

# FEDERAL REGISTER

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**Agencies in this issue—**

The President  
Agricultural Research Service  
Business and Defense Services  
Administration  
Civil Aeronautics Board  
Civil Service Commission  
Consumer and Marketing Service  
Defense Department  
Engineers Corps  
Federal Power Commission  
Federal Trade Commission  
Fish and Wildlife Service  
Food and Drug Administration  
General Services Administration  
Housing and Urban Development  
Department  
Immigration and Naturalization  
Service  
Interior Department  
Internal Revenue Service  
Interstate Commerce Commission  
Land Management Bureau  
Securities and Exchange  
Commission  
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# Presidential Documents

## Title 3—THE PRESIDENT

Proclamation 3962

### INTERNATIONAL EDUCATION YEAR

By the President of the United States of America

#### A Proclamation

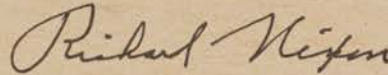
The United Nations Charter expresses the determination of the peoples of the United Nations "to reaffirm faith in fundamental human rights," and "in the dignity and worth of the human person. . . ."

Education is a fundamental human right, one that recognizes and helps to preserve the dignity and the worth of human beings. With this in mind, the United Nations has designated 1970 as International Education Year and has called upon each member state to intensify its domestic educational efforts.

It is to that end that I, Richard Nixon, President of the United States of America, do hereby proclaim 1970 to be International Education Year in the United States.

I call upon all Americans to join our fellow citizens of the world in making this year one of reflection on the state of education as it exists and of action directed toward making education what it should be.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of February in the year of our Lord nineteen hundred seventy, and of the Independence of the United States of America the one hundred ninety-fourth.



[F.R. Doc. 70-2038; Filed, Feb. 13, 1970; 4:34 p.m.]



**Proclamation 3963****MINERAL INDUSTRY WEEK****By the President of the United States of America****A Proclamation**

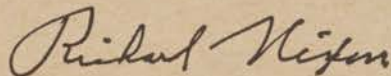
In 1698 a book was published in London to inform and encourage political migrants to the colony founded by William Penn. The book told of the abundance of natural resources that could be found in this part of America, and, in part, told of ". . . the Mines where is Copper and Iron, besides other Metals and Minerals. . . ."

This early reference to the mineral resources of America reminds us that mineral industries have long provided the basic raw materials that have contributed so vitally to our nation's growth.

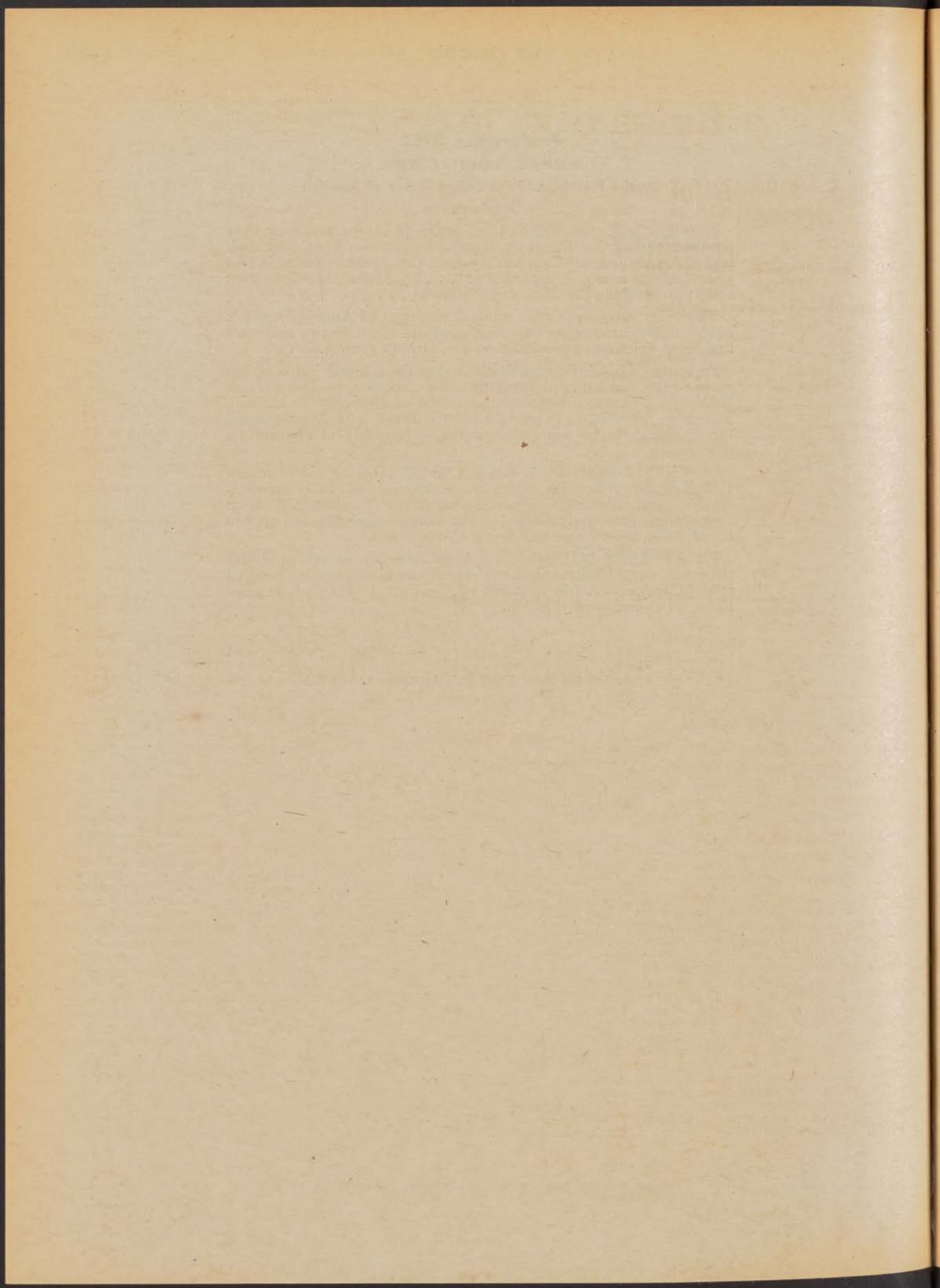
In recognition of the contributions that the mineral industry has made to the well-being of the nation, the Congress, by House Joint Resolution 888, has designated the period of February 13 through February 19, 1970, as Mineral Industry Week, and has requested the President to issue a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, invite the governments of States and communities and all citizens to join during Mineral Industry Week in recognition of the contributions of the American mineral industry to the security, health, and well-being of our nation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of February, in the year of our Lord nineteen hundred seventy, and of the Independence of the United States of America the one hundred ninety-fourth.



[F.R. Doc. 70-2039; Filed, Feb. 13, 1970; 4:35 p.m.]





# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission PART 305—EXECUTIVE ASSIGNMENT SYSTEM

#### Subpart F—Noncareer Executive Assignments

Subpart F of Part 305, is amended to allow agencies to designate noncareer executive assignments as indefinite. Section 305.603 is amended as set out below.

#### § 305.603 Status and Tenure.

An employee serving under a noncareer executive assignment is in the excepted service and does not acquire a competitive status on the basis of that service. A noncareer executive assignment is made without condition or limitation, except when the appointing agency determines that the tenure is indefinite.

(5 U.S.C. 1302, 3301, 3302, 3324, E.O. 10577; 3 CFR 1954-58 Comp., p. 218, E.O. 11315; 3 CFR, 1966 Comp., p. 165)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[F.R. Doc. 70-1955; Filed, Feb. 16, 1970; 8:49 a.m.]

## Title 7—AGRICULTURE

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

[Lemon Reg. 413, Amdt. 1]

#### PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

##### Limitation of Handling

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) Order, as amended. The provisions in paragraph (b) (1) (i), (ii), and (iii) of § 910.713 (Lemon Regulation 413, 35 F.R. 2721) are hereby amended to read as follows:

- (i) District 1: 38,130 cartons;
- (ii) District 2: 119,040 cartons;
- (iii) District 3: 70,680 cartons.

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

Dated: February 12, 1970.

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

[F.R. Doc. 70-1967; Filed, Feb. 16, 1970; 8:51 a.m.]

## Title 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

#### PART 211—DOCUMENTARY REQUIREMENTS; IMMIGRANTS; WAIVERS

The penultimate sentence of subparagraph (1) Form I-151, Alien Registration Receipt Card of paragraph (b) Aliens returning to an unrelinquished lawful permanent residence of § 211.1 Visas is amended to read as follows: "When returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad, a spouse or child of a member of the Armed Forces of the United States or of a civilian employee of the U.S. Government stationed foreign pursuant to official orders may, in lieu of an immigrant visa, present Form I-151, provided

such spouse or child resided abroad while such member of the Armed Forces or such civilian employee was on overseas duty and is preceding or accompanying the member or employee, or is following to join the member or employee in the United States within 4 months of the member's or employee's return, and during the temporary absence did not travel to, in, or through any of the restricted places named in this subparagraph, except those named places concerning which the restrictions do not apply when an alien has passed in direct and continuous transit through such areas."

#### PART 212—DOCUMENTARY REQUIREMENTS; NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. Paragraphs (d) and (e) of § 212.4 are amended to read as follows:

§ 212.4 Applications for the exercise of discretion under section 212(d)(3).

(d) Admission of groups inadmissible under section 212(a)(28) for attendance at international conferences. When the Secretary of State recommends that a group of nonimmigrant aliens and their accompanying family members be admitted to attend international conferences notwithstanding their inadmissibility under section 212(a)(28) of the Act, the Assistant Commissioner, Examinations, may enter an order pursuant to the authority contained in section 212(d)(3)(A) of the Act specifying the terms and conditions of their admission and stay.

(e) Inadmissibility under section 212(a)(1) or 212(a)(24). Pursuant to the authority contained in section 212(d)(3) of the Act, the temporary admission as a nonimmigrant visitor of a Canadian national or an alien resident of Canada having a common nationality with Canadians, who is not required to present a visa and passport pursuant to § 212.1(a), is authorized notwithstanding inadmissibility under section 212(a)(1) of the Act, if such national or alien resident is accompanied by a member of his family or a guardian who will be responsible for him during his visit; in addition, the temporary admission of any nonimmigrant inadmissible solely under section 212(a)(24) of the Act is authorized.

2. Paragraph (f) of § 212.6 is amended to read as follows:

§ 212.6 Nonresident alien border crossing cards.

(f) Previous removal or deportation; waiver of inadmissibility. Pursuant to

the authority contained in section 212 (d) (3) of the Act, the temporary admission of an alien who is inadmissible under paragraph (16) or (17) of section 212(a) of the Act is authorized if such alien is in possession of a Mexican Non-resident Alien Border Crossing Card and he establishes that he is otherwise admissible as a nonimmigrant visitor or student except for his removal or deportation prior to November 1, 1956, because of entry without inspection or lack of required documents.

### PART 214—NONIMMIGRANT CLASSES

The last sentence of subparagraph (3) *Admission, employment, and extension* of paragraph (h) *Temporary employees* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended to read as follows: "In the case of an alien defined in section 101(a) (15) (H) (ii) of the Act, the application for extension shall be accompanied by a labor certification or a notice that such certification cannot be made; and the alien shall not be granted an extension which would result in an unbroken stay in the United States for more than three years."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 211.1(b) (1) and 212.4(e) confer benefits upon persons affected thereby; the amendments to §§ 212.4(d) and 212.6(f) are editorial in nature; and the amendment to § 214.2(h) (3) is clarifying in nature.

Dated: February 11, 1970.

RAYMOND F. FARRELL,  
Commissioner of  
Immigration and Naturalization.

[F.R. Doc. 70-1949; Filed, Feb. 16, 1970;  
8:48 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

### PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

#### Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act

of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, the reference to the States of Arkansas and Ohio in the introductory portion of paragraph (e), subparagraph (2) relating to the State of Arkansas, and subparagraph (10) relating to the State of Ohio are deleted.

2. In § 76.2, paragraph (e) (3) relating to the State of Illinois, subdivision (viii) relating to Shelby County is amended to read:

(3) *Illinois*. \* \* \*

(viii) That portion of Shelby County comprised of Big Springs, Flat Branch, Oak Grove, Okaw, Ridge, and Rural Townships.

\* \* \* \* \*

3. In § 76.2, paragraph (e) (13) relating to the State of Texas, a new subdivision (ix) is added to read:

(13) *Texas*. \* \* \*

(ix) That portion of Jones County bounded by a line beginning at the junction of Farm to Market Roads 1636 and 1226; thence, following Farm to Market Road 1226 in a generally southerly direction to U.S. Highway 83; thence following U.S. Highway 83 in a southeasterly direction to Farm to Market Road 605; thence, following Farm to Market Road 605 in a westerly direction to Farm to Market Road 707; thence, following Farm to Market Road 707 in a northwesterly direction to Farm to Market Road 1812; thence, following Farm to Market Road 1812 in a southwesterly direction to Farm to Market Road 126; thence, following Farm to Market Road 126 in a northwesterly direction to U.S. Highway 83; thence, following U.S. Highway 83 in a southeasterly direction to Farm to Market Road 1636; thence, following Farm to Market Road 1636 in a generally easterly direction to its junction with Farm to Market Road 1226.

4. In § 76.2 paragraph (f) is amended by adding the name of the State of New Mexico.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4 33 Stat. 1264, 1265, as amended, sec. 1, 76 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

*Effective date.* The foregoing amendments shall become effective upon issuance.

The amendments quarantine portions of Shelby County, Ill., and portions of Jones County, Tex., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to such counties.

The amendments also exclude portions of Lawrence County, Ark., and portions of Preble County, Ohio, from the areas heretofore quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2. Further, the restrictions pertaining to the interstate movement from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine.

The foregoing amendments also add the State of New Mexico to the list of hog cholera eradication States as set forth in § 76.2(f).

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of February 1970.

R. J. ANDERSON,  
Acting Administrator,  
Agricultural Research Service.

[F.R. Doc. 70-1945; Filed, Feb. 16, 1970;  
8:48 a.m.]

### PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

#### Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, paragraph (e) (13) relating to the State of Texas, a new subdivision (x) is added to read:

(13) *Texas*. \* \* \*

(x) The adjacent portions of Bosque and McLennan Counties bounded by a line beginning at the junction of State Highway 6 and Farm to Market Road 219; thence, following Farm to Market Road 219 in a northeasterly direction to Farm to Market Road 708; thence, following Farm to Market Road 708 in a

generally southeasterly direction to Farm to Market Road 56; thence, following Farm to Market Road 56 in a northeasterly direction to Farm to Market Road 2114; thence, following Farm to Market Road 2114 in a generally southeasterly direction to Brazos River; thence, following the west bank of the Brazos River in a generally southerly direction to the Bosque-McLennan County line; thence, following the Bosque-McLennan County line in a southwesterly direction to Farm to Market Road 2490; thence, following Farm to Market Road 2490 in a southeasterly direction to Farm to Market Road 1637; thence, following Farm to Market Road 1637 in a northwesterly direction to Farm to Market Road 185; thence, following Farm to Market Road 185 in a generally southwesterly direction to the McLennan-Coryell County line; thence, following the McLennan-Coryell County line in a northwesterly direction to the Bosque-Coryell County line; thence, following the Bosque-Coryell County line in a northwesterly direction to Farm to Market Road 217; thence, following Farm to Market Road 217 in a northeasterly direction to Farm to Market Road 2602; thence, following Farm to Market Road 2602 in a generally northeasterly direction to State Highway 6; thence, following State Highway 6 in a northwesterly direction to its junction with Farm to Market Road 219.

2. In § 76.02, paragraph (e)(14) relating to the State of Virginia, subdivision (iv) is amended to read:

(14) Virginia. \* \* \*

(iv) That portion of Isle of Wight County bounded by a line beginning at the junction of U.S. Highway 258 and Secondary Highway 704; thence, following Secondary Highway 704 in an easterly direction to Secondary Highway 669; thence, following Secondary Highway 669 in a southeasterly direction to Secondary Highway 665; thence, following Secondary Highway 665 in a southwesterly direction to U.S. Highway 258; thence, following U.S. Highway 258 in a northwesterly direction to Secondary Highway 644; thence, following Secondary Highway 644 in a southwesterly direction to Secondary Highway 654; thence, following Secondary Highway 654 in a northwesterly direction to Secondary Highway 692; thence, following Secondary Highway 692 in a southwesterly direction to Secondary Highway 652; thence, following Secondary Highway 652 in a northwesterly direction to U.S. Highway 258; thence, following U.S. Highway 258 in a northeasterly direction to its junction with Secondary Highway 704.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

**Effective date.** The foregoing amendments shall become effective upon issuance.

The amendments quarantine portions of Isle of Wight County in Virginia and portions of Bosque and McLennan Counties in Texas, because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas designated herein.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish their purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of February 1970.

