

FEDERAL REGISTER

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Pages 17381-17413

Agencies in this issue—

Agricultural Research Service
Atomic Energy Commission
Commodity Credit Corporation
Federal Aviation Administration
Federal Communications Commission
Federal Highway Administration
Federal Power Commission
Federal Reserve System
Federal Trade Commission
General Services Administration
International Commerce Bureau
Interstate Commerce Commission
Narcotics and Dangerous Drugs
Bureau
Public Health Service
Securities and Exchange Commission
Social Security Administration
State Department

Detailed list of Contents appears inside.



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1949-1963

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Reference to this list will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

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Contents

AGRICULTURAL RESEARCH SERVICE

Notices

Japanese and white-fringed beetles, European chafer, and imported fire ant; list of approved laboratories authorized to receive soil samples without certification or permit..... 17393

AGRICULTURE DEPARTMENT

See Agricultural Research Service; Commodity Credit Corporation.

ATOMIC ENERGY COMMISSION

Notices

Carolina Power and Light Co.; hearing..... 17409

COMMERCE DEPARTMENT

See International Commerce Bureau.

COMMODITY CREDIT CORPORATION

Rules and Regulations

Corn, 1969 crop loan and purchase program; correction..... 17385

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Control zone; alteration..... 17385

Proposed Rule Making

Transition areas; designation, alteration, and revocation..... 17391

FEDERAL COMMUNICATIONS COMMISSION

Notices

KCEB Broadcasting Co. et al.; hearing, etc..... 17396

FEDERAL HIGHWAY ADMINISTRATION

Rules and Regulations

Motor vehicle safety standards; new pneumatic tires and tire selection and rims for passenger cars..... 17388

FEDERAL POWER COMMISSION

Rules and Regulations

Reliability and adequacy of electric service; grant of further consideration of order..... 17387

Notices

Hearings, etc.:

El Paso Natural Gas Co..... 17405
 Hunt Oil Co. et al..... 17405
 Licking and Salem, Mo., cities of, and Cities Service Gas Co. 17405
 Michigan Wisconsin Pipe Line Co..... 17405
 Northern Natural Gas Co..... 17406
 Pennzoil United, Inc., et al..... 17403
 Peoples Natural Gas Division of Northern Natural Gas Co. and Great Lakes Gas Transmission Co..... 17406
 Skelly Oil Co. et al..... 17399
 Texas Eastern Transmission Corp..... 17406
 Texas Gas Transmission Corp... 17406
 Transwestern Pipeline Co. and Cities Service Gas Co..... 17407
 Union Producing Co. et al..... 17401

FEDERAL RESERVE SYSTEM

Notices

OTC margin stock; changes in list..... 17407

FEDERAL TRADE COMMISSION

Rules and Regulations

Administrative opinions and rulings:

Disclosure of origin of imported coil parts..... 17386
 Franchise agreement with fair trade price schedule..... 17386
 Labeling of leather gloves partly domestic and partly of foreign origin..... 17386
 Refusal of alternatives in tripartite promotional assistance plan..... 17385
 Savings claims based upon comparison with comparable merchandise..... 17385
 Use of order cards in packages of merchandise or in direct mailing material..... 17386

GENERAL SERVICES ADMINISTRATION

Notices

Procurement; publication of information in Commerce Business Daily..... 17397

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Public Health Service; Social Security Administration.

INTERNATIONAL COMMERCE BUREAU

Notices

Hans Borkmann; denial of export privileges for indefinite period. 17395

INTERSTATE COMMERCE COMMISSION

Notices

Motor carrier temporary authority applications..... 17407

JUSTICE DEPARTMENT

See Narcotics and Dangerous Drugs Bureau.

NARCOTICS AND DANGEROUS DRUGS BUREAU

Proposed Rule Making

Depressant and stimulant drugs; oral argument on exceptions to tentative order placing chlor-diazepoxide and its salts and diazepam under control..... 17390

PUBLIC HEALTH SERVICE

Proposed Rule Making

Metropolitan Houston-Galveston intrastate air quality control region; designation and consultation with authorities..... 17390

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:

Domalite Corp..... 17397
 Fidelity Capital Fund, Inc..... 17398
 Omega Computer Corp..... 17398

SOCIAL SECURITY ADMINISTRATION

Proposed Rule Making

Federal health insurance for the aged; posthospital extended care..... 17380

STATE DEPARTMENT

Rules and Regulations

Payments to and on behalf of participants in International Educational and Cultural Exchange Program; miscellaneous amendments..... 17387

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; Federal Highway Administration.

List of CFR Parts Affected

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

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

7 CFR	18 CFR	22 CFR
1421..... 17385	2..... 17387	61..... 17387
14 CFR	20 CFR	42 CFR
71..... 17385	PROPOSED RULES:	PROPOSED RULES:
PROPOSED RULES:	405..... 17390	81..... 17390
71..... 17391	21 CFR	49 CFR
16 CFR	PROPOSED RULES:	
15 (6 documents)..... 17385, 17386	320..... 17390	371..... 17388

Rules and Regulations

Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1969 Crop Corn Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1969 Crop Corn Loan and Purchase Program

Correction

In F.R. Doc. 69-12325 appearing at page 16423 in the issue of Thursday, October 16, 1969, the following changes should be made:

1. In § 1421.2378(a), the "Deduction (cents per bushel)" entry opposite "Jan. 3-Jan. 30, 1970" now reading "6" should read "7".

2. In § 1421.2381(b), the "Rate per bushel" entry for Warren County, Iowa, now reading "1.08" should read "1.03".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-AL-9]

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

Alteration of Control Zone

On July 29, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 12395) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the effective period of the Aniak, Alaska, control zone.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received concerning the proposed amendment to the designated airspace. One public comment was received from an air taxi operator who objected to the reduction in the aviation weather reporting service. The notice of proposed rule making stated that Aniak weather observations would be available only during the period the flight service station was in operation. The air carrier company serving Aniak will supplement the weather observation program to accommodate their flights operating at Aniak during periods weather observations are

not provided by the FAA. These weather observations will be disseminated by teletype and made available to all interested persons. Also, area weather forecasts for the general Aniak area and pilot weather reports would be available at FSS and weather bureau offices.

The rule will provide for changes in the effective dates and times of the control zone, and therefore operation of the FSS, to provide for weather and other services during the periods of greatest aeronautical activity. During other periods flight services will be provided by the Bethel FSS. In the event of an emergency every effort will be made to resume operation of the Aniak FSS.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., December 11, 1969, as hereinafter set forth.

In § 71.171 (34 F.R. 4557) the Aniak, Alaska, control zone is amended by deleting "RBN, from 0545 to 2145 hours, local time daily" and substituting therefore "RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Alaska Airman's Guide and Chart Supplement."

(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(e))

Issued in Anchorage, Alaska, on October 14, 1969.

LYLE K. BROWN,
Director, Alaska Region.

[F.R. Doc. 69-12812; Filed, Oct. 27, 1969; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Savings Claims Based Upon Comparison With Comparable Merchandise

§ 15.378 Savings claims based upon comparison with comparable merchandise.

(a) A manufacturer of combination color television, radio, and phonograph sets requested an opinion from the Commission in regard to the legality of savings claims based upon the sale of comparable merchandise.

(b) Specifically, the manufacturer wanted an opinion in regard to the legality of the alleged savings claim of \$300. The manufacturer also wanted to know whether he should identify the three specific competitive manufacturers with which the comparison was being

made, or should they be identified merely by referring to them as brand A, B, and C.

(c) In response to the first question the Commission said that because it did not have the facts upon which to base a judgment, it cannot pass upon the legality of the alleged savings claim of \$300. The Commission noted that it has laid down rather definitive guidelines for those who wish to utilize savings claims in their advertising which are based upon the sale of comparable merchandise. The Commission directed the manufacturer's attention to Guide 2 of the Guides Against Deceptive Pricing and noted that advertising meeting the requirements outlined in Guide 2 would not be objected to by the Commission. Commenting further upon this question, the Commission said:

Basically, Guide 2 outlines two fundamental requirements for determining the validity of savings claims based upon the sale of comparable merchandise. First, the other merchandise must be of essentially similar quality in all material respects to the advertiser's product. Second, the advertiser should be reasonably certain that the price advertised as being the price of comparable merchandise does not exceed the price at which such merchandise is being offered by representative retail outlets in the area.

(d) In regard to the second question, the Commission said that it could express no opinion as to whether the manufacturer should identify the three specific competing manufacturers by name or merely identify them by referring to Brand A, B, and C. Its primary concern here, the Commission added, is to make certain that the advertising clearly discloses the basis for the comparison and that the statement is factually true.

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

Issued: October 27, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-12842; Filed, Oct. 27, 1969; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Refusal of Alternatives in Tripartite Promotional Assistance Plan

§ 15.379 Refusal of alternatives in tripartite promotional assistance plan.

(a) The Commission advised the requesting party herein that it would not object if a proposed tripartite promotional assistance plan were to be implemented as described.

(b) The requesting party proposes to enter into agreements with grocery stores for use of the space immediately above store gondolas (oblong fixtures in a row, on the shelves of which products

are displayed for sale). The space is to be used for display fixtures which will hold, back to back, 20" x 24" placards advertising supplier goods.

(c) Smaller stores not possessing space to display these large placards will be given the option of obtaining smaller placards or shelf talkers (small signs suitable for being affixed to shelf edges).

(d) Stores will be reimbursed for use of the space by being given a fixed percentage of the dollar value of purchases of the advertised products from suppliers during a specified period.

(e) Notice to entitled customers and checking of customer performance will be as set forth in the Commission's Advertising Allowances Guides promulgated May 29, 1969. The requesting party will offer to perform seller obligations as provided by Guide 13.

(f) In question was the requesting party's right to refuse an alternate plan to those outlets functionally able to use the larger sign. To this the Commission had no objection.

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

Issued: October 27, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-12843; Filed, Oct. 27, 1969; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Use of Order Cards in Packages of Merchandise or in Direct Mailing Material

§ 15.380 Use of order cards in packages of merchandise or in direct mailing material.

(a) The Commission issued an advisory opinion with respect to the insertion of order cards in packages of merchandise or in direct mailings of advertising material.

(b) The applicant, a distributor of various office supplies and general merchandise proposed to enclose an order card in the packages prepared for shipment of merchandise to customers, suggesting that they place these cards in the Key-Operator's manual. Also occasionally the cards would be included with some direct-mail literature sent to prospective customers.

(c) The Commission expressed the view that it would not initiate action against the applicant were the proposed course of action implemented in the manner described.

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

Issued: October 27, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-12844; Filed, Oct. 27, 1969; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Origin of Imported Ignition Coil Parts

§ 15.381 Disclosure of origin of imported ignition coil parts.

(a) Manufacturers of automotive ignition coils sold as replacement parts were advised it would not be necessary to disclose the Japanese origin of the coil windings used in the production of such products.

(b) In the factual situation involved, the imported coil windings will cost about 84 cents each which represents approximately 45 percent of total production costs. The remaining parts, such as the voltage terminal, insulating tower, etc., and labor will be of domestic origin and will cost about \$1.04, representing approximately 55 percent of total production costs.

(c) Advising that the country of origin disclosure would not be required under these circumstances, the Commission said: "In the absence of any affirmative representation that the automotive ignition coils are made in their entirety in the United States, or any other representation that might mislead purchasers as to the country of origin, the Commission is of the opinion that, under the facts as presented, the failure to mark the origin of the imported coil windings will not be regarded by the Commission as deceptive."

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

Issued: October 27, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-12845; Filed, Oct. 27, 1969; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Franchise Agreement With Fair Trade Price Schedule

§ 15.382 Franchise agreement with fair trade price schedule.

(a) The Commission issued an advisory opinion with respect to a franchise agreement in the recreational equipment industry.

(b) A significant provision of the proposed agreement related to Fair Trade Prices. A Schedule of Fair Trade Prices was to be attached to and made a part of the agreement and the dealer must agree that he will not advertise, offer for sale, or sell any products at less than the fair trade prices, nor make any refunds, discounts, allowances, or concessions which will have the effect of decreasing those prices, nor offer any of the fair traded items in combination with other merchandise at a single, combination or joint price. The agreement further provided that this provision should be applicable only in those States where agreements of this character are lawful.

(c) The Commission advised that in view of the McGuire Act amendment to section 5 of the Federal Trade Commission Act it could see no objection to inclusion of the provision in the agreement as long as the seller does not fix dealer prices outside of fair trade States.

(d) The Commission further advised that, subject to the caveat above stated, it would not initiate action were the proposed course of action implemented in the manner described.

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

Issued: October 27, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-12846; Filed, Oct. 27, 1969; 8:47 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Labeling of Leather Gloves Partly Domestic and Partly of Foreign Origin

§ 15.383 Labeling of leather gloves partly domestic and partly of foreign origin.

(a) The Commission advised a manufacturer of industrial work gloves, which are partly domestic and partly of foreign origin, that it could not use representations which implied that the gloves were entirely of domestic origin. Specifically, permission was requested to use one of the following three representations on the plastic containers of the gloves:

Made from American Split Cowhide

Made from American Split Leather

American Leather Exclusively Used

(b) According to the Commission's understanding of the facts, the company purchases semiprocessed split cowhide leather in America which is shipped to Taiwan where it is further processed, cut, and sewn into industrial work gloves. Foreign production costs represent approximately 37½ percent of the finished gloves, with the remaining 62½ percent representing the cost of the American-made leather. One dozen gloves will be packaged in each plastic container and each pair of gloves will be labeled as having been "Made in Taiwan". However, this label will appear on the inside wrist of the gloves and will not be seen through the plastic container. Moreover, the container will not be opened until the sale has been consummated.

(c) The Commission said that it would not object to the use of the first two representations, provided they were qualified by a disclosure of equal prominence indicating the gloves were made in Taiwan. As qualified, the two representations would read:

Made in Taiwan from American Split
Cowhide

Made in Taiwan from American Split Leather

(d) Without the qualification, the Commission believes that a substantial

number of prospective purchasers would misinterpret the two proposed statements to mean that the gloves were made in America from American-made split cowhide.

(e) Similar qualification would be required to the third proposed representation. In addition, it would also be necessary to qualify the word "leather" because that word standing alone means top grain leather. Since the leather in question is not top grain but split, it would be deceptive to make unqualified use of the word "leather" under these circumstances. Therefore, the Commission concluded that it would not object to the use of the third representation if it were revised to read as follows:

Made in Taiwan—American Split Leather Exclusively Used.

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

Issued: October 27, 1969.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-12847; Filed, Oct. 27, 1969; 8:47 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-362]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Reliability and Adequacy of Electric Service; Order Granting Further Consideration

OCTOBER 21, 1969.

Reliability and adequacy of electric service; reporting of data; participation of regulatory personnel in regional councils; Docket No. R-362.

The Commission has before it various petitions for rehearing or reconsideration of our Order No. 383 issued in the above-entitled proceeding on June 25, 1969 (34 F.R. 11200). East Central Area Reliability Coordination Agreement (ECAR) and Alabama Power Co. filed applications for rehearing on July 25, 1969. The parties to the Virginia-Carolinas Power Pool Agreement (Duke Power Co., Virginia Electric and Power Co., Carolina Power & Light Co., and South Carolina Electric & Gas Co.) filed a petition for reconsideration on July 25, 1969. The Southern California Edison Co. filed a petition for reconsideration and modification of Order No. 383 on July 24, 1969. The South Carolina Electric & Gas Co. filed a petition for reconsideration on September 5, 1969.

These petitioners request the Commission to vacate or suspend Order No. 383 and to provide an opportunity to be heard through the issuance of a notice of proposed rule making. These petitions seem to proceed on the assumption that

the Commission's statement of policy is a mandatory directive to the regional councils to permit participation by the staff of the Federal Power Commission and the State regulatory agencies in the regional council deliberations and to supply such public information as to regional bulk power planning as might be finalized by the Chief of the Commission's Bureau of Power. Such was not the intent of the Commission. Order No. 383 requests voluntary compliance by the regional coordinating groups with the participation and informational reporting provisions contained therein.

In order to provide an opportunity to evaluate the above-mentioned petitions in an orderly manner, the Commission by notice of August 20, 1969, extended until October 9, 1969, the time specified by paragraph (B) of Order No. 383 within which interested parties were invited to submit comments on the proposed informational report. On September 15, 1969, the Commission met with representatives of the National Electric Reliability Council and agreed to the establishment of a task force which will meet with the Commission staff to discuss the informational requirements of the Commission pertaining to reliability and adequacy of power supply.

In order to provide additional time for evaluation of the recommendations of the task force when formulated, the Commission hereby grants further consideration of Order No. 383. The Commission contemplates issuance of a notice of proposed rule making inviting comments by all interested parties before issuing a final order.

The Commission finds: It is necessary and appropriate for the purposes of the Federal Power Act that we grant rehearing for the purposes of further consideration of our Order No. 383 as hereinafter provided.

The Commission orders: The applications for rehearing, reconsideration, or modification by our Order No. 383 are hereby granted for the purpose of adequate consideration of the issues.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-12823; Filed, Oct. 27, 1969; 8:45 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER G—INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE

[Departmental Reg. 108.611]

PART 61—PAYMENTS TO AND ON BEHALF OF PARTICIPANTS IN THE INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

Miscellaneous Amendments

In Part 61, §§ 61.3, 61.4, and 65.1 are amended as set forth below.

1. In § 61.3 the title is changed and paragraph (c) is amended to read as follows:

§ 61.3 Grants to foreign participants to observe, consult, demonstrate special skills, or engage in specialized programs.

(c) *Per diem allowances.* Per diem allowance not to exceed \$30 in lieu of subsistence expenses while participating in the program in the United States, its territories or possessions and while traveling within or between the United States, its territories or possessions: *Provided, however,* That, in accordance with standards and procedures prescribed from time to time by the Assistant Secretary of State for Educational and Cultural Affairs, a per diem allowance of not to exceed \$40 may be established in the case of participants whose status and position require special treatment: *And provided further,* That the Assistant Secretary of State for Educational and Cultural Affairs may in the case of any particular participant authorize a per diem allowance in excess of \$40. The participant shall be considered as remaining in a travel status during the entire period covered by his grant unless otherwise designated.

2. In § 61.4, paragraph (a) is amended to read as follows:

§ 61.4 Grants to foreign participants to lecture, teach, and engage in research.

(a) *Transportation.* Accommodations, as authorized on steamship, airplane, railway, or other means of conveyance. For travel in a privately owned vehicle, reimbursement will be in accordance with the provisions of the Standardized Government Travel Regulations.

3. In § 61.5, paragraphs (a) and (c) are amended to read as follows:

§ 61.5 Grants to foreign participants to study.

(a) *Transportation.* Accommodations, as authorized, on steamship, airplane, railway, or other means of conveyance. For travel in a privately owned vehicle, reimbursement will be in accordance with the provisions of the Standardized Government Travel Regulations.

(c) *Per diem allowance.* (1) Per diem allowance not to exceed \$12 in lieu of subsistence expenses while traveling (i) from point of entry in the United States, its territories or possessions, to orientation centers and while in attendance at such centers, for purposes of orientation, not to exceed 30 days, (ii) to educational institutions of affiliation, and (iii) to point of departure; and while participating in authorized field trips or conferences.

(2) Per diem allowance not to exceed \$8 while present and in attendance at

an educational institution, facility or organization.

For the Secretary of State.

WILLIAM MACOMBER,
Deputy Under Secretary
for Administration.

OCTOBER 15, 1969.

[F.R. Doc. 69-12819; Filed, Oct. 27, 1969;
8:45 a.m.]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER A—MOTOR VEHICLE SAFETY REGULATIONS

[Docket No. 69-32; Notice 1]

PART 371—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standards No. 109, New Pneumatic Tires—Passenger Cars, and No. 110, Tire Selection and Rims—Passenger Cars

On October 5, 1968, the Federal Highway Administration published guidelines in the FEDERAL REGISTER (33 F.R. 14964) by which routine additions could be add-

ed to Appendix A of Standard No. 109 and Appendix A of Standard No. 110. These guidelines provided an abbreviated rule making procedure for adding tire sizes to Standard No. 109 and alternative rim sizes to Standard No. 110, whereby the addition becomes effective 30 days from date of publication in the FEDERAL REGISTER if no objections to the proposed additions are received. If comments objecting to the amendment warrant, rule making pursuant to the rule making procedures for motor vehicle safety standards (49 CFR Part 353) will be followed.

The Rubber Manufacturers Association has petitioned for the addition of the 7-JJ alternative rim size for the G78-15 and the 4½-J alternative rim size for the D78-14 tire size designation to Table I of Appendix A of Standard No. 110. Also, the Rubber Manufacturers Association has petitioned for the addition of the new ER78-14 and ER78-15 tire size designations to Table I-M of Appendix A of Standard No. 109 and the appropriate tests rims to Table I of Appendix A of Standard No. 110.

The NSU Motorenwerke Aktiengesellschaft has petitioned for the addition of the 4½-J alternative rim for the 135R13 tire size designation to Table I of Appendix A of Standard No. 110.

