR. District No. 10).	115	10-10-69	[24] 10-20-69	[4] 10-21-69	[11] 17.0	[8] [11] [13] 17.0638	
RI70-408..	Texaco Inc., Post Office Box 3109, Midland, Tex. 79701.	356	1	Lone Star Gas Co. (Handy Field, Cooke County, Tex.) (RR. District No. 9).	151	10-10-69	[3] 10- 1-69	[4] 10- 2-69	14.49	[8] [11] 14.525	
	do	368	2	Transwestern Pipeline Co. (Mendota-Cree and Flowers Field, Roberts County, Tex.) (RR. District No. 10).	400	10-10-69	[3] 10- 1-69	[4] 10- 2-69	[13] [18] 18.275	[8] [11] [13] [18] 18.355	
	do	430	1	Northern Natural Gas Co. (Share Field, Hansford County, Tex.) (RR. District No. 10).	62	10-10-69	[3] 10- 1-69	[4] 10- 2-69	[13] [34] 18.53	[8] [11] [13] [34] 18.5994	

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	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-409	Sun Oil Co. (Operator) et al., Post Office Box 2880, Dallas, Tex. 75221.	26	16	Texas Gas Transmission Corp. (Carthage Field, Panola County, Tex.) (RR. District No. 6).	$1,689	10-10-69	[2] 10-1-69	[4] 10-2-69	[19 20] 15.0	[11 18 20] 15.0563	
	do	186	1	Lone Star Gas Co. (Shamburger Lake, Smith County, Tex.) (RR. District No. 6).	63	10-10-69	[2] 10-1-69	[4] 10-2-69	14.49	[11] 14.525	
RI70-410	Sun Oil Co., DX Division, 907 South Detroit Ave., Tulsa, Okla. 74120.	247	2	Lone Star Gas Co. (Penn-Griffith Field, Rusk County, Tex.) (RR. District No. 4).	28	10-16-69	[3] 10-1-69	[4] 10-2-69	14.49	[11] 14.525	
	do	252	2	Northern Natural Gas Co. (Morrison Ranch, Roberts County, Tex.) (RR. District No. 10).	252	10-16-69	[3] 10-1-69	[4] 10-2-69	[19] 17.0	[11 19] 17.06375	
RI70-411	Sun Oil Co., DX Division (Operator) et al.	86	15	Texas Gas Transmission Corp. (Carthage Field, Panola County, Tex.) (RR. District No. 6).	339	10-16-69	[3] 10-1-69	[4] 10-2-69	[19] 15.0	[11 19] 15.065625	
RI70-412	American Petrofina Co. of Texas, Post Office Box 2159, Dallas, Tex. 75221.	43	1	Transwestern Pipeline Co. (Red Deer Field, Roberts County, Tex.) (RR. District No. 10).	10	10-13-69	[3] 10-1-69	[4] 10-2-69	[19] 16.0	[11 19] 16.07	
RI70-413	Phillips Petroleum Co., Bartlesville, Okla. 74003.	418	3	Panhandle Eastern Pipe Line Co. (McQuiddy Ranch Field, Hemphill County, Tex.) (RR. District No. 10).	1,359	10-10-69	[2] 10-1-69	[4] 10-2-69	[12] 17.0	[11 12] 17.0638	
	do	420	3	Lone Star Gas Co. (North Henderson Field, Rusk County, Tex.) (RR. District No. 6).	79	10-10-69	[3] 10-1-69	[4] 10-2-69	15.0	[11] 15.0562	
	do	451	1	Natural Gas Pipeline Co. of America (Andarko Basin Area, Gray County, Tex.) (RR. District No. 10).	5,742	10-10-69	[2] 10-1-69	[4] 10-2-69	[12] 17.0	[11 12] 17.0638	

[1] The stated effective date is the effective date of the tax increase enacted by the State of Texas.
[2] The suspension period is limited to 1 day.
[3] Tax reimbursement increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Applicable to residue gas derived from new gas-well gas.
[6] Applicable to residue gas not derived from new gas-well gas.
[7] The stated effective date is the effective date requested by Respondent.
[8] Applicable to Devonian gas only.
[9] Periodic rate increase.
[10] Subject to upward and downward B.t.u. adjustment.
[11] Corrected by filing of Oct. 10, 1969.
[12] For the period Oct. 1, 1969 through Nov. 7, 1969.
[13] Rate reduction to be effective Nov. 8, 1969, subject to the suspension proceeding ordered herein.
[14] Effective Nov. 8, 1969, and thereafter until processing commences at Buyer's Northeast Oates Plant.
[15] Rate of 18 cents per Mcf subject to deduction of actual cost of removing diluent content; last reported deduction ranged between 3.75 cents to 4.5 cents per Mcf, equalling a maximum net rate of 14.25 cents per Mcf.
[16] No deliveries currently being made.
[17] Subject to a downward B.t.u. adjustment.
[18] Pursuant to 2d Amendment to General Policy Statement No. 61-1.
[19] Includes 1.7 cents upward B.t.u. adjustment based on 1,100 B.t.u. gas. Filing reflects 1,140 B.t.u. gas.
[20] Certificate issued Oct. 20, 1969, in Docket No. CI70-118. The proposed rate is suspended for 1 day from Oct. 20, 1969, or 1 day from date of initial delivery, whichever is later.
[21] Includes 1.275 cents upward B.t.u. adjustment.
[22] Includes 1.53 cents upward B.t.u. adjustment based on 1,090 B.t.u. gas. Filing reflects 1,115 B.t.u. gas.
[23] Increase accepted as of Oct. 1, 1969, subject to refund in Docket No. RI68-529.
[24] Applicable area rate for gas sold under this rate schedule is 12.8785 cents when the gas is treated by Northern at its Gomez Plant.

Humble Oil & Refining Co. (Humble) proposes a tax increase from a presently effective rate not subject to refund. Humble's proposed rate increase exceeds the area increased rate ceiling for Texas Railroad District No. 8 and is suspended for 1 day from October 1, 1969. Concurrently, Humble proposes to reduce such rate to reflect a change in treating cost, effective as of November 8, 1969. We believe that it would be in the public interest to accept for filing Humble's proposed rate decrease to be effective as of November 8, 1969, subject to the suspension proceeding in Docket No. RI70-404.

Sun Oil Co. (Sun) proposes an effective date of October 1, 1969, for its proposed tax increase contained in Supplement No. 1 to Sun's FPC Gas Rate Schedule No. 250. However, Sun was not issued its related certificate authorization in Docket No. CI70-118 until October 20, 1969, to be effective on the date of initial delivery. We conclude that the proposed increase should be suspended for 1 day from October 20, 1969, or for 1 day from the date of initial delivery, whichever is later.

The proposed rate increases herein 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 October 1, 1969. All of the proposed rates herein exceed the applicable area ceiling for the areas involved as set forth in the Commission's statement of general policy No. 61-1, as amended, with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended.

We believe that it would be in the public interest to waive the statutory notice requirement provided in section 4(d) of the Natural Gas Act with respect to the tax increases involved here, except as otherwise indicated. Accordingly, the proposed tax increases from underlying firm rates are suspended for 1 day from October 1, 1969, as ordered herein. The increase proposed by Phillips under Supplement No. 59 to its FPC Gas Rate Schedule No. 18 consists of an above ceiling periodic increase plus tax reimbursement which should be suspended for 5 months. As shown in Appendix "A", some of Phillips' tax increases are from rates in effect subject to refund in Docket No. RI68-529. Accordingly, these tax increases will be accepted as of October 1, 1969, subject to refund in Docket No. RI68-529.

[F.R. Doc. 69-13522; Filed, Nov. 14, 1969; 8:45 a.m.]

[Docket No. G-4258, etc.]

SUBURBAN PROPANE GAS CORP. ET AL.

Findings and Order

NOVEMBER 6, 1969.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, cancelling docket number, amending orders issuing certificates, reinstating certificate and rate schedules, permitting and approving abandonment of service, terminating certificates, substituting respondent, redesignating proceedings, making rate changes effective, accepting surety bonds for filing, requiring filing or surety bonds, 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.

Maguire Oil Co. (Operator) et al., proposes to continue sales of natural gas heretofore authorized to be made by the Estate of Russell Maguire (Operator) et al. The latter's FPC gas rate schedules will be redesignated as those of Applicant. The Estate of Russell Maguire or its predecessors in interest has collected and/or is presently collecting increased rates subject to refund as set forth below:

Certificate docket No.	Predecessor's FPC gas rate schedule No.	Rate proceeding docket No.
G–9489	1	G–14317, G–17603, G–19634, RI61–209, RI62–218, RI63–133, RI65–279, RI66–114, RI67–109.
G–11276	3	G–14317, G–17603, G–19634, RI61–209, RI62–218, RI63–133.
G–19627	4	RI65–279.
G–19837	5	RI62–454.
CI62–570	8	RI66–271.

Maguire Oil Co. has filed riders to the surety bonds presently on file in Dockets Nos. G–19634, RI61–209, RI62–454, RI63–133, RI65–279, RI66–114, RI66–271, and RI67–109. On September 12, 1968, the Estate of Russell Maguire filed notices of changes in rate under its FPC Gas Rate Schedule Nos. 1, 6, and 10. By orders issued October 3, 1968, in Docket No. RI69–127 et al., and October 10, 1968, in Docket No. RI69–136 et al., the Commission suspended the proposed changes under FPC Gas Rate Schedule No. 1 in Docket No. RI69–128 and under FPC Gas Rate Schedule Nos. 6 and 10 in Docket No. RI69–136, respectively, until April 1, 1969, and thereafter until made effective. The notices of change were designated as Supplement Nos. 13, 2, and 1 to FPC Gas Rate Schedule Nos. 1, 6, and 10, respectively. On August 1, 1969, Maguire Oil Co. filed three surety bonds to assure the refunds of any amounts collected by it in excess of the amounts determined to be just and reasonable in Dockets Nos. RI69–128 and RI69–136. A notice of change in rate under its FPC Gas Rate Schedule No. 4 was filed by the Estate of Russell Maguire and is suspended in Docket No. RI69–494. Therefore, Applicant will be substituted in lieu of the Estate of Russell Maguire (Operator) et al., as respondent in all of the aforementioned rate proceedings; the proceedings will be redesignated accordingly; the changes in rate will be made effective subject to refund; the surety bonds and riders will be accepted for filing; and Applicant will be required to file surety bonds or riders to presently filed bonds in Dockets Nos. G–14317, G–17603, and RI62–218.

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

After due notice by publication in the FEDERAL REGISTER, a petition to intervene by The Brooklyn Union Gas Co. was filed in Docket No. CI69–1232, in the matter of the application filed on June 23, 1969, in said docket. The petition to intervene has been withdrawn and no other petitions to intervene, notices of intervention, or protests to the granting of any of the applications have been filed.

At a hearing held on October 29, 1969, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

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

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

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

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

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI69–1232 should be canceled and that the application filed therein should be treated as a petition to amend the order issuing a certificate in Docket No. G–10854.

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

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate heretofore issued in Docket No. G–3863 and subsequently terminated should be reinstated and amended to delete therefrom authorization for the sale of gas permitted to be abandoned in Docket No. CI70–240 and that C. H. Lyons, Sr., et al., FPC Gas Rate Schedule Nos. 1 and 19 should be reinstated.

(8) 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.

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

(10) 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.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Maguire Oil Co. (Operator) et al., should be substituted in lieu of the Estate of Russell Maguire (Operator) et al., as respondent in the proceedings pending in Dockets Nos. G–14317, G–17603, G–19634, RI61–209, RI62–218, RI62–454, RI63–133, RI65–279, RI66–114, RI66–271, RI67–109, RI69–128, RI69–136, and RI69–494; that said proceedings should be redesignated accordingly; that the proposed changes in rate suspended in Dockets Nos. RI69–128 and RI69–136 should be made effective subject to refund; that the surety bonds filed in Dockets Nos. RI69–128 and RI69–136 should be accepted for filing; that the surety bond riders filed in Dockets Nos. G–19634, RI61–209, RI62–454, RI63–133, RI65–279, RI66–114, RI66–271, and RI67–109 should be accepted for filing; and that Maguire Oil Co. should be required to file surety bonds or surety bond riders in Dockets Nos. G–14317, G–17603, and RI62–218.

(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 proceeding now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

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

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

(a) The initial rates for sales authorized in Dockets Nos. CI68-1240 and CI69-1146 shall be the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality of gas, or the contract rates, whichever are lower. If the quality of the gas delivered by applicants deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to section 4 of the Natural Gas Act; *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate. Within 90 days from the date of initial delivery Applicants shall file rate schedule quality statements in the form prescribed in Opinion No. 468-A.

(b) Applicants in Dockets Nos. CI68-1240 and CI69-1146 shall advise the Commission of any contemplated processing of the gas under the subject contracts.