GEORGE W. IRVING, Jr.,  
Administrator,  
Agricultural Research Service.

[F.R. Doc. 70-1946; Filed, Feb. 16, 1970; 8:48 a.m.]

## Title 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

#### PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

##### Franchise Sales Promotion Plan With Pyramidizing Franchises and "Functional Override" Commission Implications

§ 15.404 Franchise sales promotion plan with pyramidizing franchises and "Functional Override" commission implications.

(a) In a previous advisory opinion the Commission advised that a violation of section 5 of the Federal Trade Commission Act would result from the adoption of the following proposed franchise sales promotion plan.

(b) The plan centers around the sale of a fruit juice drink through franchise independent businessmen who will assist in the franchisor's growth by training additional franchisees. For such performance an original franchisee will be paid a "Functional Override", or commission, of 1 percent of the gross sales of those they recruit and train (direct franchisees) and one-half of 1 percent of the gross sales of those recruited and trained by direct franchisees (indirect franchisees). In addition, original franchisees will be granted loan credits and cash bonuses for persons proposed and accepted as franchisees.

(c) Although the plan was not intended to have "pyramid sales" implications and the "Functional Override" was to stop with the indirect franchisees insofar as an original franchisee is concerned, a direct franchisee may become an original franchisee and indirect franchisees may become direct, and subsequently original, franchisees by sponsoring other persons as franchisees. This being so the "Functional Override" continues throughout the chain down to the last indirect franchisee recruited who would be unable to derive any benefits from the plan for the reason that the continually expanding pyramid of franchisees would prevent the later franchisees from successfully recruiting still other participants.

(d) A tabulation distributed through an operations manual to potential franchise purchasers indicates that an original franchisee may, in theory, benefit from the effort of at least twenty (20) other franchisees. This in the Commission's judgment is somewhat beyond the realm of possibility since an original franchise purchaser does not know the number of prior franchise purchasers nor the degree to which an available market has been saturated with franchises. The return to any given franchise participant will unquestionably be a great deal less than the theoretically achievable amount set forth. No single franchise participant can be certain what his return will be, if any, beyond perhaps that from his first few direct franchisees. Any further amount he might receive would accrue to him sheerly through chance.

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

Issued: February 16, 1970.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 70-1889; Filed, Feb. 16, 1970; 8:45 a.m.]

## Title 26—INTERNAL REVENUE

### Chapter I—Internal Revenue Service, Department of the Treasury

#### SUBCHAPTER A—INCOME TAX

[T.D. 7026]

#### PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

##### Election Relating to Crop Insurance Proceeds

The following regulations relate to the application of section 451(d) of the Internal Revenue Code of 1954, as added by section 215(a) of the Tax Reform Act of 1969 (83 Stat. 573), to the election to include insurance proceeds received for the destruction or damage of crops in gross income for the taxable year following the taxable year of destruction or damage.

The regulations set forth herein are temporary and are designed to inform

taxpayers of the time and manner of electing to include insurance proceeds received as a result of crop destruction or damage in gross income for the taxable year following the taxable year of such destruction or damage under subsection (d) of section 451 with respect to elections made after December 30, 1969, and before the issuance of regulations to be prescribed by the Commissioner and approved by the Secretary or his delegate.

In order to provide such temporary regulations under section 451(d) of the Internal Revenue Code of 1954, the following regulations are adopted:

**§ 13.3 Election to include crop insurance proceeds in gross income in the taxable year following the taxable year of destruction or damage.**

(a) *In general.* Under section 451(d) a taxpayer reporting gross income on the cash receipts and disbursements method of accounting may elect to include insurance proceeds received as a result of the destruction or damage of crops in gross income for the taxable year following the taxable year of such destruction or damage, if the taxpayer establishes that, under his practice, the income from such crops would have been included in gross income for any taxable year following the taxable year of such destruction or damage.

(b) *Time and manner of making election.* The election by a taxpayer to include in gross income insurance proceeds received as a result of the destruction or damage of the taxpayer's crops in the taxable year following the taxable year of such destruction or damage must be made at the time the taxpayer files his return for such taxable year of destruction or damage, by attaching a separate statement signed by the taxpayer to such return. The statement must contain the following information:

(1) A declaration that the taxpayer is making an election under section 451(d);

(2) The specific crop or crops destroyed or damaged;

(3) A declaration that under the taxpayer's normal business practice the income derived from the crops which were destroyed or damaged would have been included in his gross income for a taxable year following the taxable year of such destruction or damage;

(4) The cause of destruction or damage of crops and date occurred;

(5) The total amount of payments received from insurance carriers, itemized with respect to each specific crop and with respect to the date each payment was received; and

(6) The name of the insurance carrier or carriers from whom payments were received.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject

to the effective date limitation of subsection (d) of that section.

(Secs. 451(d); 83 Stat. 573; 26 U.S.C. 451; and 7805 (68A Stat. 917; U.S.C. 7805) of the Internal Revenue Code of 1954)

[SEAL] RANDOLPH W. THROWER,  
Commissioner of Internal Revenue.

Approved: February 11, 1970.

EDWIN S. COHEN,  
Assistant Secretary  
of the Treasury.

[F.R. Doc. 70-1948; Filed, Feb. 16, 1970;  
8:48 a.m.]

## Title 29—LABOR

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

#### PART 690—FABRICATED PLASTIC PRODUCTS INDUSTRY IN PUERTO RICO

##### Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 611 (34 F.R. 18044), the Secretary of Labor appointed and convened Industry Committee No. 90-A for the Fabricated Plastic Products Industry in Puerto Rico, referred to the committee the question of the minimum rate or rates of wages to be paid under section 6 of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

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

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 90-A are hereby published, to be effective March 5, 1970, in this order amending Part 690 of P.A.T. Title 29, Code of Federal Regulations, by amending section 690.2 to read as follows:

##### § 690.2 Wage rates.

(a) *Pre-1961 coverage classifications.* \* \* \*

(4) *General classification.* (i) The minimum wage for this classification is \$1.34 an hour.

(b) *1961 coverage classification.* (1) The minimum wage for this classification is \$1.34 an hour.

(c) *1966 coverage classification.* (1) The minimum wage for this classification is \$1.45 an hour for the period ending January 31, 1971, and \$1.60 an hour thereafter.

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

Signed at Washington, D.C., this 1st day of February, 1970.

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

[F.R. Doc. 70-1971; Filed, Feb. 16, 1970;  
8:51 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter I—Office of the Secretary of Defense

#### SUBCHAPTER H—MISCELLANEOUS

#### PART 210—DISTRIBUTION OF FED- ERAL CATALOG SYSTEM DATA TO THE PUBLIC

The Assistant Secretary of Defense (Installations and Logistics) approved the following on October 24, 1969:

Sec.  
210.1 Reissuance and purpose.  
210.2 Applicability and scope.  
210.3 Definitions.  
210.4 Policy.  
210.5 Responsibilities.

**AUTHORITY:** The provisions of this part are issued under section 2452, title 10, United States Code.

##### § 210.1 Reissuance and purpose.

This part sets forth the basic policy delineating Department of Defense (DoD) principles and requirements for making Federal Catalog System data available to the public under the provisions of Part 286 of subchapter P.

##### § 210.2 Applicability and scope.

(a) The provisions of this part apply to all DoD components, except the National Security Agency (NSA) and the Defense Atomic Support Agency (DASA) for those items and publications specified in § 210.2(c).

(b) The scope of this part encompasses all materiel control functions pertaining to the management areas listed in section II of DoD Directive 4130.2, "Development, Maintenance, and Use of Federal Catalog System within the DoD" dated December 4, 1963<sup>1</sup> as they directly relate to the listings of data described in § 210.3(b).

(c) Items and publication data excluded from the provisions of this part are (1) Federal Catalog listings containing security or classified information; (2) Atomic Energy Commission (AEC) specially designed items; (3)

<sup>1</sup> Filed as part of the original document. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19102, Attention: Code 300.

AEC quality controlled commercial items; (4) military service designed and quality controlled nuclear ordnance items; (5) NSA specially designed and controlled items; (6) publications designated "For Official Use Only," and (7) management data lists, containing materiel management information peculiar to a military department and required to requisition and account for items of supply.

§ 210.3 Definitions.

As used in this part the following definitions apply:

(a) *Federal Catalog System*. A Department of Defense program, established by law to (1) provide a uniform system of item identification; (2) eliminate different identifications of like items; (3) reveal interchangeability among items; (4) aid in standardization; (5) facilitate intra- and inter-departmental logistics support; (6) strengthen Government-Industry relationships; and (7) improve materiel management and military effectiveness to promote efficiency and economy in logistics operations.

(b) *Federal Catalog System Data—(1) Cataloging Handbooks*. A series of publications comprising the cataloging tools used in the Federal Catalog System.

(2) *Federal Manual for Supply Cataloging*. A series of publications containing operating policies, rules and procedures for the uniform development and maintenance of the Federal Catalog System.

(3) *Federal Item Identification Guide/Description Pattern*. A series of requirements which predetermine the sequence and nature of adequate data required to describe, with consistent uniformity, a given item or group of items.

(4) *Federal Item Identification*. A description of an item of supply which consists of minimum data essential to establish those characteristics which give an item its unique character and differentiate it from every other item of supply used by the Federal Government.

(5) *Federal Standard No. 5*. A publication containing procedures for use by commercial activities in preparing item identification data for materiel when procurement of such identification data is contractually specified. This publication may be obtained from the U.S. Government Printing Office.

(6) *Identification Lists (ILS)*.<sup>2</sup> Those sections of the Federal Catalog System Publications containing characteristics or other identifying data for items of supply. The ILS for the Military Departments are tailored to include only those items of interest to the respective military service. The Defense Supply Agency (DSA) ILS are tailored to include only those items classified within the Federal Supply Classes assigned to the DSA for materiel management.

(7) *Master Cross Reference Lists (MCRLS)*. Those sections of the Federal Supply Catalog containing a one-way

cross-reference between reference numbers (part, catalog, drawing, etc.) and their applicable Federal Stock Numbers (FSNs) for all catalog items recorded in the files of the Defense Logistics Services Center (DLSC). These sections are published in issues tailored for use by each separate Military Department and also as a consolidated issue. The tailored issues include only those reference numbers and FSNs of interest to a particular military service. The consolidated issue lists all those reference numbers (except those which are security classified) and the corresponding FSNs recorded in the master Federal Catalog System files maintained at DLSC.

§ 210.4 Policy.

Members of the public requesting Federal Catalog System data will have access to the following publications, contingent upon the release procedures prescribed in § 286.10, subchapter P of this Chapter 1 and the principles and guidelines set forth in § 210.5.

(a) A brochure, titled "Federal Catalog System Publications," is available without charge from DLSC, Federal Center, Battle Creek, Mich. 49016. All of the cataloging tools described therein may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 for the compiling DoD Component, or obtained from the DoD without charge under provisions prescribed in § 210.5(b).

(b) ILS as described under § 210.3(b) (6) above, will be sold directly by the respective compiling activities within the Military Departments or the DSA, except for those instances set forth in § 210.5(b) whereby the documents will be furnished without charge.

(c) Printed copies of the consolidated MCRL, in reference number sequence, are for sale by the U.S. Government Printing Office.

(d) At such time as availability is announced, Automatic Data Processing magnetic tape in lieu of printed copies of selected publications described in § 210.3(b) may be purchased from the U.S. Department of Commerce Clearing House, Springfield, Va. 22151.

§ 210.5 Responsibilities.

(a) The military services and the DSA will sell to the public printed copies of those Federal Catalog System Publications for which each is the cognizant preparing activity, as specified in § 210.4(b).

(b) The Military Departments and the DSA, at their option, may:

(1) Provide a limited number of selected ILS and MCRLS (§ 210.3(b) (6) and (7)) without charge to:

(i) Commercial activities or individuals (engaged in supplying selected items under DoD contracts) upon request and determination by a DoD contracting official that the data are necessary for use in connection with the contract. Once the initial distribution has been made, each requiring activity or individual will be responsible for purchasing extra copies of the basic documents and supplements thereto (see § 210.5(c)).

(ii) Bidders for DoD contracts, when it is determined by responsible contracting officials that such data are essential to the submission of bids and the provisions thereof is in the best interests of the Government.

(2) Furnish to a commercial contractor (if required for performance under the terms of a current DoD contract) a minimum number the Federal Catalog System Publications enumerated in § 210.3(b) (1) through (5), unless the contract specifies that the commercial contractor must purchase such documents (see § 210.5(c)).

(c) The Military Departments and the DSA will sell (1) to the general public, printed copies of those Federal Catalogs for which each is the cognizant preparing activity, as specified in § 210.4(b); and (2) to contractors, such material as they are required to purchase under the provisions of § 210.5(b) (1) and (2). Charges and fees for the sale of printed material, and the resultant collection, accounting, and record maintenance procedures will be determined in accordance with the provisions of Part 288 of subchapter P.

FEBRUARY 10, 1970.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives Division OASD  
(Administration)

[F.R. Doc. 70-1925; Filed, Feb. 16, 1970;  
8:46 a.m.]

Title 33—NAVIGATION AND  
NAVIGABLE WATERS

Chapter II—Corps of Engineers,  
Department of the Army  
PART 205—DUMPING GROUNDS  
REGULATIONS

San Francisco Bay, Calif.

Pursuant to the provisions of section 4 of the River and Harbor Act of 3 March 1905 (33 Stat. 1147; 33 U.S.C. 419), section 205.60 establishing and governing the use of dumping grounds in San Francisco Bay, Calif., is hereby amended with respect to paragraphs (a) (1) and (2) in their entirety effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 205.60 San Francisco Bay, Calif.

(a) \* \* \*

(1) *South of Alcatraz Island*. An area bounded as follows: Beginning at latitude 37°49'28", longitude 122°25'26"; thence to latitude 37°49'24", longitude 122°25'11"; thence to latitude 37°49'11", longitude 122°25'06"; thence to latitude 37°49'05", longitude 122°25'31"; thence to latitude 37°49'23", longitude 122°25'37"; and thence to the point of beginning.

(2) *West of Yerba Buena Island*. An area bounded as follows: Beginning at latitude 37°48'50", longitude 122°22'51"; thence to latitude 37°48'48", longitude 122°22'47"; thence to latitude 37°48'47", longitude 122°22'33"; thence to latitude 37°48'41", longitude 122°22'25"; thence

<sup>2</sup>Printed copies may be obtained from the cognizant Inventory/Materiel Managers within the Military Departments and the Defense Supply Agency.

to latitude 37°48'26", longitude 122°22'53"; thence to latitude 37°48'42", longitude 122°23'07"; and thence to the point of beginning.

[Regs., Jan. 13, 1970, ENGOW-ON] (Sec. 4, 33 Stat. 1147; 33 U.S.C. 419)

For the Adjutant General.

RICHARD B. BELNAP,  
Special Advisor to TAG.

[F.R. Doc. 70-1924; Filed, Feb. 16, 1970;  
8:46 a.m.]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter I—Federal Procurement Regulations

#### PART 1-1—GENERAL

##### Expanded Synopsizing Requirements

This amendment prescribes policies and procedures designed to provide fuller coverage of procurement information by the Commerce Business Daily, as well as ensure the expeditious forwarding of appropriate material to that publication for release to the public.

The table of contents for Part 1-1 is amended by changing the caption for § 1-1.1003-3 and by adding new entries as follows:

- 1-1.1003-3 Special areas of negotiation.
- 1-1.1006 Advance planning procurement information.
- 1-1.1006-1 General.
- 1-1.1006-2 Application.
- 1-1.1006-3 Conditions.
- 1-1.1006-4 Commerce Business Daily announcements.
- 1-1.1007 Agency responsibility for conformance with synopsizing program.

##### Subpart 1-1.10—Publicizing Procurement Actions

1. Section 1-1.1003-2 is amended as follows:

###### § 1-1.1003-2 General requirements.

(a) In accordance with section 8 of the Small Business Act, all proposed defense procurement actions of \$10,000 and above, and all proposed civilian agency procurement actions of \$5,000 and above, will be published promptly in the Department of Commerce Synopsis (see § 1-1.1003-6), except that the following need not be so publicized:

(7) (Deleted)

2. Section 1-1.1003-3 is revised as follows:

###### § 1-1.1003-3 Special areas of negotiation.

(a) *Research and development.* Advance notices of the Government's interest in a given field of research and development shall be published in the Synopsis in accordance with § 1-1.1003-7

(b) (7), except where security considerations prohibit such publication. Such notices will enable potential sources to learn of research and development programs and provide such sources with an adequate opportunity to submit information which will permit evaluation of their research and development capabilities. Each specific procurement of research and development shall be publicized in the Synopsis unless (1) one of the exceptions in § 1-1.1003-2 is applicable, or (2) an advance notice has been published in the Synopsis and such notice was sufficiently specific to permit potential sources to request solicitations for the procurement.