The European Tyre and Rim Technical Organisation has petitioned for the addition of the 5-J alternative rim size for the 165/70 R 13 tire size designation

to Table I of Appendix A of Standard No. 110.

On the basis of the data submitted by the Rubber Manufacturers Association, NSU Motorenwerke Aktiengesellschaft, and the European Tyre and Rim Technical Organisation indicating compliance with the requirements of Federal Motor Vehicle Safety Standards No. 109 and No. 110 and other information submitted in accordance with the procedural guidelines set forth, Table I of Appendix A of Standard No. 109 is being amended and Table I of Appendix A of Standard No. 110 is being amended.

In consideration of the foregoing, § 371.21 of Part 371 Federal Motor Vehicle Safety Standards, Appendix A of Standard No. 109 (33 F.R. 14964) and Appendix A of Standard No. 110 (34 F.R. 11421) are being amended as set forth below effective 30 days from date of publication in the FEDERAL REGISTER.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407); delegation from Secretary of Transportation contained in § 1.4(c) of Part 1, Regulations of the Office of the Secretary (49 CFR 1.4(c)); delegation from Federal Highway Administrator of Oct. 5, 1968 (33 F.R. 14964))

H. M. JACKLIN, JR.,
Acting Director, Motor Vehicle
Safety Performance Service.

OCTOBER 21, 1969.

MOTOR VEHICLE SAFETY STANDARD NO. 109

NEW PNEUMATIC TIRES—PASSENGER CARS

The existing Table I-M is deleted and in its place the following revised Table I-M is inserted:

TABLE I-M

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR "78 SERIES" RADIAL PLY TIRES

Tire size designation ¹	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)										Test rim width (inches)	Minimum size factor (inches)	Section width ² (inches)	
	20	22	24	26	28	30	32	34	36	38				40
BR78-13.....	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4½	30.31	6.75
CR78-14.....	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5	31.67	7.00
DR78-14.....	1,010	1,070	1,130	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5	32.26	7.20
ER78-14.....	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5	32.86	7.40
FR78-14.....	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	33.78	7.85
GR78-14.....	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	34.78	8.30
HR78-14.....	1,300	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	35.77	8.60
JR78-14.....	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	36.47	8.95
KR78-15.....	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.58	7.45
LR78-15.....	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	34.28	7.70
OR78-15.....	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.30	8.15
PR78-15.....	1,300	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.23	8.45
QR78-15.....	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	36.98	8.80
RR78-15.....	1,620	1,690	1,760	1,830	1,900	1,970	2,040	2,100	2,170	2,230	2,290	6½	37.66	9.00

¹ The letter "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash."
² Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

MOTOR VEHICLE SAFETY STANDARD No. 110

TIRE SELECTION AND RIMS—PASSENGER CARS

Delete Table I of Appendix A and insert the following new Table I of Appendix A:

APPENDIX A, TABLE I

ALTERNATIVE RIMS	
Tire size	Rim ¹
4.80-10	3.50D.
6.40-15	4-JJ, 4½-JJ, 4½-K, 4.50E, 5.00E, 5-JJ, 5-K, 5½-JJ.
7.00-15	5-00F, 5-K.
8.25-15	5½-JJ, 6-JJ, 6-K, 6-L.
8.55-15	5½-JJ, 6-JJ, 6-K, 6-L.
8.90-15	6-JJ, 6½-L, 7-L.
9.15-15	5½-JJ.
E50C-16	3½.
F50C-16	3½.
H50C-17	3½.
E60-15	6-JJ, 7-JJ.
F60-15	6½-JJ, 7-JJ.
G60-15	7-JJ.
D70-13	5½-JJ, 5½-K.
E70-14	7-JJ.
F70-14	7-JJ.
G70-14	7-JJ.
G70-15	5½-JJ.
E70-15	7-JJ.
F70-15	8-JJ.
G70-15	7-JJ.
165/70 R 13	4½-JJ, 5-JJ.
175/70 R 13	5-JJ, 5½-JJ.
185/70 R 13	4½-JJ, 5-JJ, 5½-JJ.
155/70 R 14	4-JJ.
175/70 R 15	5-JJ.

See footnotes at end of table.

APPENDIX A, TABLE I—Continued

ALTERNATIVE RIMS	
Tire size	Rim ¹
5.0-15	3.50B, 3.50D, 3½-JJ, 4-JJ, 4.00C.
5.5-15	3.50D, 3½-JJ, 4-JJ, 4½-JJ.
145-10	3.50B.
145-13	3½-JJ, 4½-JJ.
165-13	4½-JJ.
185-15	4½-JJ.
5.20-13	4½-JJ.
5.60-13	3½-JJ, 4-JJ.
6.00-13	4-JJ.
5.60-15	5-K.
135 R 13	4½-JJ.
150 R 13	3½-JJ, 4.00B, 4½-JJ, 5-JJ.
155 R 13	5-JJ.
160 R 13	4.00B, 4½-JJ, 5-JJ, 5½-JJ.
170 R 13	4½-JJ, 5-JJ, 5½-JJ, 6-JJ.
165 R 15	5-K.
155-13/6.15-13	5-JJ.
C78-13	5½-JJ.
B78-14	4½-JJ, 4½-K, 5-JJ, 5-K.
C78-14	4½-JJ, 5-JJ, 5-K, 5½-JJ, 6-JJ.
D78-14	4½-JJ, 5-JJ, 5-K, 5½-JJ, 6-JJ.
E78-14	4½-JJ, 5-JJ, 5-K, 5½-JJ, 5½-K, 6-JJ, 6½-JJ.
F78-14	5-JJ, 5-K, 5½-JJ, 5½-K, 6-JJ, 6-K, 6½-JJ.
G78-14	5-JJ, 5½-JJ, 5½-K, 6-JJ, 6-K, 7-JJ.
H78-14	5½-JJ, 6-JJ, 6-K, 6½-JJ, 6½-K.

APPENDIX A, TABLE I—Continued

ALTERNATIVE RIMS	
Tire size	Rim ¹
J78-14	6-JJ, 6-K, 6½-JJ.
C78-15	4½-JJ, 4½-K, 5-JJ, 5-K.
D78-15	5-JJ, 5-K.
E78-15	4½-K, 5-JJ, 5-K, 5½-JJ, 5½-K, 6-JJ.
F78-15	4½-K, 5-JJ, 5-K, 5½-JJ, 5½-K, 6-JJ.
G78-15	5-JJ, 5-K, 5½-JJ, 5½-K, 6-JJ, 6-K, 6-L, 7-JJ.
H78-15	5½-JJ, 5½-K, 6-JJ, 6-K, 6-L, 6½-K.
J78-15	6-JJ, 6-K, 6-L, 6½-JJ.
L78-15	6-JJ, 6-K, 6-L, 6½-JJ.
BR78-13	4½-JJ.
CR78-14	5-JJ.
DR78-14	5-JJ.
ER78-14	5-JJ.
FR78-14	5½-JJ.
GR78-14	6-JJ.
HR78-14	6-JJ.
JR78-14	6½-JJ.
ER78-15	5½-JJ.
FR78-15	5½-JJ.
GR78-15	6-JJ.
HR78-15	6-JJ.
JR78-15	6½-JJ.
LR78-15	6½-JJ.

¹ Italic designations denote Test Rims.

NOTE: Where JJ rims are specified in the above Table, J and JK rim contours are permissible.

[P.R. Doc. 69-12771; Filed, Oct. 27, 1969; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous
Drugs

[21 CFR Part 320]

DEPRESSANT AND STIMULANT DRUGS

**Chlordiazepoxide and Its Salts and
Diazepam; Notice of Oral Argu-
ment on Exceptions to Tentative
Order Placing These Drugs Under
Control**

In the matter of listing Chlordiazepoxide and its salts and Diazepam as drugs subject to control under the Drug Abuse Control Amendments of 1965:

A tentative order in this matter was published in the FEDERAL REGISTER of May 21, 1969 (34 F.R. 7968). Subsequently, a notice of extension of time to file exceptions was published in the FEDERAL REGISTER of June 21, 1969 (34 F.R. 9717).

Hoffman-LaRoche, Inc., Nutley, N.J., has submitted exceptions to the findings of fact and conclusions of law in the tentative order and has requested the opportunity to present oral argument on its exceptions before the Director of the Bureau of Narcotics and Dangerous Drugs.

Notice is hereby given that oral argument will be heard in this matter on November 5, 1969, at 10 a.m., in the Office of the Director of the Bureau of Narcotics and Dangerous Drugs, 1405 I Street NW., Washington, D.C.

Dated: October 23, 1969.

JOHN E. INGERSOLL,
Director.

[F.R. Doc. 69-12831; Filed, Oct. 27, 1969;
8:40 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 81]

METROPOLITAN HOUSTON-GALVES- TON INTRASTATE AIR QUALITY CONTROL REGION

**Notice of Proposed Designation and
of Consultation With Appropriate
State and Local Authorities**

Pursuant to authority delegated by the Secretary and redelegated to the Commissioner of the National Air Pollution Control Administration (33 F.R. 9909), notice is hereby given of a proposal to designate the Metropolitan Houston-

Galveston Intrastate Air Quality Control Region (Texas) as set forth in the following new § 81.38 which would be added to Part 81 of Title 42, Code of Federal Regulations. It is proposed to make such designation effective upon republication.

Interested persons may submit written data, views, or arguments in triplicate to the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203. All relevant material received not later than 30 days after the publication of this notice will be considered.

Interested authorities of the State of Texas and appropriate local authorities, both within and without the proposed region, who are affected by or interested in the proposed designation, are hereby given notice of an opportunity to consult with representatives of the Secretary concerning such designation. Such consultation will take place at 10 a.m., November 10, 1969, in the Auditorium, Houston Health Department, 1115 North MacGregor Drive, Houston, Tex.

Mr. Doyle J. Borchers is hereby designated as Chairman for the consultation. The Chairman shall fix the time, date, and place of later sessions and may convene, reconvene, recess, and adjourn the sessions as he deems appropriate to expedite the proceedings.

State and local authorities wishing to participate in the consultation should notify the Office of the Commissioner, National Air Pollution Control Administration, Ballston Center Tower II, Room 905, 801 North Randolph Street, Arlington, Va. 22203 of such intention at least 1 week prior to the consultation. A report prepared for the consultation is available upon request to the Office of the Commissioner.

In Part 81 a new § 81.38 is proposed to be added to read as follows:

§ 81.38 Metropolitan Houston-Galveston Intrastate Air Quality Control Region.

The Metropolitan Houston-Galveston Intrastate Air Quality Control Region (Texas) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Texas:	
Brazoria County.	Harris County.
Chambers County.	Liberty County.
Fort Bend County.	Montgomery County.
Galveston County.	Waller County.

This action is proposed under the authority of sections 107(a) and 301(a) of the Clean Air Act, section 2, Public Law

90-148, 81 Stat. 490, 504, 42 U.S.C. 1857c-2(a), 1857g(a).

Dated: October 21, 1969.

JOHN T. MIDDLETON,
Commissioner, National Air
Pollution Control Administration.

[F.R. Doc. 69-12768; Filed, Oct. 27, 1969;
8:45 a.m.]

Social Security Administration

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Posthospital Extended Care

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations (§§ 405.126-405.128) define and describe "skilled nursing services on a continuing basis" for purposes of reimbursement as extended care services.

Prior to the final adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed regulations are to be issued under the authority contained in sections 1102, 1812-1815, 1871, 49 Stat. 647 as amended, 79 Stat. 291-297; 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.

Dated: August 21, 1969.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: October 20, 1969.

ROBERT H. FINCH,
Secretary of Health,
Education, and Welfare.

Subpart A of Part 405 is amended by adding thereto §§ 405.126, 405.127, and 405.128 to read as follows:

Subpart A—Hospital Insurance Benefits

§ 405.126 Posthospital extended care; defined.

Posthospital extended care is that level of care provided after a period of intensive hospital care to a patient who continues to require skilled nursing services (as defined in § 405.127) on a continuing basis (see § 405.128) but who no

longer requires the constant availability of medical services provided by a hospital.

§ 405.127 Posthospital extended care; skilled nursing services.

(a) *Defined.* A skilled nursing service is one which must be furnished by or under direct supervision of licensed nursing personnel to assure the safety of the patient and achieve the medically desired result. Skilled nursing includes:

(1) Observation and assessment of the total needs of the patient;

(2) Planning and management of a treatment plan; and

(3) Rendering direct services to the patient.

(b) *Specific services; services which are skilled.* Based upon the general principles set forth in paragraph (a) of this section skilled nursing services include but are not limited to:

(1) Intravenous or intramuscular injections and intravenous feeding;

(2) Administration of oral medication where immediate change in dosage or medical procedures may be required because of undesirable side effects;

(3) Levine tube and gastrostomy feedings;

(4) Naso-pharyngeal aspiration;

(5) Insertion or replacement of catheters;

(6) Application of dressings involving prescription medications and aseptic techniques;

(7) Treatment of extensive decubiti or other widespread skin disorder;

(8) Heat treatments specifically ordered by a physician as part of active treatment and which require observation by skilled personnel to adequately evaluate the patient's progress;

(9) Initial phases of a regimen involving administration of medical gases;

(10) Restorative nursing procedures which are part of active treatment and require the presence of licensed nurses at the time of performance.

(c) *Evaluation of services as skilled or unskilled.* In evaluating whether services not enumerated in paragraph (b) of this section are skilled or unskilled nursing services, the following principles shall be applied:

(1) The classification of a particular service as either skilled or unskilled is based on the technical or professional training required to effectively perform or supervise the service. For example, a patient, following instructions, can normally take a daily vitamin pill. Consequently, the act of giving the vitamin pill to the patient because he is too senile to take it himself would not be a skilled service. Similarly, State law may require that all institutional patients receive medication only from a licensed nurse. This fact would not make administration of a medication a skilled nursing service if such medication can be prescribed for administration at home without the presence of a skilled nurse.

(2) The importance of a particular service to an individual patient does not necessarily make it a skilled service. For

example, a primary need of a nonambulatory patient may be frequent changes of position in order to avoid development of decubiti. Since changing of position can ordinarily be accomplished by unlicensed personnel, it would not be a skilled service.

(3) The possibility of adverse effects from improper performance of an otherwise unskilled service does not make it a skilled service.

(4) Skilled paramedical services involving specialized training outside the nursing curriculum are not skilled nursing services. For example, physical, occupational, and speech therapy are discrete treatment modalities requiring specialized training for proper performance. A need for one of these therapies would not necessarily indicate a need for skilled nursing care.

(5) Any generally nonskilled service could, because of special medical complications, require skilled performance, supervision, or observation. In such cases, the complications and special services involved must be documented by physician orders and/or nursing notes. For example, the existence of a plaster cast on an extremity would not generally indicate a need for skilled care. However, a preexisting acute skin problem and a need for special traction of the injured extremity might require skilled personnel in order to properly observe for complications and adjust traction accordingly. Such procedures would be undertaken only on specific physician order and would be documented in nursing reports.

(d) *Specific services; supportive or unskilled services.* Supportive services which can be learned and performed by the average nonmedical person (and which are not skilled services in the absence of conditions specified in paragraph (c)(5) of this section) include but are not limited to:

(1) Administration of routine oral medications, eye drops, and ointments;

(2) General maintenance care of colostomy or ileostomy;

(3) Routine services in connection with indwelling bladder catheters;

(4) Changes of dressings in noninfected postoperative or chronic conditions;

(5) Prophylactic and palliative skin care, including bathing and application of creams, or treatment of minor skin problem;

(6) General methods of treating incontinence, including use of diapers and rubber sheets;

(7) General maintenance care in connection with a plaster cast;

(8) Routine care in connection with braces and similar devices;

(9) Use of heat for palliative and comfort purposes;

(10) Administration of medical gases after initial phases of instituting the therapy;

(11) General supervision of exercises which have been taught to the patient;

(12) Assistance in dressing, eating, and going to the toilet.

§ 405.128 Posthospital extended care; "continuing basis."

Skilled nursing services are required on a continuing basis (see § 405.126) when the continuous presence of skilled nursing personnel is warranted. In determining whether the continuous presence of skilled nursing personnel is warranted, the following principles apply:

(a) *Frequency of services.* The frequency of skilled nursing services required, rather than their regularity, is the controlling factor in determining whether the continuous presence of skilled nursing personnel is warranted. For example, a patient may require intravenous injections on a regular basis every second day. If this is the only skilled service required, it would not necessitate the continuous presence of skilled nurses.

(b) *Observation.* Where observation is the principal continuous service provided, there must be imminent likelihood that symptoms will occur that indicate immediate modification of treatment or institution of medical procedures. For example, pending stabilization of the condition, a patient suffering from arteriosclerotic heart disease may require continuous close observation by skilled nurses for signs of decompensation and loss of fluid balance in order to determine whether the digitalis dosage should be changed or other therapeutic measures should be taken.

[F.R. Doc. 69-12833; Filed, Oct. 27, 1969; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 69-SW-65]

TRANSITION AREAS

Proposed Designation, Alteration, and Revocation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to re-describe, alter, revoke, and designate controlled airspace within the State of Louisiana and its coastal waters by designating the Louisiana transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. 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 public 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 Division. 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 Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

There are several small areas of uncontrolled airspace in Louisiana along the Louisiana/Mississippi State line. These areas are surrounded by either Federal airways or transition areas with floors of 1,200 feet above the surface. Because of the increasing traffic volume and the demand for air traffic control services, there is a need to include these areas within the proposed Louisiana transition area. Additionally, there is a need to include a small area south of Patterson, La., primarily to provide controlled airspace for aircraft executing an instrument approach procedure proposed at the Harry P. Williams Memorial Airport, Patterson, La. Inclusion of these areas within the proposed Louisiana

transition area would incur no apparent derogation to VFR operations.

To simplify airspace descriptions, provide continuity of the floors of controlled airspace, and to improve chart legibility, the following airspace actions are proposed:

1. Designate the Louisiana transition area as follows:

LOUISIANA

That airspace extending upward from 1,200 feet above the surface bounded on the west, north, and east by the Louisiana/Texas, Louisiana/Arkansas, and Louisiana/Mississippi State lines and bounded on the south by a line beginning at lat. 30°07'29" N., long. 88°51'00" W. (point of intersection of the Louisiana/Mississippi State line and long. 88°51'00" W.), thence south to lat. 29°55'00" N., long. 88°51'00" W., thence west to lat. 29°55'00" N., long. 89°18'00" W., thence south to lat. 29°41'00" N., long. 89°18'00" W., to lat. 29°33'00" N., long. 89°18'00" W., thence southwest to lat. 29°28'35" N., long. 89°23'50" W., thence southeast along the outer limits of the territorial waters of the United States to the north boundary of Control Area 1236, thence west along the north boundary of Control Area 1236 to lat. 29°13'30" N., long. 89°51'00" W., thence southwest to lat. 28°57'00" N., long. 90°01'00" W., thence west to lat. 28°59'00" N., long. 90°15'00" W., thence northwest to lat. 29°11'00" N., long. 90°25'00" W., thence north to lat. 29°15'00" N., long. 90°25'00" W., thence west to lat. 29°15'00" N., long. 91°05'00" W., thence north to lat. 29°25'00" N., long. 91°05'00" W., thence west to lat. 29°25'00" N., long. 91°27'30" W., thence

northwest to lat. 29°33'00" N., long. 91°35'30" W., thence west via lat. 29°33'00" N. to long. 92°36'00" W., thence north to lat. 29°35'00" N., long. 92°36'00" W., thence west via lat. 29°35'00" N. to and counterclockwise along the arc of a 25-mile radius circle centered at lat. 29°54'40" N., long. 94°02'40" W., to the Louisiana/Texas State line.

2. The 1,200-foot portions of the following transition areas would be revoked:

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

3. The following 1,200-foot transition areas would be amended by adding " * * * excluding the portion within the State of Louisiana" to each present description:

Alexandria, La.	Lake Charles, La.
Beaumont, Tex.	Shreveport, La.
Crossett, Ark.	

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

Issued in Fort Worth, Tex., on October 20, 1969.

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

[F.R. Doc. 69-12813; Filed, Oct. 27, 1969;
8:45 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[P.P.C. 639]

JAPANESE AND WHITE-FRINGED BEETLES, EUROPEAN CHAFER, AND IMPORTED FIRE ANT

List of Approved Laboratories Authorized To Receive Soil Samples Without Certification or Permit

Pursuant to the Japanese Beetle, White-Fringed Beetle, European Chafer, and Imported Fire Ant Quarantines (Notices of Quarantines Nos. 48, 72, 77, and 81; 7 CFR 301.48, 301.72, 301.77, and 301.81), sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the list of approved laboratories (33 F.R. 16530) authorized to receive soil samples of one pound or less without certification or permit from areas regulated under the said notices of quarantines and supplemental regulations pertaining thereto is hereby revised to read as follows:

LABORATORY, ADDRESS

ALABAMA

Agronomy Department, Soil and Water Conservation Research Division, ARS, Auburn University, Auburn.

Auburn University Soil Testing Laboratory, Funchess Hall, Auburn University, Auburn.

Dixie Laboratories, Inc., 155 Beauregard Street, Mobile.