(c) The initial rate for the sale authorized in Docket No. CI68-900 under the letter agreement dated February 17, 1969, shall be 17 cents per Mcf at 14.65 p.s.i.a., subject to adjustment for B.t.u. content of the gas as provided for in the letter agreement, subject however to Applicant refunding to buyer with interest at the rate of seven percent per annum of any amounts collected from the date of initial delivery in excess of the higher of (1) the just and reasonable rate finally determined for sales from the subject area or (2) a rate of 15 cents per Mcf at 14.65 p.s.i.a. proportionally adjusted to reflect B.t.u. content of the gas below 1,000 B.t.u.'s per cubic foot measured on a wet basis.

(d) The initial rate for sales authorized in Dockets Nos. CI70-8 and CI70-53 shall be 17 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward B.t.u. adjustment.

(e) Applicant in Docket No. CI70-8 shall not require buyer to take-or-pay for an annual quantity of gas during the first 2 contract years which is in excess of an average of 1 Mcf per day for each 3,650 Mcf of determined gas reserves.

(f) The initial rate for the sale authorized in Docket No. CI70-177 shall be 14.5 cents per Mcf at 14.65 p.s.i.a.

(g) The initial rate for the sale authorized in Docket No. CI70-209 shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61-1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area, so as to increase the initial wellhead price for new gas, Applicant thereupon may substitute the new rate reflecting the amount of such increase and thereafter collect the new rate prospectively in lieu of the initial rate herein authorized in said docket.

(h) The certificates issued in Dockets Nos. CI70-8, CI70-53, and CI70-209 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.

(i) The authorizations granted in Dockets Nos. G-4258, G-5040, G-8666, G-15001, CI60-69, CI62-623, and CI70-135 shall be subject to Opinion Nos. 546 and 546-A and accompanying orders, specifically including those relating to rate reductions, refunds, and filings required by those orders for sales made on or after January 1, 1969.

(F) The authorization granted in Docket No. CI70-220 involving the sale of gas by Stephens Production Co. (Operator) et al., to its affiliate, Arkansas Oklahoma Gas Corp., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(G) Within 30 days from the date of this order applicant in Docket No. CI70-208 shall file three copies of an estimated billing statement as required by the regulations under the Natural Gas Act.

(H) Docket No. CI69-1232 is canceled.

(I) The orders issuing certificates in Dockets Nos. G-4421, G-7009, G-10854, CI60-32, CI64-998, CI67-286, CI68-1038, CI68-1240, CI69-1021, and CI69-1216 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(J) The authorization granted in Docket No. G-4421 in paragraph (I) above shall not be construed to relieve applicant of any refund obligations in the related rate suspension proceedings pending in Dockets Nos. G-19752, RI61-206, RI62-141, RI63-104, RI64-213, RI65-265, RI66-130, RI67-100, RI68-185, and RI69-173.

(K) The orders issuing certificates in Dockets Nos. G-18651, CI62-395 and CI67-1166 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to applicants in Dockets Nos. CI70-153, CI70-135, and CI70-75, respectively.

(L) The orders issuing certificates in Dockets Nos. G-4258, G-5033, G-5034, G-5036, G-5040, G-6437, G-8666, G-9489, G-10962, G-11264, G-11276, G-15001, G-16271, G-19627, G-19837, CI60-69, CI61-159, CI61-530, CI61-1233, CI62-570, CI62-623, CI62-1305,[1] CI63-277, CI64-580,[1] CI64-933, CI67-4, CI67-5, CI68-1231, and CI68-1232 are amended by substituting the successors in interest as certificate holders.

(M) 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.

(N) The certificate heretofore issued in Docket No. G-3863 is reinstated and amended by deleting therefrom authorization for the sale of gas permitted to be abandoned in Docket No. CI70-240. C. H. Lyons, Sr., et al., FPC Gas Rate Schedule Nos. 1 and 19 are reinstated.

(O) The certificates heretofore issued in Dockets Nos. G-10252, G-18642, CI61-8, CI62-966, and CI68-11 are terminated.

(P) Maguire Oil Co. (Operator) et al., is substituted in lieu of the Estate of Russell Maguire (Operator) et al., as respondent in the proceedings pending in Dockets Nos. G-14317, G-17603, G-19634, RI61-209, RI62-218, RI62-454, RI63-133, RI65-279, RI66-114, RI66-271, RI67-109, RI69-128, RI69-136, and RI69-494; and said proceedings are redesignated

[1] Temporary certificate.

accordingly. The surety bond riders filed by Maguire Oil Co. in Dockets Nos. G–19634, RI61–209, RI62–454, RI63–133, RI65–279, RI66–114, RI66–271, and RI67–109 are accepted for filing. Maguire Oil Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. The surety bonds on file in the aforementioned proceedings shall remain in full force and effect until discharged by the Commission.

(Q) The rates, charges, and classifications set forth in Supplement Nos. 13, 2, and 1 to Maguire Oil Co. (Operator) et al., FPC Gas Rate Schedule Nos. 1, 6, and 10, respectively, shall be effective subject to refund as of August 1, 1969, in Docket No. RI69–128 with respect to FPC Gas Rate Schedule No. 1 and in Docket No. RI69–136 with respect to FPC Gas Rate Schedule Nos. 6 and 10. Said effective rates shall be charged and collected as of the effective date subject to any future orders of the Commission in Dockets Nos. RI69–128 and RI69–136. The surety bonds filed by Maguire Oil Co., in said proceedings are accepted for filing and shall remain in full force and effect until discharged by the Commission.

(R) Within 30 days from the issuance of this order, Maguire Oil Co. (Operator) et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable surety bonds in Dockets Nos. G–14317, G–17603, and RI62–218 in the principal amounts of $24,000, $4,900, and $4,500, respectively, to assure the refunds of all amounts collected by Russell Maguire (Operator) et al., the Estate of Russell Maguire (Operator) et al., and itself, together with interest at the applicable rates, in excess of the amounts determined to be just and reasonable in said proceedings. In the alternative, Maguire Oil Co. (Operator) et al., may file riders substituting itself in lieu of the Estate of Russell Maguire (Operator) et al., as principal under the surety bonds presently on file with the Commission in said proceedings. If surety bonds are filed, they shall be accompanied by certificates to the effect that no obligations have been incurred in connection with the bonds in addition to the payment of the bond premiums. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, the new surety bonds or riders to presently filed bonds shall be deemed to have been accepted for filing. The new surety bonds, or the presently filed bonds if riders thereto are filed, shall remain 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–4258 ..... G–15091 E 8–7–69	Suburban Propane Gas Corp. (successor to R. E. Hubbard, Jr. (Operator) et al.).	Transcontinental Gas Pipe Line Corp., Bear Field, Beauregard Parish, La.	R. E. Hubbard, Jr. (Operator) et al., FPC GRS No. 4.	4	.....
			Supplement Nos. 1–10	4	1–10
			Notice of succession 7–31–69.		
			Assignment 6–10–69 [1]	4	11
G–4421 ..... D 8–15–69	Hassie Hunt Trust (Operator) et al. (partial abandonment).	Texas Eastern Transmission Corp., Northeast Lisbon Field, Claiborne Parish, La.	Notice of partial cancellation 8–13–69. [2] [3]	4	24
G–5033 ..... E 8–7–69	Suburban Propane Gas Corp. (successor to R. E. Hubbard, Jr. (Operator) et al.).	Arkansas Louisiana Gas Co., Athens Field, Claiborne Parish, La.	R. E. Hubbard, Jr. (Operator) et al., FPC GRS No. 1.	5	.....
			Supplement Nos. 1–16	5	1–16
			Notice of succession 7–31–69.		
			Assignment 6–10–69 [1]	5	17
G–5034 ..... E 8–7–69	do	do	R. E. Hubbard, Jr. (Operator) et al., FPC GRS No. 11.	11	.....
			Supplement Nos. 1–15	11	1–15
			Notice of succession 7–31–69.		
			Assignment 6–10–69 [1]	11	16
G–5036 ..... E 8–7–69	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Chatham Field, Jackson Parish, La.	R. E. Hubbard, Jr. (Operator) et al., FPC GRS No. 2.	2	.....
			Supplement Nos. 1–11	2	1–11
			Notice of succession 7–31–69.		
			Assignment 6–10–69 [1]	2	12
G–5040 ..... E 8–7–69	do	United Gas Pipe Line Co., Roanoke Field, Jefferson Davis Parish, La.	R. E. Hubbard, Jr. (Operator), et al., FPC GRS No. 6.	6	.....
			Supplement Nos. 1–5	6	1–5
			Notice of succession 7–31–69.		
			Assignment 6–10–69 [1]	6	6
G–6437 ..... E 8–13–69	Helen Loraine Harvey (Operator) et al. (successor to Francis L. Harvey (Operator) et al.).	El Paso Natural Gas Co., Pictured Cliffs Field, San Juan and Rio Arriba Counties, N. Mex.	Francis L. Harvey (Operator) et al., FPC GRS No. 1.	1	.....
			Supplement Nos. 1–13	1	1–13
			Notice of succession (undated).		
			Will 5–22–46 [4]	1	14
			Effective date: 5–8–69		
G–7000 ..... D 7–28–69	Cities Service Oil Co. (partial abandonment).	United Fuel Gas Co., acreage in Pike County, Ky.	Notice of partial cancellation 7–23–69. [3] [5]	235	18
G–8606 ..... E 8–7–69	Suburban Propane Gas Corp. (successor to R. E. Hubbard, Jr. (Operator), et al.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Lake Arthur Field, Jefferson Davis Parish, La.	R. E. Hubbard, Jr. (Operator), et al., FPC GRS No. 3.	3	.....
			Supplement Nos. 1–7	3	1–7
			Notice of succession 7–31–69.		
			Assignment 6–10–69 [1]	3	8
G–9480 ..... E 7–16–69	Maguire Oil Co. (Operator) et al. (successor to Estate of Russell Maguire (Operator) et al.).	Texas Eastern Transmission Corp., Alco-Mag Field, Harris County, Tex.	Estate of Russell Maguire (Operator) et al., FPC GRS No. 1.	1	.....
			Supplement Nos. 1–13	1	1–13
			Notice of succession 7–9–69.		
			Assignment 4–19–69 [7]	1	14
			Assignment 4–21–69 [8]	1	15
			Effective date: 5–1–69		
G–10834 ..... (C109–1232) C 6–23–69 [6] [9]	Hurley Oil & Gas Co. et al.	Texas Eastern Transmission Corp., Greenwood-Waskom Field, Caddo Parish, La.	Ratified 5–29–69 [10]	5	7
			Amendment 8–12–69 [9] [10]	5	8
G–10962 ..... E 8–25–69	Hays & Co., agent for George & Elaine Davis, et al. (successor to Harris & See Gas Co.).	Consolidated Gas Supply Corp., Salt Lick District, Braxton County, W. Va.	Harris & See Gas Co., FPC GRS No. 1.	324	.....
			Agreement 10–15–68 [11]	324	1
			Notice of succession 8–15–69.		
			Assignment 10–20–68 [12]	324	2
			Assignment 10–20–68 [13]	324	3
			Assignment 11–25–68 [17]	324	4
			Assignment 3–6–69 [18]	324	5
			Effective date: 8–15–69		
G–11264 ..... E 7–16–69	Maguire Oil Co. (Operator) et al. (successor to Estate of Russell Maguire (Operator) et al.).	Cities Service Gas Co., Whiterock Field, Noble County, Okla.	Estate of Russell Maguire (Operator) et al. FPC GRS No. 2.	2	.....
			Supplement No. 1	2	1
			Notice of succession 7–9–69.		
			Assignment 4–19–69 [7]	2	2
			Assignment 4–21–69 [8]	2	3
			Effective date: 5–1–69		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–11276 E 7–16–69	do	Texas Eastern Transmission Corp., Barb-Mag Field, Fort Bend County, Tex.	Estate of Russell Maguire (Operator) et al., FPC GRS No. 3.	3	
			Supplement Nos. 1–7	3	1–7
			Notice of succession 7–9–69.		
			Assignment 4–19–69 [7]	3	8
			Assignment 4–21–69 [8]	3	9
			Effective date: 5–1–69		
G–16271 E 7–8–69	Triton Oil & Gas Corp. (successor to Landa Oil Co.)	Mississippi River Transmission Corp., Caddo Lake Field, Harrison County, Tex.	Landa Oil Co., FPC GRS No. 6.	3	
			Supplement Nos. 1–5	3	1–5
			Notice of succession (undated).		
			Assignment 10–1–68 [9]	3	6
			Effective date: 10–1–68		
G–19627 E 7–16–69	Maguire Oil Co. (Operator) et al. (successor to Estate of Russell Maguire (Operator) et al.)	Valley Gas Transmission, Inc., Good Friday Field, Duval County, Tex.	Estate of Russell Maguire (Operator) et al., FPC GRS No. 4.	4	
			Supplement Nos. 1–2	4	1–2
			Notice of succession 7–9–69.		
			Assignment 4–19–69 [7]	4	3
			Assignment 4–21–69 [8]	4	4
			Effective date: 5–1–69		
G–19837 E 7–16–69	do	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	Estate of Russell Maguire (Operator) et al., FPC GRS No. 5.	5	
			Supplement Nos. 1–4	5	1–4
			Notice of succession 7–9–69.		
			Assignment 4–19–69 [7]	5	5
			Assignment 4–21–69 [8]	5	6
			Effective date: 5–1–69		
C160–32 C 5–17–63 C 8–25–69 [10]	Texaco, Inc. (Operator) et al.	El Paso Natural Gas Co., LaBarge Field, Lincoln and Sublette Counties, Wyo.	Supplemental agreement 5–5–63.	211	7
			Supplemental agreement 3–3–69.	211	13
			Supplemental agreement 8–4–69 [11] [10]	211	14
C160–69 E 8–7–69	Suburban Propane Gas Corp. (successor to R. E. Hubbard, Jr. (Operator) et al.).	Florida Gas Transmission Co., Napoleonville Field, Assumption Parish, La.	R. E. Hubbard, Jr. (Operator) et al., FPC GRS No. 7.	7	
			Supplement Nos. 1–5	7	1–5
			Notice of succession 7–31–69.		
			Assignment 6–10–69 [1]	7	6
C161–189 E 7–16–69	Maguire Oil Co. (Operator) et al. (successor to Estate of Russell Maguire (Operator) et al.).	Natural Gas Pipeline Co. of America, Gladys-Mag Field, Jack County, Tex.	Estate of Russell Maguire (Operator) et al., FPC GRS No. 6.	6	
			Supplement Nos. 1–2	6	1–2
			Notice of succession 7–9–69.		
			Assignment 4–19–69 [7]	6	3
			Assignment 4–21–69 [8]	6	4
			Effective date: 5–1–69		
C161–530 E 7–16–69	do	South Texas Natural Gas Gathering Co., McAllen Field, Hidalgo County, Tex.	Estate of Russell Maguire (Operator) et al., FPC GRS No. 7.	7	
			Supplement No. 1	7	1
			Notice of succession 7–9–69.		
			Assignment 4–19–69 [7]	7	2
			Assignment 4–21–69 [8]	7	3
			Effective date: 5–1–69		