(b) *Personal and professional services.* Advance notice of procurements for personal or professional services shall be published in the Synopsis when it is feasible and practicable to do so and the best interests of the Government will be served.

3. Section 1-1.1003-4(b) is revised as follows:

###### § 1-1.1003-4 Synopses of subcontract opportunities.

(b) *By prime contractors and subcontractors.* Prime contractors and subcontractors should be encouraged to use the Commerce Business Daily to publicize opportunities in the field of subcontracting stemming from Government business. Prime contractors and their subcontractors will be advised to mail subcontract information directly to the Commerce Business Daily, U.S. Department of Commerce, Room 1304, 433 West Van Buren Street, Chicago, Ill. 60607, under the heading "Subcontracting Assistance Wanted" and in the form of the following example:

XYZ CO. ATTN JOHN Z. SMITH, TELE. NO. RANDOLPH 6-1111, 102 FIRST AVE., CHICAGO, ILLINOIS 60607, seeks Subcontractor on items to be used in connection with Contract No. ----- awarded -----

(Date)  
COILS, INDUCTION, DWG. NO. 10-742  
----- 10,000 ea. (Name, description, and quantity of other items or services may be included as long as contract assistance is desired under the same contract number.)  
If interested, make inquiry before -----

(Date)  
to above contractor.

4. Section 1-1.1003-6 is revised as follows:

###### § 1-1.1003-6 Time of publicizing.

To allow concerns which are not on current bidders lists ample time to prepare bids or proposals, procuring activities shall, except when found by the contracting officer not to be feasible to do so, publicize proposed procurements 10 calendar days before issuance of invitations for bids and requests for proposals. In a case where this is not feasible, the synopsis should be forwarded to the Commerce Business Daily not later than the date of the issuance of the invitation for bids or request for proposals.

5. Section 1-1.1003-7(a) (2) is revised as follows:

###### § 1-1.1003-7 Preparation and transmittal.

(a) \* \* \*

(2) When the use of mail service does not interfere with the intent to allow interested concerns ample time to submit bids, proposals, or quotations, or when teletypewriter service is not available, synopses normally shall be sent by air-mail or ordinary mail, whichever is considered more expeditious, addressed as follows: Commerce Business Daily, U.S. Department of Commerce, Room 1304, 433 West Van Buren Street, Chicago, Ill. 60607. This address should be used also when commercial telegraph facilities are used.

6. Section 1-1.1004-1(a) is revised as follows:

###### § 1-1.1004-1 Preparation and transmittal.

(a) Procuring activities shall prepare and forward single copies of synopses of contract awards daily by air-mail or ordinary mail, whichever is considered more expeditious, addressed as follows: Commerce Business Daily, U.S. Department of Commerce, Room 1304, 433 West Van Buren Street, Chicago, Ill. 60607.

7. Sections 1-1.1006, 1-1.1006-1, 1-1.1006-2, 1-1.1006-3, and 1-1.1006-4 are added as follows:

###### § 1-1.1006 Advance planning procurement information.

###### § 1-1.1006-1 General.

An agency may have unclassified long-range estimates of requirements for items or materials which are expected ultimately to be procured in large quantity. It may be desirable for such agency to provide information to industry substantially in advance of institution of buying procedures.

###### § 1-1.1006-2 Application.

Public release of long-range procurement estimates may be made by an agency head or his designee if he determines that the:

(a) Information to be released will assist industry in its planning and facilitate meeting the procurement requirements; and

(b) Announcement will not adversely affect procurement by encouraging undesirable practices, such as attempts to corner the market or hoard industrial materials.

###### § 1-1.1006-3 Conditions.

The conditions set forth below shall be adhered to in the preparation and issuance of long-range procurement estimates.

(a) The agency head or his designee shall be responsible for the determination of the need for, and the preparation of, the proposed announcement.

(b) Only unclassified information shall be released.

(c) The information shall be:

(1) Released as nearly simultaneously as possible; and

(2) Publicized as widely as practicable, consistent with the needs of the individual case, by any or all of the following means: Dissemination to prospective bidders on the purchasing office's bidders lists, posting in public places, and other appropriate means.

(d) Each release shall state that the estimate is based on the best information available at the time of publication, the information is subject to modification, is in no way binding on the Government, and that more specific information relating to any individual item or class of items will not be furnished until the proposed procurement is publicized in the Synopsis (see § 1-1.1003), or the solicitation issued.

(e) Each release shall contain the name and address of the purchasing office which will process the procurement.

(f) Modifications to the original release shall be publicized as expeditiously as possible, in the same manner as the original.

(g) Each proposed release shall be coordinated with small business, public information, and public relations personnel, as appropriate.

(h) Each release shall contain, if applicable, a statement to the effect that small business or labor surplus area set-asides may be involved in some of the procurements, and that the determination of the applicability of these factors can be made only at the time that procurement action is initiated.

(i) Each release shall contain the name or description of the item, and the estimated quantity to be purchased by calendar quarter, fiscal year, or other period. It may also contain such additional information as the number of units last purchased, the unit price, and the name of the last supplier.

**§ 1-1.1006-4 Commerce Business Daily announcements.**

(a) *General.* In addition to the publication of estimates as provided in § 1-1.1006-3, further publication, where consistent with the needs of the individual case, shall be accomplished by annual announcements in the Synopsis reflecting the fact that long-range procurement estimates have been published and are obtainable, on request, from the issuing organization.

(b) *Preparation and transmittal.* Activities publishing long-range procurement estimates shall, in accordance with § 1-1.1006-4(a), publicize them in the Synopsis by forwarding to the address of the office from which a copy of the estimate can be obtained. Each announcement should identify the commodity and buying office concerned, designate the presumptive date of buying, and state that the estimates are subject to review and are in no way binding on the Government.

8. Section 1-1.1007 is added as follows:

**§ 1-1.1007 Agency responsibility for conformance with synopsisizing program.**

Each agency shall be responsible for full compliance with the synopsisizing procedures of this Subpart 1-1.10. Periodic verification should be made by a central authority within the agency to ensure that procuring activities are forwarding all required synopses in a complete, timely, and uniform manner to the Commerce Business Daily. Full cooperation should be extended to Department of Commerce personnel with respect to such monitoring and review of agency synopsisizing operations as the Commerce Business Daily staff may undertake.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

*Effective date.* This amendment is effective April 15, 1970.

Dated: February 10, 1970.

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

[F.R. Doc. 70-1978; Filed, Feb. 16, 1970; 8:51 a.m.]

**Chapter 101—Federal Property Management Regulations**

**SUBCHAPTER E—SUPPLY AND PROCUREMENT  
PART 101-30—FEDERAL CATALOG SYSTEM**

**GSA Section of Federal Supply Catalog**

This amendment authorizes and describes the GSA section of the Federal Supply Catalog which is issued as an integral part of the Federal Supply Catalog.

The table of contents for Part 101-30 is amended by the addition of the following new entries:

- Subpart 101-30.6—GSA Section of the Federal Supply Catalog
- 101-30.101-8 GSA section of the Federal Supply Catalog.
- 101-30.600 Scope of subpart.
- 101-30.601 Objective.
- 101-30.602 Authority for issuance.
- 101-30.603 GSA Federal supply catalogs.
- 101-30.603-1 Guide to Sources of Supply and Service.
- 101-30.603-2 Stock Catalog.
- 101-30.603-3 Management Data List.
- 101-30.603-4 National Supplier Change Index.
- 101-30.604 Availability.

Subparts 101-30.7—101-30.48 [Reserved]

**Subpart 101-30.1—General**

Section 101-30.101-8 is added to read as follows:

**§ 101-30.101-8 GSA section of the Federal Supply Catalog.**

"GSA section of the Federal Supply Catalog" means a series of supply catalogs issued by GSA as an integral part of the Federal Supply Catalog. These catalogs indicate the source for obtaining supplies and services and contain ordering instructions and related supply management data.

A new subpart 101-30.6 is added as follows:

**Subpart 101-30.6—GSA Section of the Federal Supply Catalog**

**§ 101-30.600 Scope of subpart.**

This subpart describes that section of the Federal Supply Catalog issued by GSA and authorizes its issuance by the Commissioner, Federal Supply Service.

**§ 101-30.601 Objective.**

GSA Federal supply catalogs are designed to facilitate acquisition of GSA managed items and services from established sources of supply by Federal agencies and other organizations which may be authorized to use GSA sources of supply.

**§ 101-30.602 Authority for issuance.**

The GSA section of the Federal Supply Catalog is issued as an integral part of the Federal Catalog System as prescribed in Subpart 101-30.1. The Commissioner, Federal Supply Service, is authorized to publish catalogs for those items and programs for which GSA furnishes supply support to Federal agencies.

**§ 101-30.603 GSA Federal supply catalogs.**

**§ 101-30.603-1 Guide to Sources of Supply and Service.**

This catalog contains a short introduction to the main sources of supply and services provided by GSA for the use of Federal agencies, an alpha index of commodities and services, an index of national and regional Federal Supply Schedule contracts, and an index of term contracts commodities and services available through contracts executed by regional offices.

**§ 101-30.603-2 Stock Catalog.**

This catalog lists and describes all items stocked by GSA except those stocked exclusively for the use of DOD activities. Also listed are certain non-stocked items for which orders are filled by direct shipment from contractors.

**§ 101-30.603-3 Management Data List.**

This catalog is a master listing in Federal stock number sequence of all GSA-managed items, including those stocked exclusively for the use of DOD activities, indicating the source and method of supply for each item. The Management Data List is designed to serve two purposes: (a) An ordering tool for agencies which order supply items by stock number and (b) a supply management tool for determining such information as shelf life, source, unit of issue, and unit price.

**§ 101-30.603-4 National Supplier Change Index.**

This catalog serves as a medium to concentrate all changes and informational matter on all GSA-managed items. The National Supplier Change Index lists all changes pertaining to GSA Federal supply catalogs.

**§ 101-30.604 Availability.**

GSA Federal supply catalogs are available through GSA regional offices. Distribution is made according to established mailing lists.

**Subparts 101-30.7-101-30.48****[Reserved]**

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

*Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: February 10, 1970.

JOHN W. CHAPMAN, JR.,  
*Acting Administrator  
of General Services.*

[F.R. Doc. 70-1940; Filed, Feb. 16, 1970; 8:48 a.m.]

**Title 45—PUBLIC WELFARE****Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare****PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS****Expiration of Certain Medical Assistance Programs**

A new section 233.145 is added to Part 233, Chapter II of Title 45 of the Code of Federal Regulations as set forth below, relating to the expiration of the medical assistance programs under titles I, IV-A, X, XIV, and XVI of the Social Security Act.

§ 233.145 Expiration of medical assistance programs under titles I, IV-A, X, XIV and XVI of the Social Security Act.

Under the provisions of section 121(b) of Public Law 89-97, enacted July 30, 1965, no payment may be made to any State under title I, IV-A, X, XIV or XVI of the Social Security Act for aid or assistance in the form of medical or any other type of remedial care for any period after December 31, 1969. Effective January 1, 1970, Federal financial participation in vendor payments for medical care and services is not available except under title XIX of the Act.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; sec. 121(b), 79 Stat. 352)

*Effective date.* The regulations in this section are effective on January 1, 1970.

Dated: January 12, 1970.

JOHN D. TWINAME,  
*Acting Administrator, Social  
and Rehabilitation Service.*

Approved: February 10, 1970.

ROBERT H. FINCH,  
*Secretary.*

[F.R. Doc. 70-1980; Filed, Feb. 16, 1970; 8:51 a.m.]

**PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS****Amount, Duration, and Scope of Medical Assistance**

Section 249.10(b)(15)(vii) is revised to read as follows:

§ 249.10 Amount, duration, and scope of medical assistance.

(b) \* \* \*  
(15) \* \* \*

(vii) Personal care services in a recipient's home rendered by an individual, not a member of the family, who is qualified to provide such services, where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a registered nurse.

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

*Effective date.* This revision shall be effective on January 1, 1970.

Dated: December 31, 1969.

MARY E. SWITZER,  
*Administrator, Social  
and Rehabilitation Service.*

Approved: February 10, 1970.

ROBERT H. FINCH,  
*Secretary.*

[F.R. Doc. 70-1977; Filed, Feb. 16, 1970; 8:51 a.m.]

**Title 43—PUBLIC LANDS: INTERIOR****Chapter II—Bureau of Land Management, Department of the Interior**

[Circular No. 2269]

**DELETION OF OBSOLETE REGULATIONS**

The purpose of this notice is to delete certain portions of the regulations in Subchapters A and B of Chapter II of Title 43, Code of Federal Regulations. Since the regulations being deleted relate to laws which have expired or have been repealed or are otherwise obsolete, it has been deemed unnecessary to publish this order as proposed rule making.

Effective upon publication in the FEDERAL REGISTER, the following regulations are deleted from Title 43, Code of Federal Regulations:

In Part 1810—Introduction and General Guidance, Subpart 1811—Qualifications of Applicants is deleted in its entirety.

In Subpart 1813—Public Land Records, delete §§ 1813.1-2, 1813.1-3, and 1813.2.

In Subpart 1821—Execution and Filing of Forms of Part 1820 delete §§ 1821.3-1 (b), 1821.3-2 (b), (c), 1821.3-3, 1821.3-6, 1821.4-1 (b), 1821.4-3, 1821.5-4, 1821.6-6, and 1821.7.

In Subpart 1822—Payments, Repayments, and Bonds delete §§ 1822.3-1(a), 1822.3-1(b)(2), 1822.3-2, 1822.3-3(a), 1822.3-3(b)(5), 1822.3-9, and 1822.4.

In Subpart 1823—Proofs and Testimony delete §§ 1823.5-1(b) and 1823.5-2.

In Subpart 1824—Publication and Posting of Notices delete §§ 1824.1-1 (b), (c), 1824.2, and 1824.9.

In Subpart 1825—Relinquishments delete § 1825.3.

In Part 1860—Conveyancing Documents, Subpart 1861—Final Certificates is deleted in its entirety.

In Subpart 1862—Patent Preparation and Issuance delete §§ 1862.2(b), 1862.2(c), 1862.5(b), and 1862.7.

In Subpart 2013—Segregation of Lands of Part 2010 delete §§ 2013.1 (a), (b),

2013.2-1, 2013.2-5, 2013.5, and 2013.9-5.

In Subpart 2023—Minerals (Nonmineral Entries on Mineral Lands) of Part 2020 delete §§ 2023.0-3(b), 2023.1-1(b), 2023.1-4, 2023.2-1 (b), (e), 2023.2-3, 2023.2-5(a), 2023.2-6, 2023.3, 2023.5-3 (b), (c), 2023.5-4, and 2023.6-1 (b) to (e).

Subpart 2025—Improvements is deleted in its entirety.

In Part 2030—Special Considerations, Subpart 2031—Alaska is deleted in its entirety.

In Subpart 2033—Veterans delete §§ 2033.0-3(e), 2033.0-5(b), 2033.1-1(b)(2), 2033.1-1(c)(4), (5), and (6), 2033.1-1(d), 2033.1-4(c)(3), 2033.1-5, 2033.2-5(c), and 2033.2-8.

In Subpart 2120—Leases; General of Part 2120 delete § 2120.0-3(b).

In Part 2220—Dispositions; General, Subpart 2201—Private Entries is deleted in its entirety.

Subpart 2202—Private Entries is deleted in its entirety.

In Subpart 2211—Homesteads of Part 2210 delete §§ 2211.0-8 (b), (c), (e), 2211.0-9; 2211.1-2(b)(2)(ii), 2211.2-2 (e)(1)(ii) and (iii), 2211.2-3(c), 2211.5-2, 2211.5-3, 2211.6-3, 2211.6-7, 2211.6-9, 2211.7-1(b)(1), 2211.7-1 (d), (e), (f), 2211.7-2, and 2211.7-6(f)(2).

In Subpart 2212—Native Allotments delete §§ 2212.0-7(a)(3), 2212.1-2, 2212.1-4, 2212.2-3(f), 2212.2-3(g), 2212.3, 2212.4, and 2212.5.