L. R. Johnston Co., Inspection Bureau, 2650 Government Boulevard, Mobile.

F. S. Royster Guano Co., Soil Test Laboratory, 62 Ninth Street, Post Office Box 308, Montgomery.

A. W. Williams Inspection Co., 208 Virginia Street, Mobile.

ARIZONA

Harris Laboratories, Inc., 242 South First Avenue, Phoenix.

Southwest Rangeland Hydrology Research Watershed, Post Office Box 3926, Tucson.

U.S. Water Conservation Laboratory, Route 2, Box 816-A, Tempe.

ARKANSAS

University of Arkansas Experiment Station, Soil Testing Laboratory, Marianna.

CALIFORNIA

Bio Products Research, Dow Chemical Co., 2900 Mitchel Drive, Walnut Creek.

Chevron Chemical Co., Ortho Division, 940 Hensley Street, Richmond.

Del Monte Corp., Organic Chemistry Research, 4204 Hollis Street, Emeryville.

Del Monte Corp., Plant 567, 850 Thornton Street, San Leandro.

Fresno Field Station, 4816 East Shields Avenue, Fresno.

Morze Laboratories, 316 16th Street, Sacramento.

Quality of Water Laboratory, Water Resources Division, U.S. Geological Survey, 345 Middlefield Road, Menlo Park.

Southwestern Irrigation Field Station, Post Office Box 1339, Brawley.

Stauffer Chemical Co., Western Research Center, 1200 South 47th Street, Richmond. U.S. Salinity Laboratory, Post Office Box 672, Riverside.

Western Research Laboratory, Niagara Chemical Division, PMC, Post Office Box 1589, Giant Road and Road 20, Richmond.

COLORADO

Analytical Laboratory, Geologic Division, U.S. Geological Survey, Building 25, Federal Center, Denver.

Branch of Quality of Water Laboratory, Water Resources Division, U.S. Geological Survey, Federal Center, Denver.

Engineering Geology Laboratory, Geologic Division, U.S. Geological Survey, Federal Center, Denver.

Exploration Research Laboratory, Geologic Division, U.S. Geological Survey, Federal Center, Denver.

Hydrologic Laboratory, Water Resources Division, U.S. Geological Survey, Federal Center, Denver.

Nitrogen Laboratory, Post Office Box 758, Fort Collins.

Paleontology and Stratigraphy Laboratory, Geologic Division, U.S. Geological Survey, Federal Center, Denver.

Palynology Laboratory, Geologic Division, U.S. Geological Survey, Federal Center, Denver.

Pesticide Laboratory, Water Resources Division, U.S. Geological Survey, Federal Center, Denver.

USDA Central Great Plains Field Station, Box K, Akron.

CONNECTICUT

Chas. Pfizer & Co., Inc., Eastern Point Road, Groton.

Consolidated Cigar Corp., 131 Oak Street, Glastonbury.

FLORIDA

Agrico Chemical Company, Post Office Box 37, Pierce.

Collier County Soils Laboratory, County Courthouse, Naples.

Dade County Soils Laboratory, Homestead. Escambia County Soils Laboratory, Room 308, County Courthouse, Pensacola.

Flowers Analytical Laboratories, Post Office Box 587, Altamonte Springs.

W. R. Grace & Co., Post Office Box 36, Fort Pierce.

International Minerals & Chemical Corp., Post Office Box 467, Mulberry.

Law Engineering Testing Co., Post Office Box 5738, Jacksonville.

Law Engineering Testing Co., Post Office Box 5742, Orlando.

Law Engineering Testing Co., 4619 West Curtis, Tampa.

Robert G. Miller Laboratory, Post Office Box 3245, Fort Pierce.

Dr. Ralph Miller's Laboratory, 1003 Lake Davis Drive, Orlando.

H. W. Myers and Associates, Post Office Box 681, Sebring.

Peninsular Engineering Testing Co., 1204 Harbor City Boulevard, Eau Gallie.

Plant Science Associates, Inc., Post Office Box 955, Lake Alfred.

Plantation Field Laboratory, 3205 Southwest 70th Avenue, Fort Lauderdale.

Polk County Fertilizer Co., Post Office Box 366, Haines City.

Soil Testing Laboratory, Agricultural Extension Service, Gainesville.

Southern Analytical Laboratory, Inc., 2471 Swan Street, Jacksonville.

Thornton and Co., 1145 East Cass Street, Tampa.

Three Gee Dee, Pembroke. Dr. Wolf's Agricultural Laboratories, 6861 Southwest 45th Street, Fort Lauderdale.

GEORGIA

Agriculture Experiment Station, University of Georgia, Athens.

Agriculture Experiment Station, University of Georgia, Experiment.

Agriculture Experiment Station, University of Georgia, Tifton.

Armour Agricultural Chemical Co., 685 De Kalb Industrial Way, Decatur.

Custom Farm Service, Division of Tennessee Corp., 1149 Central Avenue, East Point.

Department of Agronomy Soil Testing Laboratory, University of Georgia, Athens.

Jay Evans Testing Laboratory, Albany.

Kaiser Agricultural Chemicals, Certified Soil Testing Lab., Lathrop Avenue, Savannah.

Larutan of the South, Inc., Hiram.

Law Engineering Testing Co., Atlanta.

Soil and Water Conservation Research Division, Southern Piedmont Conservation Research Center, Post Office Box 33, Watkinsville.

Soil Conservation Service, U.S. Department of Agriculture, Athens.

State Highway Soil Testing Laboratory, 305 Sixth Street NW, Atlanta.

Tuloma Gas Products Co., Rochelle.

IDAHO

Northwest Hydrology Research Watershed, 306 North Fifth Street, Post Office Box 2724, Boise.

Snake River Conservation Research Center, Route 1, Box 186, Kimberly.

ILLINOIS

Custom Farm Service, Inc., Paxton.

International Minerals & Chemical Corp., Erie.

International Minerals & Chemical Corp., Libertyville.

International Minerals & Chemical Corp., Old Orchard Road, Skokie.

International Minerals & Chemical Corp., Union.

Kalo Inoculant Co., 525 Kentucky, Quincy.

Midwest Soil Testing Service, Box 125, Danforth.

Nuag Soil Testing Laboratory, Rochelle.

Olson Management Service, 68 Monterey Street, Freeport.

Soil and Water Conservation Research Division Laboratory, ARS, S-212 Turner Hall, University of Illinois, Urbana.

Standard Laboratories, Box 128, Goodfield.

INDIANA

Jeffersonville Chemical Service Laboratory, Jeffersonville.

Soil and Water Conservation Research Division Laboratory, ARS, Agricultural Engineering Department, Purdue University, Lafayette.

IOWA

W. R. Grace Laboratory, Atlantic.

Soil and Water Conservation Research Division Laboratory, Agricultural Research Service, Agronomy Building, Iowa State University, Ames.

KANSAS

Soil and Water Conservation Research Division Laboratory, ARS, Agronomy Department, Waters Hall, Kansas State University, Manhattan.

KENTUCKY

Farm Bureau, Henderson.
W. R. Grace & Co., Industrial Drive, Hopkinsville.
W. R. Grace Co., Post Office Box 86, Hickory.
Soil Testing Laboratory, College of Agriculture, University of Kentucky, Lexington.

LOUISIANA

Barrow-Agee Laboratories, Inc., 2514 Bell Street, Shreveport.
Bureau of Public Roads, 3444 Convention Street, Baton Rouge.
Engineers Testing Laboratories, 10601 Airline Highway, Baton Rouge.
Louisiana Polytechnic Institute, Ruston.
Pittsburgh Testing Laboratories, Post Office Box 3128, Baton Rouge.
Shilstone Testing Laboratories, 1968 Neosho Street, Baton Rouge.
Soil and Water Conservation Research Division Laboratory, ARS, Post Office Drawer U, University Station, Baton Rouge.

MAINE

Soil and Water Conservation Research Division Laboratory, ARS, The Maples, University of Maine, Orono.

MARYLAND

Mr. Charles G. Brown, Manager, Froehling & Robertson, Inc., 4449 Belair Road, Baltimore.
Pesticides Investigations, Crops Research Division, Crop Protection Research Branch, Plant Industry Station, Building 050, Beltsville.
U.S. Hydrograph Laboratory, Soil and Water Conservation Research Division, ARS, Plant Industry Station, Beltsville.
Mr. A. S. Rountree, Manager, Froehling & Robertson, Inc., 8250 Ardwick-Ardmore Road, Landover.

MICHIGAN

Prescription Farming, Inc., Eau Claire.
Soil Science Department, Michigan State University, East Lansing.
Upjohn Pharmaceutical Co., 7171 Portage Road, Kalamazoo.

MINNESOTA

Archer-Daniels-Midland Co., Minneapolis.
Minnesota Soil Testing Laboratory, 35 Soil Science Building, St. Paul Campus, University of Minnesota, St. Paul.
North Central Soil Conservation Research Center, Morris.

MISSISSIPPI

Research Institute of Pharmaceutical Sciences, School of Pharmacy, University of Mississippi, University.
Soil and Water Conservation Research Division Laboratory, ARS, Agricultural Experiment Station, Post Office Box 502, State College.
Soil Laboratory, Department of Chemistry, Agricultural Experiment Station, Mississippi State University, Post Office Box 642, State College.
Soil Testing Laboratory, Cooperative Extension Service, Mississippi State University, Post Office Box 1535, State College.
State Highway Department, Jackson.
USDA Sedimentation Laboratory, Box 30, Oxford.

MISSOURI

Nachurs Plant Food Firm Soil Processing Laboratory, Poplar Bluff.
St. Louis Testing Laboratories, Inc., 2810 Clark Avenue, St. Louis.

MONTANA

Northern Plains Soil and Water Research Center, Post Office Box 1109, Sidney.

NEBRASKA

Harris Laboratories, Inc., Lexington.
Soil and Water Conservation Research Division Laboratory, ARS, Agronomy Department, University of Nebraska, Lincoln.
USDA Soil Conservation Service, Soil Survey Laboratory, 1325 N Street, Lincoln.
USDA Soil Mechanic Laboratory, AER, ARS, 800 J Street, Lincoln.

NEW JERSEY

American Cyanamid Co., Quakerbridge Road, Clarksville.
Campbell Soup Co., Branch Pike, Riverton.
Geology Department, Princeton University, Guyot Hall, Princeton.
Hoffmann-LaRoche, Inc., 340 Kingland Avenue, Nutley.
Institute for Exploratory Research, U.S. Army Electronics Command, Attention: AM SEL-XL-S, Fort Monmouth.
Johnson Soil Engineering Laboratory, 225 Grantwood Avenue, Fallsides Park.
Merck & Co., Inc., Merck Chemical Division, Products Development & Services Lab, Rahway.
Charles Pfizer Co., Maywood Avenue, Maywood.
Seabrook Farms, Seabrook.
Shell Chemical Co., Post Office Box 813, Princeton.
Soils Department, Rutgers University, New Brunswick.
U.S. Testing Co., 14-15 Park Avenue, Hoboken.
Joseph S. Ward, Inc., Consulting Engineer, 91 Roseland Avenue, Caldwell.

NEW YORK

Agronomy Department, Cornell University, Ithaca.
Department of Soil Engineering, School of Civil Engineering, Cornell University, Ithaca.
Empire Soils Investigation, Corona Avenue, Groton.
Floricultural Department, Cornell University, Ithaca.
Life Sciences Division, Syracuse University Research Corp., Merrill Lane, University Heights, Syracuse.
Niagara Chemical Division of FMC Corp., 100 Niagara Street, Middleport.
U.S. Plant, Soil and Nutrition Laboratory, Tower Road, Ithaca.

NORTH CAROLINA

Chembac Laboratories, Western Boulevard, Charlotte.
Mr. William M. Campbell, Manager, Froehling & Robertson, Inc., 416 Robeson Street, Post Office Box 3322, Fayetteville.
Mr. W. F. Edwards, Manager, Froehling & Robertson, Inc., 2806 North Graham Street, Post Office Box 2661, Charlotte.
Froehling & Robertson, Inc., 416 McDowell Street, Post Office Box 2058, Asheville.
Mr. Ernest W. Hayes, Manager, Froehling & Robertson, Inc., 4412 Market Street, Post Office Box 3365, Wilmington.
Mr. W. E. Hunsucker, Jr., Manager, Froehling & Robertson, Inc., 2608 South Saunders Street, Post Office Box 2551, Raleigh.
Geology Department, Science Building, Post Office Box 6665, College Station, Duke University, Durham.
Geology Department, Mitchell Hall, University of North Carolina, Chapel Hill.
International Soil Testing Control Center, North Carolina State University, Raleigh.
Law Engineering Testing Co., 4560 Old Pineville Road, Charlotte.
Ezra Meir & Associates, Consulting Engineers, 709 West Johnson Street, Raleigh.
North Carolina Department of Agriculture, Soil Testing Laboratory, Agriculture Building, Raleigh.

North Carolina Department of Geology, Raleigh.

North Carolina Highway and Public Works Commission, Fayetteville.

North Carolina Highway and Public Works Commission, Raleigh.

Pittsburgh Soil Testing Co., 4509 West Market Street, Greensboro.

Soil and Water Conservation Research Division Laboratory, ARS, Post Office Box 5906, Raleigh.

Soil Science Department, North Carolina State University, 352 Williams Hall, Raleigh.

Southern Testing and Research Laboratories, Wilson.

USDA, SCS, Division of Soil Survey Investigation, 387-A Williams Hall, North Carolina State University, Raleigh.

OHIO

Agrico Chemical Co., Division of Continental Oil Co., Washington Court House.
Brookside Research Laboratory, New Knoxville.

Federal Chemical Co., 1210 Bonham Avenue, Columbus.

Growers Chemical Corp., Milan.
H. J. Heinz Co., 540 North Enterprise Street, Bowling Green.

International Mineral & Chemical Corp., Route No. 6, Xenia.

North Appalachian Experimental Watershed, Soil and Water Conservation Research Division, ARS, Coshocton.

H. C. Nutting Co., 4120 Airport Road, Cincinnati.

Ohio Extension Service Soil Testing Laboratory, College of Agriculture, Ohio State University, 1835 Neil Avenue, Columbus.

Ohio Florists Association, 1827 Neil Avenue, Columbus.

Na-Churs Plant Food Co., Leader Street, Marion.

F. S. Royster Guano Co., Post Office Box 6508, Toledo.

O. M. Scott & Sons Seed Co., Marysville.
Soil Builders of America, Route 1, Russia.

Techlab, Inc., 2912 Vernon Place, Cincinnati.

Tri-State Laboratory, 351 West Bancroft, Toledo.

Vistron Corp., Fort Amanda Road, Post Office Box 628, Lima.

Woodville Lime Products, Post Office Box 218, Woodville.

OKLAHOMA

Southern Great Plains Hydrology Research Watershed, Post Office Box 400, Chickasha.

PENNSYLVANIA

Michael Baker, Inc., Rochester.
Robert B. Peters Co., 2833 Pennsylvania Street, Allentown.

PUERTO RICO

Soil and Water Conservation Research Division Laboratory, ARS, Agricultural Experiment Station, University of Puerto Rico, Rio Piedras.

SOUTH CAROLINA

Clemson Soil Testing Laboratory, Clemson University, Clemson.

Coastal Plains Soil and Water Research Center, Post Office Box 271, Florence.

Mr. Madison H. Woodward, Manager, Froehling & Robertson, Inc., 1310 Lowndes Hill Road, Post Office Box 2082, Greenville.

TENNESSEE

Armour Agricultural Chemical Co., 61st Avenue North, Nashville.

Federal Chemical Co., 4800 Centennial Boulevard, Nashville.

University of Tennessee, Agricultural Extension Service, Soil Testing Laboratory, 5201 Marchant Drive, Nashville.

U.S. Testing Co., Inc., Cotton Exchange Building, Memphis.

TEXAS

Agricultural Department, Stephen F. Austin College, Nacogdoches.

Agricultural Service Laboratories, 1206 South Aster, Pharr.

Agronomy Department, Texas A. & M. University, College Station.

Blackland Conservation Experiment Station, Post Office Box 748, Temple.

Citrus, Vegetable, Soil, and Water Laboratory, Post Office Box 267, Weslaco.

Geochemical Surveys, 3806 Cedar Springs Road, Post Office Box 6908, Dallas.

Horvitz Research Laboratories, 8116 West-gton, Houston.

McClelland Engineers, Inc., 6100 Hillcroft, Houston.

Pattison's Laboratories, Inc., 211 East Monroe, Harlingen.

Plains Laboratory, 707 Avenue H, Lubbock.

Shilstone Testing Laboratory, 1205 North Tanguana Street, Corpus Christi.

Shilstone Testing Laboratory, 1714 West Capitol Avenue, Houston.

Soil Testing Laboratory, Wharton County Junior College, Lower Colorado River Authority, Wharton.

Texas Highway Department, Materials and Tests Engineering Division, Austin.

Texas Instruments, Inc., Science Service Division, Post Office Box 5621, Dallas.

Trinity Testing Laboratories, Inc., Corpus Christi.

Tuloma Gas Products Co. Laboratory, Holland.

USDA Southwestern Great Plains Research Center, Brushland.

UTAH

Soil and Water Conservation Research Division Laboratory, ARS, Agricultural Science Building 63, Agronomy Department, Utah State University, Logan.

VIRGINIA

Coenen & Associates Engineers, 696 J. Clyde Morris Boulevard, Newport News.

College of William and Mary, Department of Geology, 108 Bryan Hall, Williamsburg.

Commercial Testing and Engineering Co., 1631 Lindsay Avenue, Norfolk.

Mr. J. L. Davis, Jr., Manager, Froehling & Robertson, Inc., 1111 Boissevain Avenue, Post Office Box 711, Norfolk.

Froehling and Robertson, Inc., 814 West Cary Street, Post Office Box 737, Richmond.

W. R. Grace & Co., Davison Chemical Division, Box 277, South Hill.

Greenlife Products Co., Inc., West Point.

Hampton Roads Testing Laboratories, 2300 Huntington Avenue, Newport News.

Hazleton Laboratories, Inc., 9200 Leesburg Highway, Post Office Box 30, Falls Church.

Herbert-Lucy and Associates, 808B, South Military Highway, Virginia Beach.

McCallum Inspection Co., 1808 Hayward Avenue, Norfolk.

P. S. Royster Guano Co., Room 1004, Royster Building, Norfolk.

Mr. Dewey Sanders, Manager, Froehling & Robertson, Inc., 109 Fifth Street NW., Roanoke.

Smith-Douglass, Box 419, 5100 Virginia Beach Boulevard, Norfolk.

Swift & Co., Agrichem Division, Box 7537, Norfolk.

V-C Chemical Co., North of Atlee Road, between U.S. 95 and U.S. 1, Post Office Box 1136, Richmond.

V-C Chemical Co., Atlee, Va., Post Office Box 631, Ashland.

Virginia Polytechnic Institute, Soil Testing Laboratory, Blacksburg.

Virginia Truck Experiment Station, Post Office Box 2160, Norfolk.

Virginia Truck Experiment Station, East-shore Branch, Painter.

Woodard Research Corp., Post Office Box 405, 12310 Pincrest Road, Herndon.

WASHINGTON

Irrigation Experiment Station, Prosser.

Soil and Water Conservation Research Division Laboratory, ARS, 216 Johnson Hall, Washington State University, Pullman.

WEST VIRGINIA

Commercial Testing and Engineering Co., Piedmont and Broad Streets, Charleston.

WISCONSIN

Wisconsin Soil Testing Laboratory, Soils Building, College of Agriculture, University of Wisconsin, Madison.

(Sec. 9, 37 Stat. 318, sec. 100, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 7 CFR 301.48, 301.72, 301.77, 301.81; 29 P.R. 16210, as amended)

This notice shall become effective upon publication in the FEDERAL REGISTER when it shall supersede P.P.C. 639, effective November 13, 1968.

Supplemental regulations to the Japanese Beetle, White-fringed Beetle, European Chafer, and Imported Fire Ant Quarantines exempt from the certification and permit requirements of such quarantines soil samples that do not weigh more than 1 pound; meet certain origin, destination, and packaging requirements; and are consigned to laboratories which are approved by the Director of the Plant Pest Control Division and operate under compliance agreements. This revision of the notice of laboratories approved by said Director corrects the names and addresses of some previously listed laboratories; deletes previously listed laboratories, and adds additional laboratories to the list.

The Director of the Plant Pest Control Division has determined that the laboratories listed above qualify for approval under said supplemental regulations. Therefore, such laboratories are authorized to receive, without certification or permit, from the respective regulated areas, soil samples that meet the requirements of said supplemental regulations as to weight, origin, destination, and packaging.

With respect to the establishments added to the list of approved laboratories, this revision relieves certain restrictions presently imposed and should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions that are being relieved. The deletion of laboratories from such list imposes certain restrictions that are necessary to prevent the spread of Japanese beetles, white-fringed beetles, European chafers, and imported fire ants and should be made effective promptly to prevent the interstate spread of such dangerous insects. The corrections of the names and addresses of previously listed establishments are nonsubstantive in nature, and notice and other public procedure with respect thereto would serve no useful purpose. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure

with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making the revision effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 22d day of October 1969.