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.
C161–1233 E 2–26–69	ZRN Co. (successor to Appell Petroleum Corp.).	The Altex Corp., West Alice Field, Jim Wells County, Tex.	Appell Petroleum Corp., FPC GRS No. 8.	3	
			Supplements Nos. 1–3	3	1–3
			Notice of succession 2–26–69.		
			Notice of change 8–3–59	3	4
			Assignment 9–15–60 [2]	3	5
			Assignment 3–11–69 [3]	3	6
			Effective date: 2–11–69		
C162–570 E 7–16–69	Maguire Oil Co. (Operator) et al. (successor to Estate of Russell Maguire (Operator) et al.).	Oklahoma Natural Gas Gathering Corp., Ringwood Field, Major County, Okla.	Estate of Russell Maguire (Operator) et al., FPC GRS No. 8.	8	
			Supplements Nos. 1–5	8	1–5
			Notice of succession 7–9–69.		
			Assignment 4–19–69 [7]	8	6
			Assignment 4–21–69 [8]	8	7
			Effective date: 5–1–69		
C162–623 E 8–7–69	Suburban Propane Gas Corp. (successor to R. E. Hubbard, Jr. (Operator) et al.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., LeBlanc Field, Allen Parish, La.	R. E. Hubbard, Jr. (Operator) et al., FPC GRS No. 8.	8	
			Supplements Nos. 1–3	8	1–3
			Notice of succession 7–31–69.		
			Assignment 6–10–69 [1]	8	4
C163–1305 [12] E 7–16–69	Maguire Oil Co., agent (Operator) et al. (successor to Estate of Russell Maguire, agent (Operator) et al.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	Estate of Russell Maguire, agent (Operator) et al., FPC GRS No. 9.	9	
			Supplements Nos. 1–3	9	1–3
			Notice of succession 7–9–69.		
			Assignment 4–19–69 [7]	9	4
			Assignment 4–20–69 [8]	9	5
			Effective date: 5–1–69		
C163–277 E 7–16–69	Maguire Oil Co. (Operator) et al. (successor to Estate of Russell Maguire (Operator) et al.).	Panhandle Eastern Pipe Line Co., Floris Southeast Field, Beaver County, Okla.	Estate of Russell Maguire (Operator) et al., FPC GRS No. 10.	10	
			Supplement No. 1	10	1
			Notice of succession 7–9–69.		
			Assignment 4–19–69 [7]	10	2
			Assignment 4–21–69 [8]	10	3
			Effective date: 5–1–69		
C164–580 [12] E 7–7–69	Triton Oil & Gas Corp. (successor to Landa Oil Co.).	Panhandle Eastern Pipe Line Co., Valley Center West Field, Dewey County, Okla.	Landa Oil Co., FPC GRS No. 7.	4	
			Supplement No. 1	4	1
			Notice of succession (undated).		
			Assignment 10–1–68 [9]	4	2
			Effective date: 10–1–68		
C164–683 E 7–16–69	Maguire Oil Co. (Operator) et al. (successor to Estate of Russell Maguire (Operator) et al.).	Natural Gas Pipeline Co. of America, Ann-Mag Field, Brooks County, Tex.	Estate of Russell Maguire (Operator) et al., FPC GRS No. 11.	11	
			Notice of succession 7–9–69.		
			Assignment 4–19–69 [7]	11	1
			Assignment 4–21–69 [8]	11	2
			Effective date: 5–1–69		
C164–998 D 8–20–69	Tenneco Oil Co.	Lone Star Gas Co., Katie Field, Garvin County, Okla.	Assignment 6–4–68 [9]	40	4
			Effective date: 6–1–68		
C167–4 E 8–7–69	Suburban Propane Gas Corp. (successor to R. E. Hubbard, Jr. (Operator), et al.).	Valley Gas Transmission, Inc., Chatham Field (James Lime Formation), Jackson Parish, La.	R. E. Hubbard, Jr. (Operator) et al., FPC GRS No. 1.	10	
			Supplement No. 1	10	1
			Notice of succession 7–31–69.		
			Assignment 6–10–69 [1]	10	2

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI67-5 E 8-7-69	do	Valley Gas Transmission, Inc., Chatham Field (Hosston Formation), Jackson Parish, La.	R. E. Hubbard, Jr. (Operator), et al., FPC GRS No. 9.	9	
			Supplement Nos. 1-2	9	1-2
			Notice of succession 7-31-69.		
			Assignment 6-10-69 [1]	9	3
CI67-286 C 9-8-69 [2] [3]	Monsanto Co. (Operator) et al.	Arkansas Louisiana Gas Co., Arkoma Area, Sequoyah County, Okla.	Contract 6-17-69 [2] [3]	85	8
CI68-1038 C 8-28-69 [3]	Tenneco Oil Co.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	Supplemental agreement 8-12-69 [3]	223	6
CI68-1231 E 8-5-69	Atapaz Petroleum, Inc., et al. (successor to Stetco '65, Ltd.).	Natural Gas Pipeline Co. of America, Lochridge Field, Ward County, Tex.	Stetco '65, Ltd., FPC GRS No. 1.	1	
			Supplement No. 1	1	1
			Notice of succession (undated).		
			Assignment 12-31-68 [3]	1	2
			Effective date: 12-1-68		
CI68-1232 E 8-5-69	do	do	Stetco '67, Ltd., FPC GRS No. 1.	2	
			Supplement No. 1	2	1
			Notice of succession (undated).		
			Assignment 12-31-68 [3]	2	2
			Effective date: 12-1-68		
CI68-1240 C 8-27-69 [3]	Atlantic Richfield Co. [3]	Northern Natural Gas Co., Northeast Ostes Field, Pecos County, Tex.	Supplemental agreement 6-24-69. [3]	611	3
CI69-900 A 3-25-69 [3]	Phillips Petroleum Co. [3]	Natural Gas Pipeline Co. of America, Washita Creek Field, Hemphill County, Tex.	Letter agreement 3-17-69	469	
			Contract 3-20-69	469	1
			Compliance 6-13-69	469	2
CI69-1021 C 8-18-69 [3]	Mobil Oil Corp.	Arkansas Louisiana Gas Co., Kinta Field, Haskell County, Okla.	Letter agreement 6-16-69. [3]	432	3
CI69-1146 A 6-5-69	Humble Oil & Refining Co. [3]	Transwestern Pipeline Co., Henderson Field, Winkler County, Tex.	Contract 5-20-69	466	
CI69-1216 C 8-13-69 [3]	J. C. Baker & Son, Inc., et al.	Equitable Gas Co., Collins Settlement District, Lewis County, W. Va.	Letter agreement 7-17-69. [3]	7	1
CI69-1216 C 9-3-69 [3]	do	do	Letter agreement 8-25-69. [3]	7	2
CI70-8 A 7-7-69 [3]	Woods Petroleum Corp.	Panhandle Eastern Pipe Line Co., Southeast Arnett Field, Ellis County, Okla.	Contract 3-4-69	22	
			Amendment 5-19-69	22	1
			Compliance 8-21-69 [2] [3]	22	2
CI70-33 A 7-16-69 [3]	Cotton Petroleum Co.	Transwestern Pipeline Co., acreage in Hansford and Ochiltree Counties, Tex.	Contract 6-25-69	1	
			Compliance (undated) [2] [3]	1	1
CI70-75 (CI67-1196) F 7-22-69	Clinton Oil Co. (successor to Haas Bros.).	United Gas Pipe Line Co., Blanconia Field, Bee County, Tex.	Contract 1-31-67 [3]	33	
			Assignment 5-5-69 [3]	33	1
			Effective date: 1-1-69		
CI70-113 (CI68-1165) B 8-6-69	J. W. Kinzer	Cities Service Oil Co., Pond Creek Area, Pike County, Ky.	Notice of cancellation 7-31-69. [3] [4]	1	3
CI70-124 A 8-11-69 [3]	Continental Oil Co.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Sand Butte Area, Sweetwater County, Wyo.	Contract 7-1-69 [3]	352	

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.
CI70-135 (CI62-395) F 8-11-69	Continental Oil Co. (successor to Amstral Oil Co., Inc., et al.).	Southern Natural Gas Co., Bayou Long Field, St. Martin Parish, La.	Contract 9-29-61 [3]	351	
			Letter agreement 1-31-67	351	1
			Assignment 3-26-69 [3]	351	2
			Effective date: 1-1-69		
CI70-153 (G-18651) F 8-8-69	William M. Wiseman (successor to James A. Rehler et al.).	United Gas Pipe Line Co., Albrecht Field, Goliad County, Tex.	Contract 4-13-59 [3]	2	
			Amendment 11-12-59	2	1
			Amendment 2-29-60	2	2
			Letter agreement 4-7-60	2	3
			Amendment 9-14-60	2	4
			Amendment 4-3-61	2	5
			Assignment 4-25-62 [4]	2	6
			Assignment 4-7-69 [4]	2	7
			Effective date: 5-1-69		
CI70-173 A 8-20-69 [3]	Salmon Corp. et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Deckers Prairie Field, Harris County, Tex.	Contract 6-20-69 [3]	8	
CI70-177 A 8-22-69 [3]	Longhorn Production Co.	Natural Gas Pipeline Co. of America, Wise County Area, Wise County, Tex.	Contract 3-17-69 [3]	[4] 9	
CI70-185 A 8-25-69 [3]	Shield Petroleum Corp. et al.	Consolidated Gas Supply Corp., Sheridan District, Calhoun County, W. Va.	Contract 3-5-69 [3]	4	
CI70-191 A 8-26-69 [3]	Petroleum Promotions, Inc.	Consolidated Gas Supply Corp., Hackers Creek District, Lewis County, W. Va.	Contract 3-21-69 [3]	22	
CI70-199 A 8-26-69 [3]	Union Drilling, Inc.	Consolidated Gas Supply Corp., Union District, Upshur County, W. Va.	Contract 3-24-69 [3]	41	
CI70-202 (CI61-8) B 8-26-69	Northern Natural Gas Producing Co.	Transwestern Pipeline Co., Puckett Field, Pecos County, Tex.	Notice of cancellation 8-25-69. [3] [4]	18	4
CI70-203 (CI62-996) B 8-25-69	Marathon Oil Co.	Transwestern Pipeline Co., Worsham Field, Reeves County, Tex.	Notice of cancellation 8-22-69. [3] [4]	63	6
CI70-204 A 8-27-69 [3]	Theodore I. Leben (Operator) et al.	Panhandle Eastern Pipe Line Co., acreage in Stafford County, Kans.	Contract 8-6-69 [3]	1	
CI70-207 A 8-28-69 [3]	Atlantic Richfield Co.	Northern Natural Gas Co., Shirley Field, Hutchinson County, Tex.	Contract 6-10-69 [3]	629	
CI70-208 A 8-28-69 [3]	Metropolitan Oil Co., Ltd.	Transcontinental Gas Pipe Line Corp., Hutchins Southwest (3850) Field, South Gobbler's Creek Field, Wharton County, Tex.	Contract 8-15-69 [3]	1	
CI70-209 A 8-28-69 [3]	Marathon Oil Co.	Arkansas Louisiana Gas Co., Northeast Hillsdale Field, Grant County, Okla.	Contract 5-6-69	110	
			Letter agreement 8-6-69. [3] [5]	[4] 110	1
CI70-212 A 9-2-69 [3]	Kewanee Oil Co.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., East Rock Springs Field, Sweetwater County, Wyo.	Contract 7-2-69 [3]	80	
CI70-215 A 9-2-69 [3]	Lendol Rogers et al., d.b.a. Rogers & Scull.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	Contract 2-5-69 [3]	11	
CI70-216 A 9-2-69 [3]	Reeves Lewenthal et al.	Consolidated Gas Supply Corp., Elk District, Barbour County, W. Va.	Contract 4-18-69 [3]	4	