In Subpart 2221—Scrip of Part 2220 delete §§ 2221.0-7(g), 2221.1-1(b), 2221.1-2(b), 2221.1-4, 2221.2-2, 2221.3, 2221.4, 2221.8, and 2221.9.

In Subpart 2222—State Grants delete §§ 2222.1-1(d), 2222.3-6(b), 2222.6 (including Appendix "A"), and 2222.9-3.

In Subpart 2224—Railroad Grants delete §§ 2224.1, and 2224.2.

In Subpart 2226—Desert Land Act delete §§ 2226.0-1(b), 2226.0-6(a)(2), 2226.0-7(d)(1)(i), 2226.0-7(d)(2), 2226.2-7, and 2226.2-8.

In Subpart 2233—Small Tract of Part 2230 delete §§ 2233.6(b), 2233.7, and 2233.9-3.

In Part 2240—Sales and Exchanges, Subpart 2241—Alaska Public Sales Act is deleted in its entirety.

In Subpart 2242—Townsites delete §§ 2242.0-8, 2242.3-7(c), 2242.4-1, 2242.6-2, 2242.6-3, 2242.6-4, 2242.7-1, and 2242.9-5 (c), (g), (h), (i).

In Subpart 2244—Exchanges delete §§ 2244.1-2(g)(3), 2244.1-4(e), and 2244.5-1(b).

Subpart 2245—Alaska Housing Act is deleted in its entirety.

In Subpart 2251—Choctaw-Chickasaw of Part 2250 delete § 2251.1-4.

In Subpart 2311—Withdrawals of Part 2310 delete §§ 2311.1-2(b), 2311.1-2(c), and 2311.3.

In Subpart 2321—Bureau of Land Management of Part 2320 delete §§ 2321.1-2(a)(2), 2321.1-2(d)(2), and 2321.1-4(c).

In Subpart 2323—Bureau of Reclamation delete §§ 2323.0-1, 2323.3, and 2323.5.

Part 2330—National Defense Agencies is deleted in its entirety.

WALTER J. HICKEL,  
*Secretary of the Interior.*

[F.R. Doc. 70-1953; Filed, Feb. 16, 1970; 8:49 a.m.]



# Proposed Rule Making

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[ 21 CFR Parts 130, 146 ]

### DRUGS

#### Hearing Requests on Refusal or Withdrawal of New Drug Applications and Issuance, Amendment or Repeal of Antibiotic Drug Regulations and Describing Scientific Content of Adequate and Well-Controlled Clinical Investigations

On September 19, 1969, the Commissioner of Food and Drugs published in the FEDERAL REGISTER (34 F.R. 14596-14598) regulations amending the procedural rules applicable to requests for hearings on the refusal or withdrawal of new drug applications and for issuance, amendment or repeal of antibiotic drug regulations, together with a statement of the scientific principles descriptive of adequate and well-controlled clinical investigations.

On January 16, 1970, the Honorable James L. Latchum, Judge of the U.S. District Court for the District of Delaware, filed an opinion holding that these regulations were null and void because of the Department's failure to afford advance notice of proposed rulemaking and an opportunity for interested persons to file comments.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act, as amended (Sec. 505, 507, 701(a), 52 Stat. 1052, 1055; 59 Stat. 463; 76 Stat. 781-782, 785-787; 21 U.S.C. 355, 357, 371(a)) and the Administrative Procedure Act (sec. 4; 80 Stat. 383; 81 Stat. 54; U.S.C. 553), and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to repromulgate the regulations to amend Parts 130 and 146 as follows:

1. Section 130.12(a)(5) would be revised to read as follows:

#### § 130.12 Refusal to approve the application.

(a) \* \* \*

(5) (i) Evaluated on the basis of information submitted as part of the application and any other information before the Food and Drug Administration with respect to such drug, there is lack of substantial evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and responsibly be concluded by such experts that the drug

will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling.

(ii) The following principles have been developed over a period of years and are recognized by the scientific community as the essentials of adequate and well-controlled clinical investigations. They provide the basis for the determination whether there is "substantial evidence" to support the claims of effectiveness for "new drugs" and antibiotic drugs.

(a) The plan or protocol for the study must include the following:

(1) A clear statement of the objective of the study.

(2) A method of selection of the subjects that provides for:

(i) Adequate confirmation of the disease state present, including criteria of diagnosis and appropriate confirmatory laboratory tests.

(ii) Assignment of the patients to test groups without bias.

(3) An outline of the methods of quantitation and observation of the parameters studied in the subjects.

(4) A description of the steps taken to document comparability of variable, such as age, sex, duration of disease and use of drugs other than those being studied.

(5) A description of the methods of recording and analyzing the patient response variables studied and the means of excluding or minimizing bias from the observations.

(6) A precise statement of the nature of the control group against which the effects of the new treatment modality can be compared. Three types of controlled comparisons are possible:

(i) Placebo control: The new drug entity may be compared quantitatively with an inactive placebo control. This type of study requires at the minimum that the patient not be able to distinguish between the active product and the placebo. Double blinding, to include the clinical observer, may or may not be desirable, depending on the measurement system used to evaluate the results.

(ii) Active drug control: The new drug entity may be compared quantitatively with another drug known to be effective in situations where it is not ethical to deprive the subject of therapy. The same considerations to the level of "blinding" apply as with a placebo control study.

(iii) Historical control: In some circumstances, involving diseases with high and predictable mortality (acute leukemia of childhood) or with signs and symptoms of predictable duration or severity (fever in certain infections), the results of use of a new drug entity may be compared quantitatively with prior experience historically derived from the adequately documented natural history of the disease in comparable patients

with no treatment or with treatment with an established effective therapeutic regimen.

(7) A summary of statistical methods used in analysis of the data derived from the subjects.

(b) For such an investigation to be considered adequate for consideration for approval of a new drug, it is required that the test drug be standardized as to identity, strength, quality, purity, and dosage form to give significance to the results of the investigation.

(iii) Uncontrolled studies or partially controlled studies are not acceptable evidence to support claims of effectiveness. A study is uncontrolled when there is no comparison study against which to evaluate the treatment results, or when such experimental factors as disease identity are not controlled.

(iv) A study is inadequately controlled when the criteria for patient selection are not adequately defined, investigator bias is not minimized, or an inadequately sensitive method of observation and evaluation of results is employed.

2. Section 130.14(b) would be revised to read as follows:

#### § 130.14 Contents of notice of hearing.

(b) If the applicant elects to avail himself of the opportunity for a hearing, he is required to file a written appearance requesting the hearing within 30 days after the publication of the notice and giving the reason why the application should not be refused or should not be withdrawn, together with a well-organized and full factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition to the notice of opportunity for a hearing. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that there is no genuine and substantial issue of fact which precludes the refusal to approve the application or the withdrawal of approval of the application, e.g., no adequate and well-controlled clinical investigations to support the claims of effectiveness have been identified, the Commissioner will enter an order on this data, making findings and conclusions on such data. If a hearing is requested and is justified by the applicant's response to the notice of hearing, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence, not more than 90 days after the expiration of such

30 days unless the hearing examiner and the applicant otherwise agree.

3. The heading of Part 146 would be changed to read as follows:

**PART 146—ANTIBIOTIC DRUGS; PROCEDURAL AND INTERPRETATIVE REGULATIONS**

4. Section 146.1 (34 F.R. 6238) would be amended by revising paragraph (d) and by adding a new paragraph (g), as follows:

**§ 146.1 Procedure for the issuance, amendment, or repeal of regulations.**

(d) The Commissioner on his own initiative or on the application or request of any interested person may publish in the FEDERAL REGISTER a notice of proposed rule-making to issue, amend, or repeal any regulation contemplated by section 507 of the act. An opportunity shall be given for interested persons to submit written comments and to request an informal conference on the proposal, unless such notice and opportunity for comment and informal conference have already been provided in connection with the announcement of the reports of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, to persons who will be adversely affected, or unless the no controversy or imminent hazard conditions set forth in paragraph (b) of this section have been met. After considering the written comments, the results of any conference, and the data available, the Commissioner will publish an order acting on the proposal, with opportunity for any person who will be adversely affected to file objections, to request a hearing, and to show reasonable grounds for the hearing. The statement of reasonable grounds and request for a hearing shall be made in writing within 30 days after the publication of the order acting on the proposal, and shall state the reasons why the proposal should not be adopted, or should not be adopted as proposed, together with a well-organized and full factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that there is no genuine issue of fact which precludes the action taken on the proposal, e.g., no adequate and well-controlled clinical investigations to support the claims of effectiveness have been identified, the Commissioner will enter an order on this data, making findings and conclusions on such data. If a hearing is requested and just-

fied by the objections, the issues will be defined and a hearing examiner named to conduct the hearing, in which case the provisions of Subpart F of Part 2 of the chapter shall apply to such hearing, except as modified by paragraph (f) of this section, and to judicial review in accord with section 701 (f) and (g) of the act.

(g) (1) No regulation providing for the certification of any batch of any drug composed wholly or in part of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, bacitracin, or any other antibiotic drug, or any derivative thereof, intended for use by man shall be promulgated and no existing regulation will be continued in effect unless it is established by substantial evidence that the drug will have such characteristics of identity, strength, quality, and purity necessary to adequately insure safety and efficacy of use. "Substantial evidence" has been defined by Congress to mean "evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and responsibly be concluded by such experts that the drug will have the effectiveness it purports and is represented to have under the conditions prescribed, recommended or suggested in the labeling thereof." This definition is made applicable to a number of antibiotic drugs by section 507(h) of the act, and it is the test of efficacy that will be applied in promulgating, amending, or repealing regulations for the certification of all antibiotics under section 507(a) of the act as well.

(2) The scientific essentials of an adequate and well-controlled clinical investigation and some characteristics of uncontrolled and inadequately controlled clinical investigations are described in § 130.12(a) (5) of this chapter.

Any interested person may, within 30 days after publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Sworn statements of a number of medical authorities supporting the description of adequate and well-controlled clinical investigations, prepared for the Delaware case, are on file for examination in the office of the Hearing Clerk.

Dated: February 11, 1970.

CHARLES C. EDWARDS,  
Commissioner of Food and Drugs.

[F.R. Doc. 70-1954; Filed, Feb. 16, 1970;  
8:49 a.m.]

## FEDERAL POWER COMMISSION

[ 18 CFR Part 141 ]

[Docket No. R-361]

### REPORT OF EVENTS AFFECTING BULK POWER SUPPLY

#### Notice of Proposed Rule Making

FEBRUARY 10, 1970.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) that the Commission proposes to amend its Order No. 331 (36 FPC 1084; 31 F.R. 16691, Dec. 30, 1966) which requires all public utilities, licensees and other entities engaged in the generation or transmission of electric energy, whether or not otherwise subject to the jurisdiction of the Commission, to report on specified conditions concerning bulk power supply. The order applies equally to privately, publicly, and cooperatively owned systems. This notice of rulemaking supersedes the prior notice of proposed rulemaking in Docket No. 361, issued June 23, 1969, erratum notice issued July 31, 1969 (34 F.R. 11106, July 1, 1969; 34 F.R. 13280, Aug. 15, 1969).

2. The proposed amendments to Order No. 331 as set forth in this document have taken into consideration the numerous comments received in response to Docket No. R-361 and supplementary discussions with representatives of the Edison Electric Institute and the National Electric Reliability Council. The proposed amendments, following about 3 years experience in receiving information under the original order, will enable the Commission to be better informed on matters of concern in carrying out its responsibilities related to the reliability of the Nation's bulk power supply. The amendments redefine the power interruptions to be reported, modify the time requirements and procedure for reporting, and extend the reporting requirement to include information on some operating conditions which do not necessarily result in interruption of customer loads. The proposed amendments add new subparagraphs (1), (2), (3), (4), and (5) to § 148.58(b) of the Commission's regulations under the Federal Power Act.

3. The Commission has the statutory responsibility, among other things, for encouraging actions to assure an abundant supply of electric energy throughout the country and is authorized by subsection 202(c) of the Federal Power Act to take appropriate action as in its judgment will best meet an emergency situation arising out of any failure of an adequate power supply. Under section 311 of the Act, the Commission is responsible for reporting the problems and developments of the electric industry to Congress and is directed to collect information regarding the generation, transmission, distribution and sale of electric energy, however produced, and whether or not otherwise subject to its jurisdiction. The information which we are here

proposing to require will enable us to carry out these responsibilities.

4. These amendments to the Commission's regulations are proposed to be issued under the authority of the Federal Power Act, as amended, particularly sections 202, 205, 206, 304, 307, 309, and 311 (49 Stat. 848, 851, 852, 855, 856, 858, 859; 67 Stat. 461; 16 U.S.C. 824a, 824d, 824e, 825c, 825f, 825h, 825j).

5. Accordingly, it is proposed to amend § 141.58 in Part 141, Subchapter D, Chapter I, Title 18 of the Code of Federal Regulations to read as follows:

**§ 141.58 Report of impending emergencies, load reductions, and/or service interruptions in bulk electric power supply and related power supply facilities.**

(a) *Definitions.* For the purpose of this rule, a bulk electric power supply interruption shall be any interruption or loss of service to customers of any electric utility, licensee or other entity engaged in the generation or transmission of electric energy caused by or involving an outage of any generating unit or of electric facilities operating at a nominal voltage of 69 kv or higher. In determining the aggregate of loads which are interrupted, any load which is interrupted in accordance with the provisions of contracts permitting interruption in service shall not be included. If the interruption affects only a single ultimate customer, the interruption need not be reported. For the purpose of this rule, a report or a part of a report may be made jointly by two or more entities.

(b) *Telephonic reports.* Every electric utility, licensee or other entity engaged in the generation or transmission of electric energy shall report promptly to the appropriate Regional Office of the Commission by telephone any event as described in paragraphs (b) (1), (2), (3), (4), or (5) of this section:

(1) Any decision to issue a public request for reduction in use of electricity. (FPC is to be notified at the time of issuing any such request.)

(2) Any deliberate action to reduce firm customer loads by reduction of voltage for reasons of adequacy of bulk power supply. (FPC is to be notified at the time of taking such action.)

(3) Any deliberate action to reduce firm customer loads by manual switching, operation of automatic load-shedding devices, or any other means for reasons of adequacy of bulk power supply. (FPC is to be notified at the time of taking such action.)

(4) Any bulk supply outage or accident to system facilities of enough consequence to be newsworthy on a regional or national basis or to constitute an unusual hazard to the bulk power supply system. (FPC is to be notified within 1 hour of occurrence or as soon as practicable after the event is recognized as being applicable for reporting hereunder.)

(5) Any loss in service for 15 minutes or more of bulk power supply to aggregate loads in excess of 200,000 kw. See paragraph (d) of this section for descrip-

tion of information to be reported. (FPC is to be notified as soon as practicable without unduly interfering with service restoration and, in any event, within 1 hour after the beginning of the interruption.)

The above events are to be reported to the appropriate Regional Office of the Commission in accordance with the accompanying directory of FPC representatives and telephone numbers.

(c) *Telegraphic or telephonic reports.*  
 (1) Every electric utility licensee, and other entity engaged in the generation or transmission of electric energy shall report any event as described below to the appropriate Regional Office of the Commission by telephone or telegram addressed to the Regional Engineer, Federal Power Commission, as shown in the accompanying directory.

(2) These reports are to be made no later than the beginning of the Commission's next regular work day (Monday-Friday) after the interruption occurred. Events requiring a report are as follows:

(i) Any loss in service for 15 minutes or more of bulk power supply to aggregate loads exceeding the lesser of 100,000 kw. or half of the current annual system peak load, and not required to be reported under paragraph (b) of this section. See paragraph (d) of this section for information to be reported.

(d) *Information to be reported.* The information supplied in the initial report should include at least the approximate territory affected by the interruption, the time of occurrence, the duration or an appraisal of the likely duration if service is still interrupted, an estimate of the number of customers and amount of load involved, and whether any known critical services, such as hospitals, pumping stations, traffic control systems, etc. were interrupted. To the extent known or suspected, the report desirably will include a description of the initial incident resulting in the interruption. The Commission or its representative may require further reports during or after the period of interruption and restoration of service, such reports to be made by telephone, telegraph, letter, or combinations, as required.

(e) *Special investigations and reports.*  
 (1) If so directed by the Commission or the Chief, Bureau of Power, an entity experiencing a condition, as described in paragraphs (b) and (c) of this section, shall submit a full report of the circumstances surrounding such occurrence and the conclusions the entity has drawn therefrom. The report shall be filed at such time subsequent to the submittal of the initial report by telephone or telegraph as may be directed by the Commission or the Chief, Bureau of Power.