[SEAL]

D. R. SHEPHERD,

Director,

Plant Pest Control Division.

[P.R. Doc. 69-12817; Filed, Oct. 27, 1969; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(68)-12]

HANS BORKMANN

Order Denying Export Privileges for Indefinite Period

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondent all export privileges for an indefinite period because the said respondent, without good cause being shown, failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested. This application was made pursuant to § 388.15 of the Export Control Regulations¹ (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an Indefinite Denial Order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that respondent, Hans Borkmann, Postfach 548, 2 Hamburg 52, Federal Republic of Germany, is engaged in the import-export business in Hamburg, West Germany; that in 1966 and 1967 the respondent participated in a transaction whereby a large quantity of electronic tubes were ordered from the United States, received in West Germany and reexported to Communist China. To ascertain whether knowing violations of the U.S. Export Control Regulations were involved the said Investigations Division is conducting an investigation into the facts concerning the ordering of said tubes, their delivery to West Germany, their reexportation to Communist China, and also with respect to the parties involved in said transactions. It is impracticable to subpoena the respondent, and relevant and material interrogatories relating to his participation in the transactions were served on him pursuant to § 388.15 of the Export Control

¹ Prior to June 1, 1969, this section was designated § 382.15 of the Export Regulations.

Regulations. The respondent also, pursuant to said section, was requested to furnish certain specific documents relating to the disposition of said commodities. Said respondent has failed to furnish responsive answers to said interrogatories or to furnish the documents requested, and he has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period may properly be entered under § 388.15 of the Export Control Regulations and that such an order is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

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

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents, employees, representatives, and partners and to any other person, firm, corporation, or business organization with which the respondent now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent provides responsive answers, written information and documents in response to the interrogatories heretofore served upon him or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Control Regulations.

V. No person, firm, corporation, partnership, or other business organization,

whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent.

VII. In accordance with the provisions of § 388.15 of the Export Control Regulations, the respondent may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on October 28, 1969.

Dated: October 21, 1969.

RAUER H. MEYER,
Director, Office of Export Control.

[P.R. Doc. 69-12832; Filed, Oct. 27, 1969;
8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18695-18700; FCC 69-1122]

KCEB BROADCASTING CO. ET AL.

Order Designating Applications for Oral Argument

In regard applications of: KCEB Broadcasting Co., a limited partnership; Ernest L. Moody and Claude H. Hill, general partners; Elfred Beck, limited partner, Tulsa, Okla. (KCEB), Docket No. 18695, File No. BMPCT-6679; Consolidated Broadcasting Co., Wichita, Kans. (KWIS-TV), Docket No. 18696, File No. BMPCT-6908; Philip Y. Hahn, Jr., Rochester, N.Y. (WPYH), Docket No. 18697, File No. BMPCT-6910; Toledo Telecasting Corp., Toledo, Ohio

(WDKS-TV), Docket No. 18698, File No. BMPCT-6933; The Jackson Television Corp., Jackson, Mich. (WKHM-TV), Docket No. 18699, File No. BMPCT-6941; Romac Baton Rouge Corp., Baton Rouge, La. (WRBT), Docket No. 18700, File No. BMPCT-6947; for extension of construction permits.

1. The Commission has before it for consideration six requests for reinstatement of construction permits, call signs, and applications for extensions of time within which to complete construction of UHF Television Broadcast Stations KCEB, Tulsa, Okla.; KWIS-TV, Wichita, Kans.; WPYH, Rochester, N.Y.; WDKS-TV, Toledo, Ohio; WKHM-TV, Jackson, Mich., and WRBT, Baton Rouge, La.

2. The above-captioned extension applications were dismissed, the construction permits canceled and the call signs deleted by the Chief, Broadcast Bureau, acting pursuant to delegated authority (§ 0.281(z) of the rules) because the applicants had failed to demonstrate that they had exercised due diligence in the prosecution of construction or that construction had been prevented by causes not under their control within the meaning of section 319(b) of the Communications Act of 1934, as amended. However, in accordance with the provisions of the delegation, each applicant was advised that if it desired a hearing on its application, it could request reinstatement within a 30-day period. Subsequently, these applicants filed requests for reinstatement of their construction permits, call signs, and applications for extensions of time within which to complete construction of their respective stations.

3. It is ordered, That the construction permits, call signs, and extension applications of Television Broadcast Stations KCEB, Tulsa, Okla.; KWIS-TV, Wichita, Kans.; WPYH, Rochester, N.Y.; WDKS-TV, Toledo, Ohio; WKHM-TV, Jackson, Mich., and WRBT, Baton Rouge, La., are reinstated.

4. It is further ordered, That the above-captioned applications are designated for oral argument before the Commission en banc in Washington, D.C., at 9 a.m. on November 20, 1969, on the following issue: To determine whether the reasons advanced by the permittee in support of its request for extension of completion date, constitute a showing that failure to complete construction was due to causes not under control of the permittee, or constitute a showing of other matters sufficient to warrant further extension within the meaning of section 319(b) of the Communications Act of 1934, as amended, and § 1.534(a) of the Commission's rules.

5. It is further ordered, That to avail themselves of the opportunity to be heard, each of the applicants, in person, or by attorney, shall, within ten (10) days of the mailing of this order, file with the Commission, an original and nineteen (19) copies of a written appearance stating an intention to appear on the date fixed for the oral argument and present arguments on the issue

specified, and shall have until October 30, 1969, to file briefs or memoranda of law.

Adopted: October 15, 1969.

Released: October 23, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-12835; Filed, Oct. 27, 1969;
8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPR13]

FEDERAL PROCUREMENT

Publication of Procurement Information in Commerce Business Daily

To: Heads of Federal agencies.

1. *Purpose.* This bulletin advises agencies of the development of new policies and procedures designed to improve the dissemination of procurement information by the Commerce Business Daily (CBD), as well as ensure the expeditious forwarding of appropriate material to that publication for release to the public.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. *Background.* The Senate Select Committee on Small Business in its 17th Annual Report requested the Department of Commerce, the Department of Defense, the General Services Administration, and the Small Business Administration to make a study of the overall operations of the CBD to determine how the effectiveness of this publication could be improved. Through the efforts of an interagency study group established for that purpose, representatives of the agencies involved have completed the study and the Department of Commerce has submitted a report thereon to the Senate Select Committee on Small Business. The report contains a number of recommendations which should make the CBD much more useful to its subscribers and at the same time result in savings to the Government through increased competition. The Select Committee has endorsed the recommendations and has indicated a desire for their prompt implementation.

4. *New policies and procedures affecting procurement activities.* The report of the interagency study group contained nine recommendations for improvement in CBD operations. These recommendations, which were outlined in the August 8, 1969, issue of the CBD, included five proposals to be implemented by new FPR procedures. The proposed procedures are as follows:

¹ Commissioner Cox absent.

a. Leadtime for bidding on Government procurements should allow the Commerce Business Daily reader a minimum of 21 days on standard items and 30 days on other than standard items within which to submit a bid. When such leadtime is not feasible and practicable, synopses of proposed procurements should be submitted to CBD for publication as soon as possible, but not later than the date solicitations are sent to firms and individuals on the bidders lists.

b. Procurement activities should be instructed to synopses procurements for personal and professional services when feasible and practicable for reporting in the CBD in the same manner as other procurement items. (Criteria as to the feasibility and practicability for synthesizing such procurements will be governed by agency procedures.)

c. Procurement activities should submit to the CBD, where practicable, synopses of contract awards on the same day that such awards are made.

d. Agencies which procure goods and services in quantity should consider the development of advance planning procurement information programs which would include the publication in the CBD of such information on a more or less regular basis.

e. Periodic inspections and reviews should be conducted by Federal agencies to ensure conformity and compliance with pertinent FPR regulations governing the publication of proposed procurements and contract awards in the CBD.

FPR implementation of the above proposals is now being coordinated with procuring agencies. In the interim, however, agencies may consider the possibility of immediate compliance with the proposed new procedures to the extent presently feasible.

5. *Management actions with respect to current CBD regulations.* Another of the recommendations made by the interagency study group emphasized that particular care should be given to transmitting synopses to the CBD which are complete and in uniform sequence as required by the FPR (Subpart 1-1.10). In this connection, CBD officials have recently brought to our attention the fact that many of the procurement and contract award items they receive do not contain all of the information now required by the FPR. It is extremely important for agencies to ensure that all synopses are submitted for publication in the CBD as promptly as possible and in the exact sequence required by appropriate regulations. Strict conformance with the CBD synopsis program requirements is vitally necessary to sustain the usefulness of this publication to its subscribers, especially small businessmen.

Dated: October 22, 1969.

HART T. MANKIN,
General Counsel.

[F.R. Doc. 69-12841; Filed, Oct. 27, 1969;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24W-2909]

DOMALITE CORP.

Order Permanently Suspending Exemption

OCTOBER 22, 1969.

I. Domalite Corp. (Issuer), 1224 F Street NW., Washington, D.C., a District of Columbia corporation, incorporated on August 7, 1968, with principal offices at 1224 F Street NW., Washington, D.C., filed with the Washington Regional Office of the Commission on February 17, 1969, Form 1-A Notification with exhibits for an offering of 60,000 shares of its common stock (10 cents par value), at \$5 per share for an aggregate offering price of \$300,000, in order to obtain an exemption from the registration requirements of the Securities Act of 1933 pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission, on June 23, 1969, temporarily suspended the Regulation A exemption of Domalite Corp., stating that it has reasonable cause to believe that:

A. The notification and offering circular of Domalite Corp. contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose the background as a professional gambler and the convictions for criminal offenses of Joseph A. Nesline, the president and principal stockholder of the issuer; and

2. The present cost price advantage of the issuer over certain of its competitors, the loss of which may have had an adverse effect on its gross profits.

B. The terms and conditions of Regulation A had not been complied with in that:

1. The issuer failed to disclose in the notification that Joseph A. Nesline was an affiliate of the issuer;

2. The certified financial statements contained in the offering circular were not prepared in accordance with generally accepted accounting principles and practices in that they were certified by a Certified Public Accountant who was not independent;

3. The issuer failed to file copies of provisions of the governing instruments defining the rights of the holders of the issuer's equity securities; and

4. The issuer failed to disclose the aggregate annual remuneration of all officers and directors of the issuer as a group and the annual remuneration of each of the three highest paid officers of the issuer.

C. The offering, if made, would be made in violation of the antifraud provisions of section 17 of the Securities Act of 1933, as amended.

III. No hearing having been requested by the issuer within 30 days after entry by the Commission of an order temporarily suspending the exemption of the issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors to permanently suspend the exemption of the issuer under Regulation A.

It is ordered, Pursuant to Rule 261(b) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 69-12821; Filed, Oct. 27, 1969;
8:45 a.m.]

[812-2613]

FIDELITY CAPITAL FUND, INC.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Securities At Other Than Public Offering Prices

OCTOBER 22, 1969.

Notice is hereby given that Fidelity Capital Fund, Inc. ("Applicant"), c/o Gaston, Snow, Motley and Holt, 82 Devonshire Street, Boston, Mass. 02109, a Massachusetts corporation registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified investment company, has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price in exchange for substantially all the assets of Vernon Kilns, Inc. ("Kilns"). Kilns, a California corporation, is a personal holding company all of whose shares are held by not more than 36 persons, is not making and does not propose to make a public offering and is exempt from registration under the Act by reason of the provisions of section 3(c)(1) thereof. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Pursuant to an agreement between Applicant and Kilns, the assets of Kilns with a value of \$1,246,797 at August 29, 1969 and virtually all of which consist of common stock and debt securities, will be transferred to Applicant in exchange for shares of its capital stock. The number of shares of capital stock of Applicant to be issued is to be determined by dividing the aggregate market value (with certain adjustments as set forth in detail in the application) of the assets of Kilns to be transferred to Applicant by the per share net asset value of Appli-

cant's stock both to be determined as of the "Delivery Date," November 13, 1969. If the valuation under the agreement had taken place on August 29, 1969, Kilns would have received 106,655 shares of Applicant's capital stock.

When received by Kilns, the shares of Applicant, which are registered under the Securities Act of 1933, are to be distributed to the Kilns' stockholders upon the liquidation of Kilns. The application represents that it has been informed that neither Kilns nor the holders of at least 70 percent of its outstanding stock has any present intention of redeeming the shares of the Applicant to be received.

The application states that there is no affiliation between Applicant and Kilns and that the proposed transaction was arrived at by arms-length bargaining.

Section 22(d) of the Act provides that registered investment companies issuing redeemable securities may sell their shares only at the current public offering price as described in the prospectus. The current public offering price of the shares (redeemable) of Applicant as described in Applicant's prospectus is net asset value plus a varying sales charge. Thus, section 22(d) prohibits the proposed sale of Applicant's shares at net asset value without a sales charge.

Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that exemption of the proposed transaction would be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 7, 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 should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to

whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 69-12820; Filed, Oct. 27, 1969;
8:45 a.m.]

[File No. 245F-3412]

OMEGA COMPUTER CORP.

Order Permanently Suspending Exemption

OCTOBER 22, 1969.

I. Omega Computer Corp. (issuer), 2140 West Olympic Boulevard, Los Angeles, Calif., incorporated in Nevada on January 10, 1969, filed in the San Francisco Regional Office on January 31, 1969, a notification and offering circular under Regulation A, the conditional exemption from the registration requirements of the Securities Act of 1933 pursuant to section 3(b) thereof, covering a proposed offering of 30,000 shares of its 10 cents par value common stock at \$10 per share for an aggregate offering price of \$300,000. Dollan & Co., Inc., of Seattle, Wash., was named as underwriter on a best-efforts basis. The offering circular stated that the company proposed to design, develop, and market "systems" for high speed digital computers, with initial orientation to computer systems designed to serve the mutual fund industry.

II. The Commission, on August 6, 1969, temporarily suspended the Regulation A exemption of Omega Computer Corp., stating that it had reasonable cause to believe from information reported to it by the staff that:

A. The notification and offering circular were materially false and misleading by omitting to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, in that:

1. The offering circular failed to disclose a plan or scheme, involving Charles A. Cordial, president and principal security holder of the issuer, Delta Corp. and its controlling persons, David E. Meeks, Leo Paul Murphy, Willis S. Johnson, and James A. Westbrook, and Dollan & Co., Inc., and its president, Robert Goughnour, whereby the issuer would be acquired by Delta Corp.

2. The offering circular failed to disclose that the issuer was in fact controlled by Delta Corp. and David E. Meeks, Leo Paul Murphy, and Willis S. Johnson.

3. The notification failed to disclose that Delta Corp. and its affiliated corporations, including Data Management Systems, and the control persons of Delta Corp., including David E. Meeks, Leo Paul Murphy, Willis S. Johnson, and James A. Westbrook are affiliates of the issuer.

4. The notification failed to disclose the securities to be issued to the issuer's security holders in connection with the issuer's acquisition by Delta Corp.

5. The notification failed to disclose the sale of unregistered securities issued during the past year by Data Management Systems, an affiliate issuer.

B. The offering, if made, would operate as a fraud and deceit upon purchasers in violation of section 17 of the Securities Act of 1933, as amended.

III. No hearing having been requested by the issuer within 30 days after the entry by the Commission of an order temporarily suspending the exemption of the issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors to permanently suspend the exemption of the issuer under Regulation A.

It is ordered, Pursuant to Rule 261(b) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 69-12822; Filed, Oct. 27, 1969; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI70-288, etc.]

SKELLY OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates¹

OCTOBER 16, 1969.

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

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

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

¹ Does not consolidate for hearing or dispose of the several matters herein.

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 3, 1969.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate ¹	
RI70-288	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	45	7	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	\$603	9-19-69	10-20-69	3-20-70	13.92	14.50	14.50
.....do.....	.....do.....	58	8	.....do.....	81	9-19-69	10-20-69	3-20-70	13.20	16.50	16.50
.....do.....	.....do.....	60	9	El Paso Natural Gas Co. (Lewelland Plant, Cochran County, Tex.) (RR. District 8A) (Permian Basin Area).	1,639	9-19-69	10-20-69	3-20-70	14.21	16.50	16.50
.....do.....	.....do.....	72	9	El Paso Natural Gas Co. (East Vealmoor Plant, Howard County, Tex.) (RR. District No. 8) (Permian Basin Area).	24,514	9-19-69	10-20-69	3-20-70	14.94	16.50	16.50
.....do.....	.....do.....	74	6	El Paso Natural Gas Co. (Denton Plant, Lea County, N. Mex.) (Permian Basin Area).	302	9-19-69	10-20-69	3-20-70	14.51	16.50	16.50
.....do.....	.....do.....	60	10	El Paso Natural Gas Co. (Justis Field, Lea County, N. Mex.) (Permian Basin Area).	578	9-19-69	10-20-69	3-20-70	14.53	16.50	16.50
.....do.....	.....do.....	77	10	El Paso Natural Gas Co. (Spraberry Field, Midland County, Tex.) (RR. District No. 8) (Permian Basin Area).	1,718	9-19-69	10-20-69	3-20-70	14.50	16.50	16.50
.....do.....	.....do.....	159	4	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (RR. District No. 8) (Permian Basin Area).	40,308	9-19-69	10-20-69	3-20-70	14.39	16.50	16.50
.....do.....	.....do.....	162	5	Northern Natural Gas Co. (Eunice No. 1 Plant, Lea County, N. Mex.) (Permian Basin Area).	364,999	9-19-69	10-20-69	3-20-70	13.2048	15.75	15.75
.....do.....	.....do.....	200	5	El Paso Natural Gas Co. (Gomez Field, Pecos County, Tex.) (RR. District No. 8) (Permian Basin Area).	38,256	9-19-69	10-20-69	3-20-70	15.91	17.50	17.50
.....do.....	.....do.....	205	4	El Paso Natural Gas Co. (Custer Mountain Unit, Lea County, N. Mex.) (Permian Basin Area).	732	9-19-69	10-20-69	3-20-70	16.58	18.0	18.0
.....do.....	.....do.....	142	1	Cities Service Gas Co. (Eureka Field, Grant County, Okla.) (Oklahoma "Other" Area).	184	9-23-69	10-24-69	3-24-70	12.0	14.0	14.0
.....do.....	.....do.....	198	1	Natural Gas Pipeline Co. of America (Fields Unit, Dewey County, Okla.) (Oklahoma "Other" Area).	975	9-23-69	10-24-69	3-24-70	15.0	17.0	17.0
.....do.....	.....do.....	150	5	South Texas Natural Gas Gathering Co. (Glen Martin Field, Webb County, Tex.) (RR. District No. 4).	5,019	9-25-69	12-1-69	5-1-70	15.0	17.0	17.0
.....do.....	.....do.....	176	2	Natural Gas Pipeline Co. of America (Los Mogotes Field, Zapata County, Tex.) (RR. District No. 4).	499	9-25-69	10-26-69	3-26-70	16.0	17.0	17.0
.....do.....	.....do.....	222	1	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Alte Hunde Field, Zapata County, Tex.) (RR. District No. 4).	2,309	9-25-69	11-1-69	4-1-70	16.0	17.0	17.0