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
C170-217 A 9-2-69 [2]	R. Wayne Christenson, et al.	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	Contract 4-14-69 [3]	2	
C170-218 A 9-2-69 [4]	James F. Scott	Consolidated Gas Supply Corp., Union District, Harrison County, W. Va.	Contract 3-31-69 [5]	15	
C170-219 A 9-2-69 [6]	Pioneer Petroleum, et al.	Consolidated Gas Supply Corp., Union and Freemans Creek Districts, Harrison and Lewis Counties, W. Va.	Contract 4-21-69 [7]	11	
C170-220 A 9-2-69 [8]	Stephens Production Co. (Operator) et al.	Arkansas Oklahoma Gas Corp., Spiro Southeast Field, Le Flore County, Okla.	Contract 6-19-69	4	
			Letter agreement 3-13-69.	4	1
			Letter agreement 5-22-69.	4	2
			Letter 6-19-69 [9]	4	3
C170-225 (CI68-11) B 9-2-69	Texaco, Inc.	Trunkline Gas Co., Rotherwood Field, Harris County, Tex.	Notice of cancellation 8-27-69, [10]	401	1
C170-230 A 9-8-69 [11]	Janan Oil Co.	Transcontinental Gas Pipe Line Corp., Orozoco Field, Duval County, Tex.	Contract 8-12-69	3	
C170-231 (G-10252) B 9-8-69	Atlantic Richfield Co. (Operator) et al.	Texas Eastern Transmission Corp., South Hallsville Field, Harrison County, Tex.	Notice of cancellation 9-3-69, [12]	136	9
C170-238 A 9-9-69	Roy Proffitt (Operator) et al.	The Ohio Fuel Gas Co., Groundhog Field, Lebanon Township, Meigs County, Ohio.	Contract 7-28-69	2	
C170-240 (G-3863) [13] B 9-9-69	C.H. Lyons, Sr., et al.	Arkansas Louisiana Gas Co., Carthage Field, Rusk and Panola Counties, Tex.	Notice of cancellation 9-3-69, [14]	3	11
C170-241 (G-18642) B 9-9-69	do	Arkansas Louisiana Gas Co., Colquitt Field, Claiborne Parish, La.	Notice of cancellation 9-3-69, [15]	13	4
C170-248 A 9-11-69 [16]	Commonwealth Gas Corp.	United Fuel Gas Co., Ravenswood District, Jackson County, W. Va.	Contract 8-27-69 [17]	16	

[1] Assigns acreage from R. E. Hubbard, Jr., George R. Grim, Jr., L. J. Wickenhauser, Robert G. Halk, Robert D. Armstrong, and D. Bill Robinson to Suburban Propane Gas Corp.

[2] Sale to Hassie Hunt for resale to Texas Eastern has been abandoned by supplier (Mobil Oil Corp. FPC GRS No. 150) by order issued Apr. 25, 1969, in Docket No. G-3329 et al., permitting and approving abandonment of service in Docket No. C169-813. Seller also submitted amendatory agreement deleting the subject acreage from the contract dated May 20, 1969.

[3] Effective date: Date of this order.

[4] Francis L. Harvey's Estate willed to Helen Lorraine Harvey. Includes Ancillary Letters Testamentary dated May 8, 1969.

[5] Applicant has been purchasing gas from J. W. Kinzer for resale to United Fuel Gas Co. Kinzer is negotiating a contract for direct sale of the subject gas to United Fuel Gas Co.

[6] Effective date: Date of certificate authorization for Kinzer's direct sale to United.

[7] Assignment from Suzanne S. Maguire et al. (Executors and Trustees of Estate of Russell Maguire), to Cary M. Maguire.

[8] Assignment from Cary M. Maguire to Maguire Oil Co.

[9] Application erroneously assigned Docket No. C169-1222 being treated as a petition to amend the order issuing a certificate in Docket No. G-10854 and Docket No. C169-1222 will be canceled.

[10] Jan. 1, 1970, moratorium pursuant to the Commission's statement of general policy No. 61-1, as amended.

[11] Ratifies contract dated Aug. 22, 1955 between Hunt Oil Co. and buyer.

[12] Deletes favored nation clause in basic contract and provides for a 5-year makeup for gas paid for but not taken with respect to the subject acreage.

[13] Effective date: Date of initial delivery (applicant shall advise the Commission as to such date).

[14] Sublease from Harris & See Gas Co. to Neal Rudder and Ferrell L. Prior (exclusive of existing gas well).

[15] From Neal Rudder to George and Elaine Davis.

[16] From Ferrell L. Prior to George and Elaine Davis.

[17] From George Davis to Ferrell L. Prior (reassignment of a one-quarter working interest).

[18] From French A. See, d.b.a. Harris & See Gas Co. to Ferrell Prior (assignment of existing gas well).

[19] From Lands Oil Co. to applicant.

[20] Deletes the indefinite pricing provisions contained in the supplemental agreements of May 9, 1968, and Mar. 3, 1969.

[21] Assigns acreage from William B. Osborn, Jr., Independent Executor of the Estate of William B. Osborn, Sr., to Appell Petroleum Corp.

[22] Assigns acreage from Appell Petroleum Corp. to ZRN Co.

[23] No permanent certificate issued; sale being rendered pursuant to temporary authorization.

[24] Deletes acreage assigned to L. L. Wilkins E & O Co. Assignee received certificate authorization in Docket No. C169-273.

[25] Amendment to certificate filed to include interests of Edwin L. Cox (a nonsignatory party) and Stephens Production Co.

[26] Between Stephens Production Co. and the purchaser. Adopts terms and provisions of Monsanto's contract dated Aug. 16, 1966 (FPC GRS No. 85).

[27] From Stetco '65, Ltd., to Atapac Petroleum, Inc., et al.

[28] From Stetco '67, Ltd., to Atapac Petroleum, Inc., et al.

[29] Applicant has stated its willingness to accept permanent authorization for the additional acreage conditioned as Opinion No. 468, as modified by Opinion No. 468-A.

[30] By letter dated Aug. 12, 1969, Applicant expressed willingness to accept a permanent certificate conditioned similar to the temporary certificate issued June 10, 1969.

[31] By letter filed Aug. 27, 1969, Applicant advised willingness to accept a permanent certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.

[32] Accepts conditioned temporary certificate issued Aug. 8, 1969. Applicant states willingness to accept a permanent certificate conditioned to a rate of 17 cents plus B.t.u. adjustment; to limit buyer's take-or-pay obligation to a 1 to 3,650 ratio of daily takes to reserves; and subject to the ultimate disposition of the proceedings in Docket No. R-338.

[33] Complies with temporary certificate issued Aug. 8, 1969. Applicant states willingness to accept a permanent certificate conditioned to the ultimate disposition of the proceedings in Docket No. R-338.

[34] Between Haas Bros. and United Gas Pipe Line Co.; on file as Haas Bros. FPC GRS No. 1.

[35] Transfers acreage from Haas Bros. to Clinton Oil Co. to a depth of 5,212 feet.

[36] Gas from acreage under the subject contract is resold by Cities Service to United Fuel Gas Co. Applicant is presently negotiating with United for direct sale of gas. Cities resells subject gas to United under its FPC GRS No. 235, Docket No. G-7099.

[37] Between Austral Oil Co., Inc., and buyer; on file as Austral Oil Co., Inc. (Operator), et al., FPC GRS No. 15.

[38] Assigns acreage from Austral Oil Co., Inc., et al., to Continental covering the "B," "G," and "I" Sands.

[39] Basic contract between James A. Rehler et al. and buyer; on file as James A. Rehler et al., FPC GRS No. 1.

[40] Assigns acreage from James A. Rehler to H. B. Kaulbach.

[41] Assigns acreage from Everett J. Carlson et al. ("et al." parties under James A. Rehler FPC GRS No. 1) to William M. Wiseman.

[42] Contract rate is 16 cents per Mcf plus 0.25 cent per Mcf dehydration allowance, subject to pressure adjustment and B.t.u. adjustment; however, applicant is willing to accept a permanent certificate at a total rate of 14.5 cents per Mcf, the area initial service ceiling rate, plus B.t.u. adjustment.

[43] Source of gas depleted.

[44] Eliminates indefinite pricing provisions.

[45] Contractual rate is 17 cents per Mcf, plus upward and downward B.t.u. adjustment; however, by letter filed Sept. 10, 1969, applicant stated willingness to accept a permanent certificate conditioned to a rate of 15 cents per Mcf including tax reimbursement, subject to upward and downward B.t.u. adjustment and subject to the ultimate disposition of the proceedings in Docket No. R-338.

[46] By order issued Nov. 7, 1963, in Docket No. G-2579 et al., the certificate in Docket No. G-3863 was erroneously terminated in its entirety. Said certificate and rate schedules will be reinstated to cover the Foote Unit (under FPC GRS No. 1) and W. H. Briggs No. 2 Unit (under FPC GRS No. 19).

[47] Limited to gas produced from the Newburg Sand and above.

Suggested Surety Bond Form:

SURETY BOND

Know All Men by These Presents:

That we (Name and address of the natural gas company) (hereinafter called "Principal"), as Principal, and (Name and address and place of incorporation of Surety Bond Company) (hereinafter called "Surety"), as Surety, are held and firmly bound unto the Federal Power Commission (Agency of the United States of America) (hereinafter called the "Obligee") in the sum of (Amount of proposed annual increased rates in dollars) for the payment of which well and truly to be made, we, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such that:

Whereas, (Name of respondent), on (Date of original filing), filed with the Federal Power Commission (herein called the Commission) Supplement No. _____ to Respondent's FPC Gas Rate Schedule No. _____, proposing to increase a rate and charge over which the Commission has exercised jurisdiction; and

Whereas, by order issued (Suspension order issuance date), the Commission suspended the operation of the proposed supplement and ordered a hearing to be held concerning the lawfulness of the proposed rate, charge, and classifications subject to the Commission's jurisdiction, as therein set forth; and by said order the use of such supplement was deferred until (Suspended until date), and until such further time as it is made effective in the manner prescribed by the Natural Gas Act; and

Whereas, a hearing has not been held and this proceeding has not been concluded; and

(Name of respondent), pursuant to the provisions of Section 4(c) of the Natural Gas Act, having on (Date motion filed), filed a motion to make the change in rate effective as of (Requested effective date); and

Whereas, the Commission, in response to said motion, on (Date of notice), issued its notice making the rate, charge, and classification set forth in the aforesaid Supplement No. ------ to Respondent's FPC Gas Rate Schedule No. ------, effective as of (Effective date), subject to Respondent's furnishing a bond in the sum of $------, satisfactory to the Commission, and requiring that Respondent refund any portion of the increased rate and charge found by the Commission in Docket No. ------ not justified;

Now, therefore, if (Name of respondent), its corporate surety (and their heirs, executors, administrators [1]) successors and assigns, in conformity with the terms and conditions of the notice issued (Date of notice) by the Federal Power Commission, Docket No. ------, (Name of respondent), shall:

(1) Well and truly repay at such times and in such amounts, to the persons entitled thereto, and in such manner as may be required by the final order of the Commission in said proceeding, subject to court review thereof, any portion of such rate and charge collected by (Name of respondent) after (Effective date) as such final order may find not justified, together with interest thereon at the rate of seven (7) percent per annum from the date of payment thereof to (Name of respondent) until refunded; and

(2) Comply otherwise with the terms and conditions of the notice issued (Date) in Docket No. ------, and with the provisions of the Natural Gas Act relating thereto,

then this obligation shall be terminated, otherwise to remain in full force and effect.