(2) The report shall be prepared in such detail as may be appropriate to the severity and complexity of the incident experienced and should include an account understandable to the informed layman in addition to the following technical and other information:

(i) The cause or causes of the incident clearly described, including the manner in which it was initiated.

(ii) A description of any operating conditions of an unusual nature preceding the initiation of the incident.

(iii) If the incident was an interruption and geographically widespread, an enumeration of the sequence of events contributing to its spread.

(iv) An account of the measures taken which prevented further spreading in the loss of service, e.g., manual or automatic load shedding, unit isolation, or system sectionalization. These actions and all chronicled events should be keyed to a record of the coincident power frequencies which occurred.

(v) A description of the measures taken to restore service with particular evaluation of the availability of start-up power and the ease or difficulty of restoration.

(vi) A statement of the capacity of the transmission lines into the area of load interruption, the generating capacity in operation in the area at the beginning of the disturbance, and the actual loading on the lines and generating units at that time.

(vii) A summary description of any equipment damage and the status of its repair.

(viii) An evaluation of the impact of any load reduction or interruption on people and industries in the affected area, including a copy of materials in the printed news media indicative of the impact.

(ix) Information on the steps taken, being taken, or planned by the utility, to prevent recurrence of conditions of a similar nature, to ease problems of service restoration, and to minimize impacts on the public and the customers of any future conditions of a similar nature.

(f) *Generating equipment availability data.* (1) The Commission takes note that the Edison Electric Institute has for several years collected and summarized information on generating equipment availability and has recently expanded its facilities for recording and processing this information. Recognizing that a large part of the industry, including a number of utilities which are not members of EEI, contribute information to and receive reports from this data system and that it is desirable to avoid duplication, it is anticipated that this source of information may serve to meet the needs of both industry and regulatory commissions for information which is of increasing importance from the standpoint of power supply reliability.

(2) It is understood that all electric utilities are eligible to participate in the computerized EEI data storage, retrieval, and analysis system, and the Commission encourages participation in order that the data files may be as complete as possible. Therefore, no general order for reports on generating unit outages is contemplated unless the needed information is unavailable from the EEI records.

6. Any interested person may submit in writing to the Federal Power Commission, Washington, D.C. 20426, not later

## [ 18 CFR Part 157 ]

[Docket No. R-377]

**EXEMPTION OF CERTAIN TRANSPORT OR SALES OF LIQUEFIED NATURAL GAS****Notice of Proposed Rule Making**

JANUARY 15, 1970.

1. Pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. section 553), the Commission gives notice that it proposes to amend its regulations under section 7(c) of the Natural Gas Act by adding a new regulation to exempt from the requirements of said section certain motor carrier, barge and rail transport and/or sale for resale of liquefied natural gas in interstate commerce.

2. Under section 7(c) of the Act, the Commission: " \* \* \* may by regulation exempt from the requirements of this section temporary acts or operations for which the issuance of a certificate will not be required in the public interest \* \* \* ". The proposed regulation is offered pursuant to that provision.

3. The proposed regulation seeks to accomplish three specific goals: (1) to exempt from section 7(c) certification the transportation of Liquefied Natural Gas (LNG) by motor carrier, barge or by rail in interstate commerce; (2) to exempt incidental sales of LNG, which by their nature are of temporary or limited duration; and (3) to require prompt notification and annual reporting to the Commission when such transportation and/or sale occurs.

4. Two important clarifications to the proposed regulation must be noted. First, under section 7 of the Act, the Commission regulates the construction and operation of interstate pipeline facilities. Since transportation of LNG can involve the operation of motor carriers, barges, and rail cars, the Commission's regulation of the transportation of LNG by these means would generally be duplicative of other Federal regulatory agencies such as the Interstate Commerce Commission and the Department of Transportation. Secondly, the proposed regulation would have no applicability to emergency sales of liquefied natural gas which would be exempted under § 157.22 (a) of the Commission's Regulations under the Natural Gas Act. Thus, any volumes of LNG delivered pursuant to § 157.22(a) would be exclusive of those volumes delivered pursuant to the proposed regulation.

5. Accordingly, the Commission proposes to amend its Regulations under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, by adding a new § 157.21 to read as follows:

**§ 157.21 Interstate transportation of liquefied natural gas by motor carrier, barge, and/or by rail.**

(a) The public interest does not require the issuance of a certificate for the

operation of motor carriers, barges or rail cars used in the interstate transportation of liquefied natural gas.

(b) The public interest does not require the issuance of a certificate for incidental and limited sales of liquefied natural gas in interstate commerce by motor carrier, barge and/or by rail when the total sales in interstate commerce made by any supplier do not exceed six hundred and twenty-five (625) thousand gallons of liquefied natural gas in any one calendar year. For the purposes of this regulation, a reporting year begins on the 1st of January and ends on the 31st of December of the same year.

(c) Every person undertaking any such transportation and/or sale of liquefied natural gas under paragraph (a) or (b) of this section shall (1) advise the Commission in writing at least 10 days prior to commencement of such services and (2) on or before February 1 of each year for the previous calendar year shall file with the Commission (a) a statement in writing and under oath, together with four conformed copies thereof, setting forth the purpose and character of each transportation and/or sale made during the preceding year, a description of the operation that was involved, the duration of the service that was performed and the volumes of liquefied natural gas that were delivered, and (b) the rate schedule, contract or service agreement covering the sales or service involved as required by Parts 154 and 155 of this chapter.

6. The amendment to the Commission's regulations under the Natural Gas Act would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, particularly sections 7(c) and 16 thereof (52 Stat. 825, as amended, 56 Stat. 83, 84, 52 Stat. 830; 15 U.S.C. section 717f(c), and 717o).

7. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, on or before March 2, 1970, data, views, and comments in writing concerning the amendment proposed herein. An original and fourteen (14) conformed copies of any submission should be filed with the Commission. Submissions to the Commission should indicate the name and address of the person to whom correspondence in regard to the proposal should be addressed, and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed regulation.

8. The Commission will consider all such written submissions before acting on the matters herein proposed.

By direction of the Commission.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 70-1979; Filed, Feb. 16, 1970;  
8:51 a.m.]

than March 27, 1970, data, views, comments, and suggestions concerning the proposed amendments to reporting requirements. An original and 14 conformed copies of any such submittal should be filed.

7. The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

GORDON M. GRANT,  
Secretary.

**DIRECTORY FOR REPORTING EVENTS AFFECTING BULK POWER SUPPLY**

**REGIONAL OFFICES**

**Atlanta**

Federal Power Commission, 730 Peachtree Building, Room 500, Atlanta, Ga. 30308. Monday-Friday, 7:45 a.m.-4:15 p.m.

Regional office: (404) 526-5134. Nights, weekends, and holidays: Robert C. Price, Registered Engineer, (404) 233-0687.

C. L. Fishburne, Deputy Registered Engineer, (404) 237-6696.

T. G. Swennes, Engineer-in-Charge, (404) 237-0188.

**Chicago**

Federal Power Commission, 610 South Canal Street, Chicago, Ill. 60607.

Monday-Friday, 8 a.m.-4:30 p.m. Regional office: (312) 353-6171.

Nights, weekends, and holidays: Lenard B. Young, Registered Engineer, (312) 439-8764.

O. E. Haukedahl, Deputy Registered Engineer, (312) 748-7586.

H. R. Rinder, Engineer-in-Charge, (312) 478-7737.

**Fort Worth**

Federal Power Commission, 819 Taylor Street, Fort Worth, Tex. 76102.

Monday-Friday, 8:30 a.m.-5 p.m. Regional office: (817) 334-2631.

Nights, weekends, and holidays: Donald L. Martin, Registered Engineer, (817) 274-8972.

Joseph H. Flood, Deputy Registered Engineer, (817) 292-3253.

Johnny R. Johnson, Engineer-in-Charge, (817) 293-2228.

Federal Power Commission, 26 Federal Plaza, 22d floor, New York, N.Y. 10007.

Monday-Friday, 8:30 a.m.-5 p.m. Regional office: (212) 264-3687.

Nights, weekends, and holidays: Paul H. Shore, Registered Engineer, (201) 779-2229.

J. H. Spellman, Deputy Registered Engineer, (201) 245-7795.

J. D. Hebson, Engineer-in-Charge, (201) 998-2845.

**San Francisco**

Federal Power Commission, 555 Battery Street, San Francisco, Calif. 94111.

Monday-Friday, 8:30 a.m.-5 p.m. Regional office: (415) 556-3581.

Nights, weekends, and holidays: M. Boyd Austin, Registered Engineer, (415) 347-2843.

R. H. Griffin, Deputy Registered Engineer, (415) 531-0564.

G. R. Bell, Engineer-in-Charge, (415) 524-4632.

[F.R. Doc. 70-1935; Filed, Feb. 16, 1970;  
8:47 a.m.]

**FEDERAL TRADE COMMISSION**

[ 16 CFR Part 89 ]

**ICE CREAM INDUSTRY, DISTRICT OF  
COLUMBIA AND VICINITY****Proposed Rescission of Trade Practice  
Rules**

Notice is hereby given that pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41-58, and the provisions of Part 1, Subpart B, of the Commission's procedures and rules of practice, 16 CFR 1.15, 1.16, the Federal Trade Commission proposes to rescind the Trade Practice Rules for the Ice Cream Industry, District of Columbia and vicinity, promulgated March 20, 1933.

Interested or affected parties may submit their views, suggestions, objections or

other information concerning the proposed rescission to the Chief, Division of Industry Guides, Bureau of Industry Guidance, Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580, in writing not later than March 19, 1970.

All comments received will be available for examination by interested parties at the Federal Trade Commission's Washington address, and will be fully considered by the Commission.

Approved: February 9, 1970.

By the Commission.

[SEAL]

JOSEPH W. SHEA,  
*Secretary.*

[F.R. Doc. 70-1888; Filed, Feb. 16, 1970;  
8:45 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Serial Number A 2153]

#### ARIZONA

### Notice of Termination of Classification of Public Lands for Transfer Out of Federal Ownership

FEBRUARY 10, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR, Parts 2410 and 2411, the public land described below was classified for sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The Notice of Classification published December 19, 1968, in 33 F.R. 18947 under Serial Number A 2153 segregated the land from all forms of appropriation under the public land laws, including the mining laws, except for applications for sale under section 2455 of Revised Statutes (43 U.S.C. 1171).

GILA AND SALT RIVER MERIDIAN, ARIZONA

PIMA COUNTY

T. 15 S., R. 12 E.,  
Sec. 19, NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The area described contains 40 acres.

2. Classification A 2153 of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 19, T. 15 S., R. 12 E., for sale under section 2455 of Revised Statutes is hereby terminated. Publication of this notice terminates the segregative effect of the notice of classification as to this land.

FRED J. WEILER,  
State Director.

[F.R. Doc. 70-1943; Filed, Feb. 16, 1970;  
8:48 a.m.]

### Fish and Wildlife Service

[Docket No. C-313]

#### DESMOND T. WILLIAMS

### Notice of Loan Application

FEBRUARY 11, 1970.

Desmond T. Williams, 240 Arnett Street, Crescent City, Calif. 95531, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 52-foot length over-all steel vessel to engage in the fishery for salmon, crab, tuna, shrimp, and bottom-fish.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such ves-

sel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

C. E. PETERSON,  
Chief,

Division of Financial Assistance.

[F.R. Doc. 70-1952; Filed, Feb. 16, 1970;  
8:48 a.m.]

### Office of the Secretary

#### CHARLES N. WHITMIRE

### Appointment and Statement of Financial Interests

FEBRUARY 11, 1970.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

*Name of appointee:* Charles N. Whitmire.

*Name of employing agency:* Department of the Interior, Defense Electric Power Administration.

*The title of the appointee's position:* Deputy Director, DEPA Area 4.

*The name of the appointee's private employer or employers:* System Operator, Florida Power & Light Company.

The statement of "financial interests" for the above appointee is enclosed.

January 28, 1970.

WALTER J. HICKEL,  
Secretary of the Interior.

### APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on December 23, 1969, as Deputy Director, Area 4, Defense Electric Power Administration.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Whitmire Jewelry Co.

Coronet Jewelers.

J. C. Penny Co.

Kimberly-Clark.

Florida Power & Light Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which

I own, or owned within 60 days preceding my appointment:

None.

CHARLES W. WHITMIRE.

DECEMBER 29, 1969.

[F.R. Doc. 70-1962; Filed, Feb. 16, 1970;  
8:50 a.m.]

#### B. M. GUTHRIE

### Appointment and Statement of Financial Interests

FEBRUARY 11, 1970.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

*Name of appointee:* B. M. Guthrie.

*Name of employing agency:* Department of the Interior.

*The title of the appointee's position:* Deputy Director, Area 4.

*The name of the appointee's private employer or employers:* Alabama Power Co.

The statement of "financial interests" for the above appointee is enclosed.

WALTER J. HICKEL,  
Secretary of the Interior.

JANUARY 28, 1970.

### APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on January 28, 1970, as Deputy Director, Area 4, Defense Electric Power Administration.

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

None.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

B. M. GUTHRIE.

FEBRUARY 5, 1970.

[F.R. Doc. 70-1963; Filed, Feb. 16, 1970;  
8:50 a.m.]

#### B. C. HULSEY

### Appointment and Statement of Financial Interests

FEBRUARY 11, 1970.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: B. C. Hulsey.  
Name of employing agency: Department of the Interior, Defense Electric Power Administration.

The title of the appointee's position: Deputy Director, Area 12.

The name of the appointee's private employer or employers: Southwest Power Pool, Little Rock, Ark.

The statement of "financial interests" for the above appointee is enclosed.

WALTER J. HICKEL,  
Secretary of the Interior.

JANUARY 28, 1970.

APPOINTEE'S STATEMENT OF  
FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on 28 January 1970, as Deputy Director, Area 12, Defense Electric Power Administration, an officer or director:  
None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:  
None.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:  
None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:  
None.

BUEY C. HULSEY.

FEBRUARY 4, 1970.

[F.R. Doc. 70-1964; Filed, Feb. 16, 1970;  
8:50 a.m.]

## DEPARTMENT OF COMMERCE

Business and Defense Services  
Administration

BATTELLE MEMORIAL INSTITUTE

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

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

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

Docket No. 70-00154-00-02000. Applicant: Battelle Memorial Institute, Pacific Northwest Laboratory, Post Office Box 999, Richland, Wash. 99352. Article: Miscellaneous parts for an anemometer-thermometer, Model PAT-311-1. Manufacturer: Keijo Denki Co., Ltd., Japan. Intended use of article: The parts will be used in conjunction with an existing

anemometer-thermometer, Model PAT-311-1, for precise measurement of the turbulent character of the atmosphere.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which such articles are intended to be used, is being manufactured in the United States.

Reasons: The application relates to a set of spare parts for a sonic anemometer-thermometer already in possession of the applicant.

The Department of Commerce knows of no similar parts being manufactured in the United States, which are interchangeable with, or are adaptable to the instrument in which the foreign articles are intended to be used.

CHARLEY M. DENTON,  
Assistant Administrator for In-  
dustry Operations, Business and  
Defense Services Administration.

[F.R. Doc. 70-1906; Filed, Feb. 16, 1970;  
8:45 a.m.]

## CITY COLLEGE OF NEW YORK

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

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

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

Docket No. 70-00058-33-46500. Applicant: The City College of New York, The City College Research Foundation, 138th Street and Convent Avenue, New York, N.Y. 10031. Article: Ultramicrotome, Model LKB 8800A Ultratome III. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used as a major research tool for the projects listed:

1. Investigation of the morphology of latex particles.
2. Electron microscopical histochemical studies of neurosecretion.
3. Studies with the avian tumor viruses.
4. An electron microscope investigation of trematode parasites.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the application was received.

Reasons: The foreign article has a guaranteed minimum thickness capabil-

ity of 50 angstroms. The most closely comparable domestic instrument being manufactured in the United States at the time the application was received was the Model MT-2 ultramicrotome that was being manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 had a guaranteed minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 18, 1969, that the applicant's research studies require uniform serial sections of less than 100 angstroms and that the minimum thickness capability of the foreign article is pertinent. We, therefore, find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

CHARLEY M. DENTON,  
Assistant Administrator for In-  
dustry Operations, Business  
and Defense Services Admin-  
istration.

[F.R. Doc. 70-1921; Filed, Feb. 16, 1970;  
8:46 a.m.]

## HARVARD UNIVERSITY

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

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

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

Docket No. 70-00032-00-46040. Applicant: Harvard University, Purchasing Department, 75 Mt. Auburn Street, Cambridge, Mass. 02138. Article: High resolution electron diffraction accessory with airlock. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used as an accessory to an existing JEM-120 electron microscope.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is an accessory for a priorily imported electron

microscope which was manufactured by the same source from which the accessories are being purchased.