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI70-288	Skelly Oil Co.—Continued	12	11	Natural Gas Pipeline Co. of America (East Bay City Field, Matagorda County, Tex.) (RR. District No. 3).	\$57,763	9-25-69	10-26-69	3-26-70	15.4	18.2	
	do	227	1	Cities Service Gas Co. (Bishop Area, Roger Mills County, Okla.) (Oklahoma "Other" Area).	34	9-23-69	10-24-69	3-24-70	15.0	17.0	
RI70-289	Skelly Oil Co. (Operator) et al.	78	18	El Paso Natural Gas Co. (Galust and Eumont Fields, Lea County, N. Mex.) (Permian Basin Area).	29,433	9-19-69	10-20-69	3-20-70	13.91	16.50	
	do	187	7	El Paso Natural Gas Co. (West Jal Field, Lea County, N. Mex.) (Permian Basin Area).	8,837	9-19-69	10-20-69	3-20-70	16.38	17.50	
	do	233	14	El Paso Natural Gas Co. (East Vealmoor Plant, Howard County, Tex.) (RR. District No. 8) (Permian Basin Area).	114,228	9-19-69	10-20-69	3-20-70	14.94	16.50	
RI70-290	Tenneco, Inc., Post Office Box 2109, Denver, Colo. 80291.	346	3	El Paso Natural Gas Co. (Tochito Dome Field, San Juan County, N. Mex.) (San Juan Basin Area).	3,300	9-19-69	10-20-69	3-20-70	15.0	16.0	RI67-441.
	do	58	5	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Hagist Ranch Field, Duval County, Tex.) (RR. District No. 4).	330	9-25-69	11-1-69	4-1-70	15.6	16.0	RI69-333.
	do	154	5	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (LaCoyita Field, Starr County, Tex.) (RR. District No. 4).	1,400	9-25-69	11-1-69	4-1-70	15.6	16.0	RI69-333.
	do	150	5	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Piedre Lumbré Field, Duval County, Tex.) (RR. District No. 4).	3,200	9-25-69	11-1-69	4-1-70	15.6	16.0	RI69-333.
RI70-291	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	405	4	El Paso Natural Gas Co. (Tochito Dome Field, San Juan County, N. Mex.) (San Juan Basin Area).	7,470	9-22-69	10-31-69	3-31-70	15.0	16.0	RI69-324.
	do	635	4	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).	639	9-22-69	10-23-69	3-23-70	13.0	14.2678	
RI70-292	Sohio Petroleum Co. (Operator) et al., 970 First National Annex, Oklahoma City, Okla. 73102.	97	13	El Paso Natural Gas Co. (Bakke Field, Andrews County, Tex.) (RR. District No. 8) (Permian Basin Area).	1,287	9-19-69	10-20-69	3-20-70	15.2025	16.2160	RI69-089.
	do	138	9	Natural Gas Pipeline Co. of America (Northeast Thompsonville Field, Webb County, Tex.) (RR. District No. 4).	94,000	9-19-69	10-19-69	3-19-70	15.0	18.0	
RI70-293	Phillips Petroleum Co., Bartlesville, Okla. 74003.	365	2	Cities Service Gas Co. (Chimney Creek Area, Woodward County, Okla.) (Panhandle Area).	850	9-22-69	10-23-69	3-23-70	17.0	18.0	RI65-146.
	do	366	2	Cities Service Gas Co. (Southeast Woodward Field, Woodward County, Okla.) (Panhandle Area).	690	9-22-69	10-23-69	3-23-70	17.0	18.0	RI65-146.
RI70-294	Aylward Drilling Co. (Operator) et al., 909 First National Bank Bldg., Wichita, Kans. 67202.	2	7	Cities Service Gas Co. (Barber County, Kans.).	5,490	9-24-69	12-23-69	5-23-70	14.0	15.0	RI65-472.
	do	3	8	Cities Service Gas Co. (Stumph Field, Barber County, Kans.).	120	9-24-69	12-23-69	5-23-70	14.0	15.0	RI65-462.
RI70-295	B. J. Brown, 701 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	3	5	Arkansas Louisiana Gas Co. (Northeast Spiro Field, LeFlore County, Okla.) (Oklahoma "Other" Area).	7,308	9-24-69	10-25-69	3-25-70	15.0	16.015	
RI70-296	PetroDynamics, Inc. (Operator) et al., Post Office Box 43008, Amarillo, Tex. 79108.	3	1	Panhandle Eastern Pipe Line Co. (Mocane-Laverne Gas Area, Beaver County, Okla.) (Panhandle Area).	898	9-25-69	10-26-69	3-26-70	17.0	18.0	
	do	4	1	do	564	9-25-69	10-26-69	3-26-70	17.0	18.0	
	do	5	3	Michigan Wisconsin Pipe Line Co. (Mocane-Laverne Gas Area, Beaver County, Okla.) (Panhandle Area).	204	9-26-69	10-27-69	3-27-70	18.146	20.648	
	do	9	12	do	306	9-25-69	10-26-69	3-26-70	18.145	20.645	
	do	10	4	Northern Natural Gas Co. (Mocane-Laverne Gas Area, Beaver County, Okla.) (Panhandle Area).	1,087	9-26-69	10-27-69	3-27-70	18.94	21.72	
	do	14	2	Northern Natural Gas Co. (Panhandle Field, Hansford County, Tex.) (RR. District No. 19).	3,349	9-26-69	10-27-69	3-27-70	17.0	18.0	
	do	15	5	Cities Service Gas Co. (Yellowstone Field, Woods County, Okla.) (Oklahoma "Other" Area).	3,591	9-26-69	10-27-69	3-27-70	14.0	15.0	
RI70-297	PetroDynamics, Inc.	7	2	Panhandle Eastern Pipe Line Co. (Mocane-Laverne Gas Area, Beaver County, Okla.) (Panhandle Area).	10,673	9-25-69	10-26-69	3-26-70	19.60	22.48	
RI70-298	Ozark Mahoning Co., Suite 203, 415 West Eighth Ave., Amarillo, Tex. 79101.	2	5	Northern Natural Gas Co. (Beaver County, Okla.) (Panhandle Area).	893	9-22-69	10-23-69	3-23-70	19.516	21.912	
	do	3	4	Panhandle Eastern Pipe Line Co. (Beaver County, Okla.) (Panhandle Area).	668	9-22-69	10-23-69	3-23-70	19.448	21.736	
	do	4	3	do	761	9-22-69	10-23-69	3-23-70	19.839	22.173	
	do	5	2	Natural Gas Pipeline Co. of America (Beaver County, Okla.) (Panhandle Area).	1,524	9-22-69	10-23-69	3-23-70	17.0	18.5	
	do	7	1	Panhandle Eastern Pipe Line Co. (Panhandle Area).	1,261	9-22-69	11-1-69	4-1-70	17.0	18.0	
	do	8	1	Northern Natural Gas Co. (Beaver County, Okla.) (Panhandle Area).	226	9-22-69	10-23-69	3-23-70	17.0	18.0	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-298	Onark Mahoning Co.—Con.	1	4	Colorado Interstate Gas Co. (Beaver County, Okla.) (Panhhandle Area).	\$733	9-22-69	10-23-69	3-23-70	17.392	18.479	RI95-391.
	do	11	3	Michigan Wisconsin Pipe Line Co. (Woodward Area, Major County, Okla.) (Oklahoma "Other" Area).	7,618	9-22-69	10-23-69	3-23-70	15.35	17.35	
RI70-299	Mull Drilling Co., Inc. (Operator) et al., 1625 Wichita Plaza Bldg., Wichita, Kans. 67202.	3	3	Cities Service Gas Co. (Aotna Field, Barber County, Kans.).	690	9-25-69	12-23-69	5-23-70	14.0	15.0	RI67-278.
	do	4	3	do	470	9-25-69	12-23-69	5-23-70	14.0	15.0	RI67-278.
RI70-300	J. A. Mill, Jr. (Operator) et al., 1625 Wichita Plaza Bldg., Wichita, Kans. 67202.	1	3	Cities Service Gas Co. (Palmer Field, Barber County, Kans.).	590	9-25-69	12-23-69	5-23-70	14.0	15.0	RI67-279.
	do	2	5	do	500	9-25-69	12-23-69	5-23-70	14.0	15.0	
RI70-301	Westmore Drilling Co. (Operator) et al., Post Office Box 296, Medicine Lodge, Kans. 67104.	5	6	Cities Service Gas Co. (Southwest Medicine Lodge Field, Beaver County, Kans.).	180	9-25-69	12-23-69	5-23-70	14.0	15.0	RI68-713.

¹ The stated effective date is the effective date requested by Respondent.

² Increase from applicable area ceiling rate to fractured rate.

³ Pressure base is 14.65 p.s.i.a.

⁴ Contract rate for 5-year period commencing Aug. 1, 1969, is 17.5 cents per Mcf.

⁵ Contract rate for 5-year period commencing Aug. 1, 1969, is 19 cents per Mcf.

⁶ Contract rate for 5-year period commencing Aug. 1, 1969, is 18 cents per Mcf.

⁷ Contract rate for 5-year period commencing Aug. 1, 1969, is 19 cents per Mcf.

⁸ Increase from applicable area ceiling rate to contract rate.

⁹ Two-step periodic rate increase.

¹⁰ Subject to a downward B.T.U. adjustment.

¹¹ Respondent filing from initial certificated rate to initial contract rate.

¹² Contractual effective date.

¹³ Periodic rate increase.

¹⁴ Initial "In-Line" rate.

¹⁵ Initial rate.

¹⁶ Filing did not reflect 0.1478-cent tax reimbursement filed for and included in the

presently effective rate being collected subject to refund in Docket No. G-6238.

¹⁷ Contract rate for 5-year period commencing Aug. 1, 1969, is 17.50 cents per Mcf.

¹⁸ Contract rate for 5-year period commencing Jan. 1, 1968, is 18 cents per Mcf.

¹⁹ Pressure base is 15.925 p.s.i.a.

²⁰ Includes partial reimbursement for the full 2.55 percent New Mexico Emergency

School Tax.

²¹ Respondent has not applied for contractually due 1-cent minimum guarantee

for liquids.

²² The stated effective date is the first day after expiration of the statutory notice.

²³ "Fractured" rate increase. Contractually due 20.0874 cents (18.5-cent base plus

1.284-cent tax reimbursement plus 0.25 cent dehydration).

Texaco, Inc. (Texaco), request that Supplement No. 3 to its FPC Gas Rate Schedule No. 346 be permitted to become effective as of October 10, 1969. B. J. Brown (Brown) requests a retroactive effective date of May 1, 1969, for his proposed rate increase. Sohio Petroleum Co. (Operator) et al. (Sohio), request an effective date of October 1, 1969, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Texaco, Brown, and Sohio's rate filings and such requests are denied.

Supplement No. 4 to Pan American Petroleum Corp.'s (Pan American) FPC Gas Rate Schedule No. 535 reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. The buyer, El Paso Natural Gas Co. (El Paso) in accordance with its policy of protesting tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to this rate increase. El Paso questions the right of the producers under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico Legislature effected a higher rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, the hearing provided herein for Pan American shall concern itself with the contractual basis for such rate filing, as well as the statutory lawfulness of the proposed increased rate and charge.

Pan American did not include in Supplement No. 4 to its FPC Gas Rate Schedule No. 535 the contractually due 1-cent minimum guarantee for liquids. Pan American is advised that a notice of change in rate will be required in the future if it intends to collect the 1-cent per Mcf minimum guarantee for liquids.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56), with the exception of the rate increases filed by the producers in the Permian Basin Area which exceed the just and reasonable rates established by the Commission in Opinion No. 468, as amended, and should be suspended for 5 months as ordered herein.

[F.R. Doc. 69-12715; Filed, Oct. 27, 1969; 8:45 a.m.]

[Docket No. RI70-305 etc.]

UNION PRODUCING CO. ET AL.

Order Accepting Contract Amendments, Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund¹

OCTOBER 17, 1969.

The Respondents named herein have filed proposed changes in rates and

¹ Does not consolidate for hearing or disposition of the several matters herein.

²⁴ Includes 1-cent service charge for gathering and dehydrating gas paid by buyer to seller.

²⁵ Corrected by filing submitted on Sept. 24, 1969.

²⁶ Includes 1.146 cents upward B.T.U. adjustment (1,146 B.T.U. gas), Base rate subject to upward and downward B.T.U. adjustment.

²⁷ Includes 1.145 cents upward B.T.U. adjustment. Base rate subject to upward and downward B.T.U. adjustment.

²⁸ Includes base price of 17 cents plus 1.94 cents upward B.T.U. adjustment (1,114 B.T.U. gas) before increase and base price of 19.5 cents plus 2.22 cents upward B.T.U. adjustment after increase. Base price subject to upward and downward B.T.U. adjustment.

²⁹ Includes base rate of 17 cents plus 2.60 cents upward B.T.U. adjustment (1,153 B.T.U. gas) before increase and base price of 19.5 cents plus 2.98 cents upward B.T.U. adjustment after increase. Base rates subject to upward and downward B.T.U. adjustment.

³⁰ "Fractured" rate increase. Respondent contractually due periodic increase to 22 cents per Mcf base rate.

³¹ Includes base rate of 17 cents plus upward B.T.U. adjustment before increase and 19 cents plus upward B.T.U. adjustment after increase.

³² Base rate subject to upward and downward B.T.U. adjustment.

³³ Includes base rate of 16 cents plus upward B.T.U. adjustment before increase and 17 cents plus upward B.T.U. adjustment after increase.

³⁴ "Fractured" rate increase. Respondent contractually due base rate of 19.6 cents

per Mcf.

³⁵ Include 0.35-cent upward B.T.U. adjustment.

charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

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

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents

shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agree-

ments and undertakings shall be deemed to have been accepted.³

(C) Until otherwise ordered by the Commission, neither the suspended sus-

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.

plements, 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 3, 1969.

By the Commission.

[SEAL]

KENNETH F. PLUMBS,
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
R170-305	Union Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	97	21	United Gas Pipe Line Co. (Monroe Field, Moorehouse, Union and/or Ouichita Parishes, La.) (North Louisiana Area).	\$7,125	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	98	15	do	825	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	99	17	do	172	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	100	16	do	1,448	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	101	15	do	645	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	102	15	do	626	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	103	16	do	1,155	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	104	15	do	49	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	105	15	do	690	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	106	15	do	915	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	107	15	do	105	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	108	16	do	1,125	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	109	18	do	0	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	110	16	do	6,878	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	111	19	do	11,662	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	112	15	do	60	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	113	17	do	63,160	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	114	15	do	2,100	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	115	20	do	5,025	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	117	16	do	600	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	118	15	do	1,035	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	119	15	do	742	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	120	15	do	772	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	122	15	do	760	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	123	16	do	1,012	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	124	15	do	814	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	125	16	do	848	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	126	15	do	428	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	127	16	do	728	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	128	16	do	1,421	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	129	15	do	1,459	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	130	16	do	390	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	131	18	do	278	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	132	16	do	443	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	133	15	do	480	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	134	16	do	2,126	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	135	15	do	1,193	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	137	15	do	0	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	138	17	do	405	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	139	17	do	1,088	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	140	16	do	0	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	141	17	do	269	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	142	16	do	229	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	143	15	do	1,840	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	144	16	do	1,298	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	145	15	do	169	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	146	15	do	806	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	147	16	do	3,724	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	148	15	do	585	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	149	16	do	0	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	150	16	do	0	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	151	15	do	83	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	152	16	do	0	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	153	15	do	0	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	154	15	do	191	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	155	15	do	1,058	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	156	15	do	150	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	157	16	do	2,498	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	158	17	do	420	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	159	17	do	188	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	160	16	do	1,211	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	161	16	do	432	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	162	16	do	1,155	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	164	17	do	120	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	165	19	do	1,826	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	166	17	do	0	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	167	15	do	604	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	168	16	do	799	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	169	15	do	195	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	170	15	do	268	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	171	15	do	3,262	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	172	15	do	698	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	173	16	do	1,226	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.
	do	174	15	do	240	9-19-69	* 10-20-69	* 10-21-69	* 12.0	** 15.75	R169-333.

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until--	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
R170-305	Union Producing Co.—Con.	175	17	United Gas Pipe Line Co.—Con.	\$1,534	9-10-69	10-20-69	10-21-69	12.0	15.75	R169-333
	do.	176	19	do.	5,008	9-19-69	10-20-69	10-21-69	12.0	15.75	R169-333
	do.	177	10	do.	330	9-19-69	10-20-69	10-21-69	12.0	15.75	R169-333
	do.	178	15	do.	502	9-19-69	10-20-69	10-21-69	12.0	15.75	R169-333
	do.	179	15	do.	401	9-19-69	10-20-69	10-21-69	12.0	15.75	R169-333
	do.	180	16	do.	478	9-19-69	10-20-69	10-21-69	12.0	15.75	R169-333
	do.	182	17	do.	2,895	9-19-69	10-20-69	10-21-69	11.0	15.75	R169-333
	do.	183	15	do.	1,222	9-19-69	10-20-69	10-21-69	12.0	15.75	R169-333
	do.	184	15	do.	548	9-19-69	10-20-69	10-21-69	12.0	15.75	R169-333
	do.	185	15	do.	1,298	9-19-69	10-20-69	10-21-69	12.0	15.75	R169-333
	do.	186	15	do.	2,216	9-19-69	10-20-69	10-21-69	12.0	15.75	R169-333
	do.	187	16	do.	4,252	9-19-69	10-20-69	10-21-69	12.0	15.75	R169-333
	do.	188	16	do.	1,658	9-19-69	10-20-69	10-21-69	12.0	15.75	R169-333
	do.	189	15	do.	240	9-19-69	10-20-69	10-21-69	12.0	15.75	R169-333
	do.	190	18	do.	21,909	9-19-69	10-20-69	10-21-69	12.0	15.75	R169-333
	do.	253	13	do.	1,065	9-19-69	10-20-69	10-21-69	12.0	15.75	R169-333
	do.	256	12	do.	849	9-19-69	10-20-69	10-21-69	12.0	15.75	R169-333
	do.	257	13	do.	1,238	9-19-69	10-20-69	10-21-69	12.0	15.75	R169-333
R170-306	Union Producing Co. (Operator) et al.	181	16	do.	941	9-19-69	10-20-69	10-21-69	12.0	15.75	R169-331

* The stated effective date is the first day after expiration of the statutory notice.
 † The suspension period is limited to 1 day.
 ‡ Renegotiated rate increase.

* Pressure base is 15,025 p.s.i.a.
 † Includes 1-cent tax reimbursement.
 ‡ Seller and buyer are wholly owned subsidiaries of Pennzoil United, Inc.

Union Producing Co. and Union Producing Co. (Operator) et al. (both referred to herein as Union), have submitted 93 proposed renegotiated rate increases from 12 cents to 15.75 cents per Mcf for on system sales to their affiliate, United Gas Pipe Line Co. (United). Both Union and United are wholly owned subsidiaries of Pennzoil United, Inc. The sales involved are from the Monroe Field, Moorehouse, Union and Outchita Parishes, La. (North Louisiana Area).

The announced area increased rate ceiling under the Commission's statement of general policy No. 61-1 is 14 cents per Mcf, exclusive of tax reimbursement. The Commission has, however, accepted increased rates in this area even where the proposed base rate exceeded 14 cents but the total rate did not exceed 15.75 cents under the so-called total rate concept based on 14 cents plus 1.75-cent tax reimbursement. Although the proposed rates do not exceed the 15.75 cents per Mcf level we believe that they should be suspended for 1 day from October 20, 1969, since they involve sales to an affiliate.

Concurrently with the above notices of change, Union submitted for each rate schedule a related contract amendment dated September 1, 1969, which provides for the proposed 15.75-cent rate. The amendment also cancels the tax reimbursement provisions of the contract. The proposed contract amendments to Union's FPC Gas Rate Schedules are set forth in Appendix B hereof. We believe that it would be in the public interest to accept for filing Union's contract amendments to become effective as of October 20, 1969, the expiration date of the statutory notice, but not the proposed rate contained therein which are suspended as ordered herein.

APPENDIX B

Designation of Contract Amendment dated September 1, 1969.

Filing date: September 19, 1969.

Effective date: October 20, 1969.

Rate Schedule Designation: Union Producing Co.

Rate schedule No.	Supplement No.	Rate schedule No.	Supplement No.
97	20	105	14
98	14	106	14
99	16	107	14
100	15	108	15
101	14	109	17
102	14	110	15
103	15	111	18
104	14	112	14

Rate schedule No.	Supplement No.	Rate schedule No.	Supplement No.
113	16	155	14
114	14	156	14
115	19	157	15
117	15	158	16
118	14	159	16
119	14	160	15
120	14	161	15
122	14	162	15
123	15	164	16
124	14	165	18
125	15	166	16
126	14	167	14
127	15	168	15
128	15	169	14
129	14	170	14
130	15	171	14
131	17	172	14
132	15	173	15
133	14	174	14
134	15	175	16
135	14	176	18
137	14	177	15
138	16	178	14
139	16	179	14
140	15	180	15
141	16	181 ¹	15
142	15	182	16
143	14	183	14
144	15	184	14
145	14	185	15
146	14	186	14
147	15	187	15
148	14	188	15
149	15	189	14
150	15	190	17
151	14	255	12
152	15	256	11
153	14	257	12
154	14		

¹(Operator) et al.

[F.R. Doc. 69-12716; Filed, Oct. 27, 1969; 8:45 a.m.]

[Docket No. G-7004, etc.]

PENNZOIL UNITED, INC., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates¹

OCTOBER 20, 1969.