In witness whereof, the parties hereto have placed their hands and seals on this ------ day of ----------.

Attest:

By ----------
Principal

By ----------
Surety

[F.R. Doc. 69-13523; Filed, Nov. 14, 1969; 8:45 a.m.]

[Project 637]

WASHINGTON

Order Partially Vacating Withdrawal

OCTOBER 22, 1969.

Application has been filed by the U.S. Forest Service (applicant) for vacation of the power withdrawal as it pertains to the following described lands of the United States:

WILLAMETTE MERIDAN, WASHINGTON

All portions of unsurveyed sections 2 and 11, T. 31 N., R. 18 E., lying within 200 feet of the 1,100-foot contour bordering Lake Chelan, and lying north and east of, and abutting, the line connecting corners 1 and 5 of Mineral Survey No. 1078-B (King Solomon Millsite).

(Approximately 1 acre.)

The lands are withdrawn pursuant to the filing on August 25, 1925, of an application for license for Project No. 637. Commission notice of the withdrawal was given the General Land Office (now the Bureau of Land Management) by letter dated April 2, 1926.

The lands lie within the Wenatchee National Forest and are located near the shore of Lake Chelan, a 55-mile-long natural lake which has been enlarged by a 40-foot dam to form the reservoir of licensed Project No. 637. The subject lands are situated at an elevation about 70 feet above the maximum water elevation of the reservoir and lie outside the project boundary. No plans are known for raising the elevation of the reservoir above its present elevation.

The application has been submitted to facilitate a proposed land exchange which will enable applicant to obtain land adjacent to the reservoir which is suitable for development of a public access site and which, in combination with adjacent Forest Service land, can be used by applicant for development of recreation facilities.

The Commission finds: Inasmuch as the subject lands have no power value, the withdrawal pertaining thereto pursuant to the above-mentioned application for Project No. 637 serves no useful purpose and should be vacated.

The Commission orders: The power withdrawal made pursuant to the filing of the application for Project No. 637 is hereby vacated insofar as it affects the subject lands.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13569; Filed, Nov. 14, 1969; 8:45 a.m.]

[Docket No. CP70-118]

CITIES SERVICE GAS CO.

Notice of Application

NOVEMBER 7, 1969.

Take notice that on November 3, 1969, Cities Service Gas Co. (applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP70-118 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7 of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction, over a 2-year period, and operation of facilities to enable applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate various gathering facilities, measuring and regulating facilities, and approximately 28.5 miles of 12-inch transmission pipeline in Kingfisher County, Okla. Applicant states that the facilities proposed in this application will enable it to have available for its customers south of Blackwell, Okla., approximately 30,000 Mcf per day commencing with the 1970-71 heating season. Applicant further states that these volumes will help offset the generally declining inputs into this portion of applicant's system, where existing supply sources are depleting.

The total estimated cost of the proposed facilities is $1,916,200, to be financed from treasury funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 1, 1969, 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 Commmission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13570; Filed, Nov. 14, 1969; 8:45 a.m.]

[Docket No. CP70-116]

LONE STAR GAS CO.

Notice of Application

NOVEMBER 7, 1969.

Take notice that on October 30, 1969, Lone Star Gas Co. (applicant), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP70-116 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7 of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1970, and operation of facilities to enable applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

[1] To be included if a noncorporate respondent.

The purpose of this application is to augment applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in areas generally coextensive with said system.

The total cost of the proposed facilities will not exceed $500,000, and the cost of any single project is not to exceed $125,000. The facilities are to be financed by funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 1, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-13571; Filed, Nov. 14, 1969; 8:45 a.m.]

[Docket No. CP69-249]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition To Amend

NOVEMBER 7, 1969.

Take notice that on November 3, 1969, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP69-249 a petition to amend the order of the Commission issued on June 24, 1969, to reflect a proposed alteration of reception point of volumes of natural gas from Texas Gas Transmission Corp. (Texas Gas) into applicant's transmission system and the installation of a hot tap at the point of interconnection, 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 authorized by the aforementioned order, inter alia, to transport gas from Texas Gas from Calumet, La., to Eunice, La. The proposed amendment would have Texas Gas deliver such gas to applicant at Avalon, La., rather than Calumet, pursuant to an agreement of August 14, 1969. Applicant states that this is a more economic means of connection, whereas the original authorization would require Texas Gas to construct a line to its own facilities at an estimated cost of $448,000, as opposed to the current proposal which would cost $186,000.

The total estimated cost of the hot tap is $7,500, which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 1, 1969, 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. 69-13572; Filed, Nov. 14, 1969; 8:45 a.m.]

[Dockets Nos. RI70-432 etc.]

AMERICAN PETROFINA CO. ET AL.

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

NOVEMBER 7, 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, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.[2]

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 24, 1969.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

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

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI70-432..	American Petrofina Co. of Texas.	39	3	Northern Natural Gas Co.			[3] 10-1-69	10-2-69	16.0	[4] [5] 16.06	
	do	74	4	El Paso Natural Gas Co.			[3] 10-1-69	10-2-69	15.91	[4] [5] 15.9697	
RI70-433..	Sun Oil Co.	176	5	do.			[3] 10-1-69	10-2-69	15.66	[4] [5] 15.93013	
	do	243	2	Natural Gas Pipeline Co. of America.			[3] 10-1-69	10-2-69	17.4930	[4] [5] 17.5586	
RI70-434..	Union Texas Petroleum, a division of Allied Chemical Corp.	95	1	Transwestern Pipeline Co.			[3] 10-1-69	10-2-69	16.5	[4] [5] 16.5723	
	do	96	2	do			[3] 10-1-69	10-2-69	16.5	[4] [5] 16.5723	
RI70-435..	Phillips Petroleum Co. (Operator).	18	[6] 1 to 33	Northern Natural Gas Co.			[3] 10-1-69	10-2-69	12.64	[4] [5] 12.8087	
RI70-436..	Shell Oil Co.	356	1	do			[3] 10-1-69	10-2-69	14.1820	[4] [5] 14.2370	
RI70-437..	Getty Oil Co.	4	15	El Paso Natural Gas Co.			[3] 10-1-69	10-2-69	14.21	[4] [5] 14.2366	
							[7] 1-7-70	[8] Accepted	[9] 18.8383	[4] [5] 18.8739	
RI70-438..	Murphy Oil Corp.	11	13	do			[3] 10-1-69	10-2-69	14.5	[4] [5] 14.5544	
RI70-439..	Continental Oil Co.	3	10	Tennessee Gas Pipeline Co., a division of Tenneco Inc.			[3] 10-1-69	10-2-69	15.0	[4] [5] 15.05625	
	do	81	9	Texas Gas Transmission Corp.			[3] 10-1-69	10-2-69	15.0	[4] [5] 15.05625	
	do	83	8	do			[3] 10-1-69	10-2-69	15.0	[4] [5] 15.05625	
	do	292	1	Lone Star Gas Co.			[3] 10-1-69	10-2-69	14.49	[4] [5] 14.525	
	do	297	1	Natural Gas Pipeline Co. of America.			[3] 10-1-69	10-2-69	17.0	[4] [5] 17.00375	
RI70-440	Continental Oil Co. (Operator) et al.	82	9	Texas Gas Transmission Corp.			[3] 10-1-69	10-2-69	15.0	[4] [5] 15.05625	

[3] Waiver of notice is being granted pursuant to the Commission's Order No. 390, issued Oct. 10, 1969.
[4] Tax reimbursement increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Applicable to Ellenberger gas only.
[7] Expiration date of the suspension period in Docket No. RI70-80.
[8] Accepted subject to the suspension proceeding in Docket No. RI70-80.
[9] Rate suspended in Docket No. RI70-80 until Jan. 7, 1970.

The proposed rate increases herein 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. All of the proposed rates herein exceed the applicable area ceiling for the areas involved as announced 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 the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended.

We believe that it would be in the public interest to waive the statutory notice provided in section 4(d) of the Natural Gas Act. Pursuant to Commission's Order No. 390 issued October 10, 1969, the producers' proposed rate increases from underlying firm rates are suspended for 1 day from October 1, 1969, the effective date of the tax increase enacted by the State of Texas.

Getty Oil Co. (Getty) proposes a tax reimbursement increase to a rate that is suspended in Docket No. RI70-80. In this situation, we conclude that Getty's proposed 18.8739 cents per Mcf rate should be accepted for filing subject to the suspension proceeding in Docket No. RI70-80 to be effective as of the expiration date (Jan. 7, 1970) of the suspension period in Docket No. RI70-80 at the earliest.

[F.R. Doc. 69-13573; Filed, Nov. 14, 1969; 8:45 a.m.]

[Docket No. RI69-805]

HUSKY OIL COMPANY OF DELAWARE ET AL.

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

NOVEMBER 7, 1969.

On May 23, 1969, Husky Oil Company of Delaware (Operator) et al., (Husky) previously filed with the Commission a proposed change in rate from 13.0495 cents to 14.0495 cents per Mcf, designated as Supplement No. 4 to Husky's FPC Gas Rate Schedule No. 20, which pertains to Husky's jurisdictional sales of natural gas from the Basin Dakota Pool, San Juan County, N. Mex. (San Juan Basin Area). The Commission by order issued June 17, 1969, in Docket No. RI69-805, suspended for 5 months Husky's rate filing until November 25, 1969, and thereafter until made effective in the manner prescribed by the Natural Gas Act.

On October 13, 1969, Husky submitted an amended notice of change in rate, designated as Supplement No. 5 to Husky's FPC Gas Rate Schedule No. 20, amending the supplement to the aforementioned rate schedule to provide for a rate increase to 15.0495 cents instead of the 14.0495 cents per Mcf rate filed on May 23, 1969. Husky did not include as part of the previously filed 14.0495-cent rate the 1 cent per Mcf minimum guarantee for liquids contained in the contract. Husky was thus advised that if it wanted to collect under the minimum guarantee provision it could do so provided it filed a notice of change in rate. Such notification is consistent with the Commission's order issued December 7, 1967, in Docket No. RI64-491 et al., Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al. The proposed substitute rate filing is set forth in Appendix A hereof.

Husky's proposed 15.0495 cents per Mcf rate exceeds the area ceiling for increased rates in the San Juan Basin Area as announced in the Commission's statement of general policy No. 61–1, as amended, as did the previously suspended rate in said docket. Consistent with prior Commission action on similar rate filings, we conclude that it would be in the public interest to accept Husky's revised notice of change in rate subject to the suspension proceeding in Docket No. RI69-805, with the suspension period of such substitute rate filing to terminate concurrently with the suspension period (Nov. 25, 1969) of the original rate filing in said docket.

The Commission orders:

(A) The suspension order issued June 17, 1969, in Docket No. RI69-805, is amended only so far as to permit the 15.0495 cents per Mcf rate provided in Supplement No. 5 to Husky's FPC Gas Rate Schedule No. 20 to be filed to supersede the 14.0495 cents per Mcf rate contained in Supplement No. 4 to the aforementioned rate schedule, subject to the suspension proceeding in Docket No. RI69-805. The suspension period for such substitute filing shall terminate concurrently with the suspension period (Nov. 25, 1969) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on June 17, 1969, in Docket No. RI69-805, shall remain unchanged and in full force and effect.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI69-805..	Husky Oil Co. of Delaware (Operator) et al., Post Office Box 380, Code, Wyo. 82414.	20	3	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	$8,211	10-13-69	.....	[1] 11-25-69	[4] 14.0495	[2 3] 15.0495	

[1] Expiration date of the suspension proceeding in Docket No. RI69-805.
[2] Respondent is filing for 1-cent minimum guarantee for liquids omitted from previous filing.
[3] Pressure base is 15.025 p.s.i.a.
[4] Rate suspended in Docket No. RI69-805 until Nov. 25, 1969.

[F.R. Doc. 69-13574; Filed, Nov. 14, 1969; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

SOCIETY CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Society Corp., which is a bank holding company located in Cleveland, Ohio, for prior approval by the Board of Governors of the acquisition by Applicant of up to 100 percent (less directors' qualifying shares) of the voting shares of The Xenia National Bank, Xenia, Ohio.

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

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

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

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

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

Dated at Washington, D.C., this 10th day of November 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-13579; Filed, Nov. 14, 1969; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[Files Nos. 7-3284, 7-3285]

AMERICAN GENERAL INSURANCE CO., AND KINNEY NATIONAL SERVICE, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 10, 1969.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the preferred stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
American General Insurance Co., $1.80 cumulative convertible preferred stock, $1.50 par value	7-3284
Kinney National Service, Inc., 5 cents Series C convertible preferred stock, $1 par value	7-3285

Upon receipt of a request, on or before November 25, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-13593; Filed, Nov. 14, 1969; 8:46 a.m.]