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

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

[F.R. Doc. 70-1908; Filed, Feb. 16, 1970; 8:45 a.m.]

#### MILTON S. HERSHEY MEDICAL CENTER

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

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

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

Docket No. 70-00024-33-46040. Applicant: Milton S. Hershey Medical Center, Hershey, Pa. 17033. Article: Electron microscope, Model HU-11E-1. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for the following purposes:

(a) The training of medical students, physicians, and graduate students in the techniques and applications of electron microscopy.

(b) It will be utilized as a teaching instrument during the regular academic course in Pathology for second year medical students.

(c) It will be used for carrying out and supporting research projects by members of the departmental staff.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a guaranteed resolving power of 3.5 angstroms. The most closely comparable domestic instrument available at the time the foreign article was ordered was the EMU-4B which was then being manufactured by the Radio Corp. of America (RCA) and which is currently being produced by Forgy Corp. (Forgy). The RCA Model EMU-4B has a guaranteed resolving power of 5 ang-

stroms. (The lower the numerical rating in terms of angstroms the better the resolving power.) We are advised by the Department of Health, Education, and Welfare (HEW), in its memorandum of October 30, 1969, that the additional resolving capability of the foreign article is pertinent to the purposes for which the article is intended to be used.

We, therefore, find that the RCA Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the application was received.

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

[F.R. Doc. 70-1907; Filed, Feb. 16, 1970; 8:45 a.m.]

#### JOHNS HOPKINS UNIVERSITY

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

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

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

Docket No. 70-00174-00-46040. Applicant: The Johns Hopkins University, Purchasing Department, Baltimore, Md. 21218. Article: Accessories, electron microscope (valve with vacuum hose) (fifth control circuit) (guiding case). Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to update an existing electron microscope purchased from Siemens.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article consists of accessories for a priorily imported electron microscope which was manufactured by the same source from which the accessories are being purchased.

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

microscope with which the foreign article is intended to be used.

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

[F.R. Doc. 70-1910; Filed, Feb. 16, 1970; 8:45 a.m.]

#### IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

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

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

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

Docket No. 70-00066-87-78700. Applicant: Iowa State University of Science and Technology, Purchasing Department, 202 Service Building, Ames, Iowa 50010. Article: Surveying equipment (theodolite, chronometer, and chronograph). Manufacturer: Wild-Heerburg Instruments, Switzerland. Intended use of article: The article will be used as a modern geodetic instrumentation system for use in graduate research and instruction in the geodetic aspects of the new geodesy and photogrammetry program. Seven new graduate courses in geodesy and photogrammetry were approved for inclusion in the 1969-1971 General and Graduate catalogs. Three of these courses are in geodesy, two in photogrammetry, one in advanced surveying and one in both geodetic and photogrammetric observations.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used, is being manufactured in the United States.

Reasons: For the purposes for which the foreign article is intended to be used the applicant requires equipment capable of yielding precise angle and distance measurements. We are advised by the National Bureau of Standards (NBS) in a memorandum dated October 7, 1969, that for the applicant's intended purposes the ability to read the precise angle to 0.1 seconds are and measure distances to 50 miles with an accuracy of 3 millionths of the measured distance  $\pm$  (plus or minus) 1 inch are pertinent characteristics of the foreign article. NBS further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for the



purposes for which this article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 70-1914; Filed, Feb. 16, 1970; 8:45 a.m.]

#### KENDALL SCHOOL FOR THE DEAF

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

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

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

Docket No. 70-00069-33-01200. Applicant: Kendall School for the Deaf, Galaudet College, Seventh Street and Florida Avenue NE., Washington, D.C. 20002. Article: Acoustic apparatus (pitch intonation indicator). Manufacturer: Special Instrument A.B., Sweden. Intended use of article: The article will be used to stimulate and improve the quality and quantity of speech production in deaf school age children.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is part of an integrated system ordered by the applicant which detects and visually displays the various patterns of vibration associated with speech production. These displays can give direct feedback of articulatory movements which can be used to evaluate and improve the quality and quantity of speech in deaf children. The role of the foreign article in providing effective visual aid for speech analysis is pertinent to the applicant's continuing program of research in the development of methods for training the deaf. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 22, 1969, that a complete system similar to that containing the foreign article is not available domestically. HEW further advises that domestically available components cannot be integrated into a system having comparable capabilities without an undue amount of effort and experimentation.

We, therefore, find that no instrument or apparatus of equivalent scientific

value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

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

[F.R. Doc. 70-1915; Filed, Feb. 16, 1970; 8:45 a.m.]

#### KENDALL SCHOOL FOR THE DEAF

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

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

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

Docket No.: 70-00068-33-01200. Applicant: Kendall School for the Deaf, Galaudet College, Seventh Street and Florida Avenue NE., Washington, D.C. 20002. Article: Acoustic apparatus (nasal indicator). Manufacturer: Special Instrument A.B., Sweden. Intended use of article: The article will be used to stimulate and improve the quality and quantity of speech production in deaf school age children.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is part of an integrated system ordered by the applicant which detects and visually displays the various patterns of vibration associated with speech production. These displays can give direct feedback of articulatory movements which can be used to evaluate and improve the quality and quantity of speech in deaf children. The role of the foreign article in providing effective visual aid for speech analysis is pertinent to the applicant's continuing program of research in the development of methods for training the deaf. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 22, 1969, that a complete system similar to that containing the foreign article is not available domestically. HEW further advises that domestically available components cannot be integrated into a system having comparable capabilities without an undue amount of effort and experimentation.

We, therefore, find that no instrument or apparatus of equivalent scientific

value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

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

[F.R. Doc. 70-1920; Filed, Feb. 16, 1970; 8:46 a.m.]

#### MICHIGAN TECHNOLOGICAL UNIVERSITY

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

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

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

Docket No. 70-00018-00-46040. Applicant: Michigan Technological University, Department of Metallurgical Engineering, Houghton, Mich. 49931. Article: Automatic tilting, rotating, and heating specimen stage, Model HK-2 BM for an existing HU-11A Electron microscope. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in studies of the mechanism and kinetics of antiphase domain growth in the alloy Cu<sub>3</sub>Au (Copper 3 Gold) and in studies of the disappearance of stacking faults during annealing of copper-base alloys.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is an accessory for an electron microscope which had previously been imported for the use of the applicant institution. This article is being furnished by the manufacturer of the foreign microscope with which the article is intended to be used.

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

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

[F.R. Doc. 70-1904; Filed, Feb. 16, 1970; 8:45 a.m.]

### MICHIGAN TECHNOLOGICAL UNIVERSITY

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

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

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

Docket No.: 70-00033-65-42900. Applicant: Michigan Technological University, Houghton, Mich. 49931. Article: Satmagan magnetic balance. Manufacturer: Outokumpu Oy Research Laboratory, Finland. Intended use of article: The article will be used for analyzing magnetite in iron ores.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a magnetic balance for the analysis of ferromagnetic materials. The ability to measure the magnetite composition in iron ores rapidly without an error not usually exceeding 0.1 percent is pertinent to the purposes for which the article is intended to be used. We are advised by the National Bureau of Standards (NBS) in a memorandum dated October 21, 1969, that it knows of no instrument being manufactured in the United States, which has these characteristics.

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

[F.R. Doc. 70-1911; Filed, Feb. 16, 1970; 8:45 a.m.]

### NATIONAL INSTITUTES OF HEALTH

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

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

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

Department of Commerce, Washington, D.C.

Docket No. 70-00041-33-46040. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used to study the ultrastructure of biological macromolecules, for example, enzymes such as DNA polymerase along with its substrate in negatively stained preparations, for the purpose of determining their size and shape. The article will also be used to examine ultrathin sections of normal and abnormal cells, for example granulocytes, for the purpose of studying their ultrastructure in relation to their function, either normal, or abnormal.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a guaranteed resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly being manufactured by the Radio Corp. of America (RCA), and which is currently being produced by Forflo Corp. (Forflo). The Model EMU-4B electron microscope has a guaranteed resolving power of 5 angstroms. (The lower the numerical rating in terms of angstroms units, the better the resolving power.) The applicant's studies of biological macromolecules require the highest available resolution. We, therefore, find that the better resolving capability of the foreign article is pertinent to the purposes for which the article is intended to be used.

For this reason, we find that the Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-1918; Filed, Feb. 16, 1970; 8:45 a.m.]

### NEW YORK STATE DEPARTMENT OF HEALTH

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

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

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

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

Docket No. 70-00182-00-46040. Applicant: State of New York Department of Health, 84 Holland Avenue, Albany, N.Y. 12208. Article: Exposure meter/timer and cassette for cut film. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used as an accessory to an existing electron microscope for measuring the exact exposure time.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article consists of accessories for a priorly imported electron microscope which was manufactured by the same source from which the accessories are being purchased.

The Department of Commerce knows of no similar accessories being manufactured in the United States which are interchangeable with the foreign article, or can readily be adapted to the electron microscope.

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

[F.R. Doc. 70-1903; Filed, Feb. 16, 1970; 8:45 a.m.]

### OHIO AGRICULTURAL RESEARCH & DEVELOPMENT CENTER

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

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

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

Docket No. 70-00034-00-46040. Applicant: Ohio Agricultural Research & Development Center, Wooster, Ohio 44691. Article: Accessories for an Elmiskop IA Electron microscope. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will

be used on an existing Elmiskop IA electron microscope for the study of biological ultrastructure.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is an accessory for an electron microscope which had previously been imported for the use of the applicant institution. This article is being furnished by the manufacturer of the foreign microscope with which the article is intended to be used.

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

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

[F.R. Doc. 70-1922; Filed, Feb. 16, 1970; 8:46 a.m.]

#### ROSWELL PARK MEMORIAL INSTITUTE

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

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

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

Docket Number: 70-00053-33-46040. Applicant: Roswell Park Memorial Institute, Health Research, Inc., 666 Elm Street, Buffalo, N.Y. 14203. Article: Electron microscope, Model JEM-200 and Accessories. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used to examine delicate biological specimens in the hydrated state. Past research indicates that important medical and biological research gains can be obtained by increasing the accelerating voltage of the electron microscope.

Comments: No comments have been received with respect to this application.

Decision: Application approved.

No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a maximum accelerating voltage of 200

kilovolts (kv). The most closely comparable domestic instrument available at the time the foreign article was ordered was the EMU-4B electron microscope, which was then being manufactured by the Radio Corp. of America (RCA), and which is currently being produced by Forgflo Corp. (Forgflo). The Model EMU-4B electron microscope provides a maximum accelerating voltage of 100 kv. The higher the accelerating voltage, the greater is the penetrating property of the accelerated electron beam. We are advised by the Department of Health, Education, and Welfare (HEW), in its memorandum dated December 22, 1969, that the applicant's research studies require the greater penetration afforded by the higher accelerating voltage of the foreign article in order to utilize special specimen chambers which will maintain biological specimens in the hydrated state. HEW further advises that the utilization of the foreign article at the maximum accelerating voltage will result in a reduction of damage to the applicant's delicate biological specimens, because the inelastic scattering of electrons responsible for such damage, decreases with increase in accelerating voltage. The higher maximum accelerating voltage provided by the foreign article is, therefore, pertinent.

For this reason, we find that the RCA Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

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

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

[F.R. Doc. 70-1905; Filed, Feb. 16, 1970; 8:45 a.m.]

#### ST. MARGARET'S HOSPITAL

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

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

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

Docket No. 70-00056-33-46500. Applicant: St. Margaret's Hospital, Department of Pathology and Medical Research, 90 Cushing Avenue, Dorchester,

Mass. 02125. Article: Ultramicrotome, Model LKB 8800A, Ultratome III, Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used in connection with the investigation of the ultrastructural responses of normal and tumor cells in culture to a variety of particulate materials under varying growth conditions. The applicant wishes to study the process of phagocytosis and the influence of various chemical and physical agents on this process including the mechanism of particle uptake and the accompanying cellular alterations in relation to particle type, cell type and culture conditions.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the application was received.

Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument being manufactured in the United States at the time the application was received was the Model MT-2 ultramicrotome that was being manufactured by Ivan Sorvall Inc. (Sorvall). The Sorvall Model MT-2 had a guaranteed minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW), in its memorandum dated December 17, 1969, that the applicant's research studies require uniform serial sections of less than 100 angstroms and that the minimum thickness capability of the foreign article is pertinent. We, therefore, find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-1919; Filed, Feb. 16, 1970; 8:46 a.m.]

#### SAN JOAQUIN DELTA COLLEGE

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

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

A copy of the record pertaining to this decision is available for public review

during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 70-00001-00-46040. Applicant: San Joaquin Delta College, 3301 Kensington Way, Stockton, Calif. 95204. Article: Gauge for fore vacuum measurement (accessory for Siemens electron microscope). Manufacturer: Siemens, West Germany. Intended use of article: The article will be used to measure fore vacuum on an existing electron microscope.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is an accessory for an electron microscope which had previously been imported for the use of the applicant institution. This article is being furnished by the manufacturer of the foreign microscope with which the article is intended to be used.

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

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

[F.R. Doc. 70-1918; Filed, Feb. 16, 1970; 8:46 a.m.]

#### SINAI HOSPITAL OF DETROIT

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

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

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

Docket No. 70-00020-33-46040. Applicant: Sinai Hospital of Detroit, 6767 West Outer Drive, Detroit, Mich. 48235. Article: Electron microscope, Model JEM-100B. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used for the following purposes:

(a) Tissue diagnosis of biopsy material.

(b) Study of pathological material taken from autopsies.

(c) Study of tissues and suspensions for the presence of viruses.

(d) Study of enzymatic histochemistry of experimental animal and human material.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a guaranteed resolving power of 3.5 Angstroms. The most closely comparable domestic instrument available at the time the foreign article was ordered was the EMU-4B electron microscope which was then being produced by the Radio Corp. of America (RCA) and which is currently being produced by Forgflo Corp. (Forgflo). The RCA Model EMU-4B electron microscope has a guaranteed resolving power of 5 Angstroms. (The lower the numerical rating in terms of Angstroms, the better the resolving power.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of October 30, 1969, that for the applicant's studies involving negatively stained specimens the highest available resolution is required. The additional resolving power provided by the foreign article is therefore, pertinent.

For this reason, we find that the RCA Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-1912; Filed, Feb. 16, 1970; 8:45 a.m.]

#### UNIVERSITY OF CALIFORNIA

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

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

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

Docket No. 70-00008-33-46040. Applicant: University of California, San

Francisco Medical Center, Third and Parnassus, San Francisco, Calif. 94122. Article: Electron Microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to introduce medical and graduate students to the techniques of electron microscopy. The techniques employed during electron microscopic examinations of tissue sections become increasingly important to many types of investigations. Therefore, it is necessary to introduce medical and graduate students to the potentialities and limitations of these techniques to receive academic credits for courses titled Anatomy 199 and Anatomy 214 which are offered fall, winter and spring.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used is being manufactured in the United States.

Reasons: The foreign article is an intermediate electron microscope which, in terms of sophistication and capabilities, lies between the simple, portable electron microscope and the highly complex research types. The applicant intends to use the foreign article for teaching beginning students the fundamentals of electron microscope techniques and, for this purpose, the use of the light microscope and the research type of electron microscope. The most closely comparable domestic instrument available at the time the applicant ordered the foreign article was the EMU-4B electron microscope which was then being manufactured by the Radio Corp. of America (RCA) and which is currently being produced by Forgflo Corp. (Forgflo). The Model EMU-4B electron microscope is a highly sophisticated and relatively complex research electron microscope intended for the use of an expert.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of November 4, 1969, that the greater ease of operation of the foreign article when compared with the EMU-4B is pertinent to the purposes for which the article is intended to be used.

We therefore find that the RCA Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-1901; Filed, Feb. 16, 1970; 8:45 a.m.]

## UNIVERSITY OF CALIFORNIA

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

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

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

Docket No. 70-00004-33-46040. Applicant: University of California, Lawrence Radiation Laboratory, East End of Hearst Avenue, Berkeley, Calif. 94720. Article: Electron microscope, Model EM 6-G8 and accessories. Manufacturer: Associated Electrical Industries, U.K. Intended use of article: The article will be used for materials research which includes crystalline amino acids, proteins, viruses, nucleic acids, lipids and cell membranes. Properties to be investigated include structure-analysis, sensitivity to damage in the electron beam and sensitivity to damage by specimen-preparation techniques. Objectives include high resolution structure information to be obtained both by electron diffraction and direct electron microscopy.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a guaranteed resolving power of 5 angstroms and is equipped with a tilt stage having 360° rotation, plus or minus 5° of tilt, and guaranteed operation without loss of resolution. The most closely comparable domestic instrument available at the time the foreign article was ordered was the EMU-4B which was then being manufactured by the Radio Corp. of America (RCA) and which is currently being supplied by Forgflo Corp. (Forgflo). The RCA Model EMU-4B has a guaranteed resolving power of 5 angstroms and can be equipped with a tilt stage. The tilt stage of the EMU-4B, however, is not guaranteed to operate at 5 angstroms resolution. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated October 17, 1969, that a tilt stage having the capabilities of the foreign article is required for the research studies described by the applicant. Such a tilt stage is, therefore, pertinent to the purposes for which the article is intended to be used.