Take notice that each of the Applicants listed herein has filed an application or

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 14, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56 of the Commission's General Policy and Interpretations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased

rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed for filing protests or petitions to intervene, the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

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

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pro- sure base
G-704 D 10-6-69	Petroleum United, Inc., Post Office Box 1588, Parkersburg, W. Va. 26101 (partial abandonment)	Consolidated Gas Supply Corp., Spencer District, Boone County, W. Va.	(*)	
C179-466 D 10-6-69	Gulf Oil Corp. (Operator) et al., Post Office Box 1588, Tulsa, Okla. 74102 (partial abandonment)	Cities Service Gas Co., Northwest Lovelock Field, Harper County, Okla.	(*)	
C179-1574 D 10-7-69	Dwight L. McKeever, 120 Glenview Rd., New Kensington, Pa. 15066 (partial abandonment)	The Manufacturers Light & Heat Co., Loyal Hanna Township, Westmoreland County, Pa.	Unconventional	
C179-837 D 10-1-69	Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001	Texas Eastern Transmission Corp., South Cotterwood Creek Field, DeWitt County, Tex.	Assigned	
C179-1148 C 10-7-69	Appalachian Exploration & Development, Inc., Post Office Box 1473, Charleston, W. Va. 25323	United Fuel Gas Co., Peck District, Kanawha County, W. Va.	28.0	15.325
C179-1371 (C179-388) E 8-7-69	Suburban Propane Gas Corp. (successor to Shell Oil Co.), Post Office Box 398, Whippany, N. J. 07981	Northern Natural Gas Co., Ozona Field, Cretaceous County, Tex.	16.0	14.85
C179-320 A 10-1-69	A. M. Alroyer, 418 Denver Club Bldg., Denver, Colo. 80202	Kansas-Nebraska Natural Gas Co., Inc., Red Wing Field, Washington County, Colo.	18.0	15.4
C179-321 B 10-1-69	Mobil Oil Corp.	Tennessee Gas Pipeline Co., a division of Tennessee Inc., San Ramon Field, Hidalgo County, Tex.	Depleted	
C179-322 A 10-1-69	Texas Gas Exploration Corp., 111 First City National Bank Bldg., Houston, Tex. 77002	Consolidated Gas Supply Corp., Block 255 Field, Vermillion Area, South Addition, Offshore Louisiana.	12.25	15.025
C179-323 A 10-2-69	Western States Producing Co. (Operator) et al., c/o C. R. Kyster, attorney, 1915 National Bank of Commerce Bldg., San Antonio, Tex. 78205	Northern Natural Gas Co., Milder Pool Area, Ellis County, Okla.	17.0	14.65
C179-324 B 10-2-69	Compadre Oil Corp. et al.	Leas Star Gas Co., acreage in Stephens County, Okla.	(*)	
C179-325 (G-14714) A & F 10-2-69	Nabob Production Co. (successor to Humble Oil & Refining Co.), Post Office Box 448, Amarillo, Tex. 79105	Transwestern Pipeline Co., Southeast Griggs Field, Cimarron County, Okla.	17.0	14.65
C179-326 A 10-2-69	Leas Star Producing Co. (Operator) et al., 301 South Harwood St., Dallas, Tex. 75201	Texas Eastern Transmission Corp., Whelan Field, Harrison County, Tex.	15.0	14.65
C179-327 (G-14829) E & B 10-2-69	Leas Star Producing Co. (successor to Fluid Oil Co. (Operator), et al.)	H. L. Hunt, et al., Whelan Field, Harrison County, Tex.	13.9	14.65
C179-328 B 9-29-69	A. L. Abernombie (Operator) 801 Union Center, Wichita, Kans. 67202	Cities Service Gas Co., McGinnis-Groenmans Field, Barber County, Kans.	Depleted	

Filing code: A—Initial service.
B—Abandonment.
C—Assignment to add acreage.
D—Assignment to delete acreage.
E—Succession.
F—Partial succession.
See footnote at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pro- sure base
C179-329 B 10-3-69	Twin Gas Co.	Leas Star Gas Co., Palestine Field, Stephens County, Okla.	Depleted	
C179-330 A 10-3-69	George B. Davis, et al., Post Office Box 417, Bellefleur, Ohio 45714	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	27.0	15.325
C179-331 A 10-3-69	Paul B. Vincent, Post Office Box 128, McLean, Va. 22101	Consolidated Gas Supply Corp., acreage in Calhoun County, W. Va.	27.0	15.325
C179-332 A 10-3-69	Ona Blatts Oil & Gas Partnership, c/o Francis C. Blatts, 2100 W. 13th St., Tulsa, Okla. 74106	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	27.0	15.325
C179-333 A 10-3-69	D. C. Jones, 1200 Mineral Field, W. Va. 26160	Arkansas Louisiana Gas Co., North-Center Humble Field, Grant and Center Counties, Okla.	15.0	14.65
C179-334 A 10-3-69	Mobil Oil Corp.	United Fuel Gas Co., Bayviewwood District, Jackson County, W. Va.	26.0	15.325
C179-335 A 10-4-69	Huntington Oil Co., Inc. and Parsippany, c/o H. V. & Co., 1000 Spruce St., W. Va. 26070	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	27.0	15.325
C179-336 A 10-4-69	Leas Star, c/o J. H. Miller, Post Office Box 417, Bellefleur, W. Va. 26014	The Ohio Fuel Gas Co., acreage in Meigs County, Ohio.	27.0	15.025
C179-337 A 10-4-69	General Earth Minerals Corp., 1000 East 14th St., Houston, Tex. 77002	The Ohio Fuel Gas Co., Lebanon Township, Meigs County, Ohio.	27.0	15.025
C179-338 A 10-4-69	Texas Inc., Post Office Box 23022, Houston, Tex. 77002	Arkansas Louisiana Gas Co., Hilldale Northeast Field, Grant and Garfield Counties, Okla.	18.21	14.65
C179-339 B 10-4-69	J. K. Ryan et al.	United Fuel Gas Co., Acuna Dulco Field, Nowess County, Tex.	(*)	
C179-340 B 10-4-69	Texasco, Inc.	El Paso Natural Gas Co., Bliss Hills Paradox Field, San Juan County, N. Mex.	15.64	14.65
C179-341 A 10-4-69	Gulf Oil Corp.	Transwestern Pipeline Co., Carlsbad South Alaska and Carlsbad South Morrow Fields, Eddy County, N. Mex.	Depleted	
C179-342 B 10-4-69	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75202	El Paso Natural Gas Co., Pecon Valley-Emahanger Field, Pecon County, Tex.	10.0	14.4
C179-343 B 10-4-69	Gulf Oil Corp.	Kansas-Nebraska Natural Gas Company, Inc., Yeater 1 Sand Field, Logan County, Colo.	(*)	
C179-345 B 10-4-69	Statok Petroleum (Operator) et al., c/o Warren G. May, attorney, 443 South Olive St., Los Angeles, Calif. 90014	Transwestern Pipeline Co., West Logan Area, Cremo Field, Beaver County, Okla.		

* Purchaser has no facilities in the area to take the gas expected to be produced and does not propose construction of facilities to take such gas.
* Well is no longer capable of producing gas in commercial quantities.
* By order issued Aug. 25, 1969, in Docket No. G-4970 et al., the temporary certificate issued to Shell Oil Co. in Docket No. C179-388 was terminated and the related rate schedule was canceled. By temporary certificate issued to Suburban Propane Gas Corp. on Sept. 12, 1969, authorizing it to continue service previously rendered by Shell, Shell's FPC GRS No. 233 and Supplement No. 1-3 were reinstated and redesignated as Applicant's FPC GRS No. 1, Supplement Nos. 1-3.
* Buyer retains 7 cents per Mcf until investment in necessary equipment has been amortized.
* Applicant proposes rate of 21.25 cents per Mcf or area rate, whichever is higher.
* Subject to upward and downward B.U. adjustment.
* Acreage is nonproductive.
* Contract provides for rate of 17.3 cents per Mcf at 14.73 p.s.i.a.; however, Applicant states its willingness to accept certificate at a rate of 15 cents per Mcf at 14.65 p.s.i.a.
* Applicant is applying for certificate authorization to continue the sales heretofore authorized to be made by its predecessors in interest in Docket No. G-14679 and for permission and approval to abandon such sales due to the depletion of reserves to the extent that continued service is uneconomical.
* Rate in effect subject to refund in Docket No. E168-357. An increase in rate to 14.1 cents per Mcf has been suspended in Docket No. E169-341.
* Contract provides for rate of 17 cents per Mcf; however, Applicant states its willingness to accept permanent certificate at a total initial rate of 15 cents per Mcf.
* Subject to upward and downward B.U. adjustment. Also subject to deduction for compression, if Buyer commences gas.

¹¹ Less than 500 Mcf per month, rate shall be 22 cents per Mcf; 500 Mcf but less than 1,000 Mcf per month, rate shall be 25 cents per Mcf; 1,000 Mcf or more per month, rate shall be 27 cents per Mcf.

¹² Includes 3.21-cent upward B.I.U. adjustment. Contract provides for rate of 17 cents per Mcf; however, Applicant states its willingness to accept certificate at 15 cents plus B.I.U. adjustment.

¹³ Lease released to landowner.

¹⁴ Applicant states its willingness to accept permanent certificate conditioned as Opinion No. 468, as modified by Opinion No. 468-A.

¹⁵ Partial supersession of sale currently being made under Gulf Oil Corp.'s FPC ORS No. 329, Docket No. G-6195.

[F.R. Doc. 69-12757; Filed, Oct. 27, 1969; 8:45 a.m.]

[Docket No. CP70-80]

EL PASO NATURAL GAS CO.

Notice of Application; Correction

OCTOBER 21, 1969.

In the notice of application, issued October 10, 1969, and published in the FEDERAL REGISTER October 18, 1969 (34 F.R. 17047), on page 17047, paragraph 1, change "and limited term operation, during calendar year 1970" in the 10th and 11th line to read "during calendar year 1970, and limited term operation."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-12825; Filed, Oct. 27, 1969; 8:46 a.m.]

[Docket No. RI70-187 etc.]

HUNT OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund; Correction

OCTOBER 15, 1969.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued September 5, 1969, and published in the FEDERAL REGISTER September 20, 1969 (34 F.R. 14669), Appendix A, on page 14670, Docket No. RI70-190, Pan American Petroleum Corporation (opposite Rate Schedule No. 307), under column headed "Rate in Effect" (second part of rate opposite 18.0¢), change "footnote 19" to read "footnote 28". Under column headed "Proposed Increased Rate" (opposite 18.1350¢), add a "footnote 28". Appendix A, under footnotes: Add a new footnote to read: "For gas delivered to buyer above 860 p.s.i.g."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-12826; Filed, Oct. 27, 1969; 8:46 a.m.]

[Docket No. CP70-86]

CITIES OF LICKING AND SALEM, MO. AND CITIES SERVICE GAS CO.

Notice of Application

OCTOBER 21, 1969.

Take notice that on October 8, 1969, the cities of Licking and Salem, Mo. (Applicants), with the addresses of their respective city halls in Licking, Mo. 65542, and Salem, Mo. 65560, filed in Docket No. CP70-86 an application pursuant to section 7(a) of the Natural Gas

Act for an order of the Commission directing Cities Service Gas Co. (Respondent) to extend or improve its transportation facilities, to establish physical connection of its transportation facilities with the proposed facilities to be constructed by Applicants, and to sell and deliver natural gas in interstate commerce to such system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants are located in Dent County, Mo., and have now pending various proposals for Commission approval in Docket No. CP67-340 et al., and the present application includes an analysis of the feasibility of service to Applicants from each of the various proposals now in issue in Docket No. CP67-340 et al.

The estimated third year peak day and annual requirements would be 800 Mcf and 70,508 Mcf respectively for Applicant Licking and 2,700 Mcf and 245,105 Mcf for Applicant Salem.

The costs of facilities required of Respondent vary widely with the different proposals, but the Applicants state that service to their communities is feasible under any of the various proposals before the Commission with one exception. Applicants therefore request an order of the Commission in conjunction with or soon after the Commission's final order in Docket No. CP67-340 et al., so that they may be able to undertake construction of their facilities at the earliest possible moment.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 14, 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). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-12824; Filed, Oct. 27, 1969; 8:45 a.m.]

[Docket No. CP70-89]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

OCTOBER 21, 1969.

Take notice that on October 10, 1969, Michigan Wisconsin Pipe Line Co. (Ap-

plicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP70-89 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization for the construction and operation of a sales measuring station to provide a delivery point for Central Indiana Gas Co., Inc. (Central Indiana), on its main transmission pipeline located in Hancock County, Ind. Central Indiana has requested Applicant to provide the new delivery point to enable Central Indiana and to sell and deliver gas to East Hancock County School, Hancock County, which is presently under construction. Third year peak day and annual natural gas requirements are estimated at 360 Mcf and 16,700 Mcf, respectively.

Total estimated cost of the proposed facilities is \$26,350, which will be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 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. 69-12827; Filed, Oct. 27, 1969; 8:46 a.m.]

[Docket No. CP70-30]

NORTHERN NATURAL GAS CO.**Notice of Application; Correction**

OCTOBER 2, 1969.

In the notice of application, issued August 14, 1969, and published in the FEDERAL REGISTER, August 21, 1969 (34 F.R. 13495), on page 13495, in the third line of the center column below the table, change: "4,071.5 Mcf of which 1,500.8 Mcf * * *" to read "40,715,000 Mcf of which 15,008,000 Mcf * * *".

GORDON M. GRANT,
Secretary.

[P.R. Doc. 69-12830; Filed, Oct. 27, 1969;
8:47 a.m.]

[Docket No. CP70-88]

**PEOPLES NATURAL GAS DIVISION OF
NORTHERN NATURAL GAS CO.
AND GREAT LAKES GAS TRANSMISSION CO.**

Notice of Application

OCTOBER 21, 1969.

Take notice that on October 10, 1969, Peoples Natural Gas Division of Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP70-88 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Great Lakes Gas Transmission Co. (Respondent) to construct gas measuring stations and any necessary facilities, to establish physical connection of its transmission facilities with distribution facilities to be constructed by Applicant, and to sell and deliver natural gas to Applicant for the purpose of distribution and resale in the community of Bemidji, Minn., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes that Respondent be ordered to perform the above actions conditioned upon Respondent providing service under a rate schedule where the minimum bill is the monthly demand charge instead of the 75 percent minimum monthly take-or-pay provision.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 14, 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). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[P.R. Doc. 69-12829; Filed, Oct. 27, 1969;
8:46 a.m.]

[Docket No. CP70-87]

**TEXAS EASTERN TRANSMISSION
CORP.****Notice of Application**

OCTOBER 21, 1969.

Take notice that on October 10, 1969, Texas Eastern Transmission Corp. (Applicant), Southern National Bank Building, Houston, Tex. 77002, filed in Docket No. CP70-87 a budget-type application pursuant to section 7(c) of the Natural Gas Act as implemented by § 157.7 of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to enable Applicant to take into its pipeline system natural gas which will be purchased in the general area of its existing transmission system from time to time during the calendar year 1970, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The total estimated cost of the proposed facilities is not to exceed \$4 million, with no single onshore project to exceed \$750,000, and no single onshore marsh area and offshore deep water area project to exceed a cost of \$1 million. Applicant requests a waiver of the project cost limitation of § 157.7(b) of the regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 14, 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.

[P.R. Doc. 69-12829; Filed, Oct. 27, 1969;
8:46 a.m.]

[Docket No. CP70-90]

TEXAS GAS TRANSMISSION CORP.**Notice of Application**

OCTOBER 21, 1969.

Take notice that on October 13, 1969, Texas Gas Transmission Co. (Applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP70-90 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct approximately 13.22 miles of 30-inch pipeline in Acadia and Lafayette Parishes, La., to loop Applicant's Eunice-Thibodaux supply line and provide Applicant with more flexibility in this segment of its supply system.

The total estimated cost of the proposed facilities is \$2,575,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 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.

[P.R. Doc. 69-12830; Filed, Oct. 27, 1969;
8:46 a.m.]

[Docket No. CP67-220 etc.]

**TRANSWESTERN PIPELINE CO. AND
CITIES SERVICE GAS CO.****Notice Fixing Settlement Conference**

OCTOBER 24, 1969.

Transwestern Pipeline Co., Dockets Nos. CP67-220 and CP67-339; Cities Service Gas Co., Docket No. CP68-8.

Midwest Industrial and Commercial Gas Users Association and Armco Steel Corp., pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, requested on October 10, 1969, the convening of a settlement conference to attempt to settle the issues involved in these proceedings.

On October 20, 1969, Cities Service Gas Co., Pan American Petroleum Corp., and Transwestern Pipeline Co. filed responses thereto agreeing to participate in the requested settlement conference. No objection to the convening of a conference has been received.

An initial decision was issued by the presiding examiner in these proceedings on May 14, 1969, and said decision and exceptions thereto are presently pending before the Commission. Convening of settlement conference should not be understood to have suspended Commission disposition of these proceedings on the record presently before it.

Take notice that an informal settlement conference concerning the issues involved in the above-designated proceedings will commence at 10 a.m., e.s.t., October 29, 1969, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 69-12878; Filed, Oct. 27, 1969;
8:48 a.m.]

FEDERAL RESERVE SYSTEM

[Regs. G, T, and U]

OTC MARGIN STOCK**Changes in List**

The following changes have been made, effective October 20, 1969, in the List of OTC Margin Stocks, published in the FEDERAL REGISTER on August 16, 1969, at 34 F.R. 13343:

1. Additions (stocks now subject to margin requirements): Golden Cycle Corp., no par common.

2. Deletions (stocks now registered on a national securities exchange): American District Telegraph Co., full paid and nonassessable par value \$1 each, common; Dayton-Hudson Corp., \$1 par common; The First National Bank of Chicago, \$20 par capital; Gulf Life Holding Co., capital.

3. Changes: Continental Bank and Trust Co., \$5 par common, becomes Continental Bank, \$5 par common; Franklin National Bank, \$5 par capital, becomes Franklin N.Y. Corp., \$5 par common; Gino's Inc., Class A, common, becomes Gino's, Inc., no par common; Liberty National Life Ins. Co., common

capital, par value \$2, becomes Liberty National Life Insurance Co., common capital, par value \$2; and Wells Fargo Bank, N.A., capital, \$10 par value, becomes Wells Fargo & Co., \$10 par capital.

Board of Governors of the Federal Reserve System, acting by its Director of the Division of Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c) (13)), October 20, 1969.

[SEAL]

ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-12811; Filed, Oct. 27, 1969;
8:45 a.m.]

**INTERSTATE COMMERCE
COMMISSION**

[Notice 929]

**MOTOR CARRIER TEMPORARY
AUTHORITY APPLICATIONS**

OCTOBER 24, 1969.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 4761 (Sub-No. 25 TA), filed October 20, 1969. Applicant: LOCK CITY TRANSPORTATION COMPANY, 327 Sixth Avenue, Menominee, Mich. 49858. Applicant's representative: James J. Lang (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sulphur dioxide, in bulk, in tank vehicles, from Marinette, Wis., to Mehoopany, Pa., for 180 days. Supporting shipper: The Anslu Co., Marinette, Wis. 54143. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 30844 (Sub-No. 299 TA), filed October 20, 1969. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125

Commercial Street, Waterloo, Iowa 50704. Applicant's representative: Larry L. Strickler (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs other than frozen, from Rochester, N.Y., to points in Minnesota, Missouri, and Wisconsin, for 180 days. Supporting shipper: Ragu Packing Co., Inc., 1680 Lyell Avenue, Rochester, N.Y. 14606. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, Iowa 52801.