ARKANSAS VALLEY INDUSTRIES, INC.

Order Suspending Trading

NOVEMBER 7, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Arkansas Valley Industries, Inc., and all other securities of Arkansas Valley 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 November 10, 1969, 10 a.m., e.s.t., through November 19, 1969, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-13594; Filed, Nov. 14, 1969; 8:46 a.m.]

[File No. 7-3279 etc.]

DELTONA CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 10, 1969.

In the matter of applications of the Philadelphia - Baltimore - Washington

stock exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
The Deltona Corp.	7-3279
Kinney National Service, Inc.	7-3280
Lone Star Cement Corp. (Delaware)	7-3281
Seatrain Lines, Inc.	7-3282
UAL, Inc.	7-3283

Upon receipt of a request, on or before November 25, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69-13595; Filed, Nov. 14, 1969; 8:46 a.m.]

[812-2579]

NARRAGANSETT CAPITAL CORP.

Notice of Filing of Application for Order Exempting Transactions

NOVEMBER 10, 1969.

Notice is hereby given that Narragansett Capital Corp. ("Narragansett"), Ten Dorrance Street, Providence, R.I. 02903, a Rhode Island corporation, registered as a closed-end, nondiversified, management investment company under the Investment Company Act of 1940 ("Act") and licensed as a small business investment company under the Small Business Investment Act of 1958, has filed an application pursuant to section 17(b) of the Act to exempt from section 17(a) of the Act the purchase by certain affiliated persons of Narragansett of stock of All American Beverages, Inc. ("AAB"); and for an order under Rule 17d-1 of the Act approving such purchases.

All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Background. Narragansett now holds 274,156 shares or 77.32 percent of the 354,568 outstanding shares of common stock of AAB. Within the next 2 months, AAB plans to complete the issuance of 100,000 additional shares of its common stock. These shares will be offered in a private placement to the nine existing stockholders of AAB on a pro rata basis in proportion to present holdings. The offering price will be $5 per share. Narragansett intends to purchase in this offering all of the 77,321 shares of AAB common stock to which it will be entitled to subscribe. In addition, Narragansett has agreed that it will purchase any shares offered by AAB not subscribed for by other stockholders. Thus, after the private placement of 100,000 shares by AAB, Narragansett will hold between 351,477 and 374,156 shares of AAB common stock, or between 77.32 percent and 82.31 percent of the 454,568 outstanding shares.

Upon the completion of the foregoing issuance of 100,000 shares of common stock by AAB, and upon effectiveness of a registration statement under the Securities Act of 1933 filed with the Securities and Exchange Commission on June 30, 1969 (File No. 2-33824), Narragansett proposes to offer up to 276,956 shares of AAB common stock then held by it to its stockholders through the distribution of transferable subscription warrants. The exact number of shares Narragansett will offer has not been determined, depending in part upon the number of shares Narragansett purchases in the private placement described above. In any event, the number to be offered by Narragansett will not exceed 276,956 shares (on the basis of a right to purchase one share of AAB common stock for every three shares of the 830,868 outstanding shares of Narragansett common stock) nor be less than 237,391 shares (on the basis of one share of AAB stock for every 3.5 shares of outstanding Narragansett stock). As a result of the rights offering, Narragansett will reduce its holdings of AAB common stock to between 16.39 percent and 30.09 percent of the outstanding shares of AAB.

All of the shares are proposed to be offered by Narragansett at $5 per share. In addition to their pro rata primary subscription privilege under the subscription warrants, the stockholders of Narragansett will have the privilege of oversubscribing, subject to allotment, at the $5 subscription price for any number of full shares of AAB common stock not subscribed for through the exercise of primary rights.

The application states that as of June 30, 1969, of the 830,868 shares of outstanding stock of Narragansett, affiliated persons of Narragansett owned 171,991 shares, constituting 20.7 percent of such outstanding stock. If all affiliated persons of Narragansett exercise their primary subscription privileges, they would own a total of 49,136 shares (10.81 percent) of the outstanding common stock of AAB, if Narragansett offers AAB shares on the basis of one AAB share for every 3.5 Narragansett shares held, and a total of 57,327 shares (12.61 percent) of the outstanding common stock of AAB, if Narragansett offers AAB shares on a 1-for-3 basis. These figures do not include shares which might be purchased by affiliates pursuant to the additional subscription privileges.

Commission jurisdiction. Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from purchasing from such registered investment company any security or other property except securities of which the investment company is the issuer. The proposed rights offering by Narragansett of common stock of AAB involves a transaction subject to the prohibitions of section 17(a) of the Act, unless exempted therefrom pursuant to section 17(b) of the Act.

The Commission, upon application pursuant to section 17(b), may grant an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any persons concerned and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Since officers and directors of Narragansett are stockholders of Narragansett, the proposed offering and acquisition of the AAB stock by them may be prohibited by section 17(d) of the Act and Rule 17d-1 thereunder. Taken together they provide, as here pertinent, that it shall be unlawful for an affiliated person of a registered investment company or any affiliated person of such person, acting as principal, to participate in, or to effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission. In passing upon such application, the Commission must consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. Narragansett seeks an exemption to the extent necessary to permit affiliated persons to exercise the rights to purchase the AAB stock.

Supporting statements. Narragansett states in the application that the proposed rights offering is fair, reasonable, and beneficial to Narragansett and its stockholders. Since 1961 Narragansett has made substantial investments in AAB and its predecessor companies, Sam Snead All American Golf, Inc., and Pepsi-Cola Bottling Company of Springfield, Inc., merged in August 1968, to

form AAB. As of the date of the application, such investments totaled $871,000 in installment notes of AAB and $1,396,327 in common stock. In the private placement described above, Narragansett will invest an additional $386,605 to $500,000 in common stock of AAB. Management and the board of directors of Narragansett believe that the proposed rights offering will preserve and enhance the investment of Narragansett in AAB remaining after the sale of shares in the rights offering. Narragansett states the development of a public market in the common stock of AAB will create an objective and readily determinable value for the AAB stock retained in the portfolio of Narragansett. The availability of a public market for the shares will facilitate the subsequent disposition, in whole or in part, of the Narragansett investment in AAB.

The private placement of 100,000 shares by AAB to raise $500,000 in equity capital will be possible only because of Narragansett's willingness to participate. In turn, Narragansett can only participate on the assumption that the rights offering will take place because Small Business Administration approval of the additional investment is conditioned on the conduct of the public rights offering and resulting disposition of shares by Narragansett. The $500,000 proceeds to AAB from the private placement will permit it to pay off $250,000 in indebtedness to Industrial National Bank of Rhode Island and to have ready working capital for new plant and equipment and for possible acquisitions.

The terms of the proposed rights offering to the stockholders of Narragansett have been established by the board of directors of Narragansett after careful consideration. The $5 offer price was established by the board on the basis of a report independently prepared by G. H. Walker & Co.

The proposed offering to the stockholders of Narragansett permits its stockholders to retain, if they desire, an interest in AAB equal to the interest they previously held indirectly as stockholders of Narragansett immediately prior to the rights offering.

Narragansett states the proposed rights offering involves no overreaching on the part of any person concerned or any preference for the interest of any affiliated person of Narragansett. Each stockholder of Narragansett, whether or not an affiliated person, will receive identical privileges to subscribe for stock of AAB at the same price and on the same terms.

The application asserts that, to deny affiliated persons of Narragansett an opportunity to subscribe for stock of AAB on the same basis as other stockholders of Narragansett, would deprive them of a valuable financial right. This could discourage the ownership of stock of Narragansett by its officers and directors, and hence decrease their interest in, and loyalty to, Narragansett, to the detriment of the stockholders thereof.

Narragansett states the original investments by Narragansett in AAB and its predecessor companies were consistent with the stated investment policy of Narragansett, and, the application submits, the proposed disposition is also consistent therewith. The receipt of the net proceeds of the offering by Narragansett will permit Narragansett to make investments in other small businesses as contemplated by its investment policy and in furtherance of the provisions of the Small Business Investment Act of 1958.

Narragansett further asserts that the proposed rights offering to the stockholders of Narragansett is consistent with the general purposes of the Act.

With specific reference to Rule 17d–1, the application contends the participation of Narragansett in the proposed rights offering is not on a basis different from or less advantageous than that of any other participant, including the affiliates of Narragansett. The sale of the AAB stock will permit Narragansett to reduce its holdings in such stock to less than 20 percent of Narragansett's combined capital and surplus, in conformity with Narragansett's investment policy. At the same time the sale will afford Narragansett's stockholders an opportunity to purchase the AAB stock on a pro rata basis in proportion to their holdings of Narragansett common stock.

Notice is further given that any interested person may, no later than November 24, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Narragansett at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Director, Office of Investment Assistance, Small Business Administration, Washington, D.C. 20416.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69–13596; Filed, Nov. 14, 1969; 8:46 a.m.]

[Files Nos. 7–3277, 7–3278]

SCIENTIFIC RESOURCES CORP. AND LONE STAR CEMENT CORP.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 10, 1969.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Scientific Resources Corp.	7–3277
Lone Star Cement Corp. (Delaware)	7–3278

Upon receipt of a request, on or before November 25, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F.R. Doc. 69–13597; Filed, Nov. 14, 1969; 8:47 a.m.]

[File No. 7–3276]

UNION PACIFIC CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 10, 1969.

In the matter of application of the Boston Stock Exchange for unlisted

trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Union Pacific Corp., File No. 7-3276.

Upon receipt of a request, on or before November 25, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F.R. Doc. 69-13598; Filed, Nov. 14, 1969; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPR 14]

HEADS OF FEDERAL AGENCIES

Reports of Procurements in Labor Surplus Areas

1. *Purpose.* This bulletin advises agencies that narrative reports of procurements in labor surplus areas are no longer required.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. *Background.* Agencies were formerly required to submit to the General Services Administration semiannual narrative reports of their procurements in labor surplus areas. All necessary information relating to procurements in labor surplus areas is now required to be included in the reports submitted by agencies on Standard Form 37, June 1968 Edition, pursuant to FPR 1-16.804.

4. *Agency action.* Agencies should submit their reports of procurements in labor surplus areas on Standard Form 37 and should discontinue the submission of narrative reports.

Dated: November 11, 1969.

HART T. MANKIN, *General Counsel.*

[F.R. Doc. 69-13617; Filed, Nov. 14, 1969; 8:48 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

ADJUSTMENT ASSISTANCE

Delegation of Authority and Notice of Investigations

Notice of delegation of authority regarding certification of eligibility of groups of workers to apply and notice of investigations concerning certifications of groups of workers of the Weld Mill of the Armco Steel Corp. in Ambridge, Pa., the Shiffler Plant of the American Bridge Division, U.S. Steel Corp. at Pittsburgh, Pa., and the Maywood Plant, American Bridge Division, U.S. Steel Corp. at Los Angeles, Calif.

1. *Notice of delegation.* The authority and responsibility previously delegated to the Assistant Secretary of Labor for International Affairs and to the Director of the Office of Trade Adjustment Assistance, Department of Labor, Respectively, as they relate to Certification of Eligibility To Apply for Worker Assistance under the Trade Expansion Act of 1962 (19 U.S.C. 1801 note) and reflected in 29 CFR Part 90, are delegated to the Deputy Under Secretary for International Affairs (in place of the Assistant Secretary) and to the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs (in place of the Director of the Office of Trade Adjustment Assistance) respectively. The provisions of 29 CFR Part 90 will be amended to reflect these changes as soon as practicable.

2. *Notice of certain investigations.* The Department of Labor has received Tariff Commission reports under section 301(c)(2) of the Trade Expansion Act of 1962 of the results of its investigations of petitions for adjustment assistance filed on behalf of groups of workers at the plants named below (Nos.-TEA W-8, W-9, and W-10). In view of the reports and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 F.R. 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted investigations, as provided in 29 CFR 90.5 and this notice. The investigations relate to the determination of whether any of the groups of workers covered by the Tariff Commission reports should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determinations of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and subdivisions of the firms involved to be specified in any certifications to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

The Director's investigations cover the unemployment or underemployment, of groups of workers at the Weld Mill of the Armco Steel Corp. located in Ambridge, Pa., at the Shiffler Plant of the American Bridge Division, U.S. Steel Corp., located at Pittsburgh, Pa., and at the Maywood Plant, American Bridge Division, U.S. Steel Corp., located at Los Angeles, Calif.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C., on or before November 19, 1969.

Signed at Washington, D.C., this 13th day of November 1969.

GEORGE P. SHULTZ, *Secretary of Labor.*

[F.R. Doc. 69-13691; Filed, Nov. 14, 1969; 8:50 a.m.]