For this reason, we find that the RCA Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-1902; Filed, Feb. 16, 1970;  
8:45 a.m.]

UNIVERSITY OF CONNECTICUT  
SCHOOL OF MEDICINE

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

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

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

Docket No. 70-00009-33-46040. Applicant: University of Connecticut, School of Medicine, Hartford Plaza, Hartford, Conn. 06105. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, Inc., The Netherlands. Intended use of article: The article will be used primarily for research in cellular biology including pathology cellular anatomy, and immunology. It will also be used for the training of selected medical, graduate, and postdoctoral students in optical techniques as applied to biological investigation. The investigation and training will include research at the tissue, cellular and macromolecular levels. Experimental planning includes the use of sectioning techniques, histochemistry, immunohistochemistry, high resolution autoradiography and examination of subcellular particulates by means of negative staining, shadowing with heavy metals, freeze-etching, and examination of unfixed or unembedded material contrasted by low voltage microscopy.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a guaranteed resolving power of 3.5 angstroms. The most closely comparable domestic instrument available at the time the foreign article was ordered was the EMU-4B electron microscope which was then being manufactured by the Radio Corp. of America (RCA) and

which is currently being produced by Forgflo Corp. (Forgflo). The Model EMU-4B electron microscope has a guaranteed resolving power of 5 angstroms. (The lower the numerical rating in terms of angstroms, the better the resolving power). We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated November 4, 1969 that the highest available resolution is required for the applicant's research studies. The greater resolving capability of the foreign article is therefore, pertinent.

For this reason, we find that the RCA Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

CHARLEY M. DENTON,  
Assistant Administrator for In-  
dustry Operations, Business  
and Defense Services Administration.

[F.R. Doc. 70-1917; Filed, Feb. 16, 1970;  
8:46 a.m.]

## UNIVERSITY OF DELAWARE

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

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

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

Docket No. 70-00170-01-07500. Applicant: University of Delaware, Newark, Del. 19711. Article: Microcalorimeter system with gold cells. Catalog No. 10700-2B. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to teach graduate students to do research in calorimetry. It will be used to measure the heats of dilution of solutions of alkali halides in n-methylacetamide.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a precision of 0.1 percent and a sensitivity of one millionth of a calorie for six milliliter of solution. We are advised by

the National Bureau of Standards (NBS) in its memorandum dated December 16, 1969, that these characteristics are pertinent to the purposes for which the foreign article is intended to be used. NBS further advises that it knows of no instrument or apparatus being manufactured in the United States, which provides these pertinent characteristics.

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

[F.R. Doc. 70-1909; Filed, Feb. 16, 1970; 8:45 a.m.]

### UNIVERSITY OF VIRGINIA SCHOOL OF MEDICINE

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

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

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

Docket No. 70-00005-33-46040. Applicant: University of Virginia, School of Medicine, Charlottesville, Va. 22903. Article: Electron microscope, Model EM 300 and Accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used initially for the study of fine structural differences between cancer cells and their normal counterparts, both growing and nongrowing and fine structural abnormalities that occur in rat hepatocytes during the chemical induction of liver tumors. The materials to be used in these proposed investigations consist of tumor cells derived from a variety of normal cell types, both in animals and humans and hepatocytes from rats sacrificed during continuous administration of hepatic carcinogen diethylmitosamines until the appearance of liver tumors.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (March 21, 1967).

Reasons: The foreign article has a guaranteed resolving power of 5 angstroms. The most closely comparable domestic instrument available at the time the foreign article was ordered was the EMU-4 which was then being manu-

factured by the Radio Corp. of America (RCA), and which is currently being produced by Forgho Corp. (Forgho). The RCA Model EMU-4 had a guaranteed resolving power of 8 angstroms. (The lower the numerical rating in terms of angstroms, the better the resolving power.) The purposes for which the foreign article is intended to be used require the highest available resolution. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated October 17, 1969, that the additional resolving capability of the foreign article is pertinent to the purposes for which the article is intended to be used. We, therefore, find that the RCA Model EMU-4 was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-1916; Filed, Feb. 16, 1970; 8:45 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration AMERICAN CYANAMID CO.

#### Notice of Filing of Petition Regarding Pesticides

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0942) has been filed by American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, proposing the establishment of a tolerance (21 CFR Part 120) of 8 parts per million for residues of the insecticide malathion in or on the raw agricultural commodity almonds, such residues resulting from preharvest and postharvest application.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic technique with a flame photometric detector.

Dated: February 10, 1970.

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

[F.R. Doc. 70-1941; Filed, Feb. 16, 1970; 8:48 a.m.]

### SULFADIMETHOXINE TABLETS

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

The Food and Drug Administration has evaluated a report from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Bactrovet tablets containing 125 milligrams, 250 milligrams or, 1 gram of sulfadimethoxine per tablet; by Pitman-Moore, Inc., Subsidiary of Johnson and Johnson, Camp Hill Road, Fort Washington, Pa. 19034.

2. Sudine tablets containing 125 milligrams, 250 milligrams or, 1 gram of sulfadimethoxine per tablet; by Warren-Teed Pharmaceuticals Inc., Subsidiary of Rohm & Haas Co., 582 West Goodale Street, Columbus, Ohio 43215.

The Academy evaluated these drugs as probably effective for the treatment of infections in dogs and cats caused by bacteria sensitive to sulfadimethoxine.

The Academy stated that:

1. More information is needed on the frequency of administration; time concentration curves should be furnished.

2. There is a lack of information demonstrating efficacy of the recommended dosage level.

3. Each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to sulfadimethoxine." If the disease cannot be so qualified the claim must be dropped.

4. Evidence should be submitted to establish that the tablets disintegrate in the gastrointestinal tract of the medicated species to produce the desired therapeutic effect.

The Food and Drug Administration concurs with the evaluation and recommendations of the Academy.

This announcement is published (1) to inform the holders of new animal drug applications of the findings of the Academy and of the Food and Drug Administration and (2) to inform all interested persons that such articles to be marketed must be the subject of approved new animal drug applications and otherwise comply with all other requirements of the Federal Food, Drug, and Cosmetic Act.

Holders of the new animal drug applications are provided 6 months from the publication hereof in the FEDERAL REGISTER to submit adequate documentation in support of the labeling used.

Written comments regarding this announcement, including requests for an informal conference, may be addressed to the Bureau of Veterinary Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

The holders of the applications for the subject drugs have been mailed copies of the NAS-NRC report. Any manufacturer, packer, or distributor of a drug of similar composition and labeling to the listed drugs or any other interested person may also obtain a copy of

the NAS-NRC report by writing to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 512, 52 Stat. 1050-51, 82 Stat. 343-51; 21 U.S.C. 352, 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 6, 1970.

SAM D. FINE,  
Associate Commissioner for  
Compliance.

[F.R. Doc. 70-1942; Filed, Feb. 16, 1970;  
8:48 a.m.]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING REGIONAL ADMINISTRATOR,  
REGION VI (SAN FRANCISCO)

### Designation

The officials named herein and appointed to the following listed positions in Region VI (San Francisco) are hereby designated to serve as Acting Regional Administrator, Region VI, during the present vacancy in the position of Regional Administrator, Region VI, with all the powers, functions, and duties re-delegated or assigned to the Regional Administrator: *Provided*, That no official is authorized to serve as Acting Regional Administrator, Region VI, unless all other officials whose names and titles precede his in this designation are unable to act by reason of absence:

1. Ward Elliott, Deputy Regional Administrator.
2. Andrew J. Bell, III, Assistant Regional Administrator for Model Cities.
3. James D. Richardson, Assistant Regional Administrator for Renewal Assistance.
4. Arthur J. Timmel, Assistant Regional Administrator for Federal Housing Administration.
5. William M. North, Jr., Regional Counsel.

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

*Effective date.* This designation shall be effective as of February 9, 1970.

GEORGE ROMNEY,  
Secretary of Housing  
and Urban Development.

[F.R. Doc. 70-1947; Filed, Feb. 16, 1970;  
8:48 a.m.]

## CIVIL AERONAUTICS BOARD

[Docket Nos. 21828, 21872; Order 70-2-43]

AMERICAN AIRLINES, INC. AND  
TRANS CARIBBEAN AIRWAYS, INC.

### Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of February 1970.

Application of American Airlines, Inc. and Trans Caribbean Airways, Inc. for an exemption pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended, pertaining to an assistance agreement, Agreement CAB 21597.

On January 30, 1970, American Airlines, Inc. (American) and Trans Caribbean Airways, Inc. (TCA), filed a joint application requesting exemption from section 408 of the Federal Aviation Act of 1958, as amended (the Act), and such other provisions of the Act that may be applicable, with respect to an assistance agreement (Agreement CAB 21597) entered into between the applicants.<sup>1</sup>

Pursuant to the assistance agreement American will make funds available to TCA in an aggregate amount of up to \$10 million. Such funds are to be used for purposes satisfactory to American and made available through either (a) advances by American to TCA evidenced by demand notes bearing interest at a rate per annum equal to 1 percent above the "Prime Rate," or (b) guaranties by American of demand notes issued by TCA against advances by a lender or lenders other than American.

In addition to the foregoing, the assistance agreement provides that American may, but shall not be required to, make available to TCA certain services and facilities, as well as credit on account of such services and facilities, including—the maintenance of aircraft, other equipment and facilities; the furnishing of terminal facilities and gate positions at airports now served by TCA; the training of stewardesses, pilots and other personnel; the supplying of food and other commissary services; and the computerization of passenger reservations. Such service and facilities are to be provided at the same rates American charges other air carriers. Any credit extended shall be evidenced by demand notes bearing interest at the same rate set forth above.

All of the advance notes and guaranties referred to above are to be secured, upon request by American, by mortgages, pledge agreements or other security instruments covering TCA's properties and assets and such interests therein, including interests subject to prior security interests.

The commitments of American are subject to the obtaining of an exemption from the Board from the requirements of section 408 of the Act, without conditions unacceptable to American, and, at American's option, to certain other conditions. In addition, the assistance agreement is to continue in effect as long as the agreement of merger is in effect.

In support of the application, the applicants allege that TCA has an im-

mediate need for additional financing that it cannot obtain without American's assistance. In this regard, the application includes an affidavit of Mr. O. Roy Chalk, chairman of the board and president of TCA, which recites, inter alia, that at the present time TCA has approximately \$8,400,000 of overdue obligations, plus an additional \$4 million of such obligations as to which it has negotiated extensions; that approximately \$1,640,000 is in default with respect to leases covering the bulk of TCA's aircraft fleet and long term debt obligations; that as of the date of TCA's last complete balance sheet, September 30, 1969, TCA's current liabilities exceeded its current assets by approximately \$15,500,000; that for the first seven months of 1969 TCA lost \$3 million and it is estimated that in the last quarter of 1969 TCA lost an additional \$4 million; that it is estimated that TCA lost \$900,000 in January 1970 and will incur additional losses of approximately \$2 million during the next 3 months for a cash deficiency at the end of April 1970 of approximately \$14,400,000; that TCA is currently in arrears in its insurance payments, and its insurance brokers have indicated possibilities of cancellation unless substantial payments are made immediately; that TCA is currently in arrears in payments to its union pension plans in excess of \$450,000; that TCA's cash funds are so insufficient that there are serious doubts as to whether it can in the next two weeks meet its current payrolls and other essential requirements such as fuel payments.

Answers have been filed by Pan American, Eastern, and the Commonwealth of Puerto Rico, the latter supporting the application. The two carriers, however, oppose the application and contend that the assistance agreement would grant American such powers over TCA as to make "unscrambling" unfeasible if the Board were to disapprove the merger and that approval or exemption of the assistance agreement would enhance TCA's competitive ability to their detriment, particularly in light of the unlimited services and facilities American may offer TCA. And Eastern argues that it has not been shown that TCA is financially in extremis.

Although it is true that there is not before us complete and documented evidence of TCA's financial plight, we are satisfied from the data which has been presented that TCA is in dire financial condition.<sup>2</sup> In this connection, the application sets forth in plain terms the fact that TCA is incurring enormous losses, failing to meet its financial obligations, in danger of losing its insurance coverage, and uncertain as to whether it can meet its payments on the most essential requirements for the continuance of its day-to-day operations.

The agreement now before the Board presents a temporary solution to TCA's financial problems which appears to be

<sup>2</sup> In the affidavit attached to the application, Mr. Chalk asserts that unless TCA is able to obtain the required financing it will be unable to continue operations.

<sup>1</sup> On Jan. 22, 1970, American and TCA filed an application in Docket 21828 seeking Board approval of the merger of TCA into American. The application indicated that TCA was in immediate need of funds and that American had agreed to provide interim financing for TCA. The assistance agreement now before the Board provides for that financing.

the only alternative presently available to TCA. In this connection, the affidavit of Mr. Chalk referred to earlier indicates that within the past 19 months TCA has made 14 different approaches to lending institutions and investment bankers in an effort to obtain long-term financing. None of these attempts were successful, and the affidavit asserts that further efforts to obtain outside financing would be fruitless.

Under the unusual financial circumstances surrounding TCA's operations, it appears that the Board must take emergency action or risk the chance of a discontinuance of TCA's operations and its services to the public. In this regard, the assistance agreement would allow TCA to operate while the Board has an opportunity to consider the proposed merger between the two carriers in Docket 21828. The public has a valid interest in seeing that TCA does not terminate its operations while such merger agreement is in effect. In light of TCA's deteriorating condition, it is certain that the time required to hold a hearing on the application would cause TCA to drift farther away from the status of a sound enterprise.

In previous cases, we have allowed persons seeking to acquire control of an air carrier in serious financial straits to provide interim financial assistance to that carrier.<sup>3</sup> Consistent with such action we intend to proceed without a formal hearing with a view towards approval of the control relationships established by the assistance agreement. This determination is not intended to constitute a determination of any issues in the merger case, Docket 21828, and is further subject to the tentative views expressed hereafter.

We are concerned with the provisions of the agreement concerning the unlimited services and facilities which may be offered TCA by American. These provisions appear to go far beyond what is required to maintain the viability of TCA during an interim critical period, but instead would authorize an open-ended and deep involvement by American in the affairs of TCA and, in effect, a takeover of various operations of the airline. On the other hand, the Board does not wish to so restrict the parties as to require prior Board approval of all transactions between the carriers. In light of the foregoing, we have tentatively determined that our approval of the agreement and the control relationships thereunder should be subject to a condition that American may provide services and facilities to TCA limited in the aggregate of \$200,000. We will, of course, expect the parties to address themselves to the propriety of this condition, as well as the need for any other conditions or limitations on the proposed authority.

<sup>3</sup> See orders 69-7-102 and 103, and 69-9-63 involving interim assistance to Air West and New York Airways, respectively, and Toolco-Northeast Control Case, 34 CAB 583 (1961).

Subject to the foregoing, we tentatively find and conclude that the proposed interim financial assistance program is consistent with the public interest, and will not result in creating a monopoly and thereby restrain competition or jeopardize another carrier not a party to the transaction, and should be approved by the Board pursuant to section 408 of the Federal Aviation Act. Interested persons will be given opportunity to show cause why the tentative findings and conclusions reached herein should not be made final as set forth below. In granting interested persons the opportunity to show cause why our tentative findings and conclusions should not be adopted, we expect such persons to support their objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objections are taken. Persons supporting approval are similarly expected to document their position. We will also hear oral argument on the issues. Because of the apparent critical condition of TCA, we are establishing an accelerated time schedule.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order granting approval under section 408 of the Federal Aviation Act of the above described interim financial assistance agreement between American Airlines and Trans Caribbean Airways;

2. Any interested person supporting or having objection to the issuance of an order making final the proposed findings and conclusions set forth herein, or desiring the imposition of additional or different conditions upon approval, shall, on or before February 16, 1970, file with the Board and serve upon all persons made parties to this proceeding a statement of position together with all sta-

tistical data and other evidence expected to be relied upon to support the stated position and all factual matters shall be set forth in affidavit form;<sup>4</sup>

3. On February 17, 1970, at 10 a.m. in Room 1027, the Board will receive oral argument on the question of whether it should issue the final order referred to in paragraph 1 of this order;

4. In the event no timely and properly supported objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final decision; and

5. A copy of this order shall be served upon the applicants, each air carrier holding a certificate of public convenience and necessity authorizing individually ticketed or waybilled air transportation; the Departments of Justice, Transportation, State, Defense, Post Office, and Interior; the chief executive of Puerto Rico, the Virgin Islands and of each U.S. city and State served by Trans Caribbean Airways; any Commission or Agency of Puerto Rico, the Virgin Islands or of such states having jurisdiction of transportation by air; all labor organizations representing employees of Trans Caribbean; and the parties in Docket 21828.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,  
Secretary.