No. MC 106125 (Sub-No. 5 TA), filed October 20, 1969. Applicant: STACEY TRANSPORTATION COMPANY, 325 North Eureka Street, Redlands, Calif. 92373. Applicant's representative: J. L. Beeler, 610 South Main Street, Suite 736, Los Angeles, Calif. 90014. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Perishable subsistence, chilled, and perishable subsistence, frozen, moving on Government bills of lading, requiring temperature equipment, from points in Los Angeles, Calif., commercial zone, as defined in M.C.C. 248, to Yuma Proving Grounds, Ariz., approximately 26 miles northeast of Yuma, Ariz., over Highway 95 and Marine Corp Air Station, Yuma, Ariz., for 180 days. Supporting shippers: Defense Supply Agency, Subsistence Regional Headquarters, Los Angeles; Defense Personnel Support Center, 312 North Spring Street, Los Angeles, Calif. 90012. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 107295 (Sub-No. 225 TA), filed October 20, 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: Wrought conduit pipe and fittings, and metallic tubing and fittings, from Ambridge, Pa., to points in New York, Ohio, Indiana, Illinois, Kansas, Nebraska, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Kentucky, Tennessee, Louisiana, and Alabama, for 180 days. Supporting shipper: H. K. Porter Co., Inc., Porter Building, Pittsburgh, Pa. 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 109689 (Sub-No. 209 TA), filed October 20, 1969. Applicant: W. S. HATCH CO., 643 South 800 West Street, Woods Cross, Utah 84087. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Nitrogen tetroxide in bulk, in specially designed tank trucks moving under special permit, between Vicksburg, Miss., and Air Force Bases and Missile Test Facilities located in Arizona, Arkansas, California, Colorado, Florida, Kansas, New Mexico, Nevada, and Ohio, for

180 days. Supporting shipper: Department of the Army, Headquarters, Military Traffic Management and Terminal Service, Washington, D.C. 20315 (Ian M. Phillips, Jr., Lt. Colonel, GS, Chief, Operations Division, Directorate of Inland Traffic). Send protests to: John T. Vaughn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 109689 (Sub-No. 210 TA), filed October 20, 1969. Applicant: W. S. HATCH CO., 643 South 800 West Street, Woods Cross, Utah 84087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrated lime*, in bulk, from Dolomite, Utah, to points in Idaho, Nevada, and Wyoming, for 180 days. Supporting shipper: The Flintkote Co., U.S. Lime Division, 2244 Beverly Boulevard, Los Angeles, Calif. 90057 (G. Richard McNally, General Sales Manager). Send protests to: John T. Vaughn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 117439 (Sub-No. 38 TA), filed October 20, 1969. Applicant: BULK TRANSPORT, INC., U.S. Highway 190, Post Office Box 89, Port Allen, La. 70767. Applicant's representative: John Schwab, 617 North Boulevard, Baton Rouge, La. 70821. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from Echo, Tex., to points in Louisiana, for 180 days. Supporting shipper: Alpha Portland Cement Co., 300 West Washington Street, Chicago, Ill. 60606. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 119880 (Sub 35 TA), filed October 20, 1969. Applicant: DRUM TRANSPORT, INC., Box 2056, East Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Pekin, Ill., to Chicago, Ill., and Toledo, Ohio, for 180 days. Supporting shipper: The American Distilling Co., South Front Street and Distillery Road, Pekin, Ill. 61554. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse, Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 123067 (Sub-No. 98 TA), filed October 20, 1969. Applicant: M & M TANK LINES, INC., Post Office Box 612, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, dry, in bulk, from Roanoke, Va., to points in Virginia, restricted to traffic having had a prior out-of-State movement by rail, for 150 days. Supporting shipper: International

Salt Co., Southern Traffic Office, Whitney Bank Building, New Orleans, La. 70130. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 124078 (Sub-No. 410 TA), filed October 20, 1969. Applicant: SCHWERMANN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Fort George Meade Junction, Anne Arundel County, Md., to points in Delaware, Maryland, Virginia, and the District of Columbia, for 150 days. Supporting shipper: Lone Star Cement Corp., 1 Greenwich Plaza, Greenwich, Conn. 06830 (Edwin P. Wintle, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124078 (Sub-No. 411 TA), filed October 20, 1969. Applicant: SCHWERMANN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above.) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica flour*, in bulk, in tank vehicles, from Sun, La., to Ragland, Ala., for 150 days. Supporting shipper: Cement Asbestos Products Co., 2144 Highland Avenue South, Birmingham, Ala. 35205 (L. P. Hudgins, Director of Traffic). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 126822 (Sub-No. 28 TA), filed October 13, 1969. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 23, Passaic, Mo. 64777. Applicant's representative: Warren H. Sapp, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, pelts and pieces thereof*; (1) from Des Moines, Iowa; Blackwater, Mo.; and Omaha, Neb.; to the plantsite of National By-Products, Inc., located at or near Saluda, Ill.; (2) from the plantsite of National By-Products, Inc., at or near Saluda, Ill., to Chicago, Ill.; Indianapolis, Ind.; New Orleans, La.; Biddleford, Maine; Dover-Foxcroft, Maine; Hartland, Maine; Howland, Maine; Baltimore, Md.; Danvers, Mass.; Salem, Mass.; Walnut Hill, Mass.; Detroit, Mich.; Dover, N.H.; Manchester, N.H.; Nashua, N.H.; Penacook, N.H.; Somerworth, N.H.; New York, N.Y.; Philadelphia, Pa.; Dallas, Tex.; Houston, Tex.; Pownal, Vt.; and Milwaukee, Wis., for 150 days. Supporting shipper: National By-Products, Inc., Rural Route No. 3, Galesburg, Ill. 61401. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission,

Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 127349 (Sub-No. 3 TA) (Correction), filed October 6, 1969, and published in the FEDERAL REGISTER, issue of October 16, 1969, and republished as corrected, this issue. Applicant: GLENN DAVIS AND DON R. DAVIS, a partnership, DAVIS BROS., Post Office Box 962, Missoula, Mont. 59801. Applicant's representative: John P. Thompson, 450 Capitol Life Building, East 16th Avenue at Grant, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Stone, refractories, brick and tile, and related masonry items* moving in mixed shipments with brick and tile, from points in Utah to points in Montana; (b) *stone, brick, tile, lime, and manufactured concrete building products*, from points in Utah to points in Montana; and (c) *stone and sand*, from points in Idaho to points in Montana; all under continuing contract with Forzley Sales, Inc., Great Falls, Mont., for 180 days. Note: The purpose of this republication is to include the commodity description which was incomplete in part (a) above of previous notice. Supporting shipper: Forzley Sales Co., Post Office Box 2870, 930 Riverdrive South, Great Falls, Mont. 59401. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133892 (Sub-No. 2 TA), filed October 20, 1969. Applicant: B & W SERVICE, INC., 26 Itasca Street, Boston (Matapan), Mass. 02126. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toys, games, bicycles, cribs, children's furniture, recreational equipment, and other similar merchandise dealt in by wholesale and retail toy marts*, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between the warehouses of Child World, Inc., at Dedham and Avon, Mass., on the one hand, and, on the other, the Child World, Inc., retail store at Nashua, N.H., for 150 days. Supporting shipper: Child World, Inc., 450 Providence Highway, Dedham, Mass. 02026. Send protests to: District Supervisor Richard D. Mansfield, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02203.

No. MC 134103 (Sub-No. 1 TA), filed October 20, 1969. Applicant: GARAPALO & SONS, INC., 142-144 21st Street, Brooklyn, N.Y. 11232. Applicant's representatives: Zelby and Brustein, 30 Church Street, New York, N.Y. 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ships stores*, between points in the New York, N.Y., commercial zone on the one hand, and on the other, Bayonne, Bayway, Carteret,

Port Reading, Woodbridge, Perth Amboy, South Amboy, Trenton, Bellmawr, Paulsboro, and Camden, N.J.; Palmyra, Philadelphia, Marcus Hook, and Chester, Pa.; (2) *machinery and parts thereof*, between points in the New York, N.Y., commercial zone, on the one hand, and on the other, points in Warren, Essex, Hudson, Passaic, and Union Counties, N.J., restricted to shipments having a prior or subsequent movement by water in foreign commerce, for 150 days. Supporting shippers: Gehrig, Hoban & Co., Inc., 30 Church Street, New York, N.Y. 10007; Cambell & Gardiner, Inc., 27 Whitehall Street, New York, N.Y. 10004; Bldberg Rothchild Agency Corp., 80 Broad Street, New York, N.Y. 10004; J. H. Winchester & Co., Inc., 19 Rector Street, New York, N.Y. 10006; A. Willard Ivers, Inc., Empire State Building, New York, N.Y. 10001; Boyd, Weir & Sewell, Inc., 17 Battery Place, New York, N.Y. 10004. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 134114 TA, filed October 20, 1969. Applicant: ELMER WILSON, doing business as NEBRASKA BEEF EXPRESS, 8024 State Street, Ralston, Nebr. 68051. Applicant's representative: Kenneth P. Weiner, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Omaha, Nebr., to Chicago, Ill., and points in Illinois within a 50-mile radius thereof, to Cedar Rapids and Waterloo, Iowa, and to Milwaukee, Kenosha, Madison, and Green Bay, Wis., for 150 days. Supporting shipper: J. F. O'Neill Packing Co., 3120 L Street, Omaha, Nebr.; Geo. F. Kleine, Office Manager. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-12834; Filed, Oct. 27, 1969;
8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-324, 50-325]

CAROLINA POWER & LIGHT CO.

Notice of Hearing on Application for Provisional Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act) and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held

at 10 a.m. local time, on December 2, 1969, in the Southport Community Building, Fort Johnston Place, Southport, N.C., to consider the application filed under section 104b of the Act by the Carolina Power & Light Co. (applicant), for provisional construction permits for two boiling water nuclear reactors designed to operate initially at 2,436 megawatts (thermal) located on the applicant's site in Brunswick County, N.C., approximately 2½ miles north of the town of Southport and 16 miles south of the nearest boundary of Wilmington.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Dr. Stuart G. Forbes, Idaho Falls, Idaho; Dr. Charles E. Winters, Middleburg Heights, Ohio; and Valentine B. Deale, Esq., Chairman, Washington, D.C. Dr. John C. Geyer, Baltimore, Md., has been designated as a technically qualified alternate, and Samuel W. Jensch, Esq., Washington, D.C., has been designated as an alternate qualified in the conduct of administrative proceedings.

A prehearing conference will be held by the board in the Southport Community Building, Fort Johnston Place, Southport, N.C., November 13, 1969, at 10 a.m. local time, to consider the matters provided for consideration by § 2.752 of 10 CFR Part 2 and section II of Appendix A to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings of Item Nos. 1-3 and a negative finding on Item 4 specified below as the basis for the issuance of provisional construction permits to the applicant substantially in the form proposed in Appendices A and B hereto.

1. Whether in accordance with the provisions of 10 CFR § 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (1) such safety questions will be satisfactorily resolved at or before the latest dates stated in the application for completion of construction of the proposed facilities, and (2) taking into consideration the site criteria contained in 10 CFR Part

100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for the construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by § 2.4 of the Commission's "Rules of Practice," 10 CFR Part 2, the board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the provisional construction permits proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the board will consider and initially decide, as the issues in this proceeding, Item Nos. 1 through 4 above as the basis for determining whether provisional construction permits should be issued to the applicant.

As they become available, the application, the applicant's summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of this notice of hearing, the ACRS report, the applicant's summary of the application and the regulatory staff's Safety Evaluation will also be available at the office of Mr. C. D. Pickernel, City Manager, 217 Dry Street, Southport, N.C., for inspection by members of the public each weekday between the hours of 9:30 a.m. and 4:30 p.m. Copies of the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing in the discretion of the board, within such limits and on such conditions as may be fixed by the board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by November 10, 1969.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's "Rules of Practice," must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than November 10, 1969, or in the event of a postponement of the prehearing conference, at such time as the board may specify. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely filed will be denied unless the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of § 2.705 of the Commission's "Rules of Practice," must be filed by the applicant on or before November 7, 1969.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's "Rules of Practice," an original and twenty conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Com-

mission has established the Appeal Board pursuant to § 2.785, 10 CFR Part 2, and has made the delegation pursuant to subparagraph (a)(1) of this section. The Appeal Board is composed of the Chairman and Vice-Chairman of the Atomic Safety and Licensing Board Panel and a third member who is technically qualified and designated by the Commission. The Commission has designated Dr. Lawrence Quarles, Dean of the School of Engineering and Applied Science, The University of Virginia, as this third member.

Dated at Germantown, Md., this 24th day of October 1969.

UNITED STATES ATOMIC
ENERGY COMMISSION,
W. B. MCCOOL,
Secretary.

APPENDIX A

CAROLINA POWER & LIGHT CO.

(Brunswick Steam Electric Plant, Unit 1)

DOCKET No. 50-324

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. -----

1. Pursuant to section 104b. of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter 1, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Carolina Power & Light Co. (the applicant) for a utilization facility (the facility), designed to operate at 2,436 megawatts (thermal) described in the application and amendments thereto (the application) filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as Brunswick Steam Electric Plant, Unit 1, will be located at the applicant's site in Brunswick County, N.C., approximately 2½ miles north of the town of Southport and 16 miles south of the nearest boundary of Wilmington.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is July 1, 1972, and the latest date for completion of the facility is June 30, 1973.

B. The facility shall be constructed and located at the site as described in the application in Brunswick County, N.C.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the

Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by § 170 of the Act.

For the Atomic Energy Commission.

APPENDIX B

CAROLINA POWER & LIGHT COMPANY

(Brunswick Steam Electric Plant, Unit 2)

DOCKET No. 50-325

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. -----

1. Pursuant to Section 104b. of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter 1, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Carolina Power & Light Co. (the applicant) for a utilization facility (the facility), designed to operate at 2,436 megawatts (thermal) described in the application and amendments thereto (the application) filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as Brunswick Steam Electric Plant, Unit 2, will be located at the applicant's site in Brunswick County, N.C., approximately 2½ miles north of the town of Southport and 16 miles south of the nearest boundary of Wilmington.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is July 1, 1973, and the latest date for completion of the facility is June 30, 1974.

B. The facility shall be constructed and located at the site as described in the application in Brunswick County, N.C.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by § 170 of the Act.

For the Atomic Energy Commission.

[F.R. Doc. 69-12904; Filed, Oct. 27, 1969; 9:27 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during October

3 CFR	Page	7 CFR—Continued	Page	7 CFR—Continued	Page
PROCLAMATIONS:					
3938	15523	953	17327	PROPOSED RULES—Continued	
3939	15525	958	15448	1097	16881
3940	15695	982	17231	1098	16881
3941	16855	984	17062	1099	16881
3942	17097	989	15340, 16860	1101	16881
3943	17099	1421	15414, 15448, 16423, 17385	1102	16881
EXECUTIVE ORDERS:					
Feb. 25, 1919 (revoked in part by PLO 4720)	17333	1427	17328	1103	16881
5327 (revoked in part by PLO 4718)	17170	1443	15559	1104	16881
8847 (see PLO 4703)	15557	1446	15640	1106	16881
8920 (modified by PLO 4709)	15755	1602	15785	1108	16881
10030 (superseded by EO 11485)	15411	PROPOSED RULES:			
10753 (superseded by EO 11487)	15593	26	17031	1120	16881
11230 (see EO 11488)	15835	51	17110	1121	16881
11484	15337	55	15561	1125	16881
11485	15411, 15443	725	17175	1126	16881
11486	15527	730	15485	1127	16881
11487	15593	815	17110	1128	16881
11488	15835	906	15361, 17031	1129	16881
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:					
Reorganization Plan No. 1 of 1969	15783	907	15713, 17176	1130	16881
5 CFR					
213	15297, 15413, 15558, 15559, 15595, 15711, 15712, 15747, 15837, 16594, 17061, 17231	913	17335	1131	16548
550	15747	925	15486	1132	16881
713	15595	931	15362	1133	15716, 16881
7 CFR					
5	15785	945	15486	1134	16881, 17070
29	17061	947	16626	1136	16881, 17335
68	15631	953	15716	1137	16881
171	15632	959	16627, 17297	1138	16881
210	15414	966	16547, 17114	9 CFR	
215	17325	980	16548	71	15641
220	15414	982	15562, 15758	83	15290
225	15414	984	15420, 15845	371	15643
319	15559	989	17032, 17335	PROPOSED RULES:	
354	15636	991	17032	203	16556
722	15445, 15446, 16857, 17101	1001	15362, 16881	301-330	15362
728	16421, 16596	1002	16881	327	15800
813	16608	1003	16881, 17298	10 CFR	
831	17102	1004	16881, 17298	112	15558
833	16422	1005	16881	12 CFR	
849	17153	1006	16881	1	15595
850	17153, 17155	1007	17065	211	17162
855	15785	1011	16881	556	16609
873	17159	1012	16881	PROPOSED RULES:	
874	15637, 17061	1013	16881	220	16629
906	17325	1015	15362, 16881	13 CFR	
908	15339, 15640	1016	16881, 17298	101	15452
909	15747	1030	16881	121	15596
910	15447, 15748, 16858, 17325	1032	16881	14 CFR	
911	17326	1033	16881	39	15290-15292, 15340, 15466, 15467, 15748, 16543, 16860, 16861, 17330
912	16858, 17326	1034	16881	61	17162
913	16858, 17327	1035	16881	71	15292, 15293, 15341, 15467, 15468, 15596, 15642, 15749, 15786, 15787, 16543, 16861-16863, 17103, 17104, 17164-17166, 17330, 17385
925	17061	1036	16881	73	15787, 17104, 17105
931	16858	1040	16881	75	16863, 17105
932	15339	1041	16881	91	15697
944	17327	1043	16881	95	15697
945	16859	1044	16881	97	15531, 15699, 16610, 17233
946	15837	1046	16881	185	16622
947	17161, 17162	1049	16881	298	15293
948	15290, 15447	1050	16881	378	16863
		1060	16881	378a	16864, 17265
		1062	16881	385	15413
		1063	16881	389	16869
		1064	16881	430	15749, 15750
		1065	16881	PROPOSED RULES:	
		1068	16881	1	16876
		1069	16881	21	16876
		1070	16881		
		1071	16881		
		1073	16881		
		1075	16881		
		1076	16881		
		1078	16881		
		1079	16881		
		1090	16881, 17065		
		1094	16881		
		1096	16881		

14 CFR—Continued

Page

PROPOSED RULES—Continued

25	16876
37	16876
39	15845, 17339, 17340
71	15298,
	15363-15365, 15487, 15488, 15600,
	15601, 15659, 15660, 15758-15760,
	15805, 15806, 16876-16878, 17114,
	17178-17180, 17299, 17340, 17391
73	15760, 17115
75	15364, 15365, 15601
91	16876
121	16876
171	16879
218	15299
224	15661
241	15422

15 CFR

30	16869
376	15837
602	15787

16 CFR

13	15345-15353,
	16428-16430, 16593, 17105
15	15643,
	15792, 17265, 17329, 17385, 17386
PROPOSED RULES:	
252	15808
501	15366

17 CFR

231	16870
240	15838
PROPOSED RULES:	
150	15419
230	17033, 17034, 17180
239	17033, 17180
240	17034, 17180, 17343

18 CFR

2	15643, 17387
154	15643, 16594
157	15643, 17331
260	15344
300	15750
620	15840
PROPOSED RULES:	
154	16628, 17341
157	17341

19 CFR

1	15559
8	17331
16	16543
PROPOSED RULES:	
1	15713
11	15360

20 CFR

404	15413, 15646
PROPOSED RULES:	
405	15804, 16627, 16628, 17390

21 CFR

1	15354, 15840
19	15555, 15841
29	15842
120	17106, 17266, 17332
121	15295,
	15355, 15469, 15793, 15794, 15842,
	16544, 17063, 17106, 17332
133	15645

21 CFR—Continued

Page

141	15596
148i	15842
149a	15295
320	15295
PROPOSED RULES:	
16	15486
18	15657
27	16875
120	15658, 17298
128a	17176
130	15298
133	17338
191	16557
320	17390

22 CFR

22	15597
41	17232
61	17387

24 CFR

242	15556
1540	16871

25 CFR

PROPOSED RULES:	
221	15360, 15361

26 CFR

1	15556
151	17106

28 CFR

0	15413, 16594
---	--------------

29 CFR

657	15556
781	15470
788	15794
PROPOSED RULES:	
531	15486
1500	15655

31 CFR

100	16427
200	15557
280	15557

32 CFR

60	15296
533	17266
577	15796
806	17062
888c	17147
890	17062
1201	17267
1202	17277
1203	17278
1205	17281
1206	17282
1207	17284
1208	17284
1209	17285
1210	17285
1212	17285
1213	17286
1214	17286
1217	17287
1219	17287
1220	17288
1221	17288
1225	17289
1230	17289

32A CFR

Page

OEP (Ch. I):	
DMO 3000.1	17232

33 CFR

117	15752
207	15557, 15797
208	15296, 15646

36 CFR

7	15414, 16872
---	--------------

PROPOSED RULES:

7	15419
---	-------

39 CFR

Ch. I	16431
135	16542

41 CFR

5A-2	16595
5A-72	16595
5A-73	16595
6-7	17166
8-1	15752
8-6	15752
8-7	15470, 15753
8-19	15753
8-52	15754
8-74	15754
8-75	15470, 15754
12B-1	17332
101-14	16544
101-46	17170
101-47	16545

42 CFR

57	15797
81	15415, 17333

PROPOSED RULES:

74	15800, 17338
78	16557
81	15362, 15562, 15758, 16559, 17390

43 CFR

20	15647
----	-------

PUBLIC LAND ORDERS:

261 (revoked in part by PLO 4706)	15754
881 (see PLO 4706)	15754
1493 (revoked in part by PLO 4696)	15472
1548 (see PLO 4706)	15754
1583 (revoked in part by PLO 4715)	15843
1626 (revoked in part by PLO 4715)	15843
2624 (revoked in part by PLO 4698)	15472
2655 (revoked in part by PLO 4698)	15472
3152 (revoked in part by PLO 4715)	15843
3520 (modified by PLO 4717)	17170
3584 (revoked in part by PLO 4715)	15843
4172 (revoked in part by PLO 4715)	15843
4522 (revoked in part by PLO 4718)	17170
4592 (corrected by PLO 4710)	15755
4694 (corrected)	15471
4696	15472
4697	15472
4698	15472
4699	15472

43 CFR—Continued

	Page
PUBLIC LAND ORDERS—Continued	
4700	15473
4701	15473
4702	15557
4703	15557
4704	15557
4705	15598
4706	15754
4707	15755
4708	15755
4709	15755
4710	15755
4711	15755
4712	15842
4713	15843
4714	15843
4715	15843
4716	16622
4717	17170
4718	17170
4719	17170
4720	17333

45 CFR

6	15560
401	16802
402	16819
403	16822
404	16827
405	16836
406	16839
408	16843
409	16844
801	15711

46 CFR

503	15345
510	15345
PROPOSED RULES:	
502	15300, 17182
528	17072
536	16880

47 CFR

0	15415
2	15341
15	17171
64	17107, 17292
73	17107
91	15341, 15342
97	15343, 15393
203	17294

PROPOSED RULES:

1	17116
2	15366
15	15806
61	17116
67	15602
73	15602, 15603, 16879, 16880, 17117
74	15422
81	15366
83	15366
85	15366
87	15299
89	15808
91	15808

49 CFR

71	15755, 17333
180	15473

49 CFR—Continued

	Page
195	15473
371	15416, 17388
375	17108
393	15417
1033	15356, 17334
1048	15482, 16623, 17062
1204	15483
1222	16873

PROPOSED RULES:

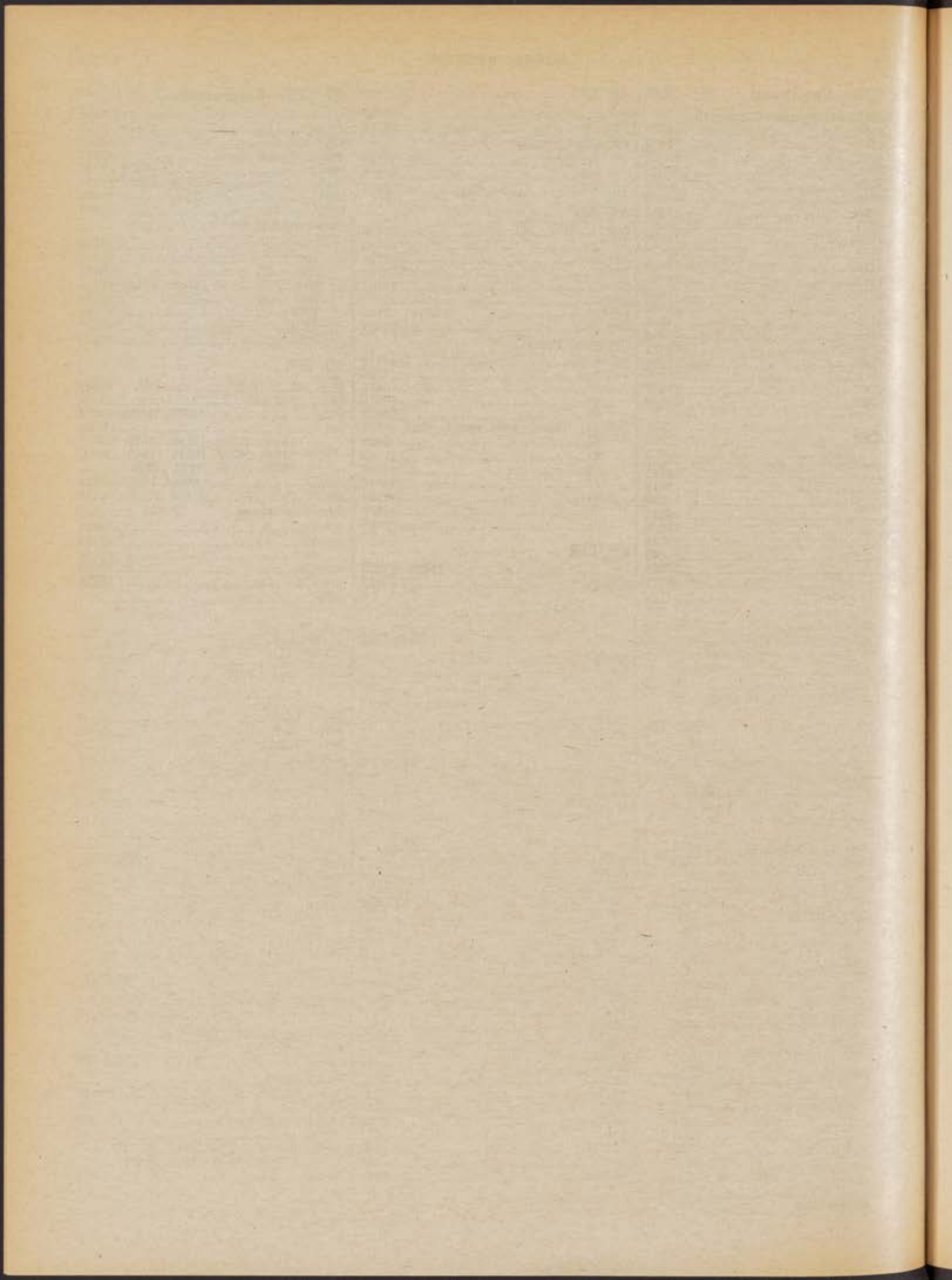
173	15660
195	15489
230	15845
371	15420, 15421, 17115
1047	16559
1056	15719
1134	17037
1201	17117

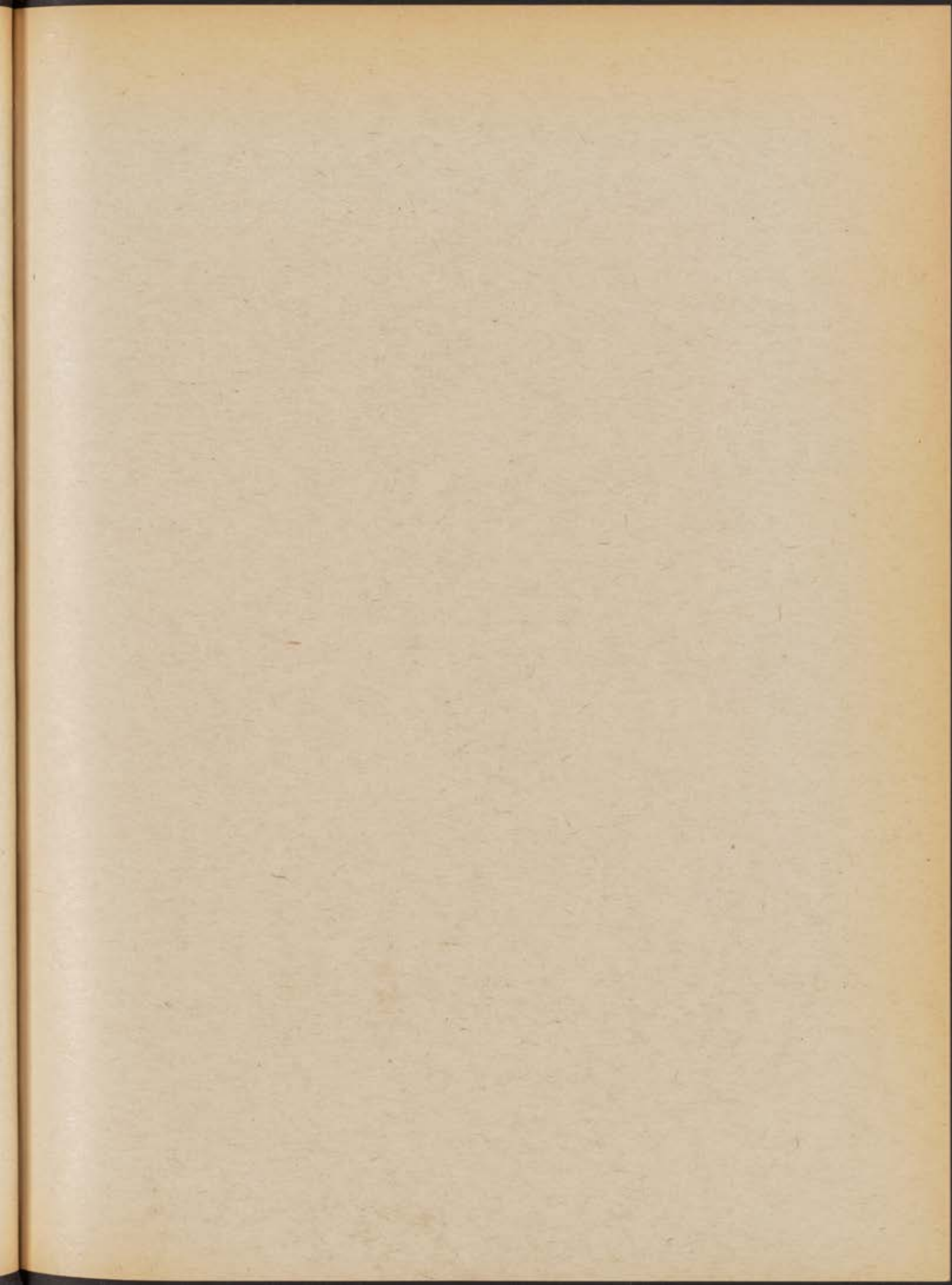
50 CFR

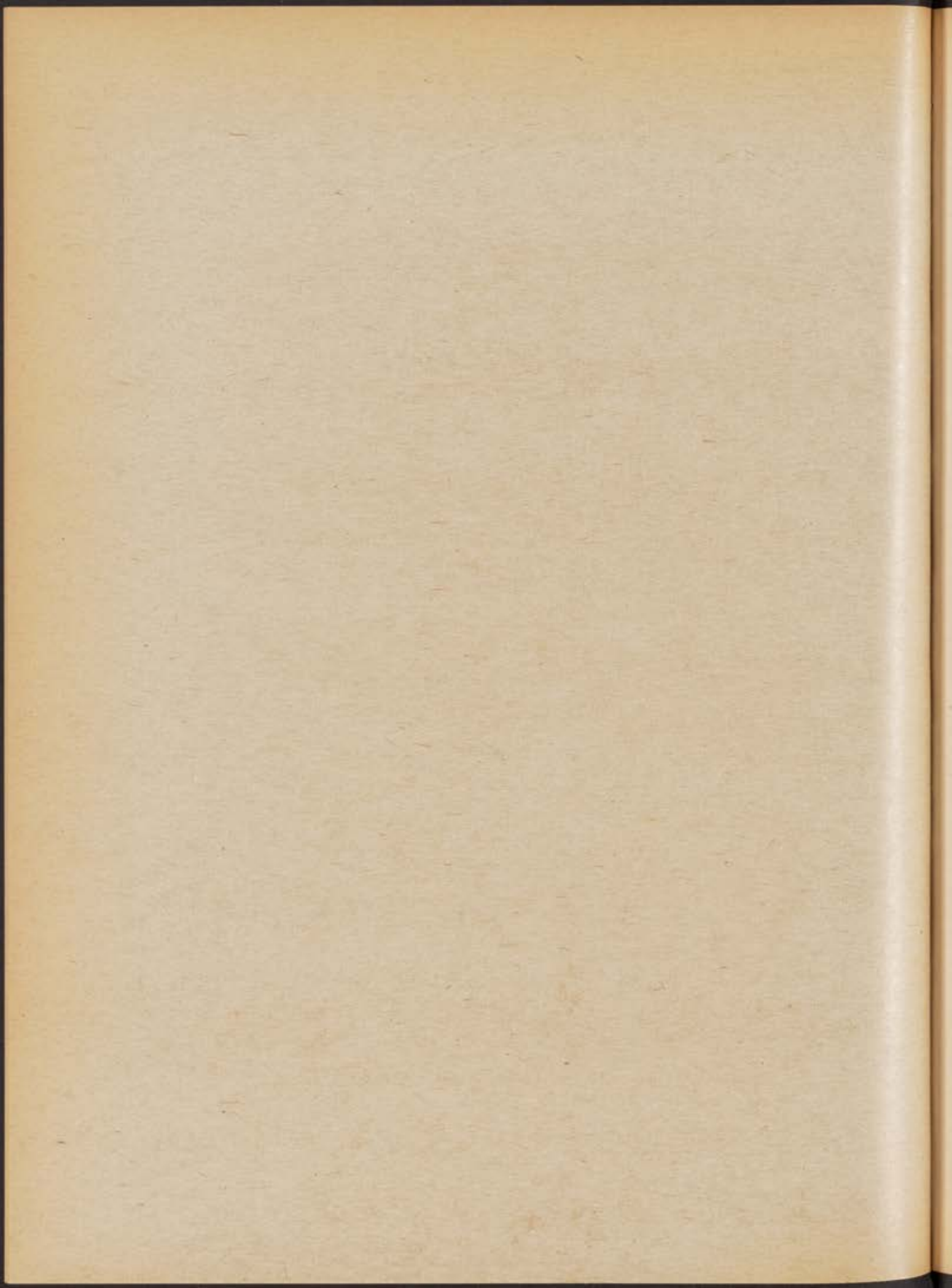
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12	15653
28	15653, 16624, 17173
32	15296,
	15356, 15358, 15558, 15598, 15653,
	15756, 15799, 16545, 16546, 16624,
	16873, 17109, 17173, 17334
33	15654, 16873, 17232
280	15416

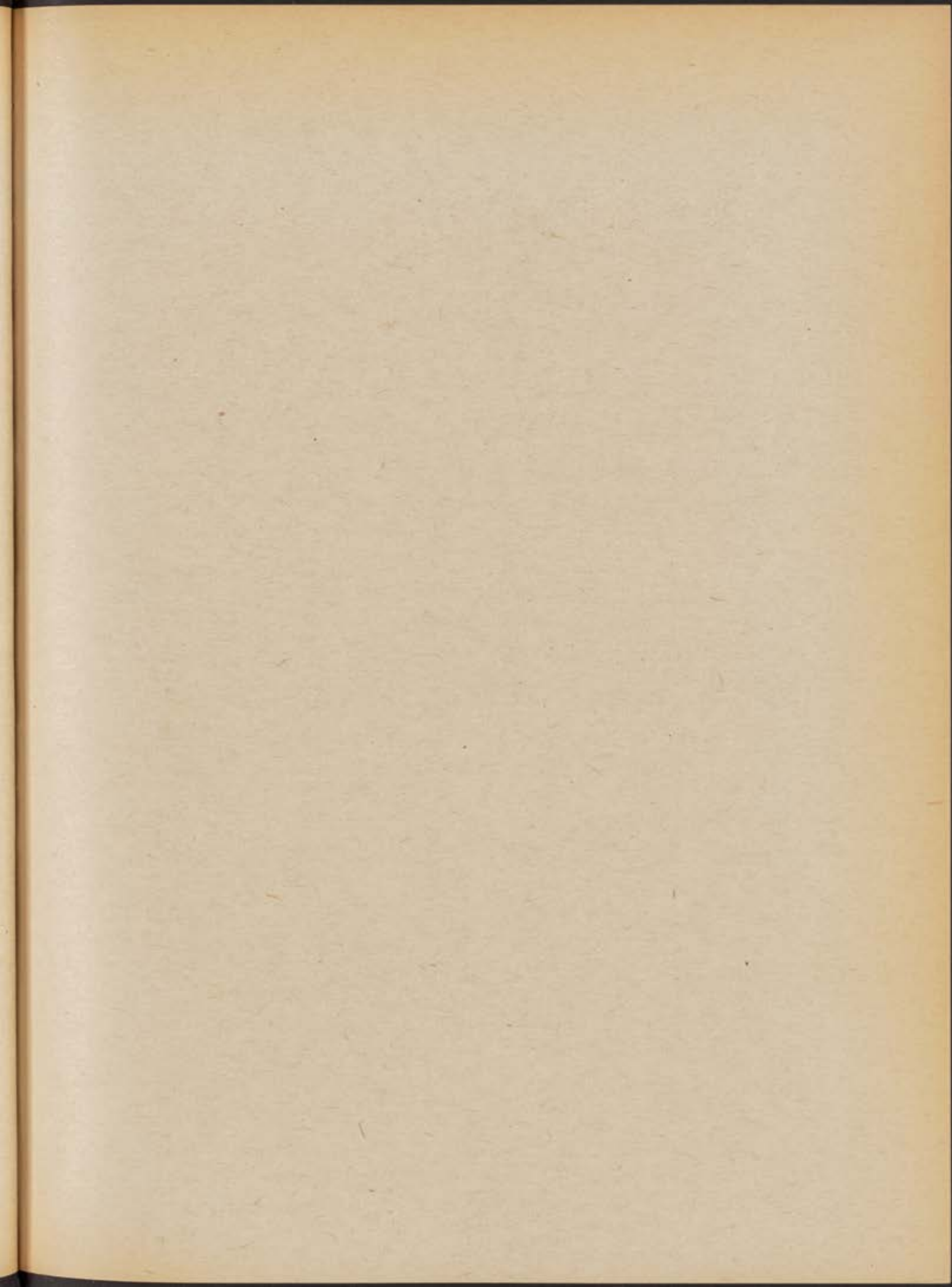
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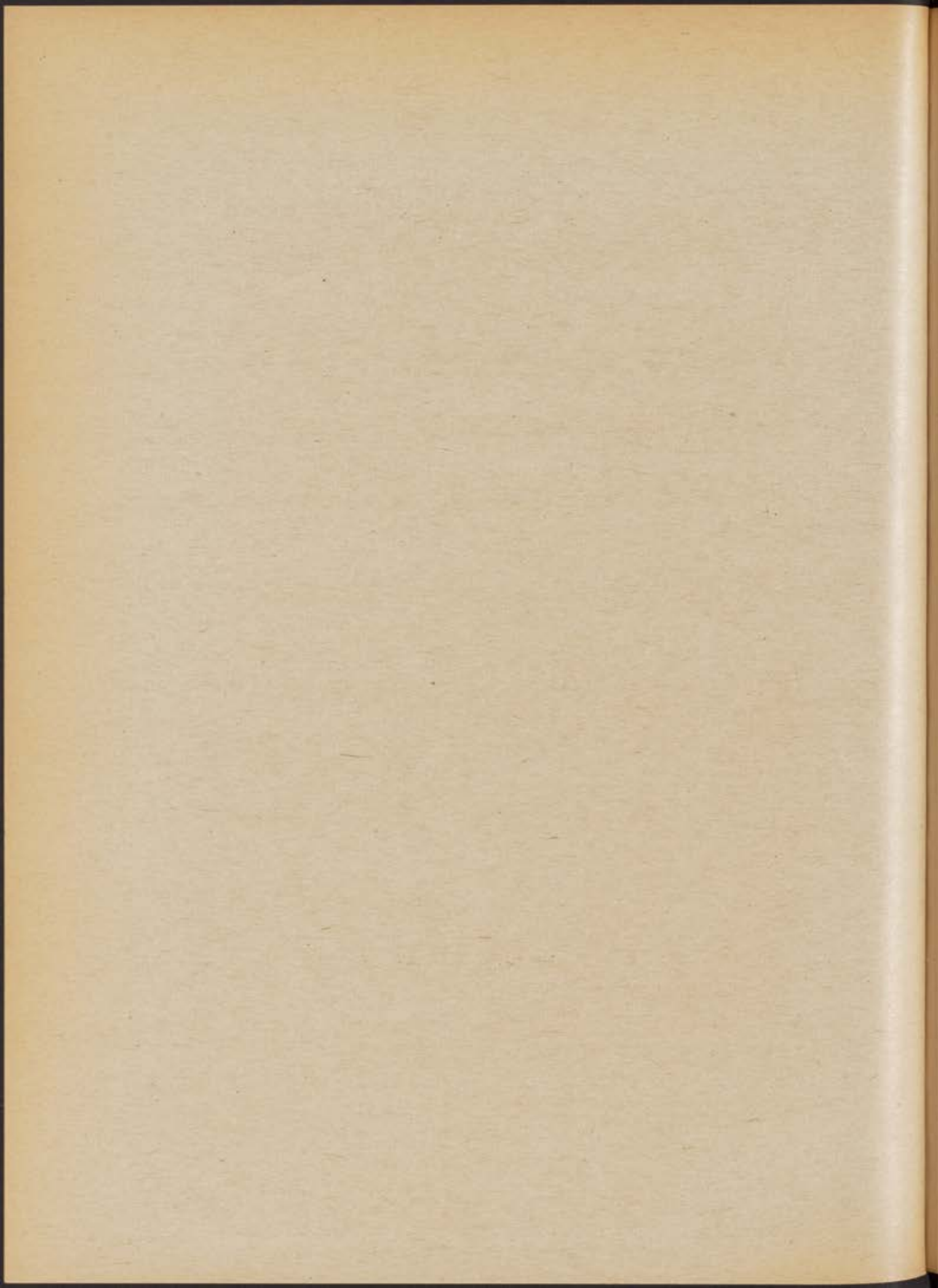
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32	15298
80	15600
256	16557
279	16874









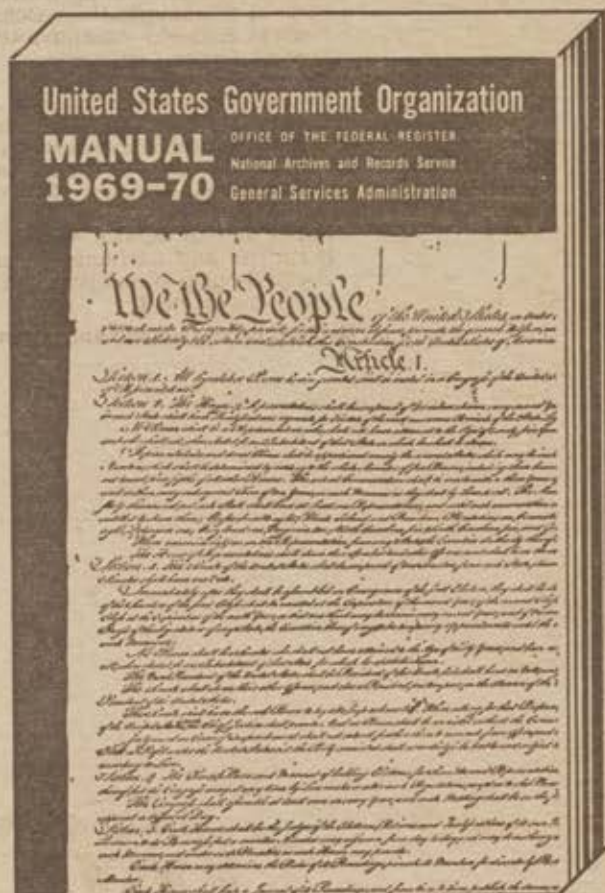


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