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Culter's Drugs, drugstores from 9-3-69 to 9-2-70: Nos. 2 and 5, Columbus, Ohio.

Early Tractor Co., Inc., farm implement dealer; Blakely, Ga.; 8-27-69 to 8-26-70.

Ephrata Nursing Home, Inc., nursing home; 25 West Locust Street, Ephrata, Pa.; 8-4-69 to 8-3-70.

W. T. Grant Co., variety-department stores from 9-3-69 to 9-2-70: No. 3086, Gary, Ind.; No. 89, Lawrence, Mass.; No. 190, Minneapolis, Minn.; No. 74, Canton, Ohio.

H. E. B. Food Store, foodstores from 9-3-69 to 9-2-70; No. 88, Del Rio, Tex.; No. 72, Killeen, Tex.; No. 71, Temple, Tex.; Nos. 50, 54, 64, 70, 76, and 87, Waco, Tex.

Kenley's Super Markets, Inc., foodstore; 1107 South 10th Street, Noblesville, Ind.; 9-3-69 to 9-2-70.

S. S. Kresge Co., variety-department stores from 9-3-69 to 9-2-70 except as otherwise indicated: No. 4608, Meriden, Conn.; No. 33, New Haven, Conn.; No. 590, Waterbury, Conn.; No. 254, Aurora, Ill.; No. 94, Bridgeview, Ill.; No. 690, Champaign, Ill.; Nos. 8, 236, 480, 594, 599, 627, and 4613, Chicago, Ill.; No. 261, Danville, Ill.; Nos. 201 and 641, Decatur, Ill.; No. 220, Evanston, Ill. (9-20-69 to 9-19-70); No. 179, Galesburg, Ill.; No. 130,

Joliet, Ill.; No. 4610, Lincoln, Ill.; No. 4546, Moline, Ill.; No. 4623, Oak Lawn, Ill.; No. 4630, Pekin, Ill.; No. 242, Peoria, Ill.; No. 318, Rockford, Ill.; No. 136, St. Charles, Ill.; No. 483, Bedford, Ind.; No. 647, Evansville, Ind.; Nos. 462 and 618, Gary, Ind.; Nos. 583 and 672, Indianapolis, Ind.; No. 589, Kokomo, Ind.; Nos. 31 and 204, Lafayette, Ind.; No. 85, Muncie, Ind.; No. 251, New Castle, Ind.; No. 4571, Peru, Ind.; No. 532, Boston, Mass.; No. 255, Quincy, Mass.; No. 4578, Faribault, Minn.; Nos. 176 and 694, Minneapolis, Minn.; No. 4501, Alliance, Ohio; No. 586, Cambridge, Ohio; No. 120, Canton, Ohio; No. 638, Cincinnati, Ohio; Nos. 411 and 531, Cleveland, Ohio; Nos. 5 and 29, Columbus, Ohio; No. 538, Cuyahoga Falls, Ohio; Nos. 9 and 649, Dayton, Ohio; No. 51, Lima, Ohio; No. 4597, Maple Heights, Ohio; No. 512, Mount Vernon, Ohio; No. 40, Newark, Ohio; No. 410, Painesville, Ohio; No. 676, Parma, Ohio; No. 488, Piqua, Ohio; No. 316, Springfield, Ohio; No. 458, Steubenville, Ohio; Nos. 299 and 674, Warren, Ohio; No. 228, Willowick, Ohio; No. 248, Xenia, Ohio; No. 595, Youngstown, Ohio; No. 377, Zanesville, Ohio; No. 202, Appleton, Wis.; No. 611, Fond du Lac, Wis.; Nos. 162 and 268, Madison, Wis.; No. 420, Manitowoc, Wis.; Nos. 446 and 617, Milwaukee, Wis.; No. 181, Oshkosh, Wis.; No. 119, Watertown, Wis.; No. 493, Wausau, Wis.

S. H. Kress and Co., variety-department stores from 9-3-69 to 9-2-70: 211 North Mesa, El Paso, Tex.; 16 Lamar Avenue, Paris, Tex.

Wm. A. Lewis Clothing Co., apparel stores from 9-3-69 to 9-2-70: 2301 West 95th Street, Chicago, Ill.; Hillside Shopping Center, Hillside, Ill.; Harlem-Irving Plaza, Norridge, Ill.

McCrory-McLellan-Green Stores, variety-department stores from 9-3-69 to 9-2-70 except as otherwise indicated: No. 189, Canton, Ohio (9-5-69 to 9-4-70); No. 1207, Cleveland, Ohio; No. 180, Dayton, Ohio (9-5-69 to 9-4-70); No. 1065, Dayton, Ohio; No. 684, Delaware, Ohio; No. 1059, Portsmouth, Ohio (9-6-69 to 9-5-70); No. 24, Springfield, Ohio; No. 27, Steubenville, Ohio (9-15-69 to 9-14-70); No. 1124, Uhrichsville, Ohio; No. 37, Bradford, Pa. (7-22-69 to 7-21-70); No. 1004, Dallas, Tex.; No. 216, Wichita Falls, Tex.

G. C. Murphy Co., variety-department stores from 9-3-69 to 9-2-70 except as otherwise indicated: No. 458, Mount Vernon, Ill.; No. 417, Goshen, Ind.; No. 119, Greencastle, Ind.; Nos. 104 and 215, Indianapolis, Ind.; No. 430, Madison, Ind.; No. 411, Noblesville, Ind.; No. 422, Peru, Ind.; No. 443, Salem, Ind.; No. 466, Logan, Ohio; No. 56, Pittsburgh, Pa. (8-5-69 to 8-4-70).

Neisner Brothers, Inc., variety-department stores from 9-3-69 to 9-2-70: Nos. 30, 31, 52, 54, 57, 65, 74, and 97, Chicago, Ill.; No. 150, Melrose Park, Ill.; No. 37, Waukegan, Ill.; No. 129, Rochester, Minn.; No. 20, St. Paul, Minn.; No. 100, Cincinnati, Ohio; No. 53, Cleveland, Ohio; No. 15, Elyria, Ohio; No. 19, Mansfield, Ohio; No. 39, Norwood, Ohio; No. 134, Wichita Falls, Tex.

J. J. Newberry Co., variety-department store; No. 66, El Paso, Tex.; 9-3-69 to 9-2-70.

R. & R. Farms, Inc., agriculture; Carthage, Miss.; 9-10-69 to 9-9-70.

Rockford Dry Goods Co., department store; 305 West State Street, Rockford, Ill.; 9-14-69 to 9-13-70.

Roth Brothers Co., department store; 1321-27 Tower Avenue, Superior, Wis.; 9-3-69 to 9-2-70.

Super Duper Food Center, foodstore; 300 Hailey Street, Sweetwater, Tex.; 9-3-69 to 9-2-70.

Ward Brothers, Inc., apparel store; 72 Lisbon Street, Lewistown, Maine; 9-3-69 to 9-2-70.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment of all employees.

Barkmeier's, foodstore; Exeter, Nebr.; sacker, carryout, stock clerk; 10 to 15 percent; 9-10-69 to 9-9-70.

Culter's Drug Store, drugstore; No. 6, Columbus, Ohio; cashier, stock clerk, fountain clerk; 2 to 10 percent; 9-3-69 to 9-2-70.

Eagle Stores Co., Inc., variety store; Wayne Avenue Shopping Center, Dunn, N.C.; salesclerk; 3 to 18 percent; 9-8-69 to 9-7-70.

Falls Super Market, Inc., foodstore; 405 South Mill Street, Redwood Falls, Minn.; stock clerk, carryout; 7 to 24 percent; 9-3-69 to 9-2-70.

W. T. Grant Co., variety-department stores: No. 69, St. Paul, Minn., salesclerk, office clerk, cashier, stock clerk, 8 to 10 percent, 9-3-69 to 9-2-70; No. 1064, Shamokin, Pa., salesclerk, stock clerk, 9 to 44 percent, 8-17-69 to 8-16-70.

H. E. B. Food Store, foodstores for the occupations of bottle clerk, package clerk, sacker, 10 percent except as otherwise indicated, 9-3-69 to 9-2-70: No. 99, Bellmead, Tex.; No. 93, Belton, Tex.; No. 95, Del Rio, Tex. (9 to 10 percent); No. 113, Lampasas, Tex.

S. S. Kresge Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, checker-cashier except as otherwise indicated, 9-3-69 to 9-2-70 except as otherwise indicated: No. 259, Waterbury, Conn., 10 percent (salesclerk); No. 4031, Bloomington, Ill., 3 to 21 percent; No. 4551, Chicago, Ill., 16 to 42 percent; No. 429, Des Plaines, Ill., 17 to 26 percent; No. 4005, Peoria, Ill., 4 to 18 percent; No. 4014, Kokomo, Ind., 10 percent; No. 4008, Lafayette, Ind., 7 to 10 percent; No. 466, Mishawaka, Ind., 10 percent (9-7-69 to 9-6-70); No. 597, Richmond, Ind., 10 percent; No. 217, Vincennes, Ind., 8 to 10 percent; No. 4518, Ashtabula, Ohio, 10 percent (stock clerk, maintenance, office clerk, food preparation, salesclerk, customer service, checker-cashier); No. 434, Cleveland, Ohio, 10 percent (salesclerk, checker-cashier, customer service, stock clerk, maintenance, food preparation); No. 663, Columbus, Ohio, 5 to 10 percent (salesclerk, office clerk, checker-cashier, customer service, stock clerk, maintenance, food preparation, 9-7-69 to 9-6-70); No. 287, Dayton, Ohio, 6 to 10 percent (stock clerk, maintenance, office clerk, food preparation, salesclerk, customer service, checker-cashier); No. 4179, Dayton, Ohio, 8 to 10 percent (stock clerk, maintenance, office clerk, checker-cashier, salesclerk, customer service, food preparation, 9-1-69 to 8-31-70); No. 4528, Lorain, Ohio, 5 to 10 percent (salesclerk, checker-cashier, customer service, stock clerk, maintenance, food preparation); No. 144, Maple Heights, Ohio, 10 percent (salesclerk, checker-cashier, customer service, stock clerk, maintenance, food preparation); No. 314, Parma, Ohio, 10 percent (salesclerk, customer service, checker-cashier, stock clerk, maintenance, food preparation); No. 4556, Zanesville, Ohio, 5 to 10 percent (stock clerk, maintenance, office clerk, food preparation, salesclerk, customer service, checker-cashier); No. 761, Fort Worth, Tex., 7 to 10 percent (salesclerk); No. 4259, Fort Worth, Tex., 7 to 27 percent (salesclerk, 8-23-69 to 8-22-70); No. 4051, Eau Claire, Wis., 2 to 6 percent; No. 222, Green Bay, Wis., 6 to 24 percent; Nos. 4321 and 4325, Madison, Wis., 11 to 29 percent (salesclerk, stock clerk, office clerk, checker-cashier, maintenance, customer service, 9-2-69 to 9-1-70); No. 442, Neenah, Wis., 10 percent.

Lerner Shops, apparel store; No. 337, Burlington, N.C.; salesclerk, cashier, credit clerk; 5 to 17 percent; 9-15-69 to 9-14-70.

Wm. A. Lewis Clothing Co., apparel store; Randhurst Center, Mount Prospect, Ill.; receptionist, checkwriter, wrapper, stock clerk; 10 percent; 9-3-69 to 9-2-70.

Magic Mart, Inc., department store; Parkview Shopping Center, Marshall, Tex.; salesclerk, stock clerk, janitorial; 17 to 40 percent; 9-3-69 to 9-2-70.

Marstaller Grocery and Market, Inc., food store; 3344 Franklin, Waco, Tex.; sacker, checker, janitorial, stock clerk, bottle clerk; 10 percent; 9-2-69 to 9-1-70.

McCrory-McLellan-Green Stores, variety-department stores; No. 372, Troy, Ohio; salesclerk, office clerk, stock clerk, 6 to 20 percent, 9-8-69 to 9-7-70; No. 1, Scottdale, Pa.; salesclerk, office clerk, stock clerk, porter, 8 to 27 percent, 8-3-69 to 8-2-70.

G. C. Murphy Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, janitorial, 10 to 28 percent except as otherwise indicated, 9-3-69 to 9-2-70 except as otherwise indicated: No. 307, Greensburg, Pa. (7 to 21 percent, 8-12-69 to 8-11-70); No. 51, McKees Rocks, Pa. (13 to 27 percent, 8-8-69 to 8-7-70); No. 288, Abilene, Tex.; No. 219, Fort Worth, Tex.; No. 294, Odessa, Tex.; No. 283, Texarkana, Tex.

Neisner Brothers, Inc., variety-department stores for the occupations of salesclerk, stock clerk, office clerk, 9-3-69 to 9-2-70: No. 202, Crystal Lake, Ill., 6 to 22 percent; No. 180, Del Rio, Tex., 6 to 14 percent.

Rodenberg's, Inc., foodstore; No. 6 Charleston, S.C.; bagger, carryout; 10 percent; 9-5-69 to 9-4-70.

Scott Store, variety-department store; No. 909, Erie, Pa.; salesclerk, stock clerk, checker; 6 to 18 percent; 7-22-69 to 7-21-70.

Sibert Motor Co., automobile dealer; Bigler Avenue, Spangler, Pa.; gasoline attendant, courtesy service, auto cleanup; 2 to 13 percent; 8-28-69 to 8-27-70.

Super Duper Food, foodstore; 802 Pine Street, Abilene, Tex.; sacker, stock clerk; 6 to 10 percent; 9-1-69 to 8-31-70.

T.G. & Y. Stores Co., variety-department stores for the occupations of salesclerk, stock clerk, office clerk; No. 1900, Alamogordo, N. Mex., 13 to 24 percent, 8-27-69 to 8-26-70; No. 844, Houston, Tex., 30 percent, 9-12-69 to 9-11-70.

Tersteeg's Super Valu, foodstore; Redwood Falls, Minn.; carryout, stock clerk; 15 to 28 percent; 9-10-69 to 9-9-70.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of

29 CFR 519.9. Signed at Washington, D.C., this 7th day of November 1969.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 69-13592; Filed, Nov. 14, 1969; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 939]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 12, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 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 10343 (Sub-No. 19 TA), filed November 3, 1969. Applicant: CHURCHILL TRUCK LINES, INC., Highway 36 West, Chillicothe, Mo. 64601. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Aluminum*, serving Northbrook, Ill., as an off-route point in connection with applicant's presently authorized regular-route operations between Chicago, Ill., and Burlington, Iowa, for 180 days. Supporting shipper: Fullerton Metals Co., 3000 Shermer Road, Northbrook, Ill. 60062. Send protests to: Vernon V. Cable, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 41116 (Sub-No. 39 TA), filed November 6, 1969. Applicant: FOGLEMAN TRUCK LINE, INC., 1724 West Mill Street, Crowley, La. 70526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash* in bags, from Lake Charles, La., to Deer Park, Tex., for 180 days. Supporting shipper: Olin Corp., 120 Long Ridge Road, Stamford, Conn. 06904. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 94350 (Sub-No. 249 TA), filed November 5, 1969. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: G. P. Apperson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from Millen and Sylvester, Ga., and from Texarkana, Tex., to points in Hancock, Harrison, and Jackson Counties, Miss., for 180 days. Supporting shipper: Boise Cascade Mobile & Recreational Products, 61 Perimeter Park East, Atlanta, Ga. 30341; Brigadier Industries Corp., Thomson, Ga. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 610A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 103552 (Sub-No. 10 TA), filed October 30, 1969. Applicant: THE FARER TRANSPORTATION CO., 18 West Dover Street, Waterbury, Conn. 06720. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Advertising matter, books, magazines, periodicals, song sheets, sheet music, comics, sheets and shopping news*, between Hartford and Waterbury, Conn., on the one hand, and, on the other, New London, Conn., the above authority is in conjunction with its interstate operating authority under Docket No. MC-103552 and will be tacked with the existing certificate of necessity, for 180 days. NOTE: Applicant intends to tack MC 103552 and Subs 1, 2, and 6. Supporting shippers: Independent News Co., Inc., 909 Third Avenue, New York, N.Y. 10022; Select Magazines Inc., 229 Park Avenue South, New York, N.Y. 10003; Publishers Distributing Corp., 401 Park Avenue South, New York, N.Y. 10016; MacFadden-Bartell Corp., 205 East 42d Street, New York, N.Y. Send protests to: District Supervisor David J. Kiernan, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

No. MC 107295 (Sub-No. 236 TA), filed November 5, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardwood flooring*, from Warren, Ark., to points in New York, New Jersey, Delaware, Virginia, Ohio, Illinois, Michigan, Louisiana, New Mexico, Arizona, Colorado, Pennsylvania, Utah, Maryland, and Washington, D.C., for 180 days. Supporting shipper: Wilson Oak Flooring Co., Inc., Post Office Box 509, Warren, Ark. 71671. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 107295 (Sub-No. 237 TA), filed November 5, 1969. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wall and floor tile*, from Cleveland, Miss., to points in Iowa, Illinois, Wisconsin, Michigan, Indiana, Minnesota, West Virginia, Arkansas, and Missouri, for 180 days. Supporting shipper: Misceramic Tile, Inc., Cleveland, Miss. 38732. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 112288 (Sub-No. 4 TA), filed November 6, 1969. Applicant: YARBROUGH TRANSFER COMPANY, 1500 Doune Street, Winston-Salem, N.C. 27107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel tanks*, requiring special equipment because of size and weight, from Reidsville, N.C., to Wrightstown, N.J., and Dover, Del., for 150 days. Supporting shipper: General Steel Tank Co., Post Office Drawer 1350, Reidsville, N.C. 27320. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417, Charlotte, N.C. 28202.

No. MC 113362 (Sub-No. 171 TA), filed November 5, 1969. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105 Eighth Avenue NE., Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and packinghouse products* as defined in groups A and C of appendix No. 1 *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at Albert Lea, Minn., to Buffalo, N.Y., restricted to traffic originating at the above-specified plantsite and/or cold storage facilities and destined to the above-named destination, for 180 days. Supporting shipper: Wilson & Co., Inc., Prudential Plaza, Chicago, Ill. 60601. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 114965 (Sub-No. 41 TA), filed November 6, 1969. Applicant: CYRUS TRUCK LINE, INC., Box 327, Iola, Kans. 66749. Applicant's representatives: Apt & Apt, 104 South Washington, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixed liquid fertilizer solutions*, in tank vehicles,

from Oneida, Kans., to points in Missouri and Nebraska, for 180 days. Supporting shipper: C-G-F Grain Co., Inc., Oneida, Kans. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 124154 (Sub-No. 30 TA), filed November 4, 1969. Applicant: WINGATE TRUCKING COMPANY, INC., 1004 21st Avenue, Post Office Box 645, Albany, Ga. 31702. Applicant's representative: W. Guy McKenzie, Jr., Post Office Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailer axles, running gear assemblies, and wheels and rims therefor*, on flatbed trailers (excluding commodities which because of size or weight require the use of special equipment), from points in Turner County, Ga., to points in Florida, for 180 days. Supporting shipper: Foreman Manufacturing Co., Ashburn, Ga. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 127994 (Sub-No. 6 TA), filed November 6, 1969. Applicant: JOHN HANLEY, 54 Kuhn Drive, Saddle Brook, N.J. 07662. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic cushioning material*, from West Springfield, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New York, for 180 days. Supporting shipper: Sealed Air Corp., 19–01 State Highway 208, Fair Lawn, N.J. 07410. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 133761 (Sub-No. 3 TA), filed November 6, 1969. Applicant: GEORGE A. LABAGH, 713 North Street, Middletown, N.Y. 10904. Applicant's representative: Arthur Piken, 160–16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailer parts*, from Middletown, N.Y.; to Philadelphia, Pa., Norfolk, Va.; Baltimore, Md.; New York, N.Y., commercial zone, Port Jervis, N.Y., and Fairless Hills, Pa., and *trailers, containers, chassis, and trailer parts*, from Port Jervis, N.Y., to Middletown, N.Y., for 150 days. Supporting shipper: Strick Corp., U.S. Highway No. 1, Fairless Hills, Pa. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 134062 (Sub-No. 1 TA), filed October 31, 1969. Applicant: E. M. LONG, doing business as E. M. LONG TRUCKING CO., Route No. 1, Box 169, Sasakwa, Okla. 74867. Applicant's representative: Don A. Smith, Post Office Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, and crushed stone aggregates*, from the plantsites of Arkhola Sand & Gravel Co. within Crawford County, Ark., to an asphalt plantsite and the jobsite of the Oklahoma State Highway Commission, Job S–1088(5)S located at or near Oklahoma Highway 112 near Cameron, Le Flore County, Okla., for 180 days. Supporting shipper: Ewell B. Lee, President, Arkhola Sand & Gravel Co., Merchants National Bank Building, Fort Smith, Ark. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 134121 (Sub-No. 1 TA), filed November 6, 1969. Applicant: CHARLES DEASON AND FRANK DEASON, a partnership, doing business as DEASON BROTHERS, Post Office Box 368, Lewisburg, Tenn. 37091. Applicant's representative: Robert H. Cowan, 500 Court Square Building, 300 James Robertson Parkway, Nashville, Tenn. 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packaged animal feed blocks*, from Pulaski, Tenn., to points in Kentucky and Ohio, for 180 days. Supporting shipper: McInnis Co., Post Office Box 312, Pulaski, Tenn. 38478. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 134138 (Sub-No. 1 TA), filed November 5, 1969. Applicant: ALVIN B. HARRISON, JR., doing business as LAND-AIR FREIGHT, 1420 Southland Avenue, Oshkosh, Wis. 54901. Applicant's representative: Russell F. Williams, Post Office Box 1067, 504 Algoma Boulevard, Oshkosh, Wis. 54901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), restricted to operations moving on airbills of lading, and having prior or subsequent movement by air, from Wittman Field, Oshkosh, Wis., to Mitchell Field, Milwaukee, Wis., and from Mitchell Field, Milwaukee, Wis., to Wittman Field, Oshkosh, Wis., for 150 days. Supporting shipper: North Central Airlines, Inc., G201 34th Avenue South Minneapolis, Minn. 55450 (John S. Minerich, Manager, Cargo Administration). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

By the Commission.

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

[F.R. Doc. 69–13635; Filed, Nov. 14, 1969; 8:49 a.m.]

[Notice 445]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 12, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

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

No. MC–FC–71615. By order of October 31, 1969, the Motor Carrier Board approved the transfer to KHS Air Freight, Inc., Battle Creek, Mich., of certificates Nos. MC–115855 and MC–115855 (Sub-No. 3) issued March 25, 1964, and September 19, 1966, respectively, to Menser VandenHeuvel and Mildred VandenHeuvel, a partnership, doing business as KHS Air Freight Service, Battle Creek, Mich., authorizing the transportation of general commodities, with the usual exceptions, between Kalamazoo, Battle Creek, and Jackson, Mich., on the one hand, and, on the other, the Willow Run Airport at Ypsilanti, Mich., and the Wayne Major Airport at Romulus, Mich., and between points in Barry, Branch, Calhoun, St. Joseph, and Kalamazoo Counties, Mich., on the one hand, and, on the other, O'Hare and Midway Airports, Chicago, Ill., Willow Run and Detroit Metropolitan Airports, Wayne County, Mich., and Battle Creek Airport, Calhoun County, Mich. Service is restricted to transportation of freight which has either a prior or a subsequent movement by air.

Archie C. Fraser, 10th Floor, Michigan National Tower, Lansing, Mich. 48933, attorney for applicants.

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

[F.R. Doc. 69–13636; Filed, Nov. 14, 1969; 8:49 a.m.]

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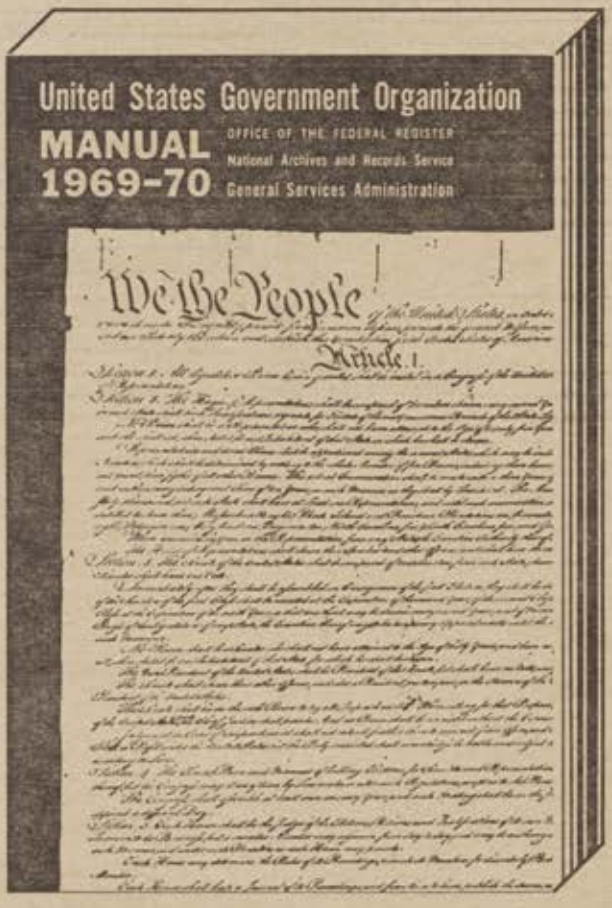

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