[F.R. Doc. 70-1923; Filed, Feb. 16, 1970;  
8:46 a.m.]

<sup>4</sup> All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

## CIVIL SERVICE COMMISSION

### NURSES, WASHINGTON, D.C. SMSA

#### Notice of Adjustment of Minimum Rates and Rate Ranges

Under the authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has increased the minimum rates and rate ranges for certain nurse positions in the following locations:

#### GS-610 NURSE SERIES

Geographic coverage: Washington, D.C. SMSA including the D.C. Government's Children's Center, Laurel, Md., and the U.S. Marine Corps Base, Quantico, Va.  
Effective date: First day of the first pay period beginning on or after February 8, 1970.

#### PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-4	\$7,178	\$7,362	\$7,546	\$7,730	\$7,914	\$8,098	\$8,282	\$8,466	\$8,650	\$8,834
GS-5	7,824	8,030	8,236	8,442	8,648	8,854	9,060	9,266	9,472	9,678
GS-6	8,027	8,256	8,485	8,714	8,943	9,172	9,401	9,630	9,859	10,088
GS-7	8,149	8,404	8,659	8,914	9,169	9,424	9,679	9,934	10,189	10,444
GS-8	8,731	9,013	9,295	9,577	9,859	10,141	10,423	10,705	10,987	11,269

Corresponding statutory rates: GS-4—tenth; GS-5—ninth; GS-6—sixth; GS-7—third; GS-8—second.

[SEAL]

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

[F.R. Doc. 70-1961; Filed, Feb. 16, 1970; 8:50 a.m.]



## DEPARTMENT OF AGRICULTURE

## Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Director, Oils and Peanut Policy Staff, Agricultural Stabilization and Conservation Service.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[F.R. Doc. 70-1960; Filed, Feb. 16, 1970;  
8:50 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment the position of Deputy Administrator, Planning and Research, Social and Rehabilitation Service. This position is removed from the excepted service.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[F.R. Doc. 70-1956; Filed, Feb. 16, 1970;  
8:49 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Commissioner of Medical Services" to "Commissioner, Medical Services Administration".

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[F.R. Doc. 70-1957; Filed, Feb. 16, 1970;  
8:49 a.m.]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Assistant to the Secretary for Congressional Services" to "Assistant to the Secretary for Congressional Relations".

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[F.R. Doc. 70-1958; Filed, Feb. 16, 1970;  
8:49 a.m.]

## OFFICE OF ECONOMIC OPPORTUNITY

## Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Assistant Director for Program Development, Office of Program Development.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[F.R. Doc. 70-1959; Filed, Feb. 16, 1970;  
8:49 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 7-3358]

## SILVER DOLLAR MINING CO.

## Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 11, 1970.

In the matter of application of the Spokane Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Silver Dollar Mining Co.----- File No. 7-3358

Upon receipt of a request, on or before February 26, 1970 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, 25, D.C. not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 70-1950; Filed, Feb. 16, 1970;  
8:48 a.m.]

[File Nos. 7-3356, 7-3357]

## HEINICKE INSTRUMENTS CO., AND KAUFMAN &amp; BROAD, INC.

## Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 11, 1970.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Heinicke Instruments Co.-----	7-3356
Kaufman & Broad, Inc.-----	7-3357

Upon receipt of a request, on or before February 26, 1970 (from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the

date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 70-1951; Filed, Feb. 16, 1970;  
8:48 a.m.]

[File No. 500-1]

### IMPERIAL INVESTMENT CORP.

#### Order Suspending Trading

FEBRUARY 10, 1970.

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

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this

order to be effective for the period February 10, 1970 through February 19, 1970, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 70-1965; Filed, Feb. 16, 1970;  
8:50 a.m.]

### FEDERAL POWER COMMISSION

[Dockets Nos. G-3491 etc.]

#### SOUTHERN UNION GATHERING CO. ET AL.

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

FEBRUARY 6, 1970.

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

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

The Commission finds: It is in the public interest and consistent with the Nat-

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

ural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

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

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 25, 1970.

By the Commission.

[SEAL] GORDON M. GRANT,  
Secretary.

#### APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI70-1142	Southern Union Gathering Co.	2	59	El Paso Natural Gas Co. (San Juan County, N. Mex.) (San Juan Basin Area).	\$1,733	1-8-70	2-8-70	7-8-70	18.0	15.0636	
RI70-1143	Martha Featherstone, 1717 West Second St., Roswell, N. Mex. 88201.	1	2	Colorado Interstate Gas Co. (Desert Springs Field, Sweetwater County, Wyo.).	85	1-12-70	2-15-70	7-15-70	14.50	15.6163	

<sup>2</sup> Increased rate applicable to sales of gas under Supplement Nos. 57 and 58 to Rate Schedule No. 2 only.

<sup>3</sup> The stated effective date is the first day after expiration of the statutory notice.

<sup>4</sup> Periodic rate increase.

<sup>5</sup> Pressure base is 15.025 p.s.i.a.

<sup>6</sup> The stated effective date is the effective date requested by Respondent.

<sup>7</sup> Pressure base is 14.05 p.s.i.a.

<sup>8</sup> Initial rate.

Southern Union Gathering Co. (Southern Union) requests that its proposed rate increase be permitted to become effective as of January 1, 1970. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Southern Union's rate filing and such request is denied.

Both of these 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, Ch. I, Part 2, § 2.56).

[F.R. Doc. 70-1866; Filed, Feb. 16, 1970;  
8:45 a.m.]

[Dockets Nos. RI70-916, etc.]

#### ASHLAND OIL & REFINING CO.

#### Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

FEBRUARY 5, 1970.

In the order providing for hearings on and suspension of proposed changes in rates, issued December 30, 1969 and published in the FEDERAL REGISTER, January 14, 1970, 35 F.R. 489, appendix A, Docket No. RI 70-916, Ashland Oil & Refining Co. (opposite Rate Schedule No. 120) under column headed "Pro-

posed Increased Rate", change "18.0" to read "18.01".

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 70-1928; Filed, Feb. 16, 1970;  
8:47 a.m.]

[Project No. 761]

#### CALIFORNIA

#### Order Partially Vacating Withdrawal of Lands

FEBRUARY 6, 1970.

Include the attachment appended hereto with the order issued February 2,

1970, in Lands Withdrawn Project No. 761, published in the FEDERAL REGISTER February 7, 1970, 35 F.R. 2753. The attachment was inadvertently omitted from order.

GORDON M. GRANT,  
Secretary.

MOUNT DIABLO MERIDIAN, CALIFORNIA

- T. 1 N., R. 16 E.,  
Sec. 29, lots 2, 3, W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ .
- T. 1 S., R. 15 E.,  
Sec. 1, lot 17 (formerly part of lot 5);  
Sec. 3, N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 4, lots 16, 17, 18, 22, 24;  
Sec. 9, lot 3;  
Sec. 10, N $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 11, lots 3, 4;  
Sec. 18, lot 4;  
Sec. 19, S $\frac{1}{2}$  of lot 10, NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 20, lot 12, unpatented portion of  
SE $\frac{1}{4}$ NE $\frac{1}{4}$  (formerly a part of lot 1),  
unpatented portion of NW $\frac{1}{4}$ SE $\frac{1}{4}$ , un-  
patented portion of NE $\frac{1}{4}$ SE $\frac{1}{4}$  (formerly  
a part of lot 2);  
Sec. 21, lots 3, 19;  
Sec. 27, NW $\frac{1}{4}$ SW $\frac{1}{4}$ .
- T. 1 S., R. 16 E.,  
Sec. 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$  (unsurveyed);  
Sec. 6, lot 5;  
Sec. 9, lots 1, 2;  
Sec. 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 24, SW $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 1 S., R. 17 E.,  
Sec. 26, S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 27, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 28, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 30, lot 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 31, NE $\frac{1}{4}$ ;  
Sec. 32, lots 1, 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 33, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 35, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 36, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ .
- T. 1 S., R. 18 E.,  
Sec. 14, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 22, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$   
SE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 23, W $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 27, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 28, NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 29, NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 30, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 33, W $\frac{1}{2}$  of lot 2, N $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 34, N $\frac{1}{2}$ N $\frac{1}{2}$ .

(Approximately 3,958 acres.)

Also, those Federal lands which were included in the applications for Project No. 761 but were not listed in the Commission's notices of land withdrawal.

(Acreage not determined.)

[F.R. Doc. 70-1927; Filed, Feb. 16, 1970;  
8:47 a.m.]

[Docket No. E-7172]

## DEPARTMENT OF THE INTERIOR AND SOUTHWESTERN POWER ADMINIS- TRATION

### Amended Notice of Request for Approval of Rates and Charges

FEBRUARY 9, 1970.

Notice is hereby given that the U.S. Department of the Interior (Interior), on behalf of the Southwestern Power Administration (SWPA), has filed with the Federal Power Commission pursuant to

the provisions of the Flood Control Act of 1944, (58 Stat. 887) a request for the confirmation and approval of the following rate schedules and contractual rates and charges applicable to the integrated system of SWPA for a period of 3 years from February 28, 1970 to February 28, 1973.

**Rate Schedule F-1—Wholesale Firm Power Service.** Demand Charge: \$1.60 per kw. of monthly billing demand. Energy Charges: 2 mills per kw.-hr. for the first 150 kw.-hr. per kw. of billing demand, and 3 mills per kw.-hr. for the next 290 kw.-hr. per kw. of billing demand, and 5 mills per kw.-hr. for energy in excess of 440 kw.-hr. per kw. of billing demand.

**Rate Schedule IC.** This system schedule is for interruptible capacity at such times and amounts as the Government determines is available. The capacity charge is \$0.45 per kw. per day and at the Government's election, energy may be sold at \$0.002 per kw.-hr. or returned by customer as scheduled by the Government.

**Rate schedule EE.** This system schedule is for excess energy at such times and in such amounts as the Government determines is available. The rate is \$0.0015 per kw.-hr.

**Rate Schedule P-2 (Revised).** This rate schedule for hydro peaking and seasonal peaking power represents the main transmission grid rate. This schedule provides for delivery of power from and at the voltage of 138 kv. or 161 kv. transmission systems owned by SWPA and/or a substation owned by SWPA that is directly connected to 138 kv. and/or 161 kv. transmission facilities owned by SWPA, or beyond the high voltage grid as specified by contract. The minimum amount of energy associated with service under this rate schedule shall be 1200 kw.-hr. per kw. of demand during each 12-month contract-year, with the annual demand charge of \$14.40 per kw. and energy charge at \$0.002 per kw.-hr. The minimum bill shall be \$1.20 per month per kw. of Peaking Contract Demand, plus the transmission service charge, if any. The rate schedule also provides that where transmission service is provided beyond the SWPA high voltage grid and SWPA incurs additional costs therefor (such as payment, credit, or the construction of federal facilities), the customer shall pay in addition to the demand and energy charges, a separate Transmission Service Charge each month equal to one-twelfth of the estimated total annual cost to SWPA of providing such transmission service. The amount of such total annual cost shall be computed and determined by SWPA, and a memorandum copy of each such determination shall be attached to and become a part of this rate schedule.

The filing states that the transmission service charge to Associated Electric Cooperative, Inc., under Contract No. 14-02-0001-1002 would amount to \$2,647,100 per contract year, payable at the rate of \$220,600 per month.

**Contractual Rates and Charges.** Contained in the following contracts with SWPA.

**Texas Power and Light Co.** (Contract Ispa-177).

**Oklahoma Cos.** (Contract Ispa-356).

This contract is with the Oklahoma Gas and Electric Co. and the Public Service Company of Oklahoma.

Any person desiring to make comments or suggestions for Commission consideration with respect to the foregoing rates, rate schedules and rates and charges should submit the same in writing on or before February 24, 1970, to the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426. The proposed rate schedules and contractual rates and charges in their entirety are on file with the Commission and are available for public inspection.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 70-1936; Filed, Feb. 16, 1970;  
8:47 a.m.]

[Docket No. CP62-294]

## EL PASO NATURAL GAS CO.

### Notice of Petition To Amend

FEBRUARY 10, 1970.

Take notice that on February 2, 1970, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP62-294 a petition to amend further the order of the Commission issued on August 28, 1962, as amended, to delete authorization to construct and operate certain natural gas facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant was authorized by the aforementioned order, as amended, to construct and operate 26 gas turbine uprating kits on the southern portion of its Southern Division System. Applicant states that all but the uprating kits at San Simon, Vail, and Benson have been installed, and that due to changes in its system operations these three facilities will not be required for a number of years. Applicant therefore requests that the construction and operation of these facilities be deleted from the authorization.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 2, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a

party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 70-1929; Filed, Feb. 16, 1970;  
8:47 a.m.]

[Docket No. CP69-1]

### EL PASO NATURAL GAS CO.

#### Notice of Petition To Amend

FEBRUARY 10, 1970.

Take notice that on February 2, 1970, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP69-1 a petition to amend the order of the Commission issued on September 11, 1968, so as to delete the authorization to construct and operate facilities at a proposed point for the delivery of natural gas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant was authorized by the aforementioned order, inter alia, to construct and operate a sales meter station to be known as the Maple Valley Sales Meter Station and to sell and deliver natural gas at the outlet thereof to Washington Natural Gas Co. (Washington Natural) for resale and distribution in Maple Valley, Washington, and environs. Applicant states that it has been advised by Washington Natural that it does not require the proposed delivery point at Maple Valley, but in lieu thereof it will serve Maple Valley and environs by extension of its existing distribution system serving Seattle, Washington, until such time as increased load will require a new delivery point for the Maple Valley service.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 2, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 70-1931; Filed, Feb. 16, 1970;  
8:47 a.m.]

[Dockets Nos. CS70-32—CS70-34]

### FIVE RESOURCES, INC. ET AL.

#### Notice of Applications for "Small Producer" Certificates<sup>1</sup>

FEBRUARY 10, 1970.

Take notice that on January 12, 1970, Five Resources, Inc., 2009 Bank of the Southwest Building, Houston, Tex. 77002, on January 19, 1970, Dr. F. Keith Oehlschlager, 1167 East 42d Street, Odessa, Tex. 79760, and on January 20, 1970, Clifton Thomas, Post Office Box 1071, San Angelo, Tex. 76901, filed in Docket Nos. CS70-32, CS70-33, and CS70-34, respectively, applications pursuant to section 7(c) of the Natural Gas Act and section 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from areas for which just and reasonable rates have been established, all as more fully set forth in the applications 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 March 5, 1970, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the 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 is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,  
*Secretary.*

[F.R. Doc. 70-1930; Filed, Feb. 16, 1970;  
8:47 a.m.]

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

[Docket No. CP70-183]

### MICHIGAN WISCONSIN PIPE LINE CO.

#### Notice of Application

FEBRUARY 9, 1970.

Take notice that on February 2, 1970, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP70-183 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 for the transportation and sale of natural gas in interstate commerce for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that certain of its customers have revised their estimated requirements for the contract year commencing on September 1, 1970, resulting in a net aggregate increase in maximum daily natural gas requirements of 52,000 Mcf and 33,300,000 Mcf, annually. Applicant proposes to meet these requirements by constructing and operating an additional 55,000 compression horsepower at its existing Jena, Delhi, Madisonville, Portland, and Defiance compressor stations and to install an aggregate of approximately 37 miles of 36-inch loop lines.

The total estimated cost of the proposed facilities is \$21,034,000, which will be financed with treasury funds, retained earnings and other funds generated internally, together with bank borrowings under short-term lines of credit.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 2, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file 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. 70-1939; Filed, Feb. 16, 1970;  
8:47 a.m.]

[Docket No. CP70-21 (Phase I)]

### MICHIGAN WISCONSIN PIPE LINE CO.

#### Notice of Petition To Amend

FEBRUARY 10, 1970.

Take notice that on February 2, 1970, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP70-21 (Phase I) a petition to amend the order of the Commission issued on January 6, 1970, to authorize the installation of six 11,000 horsepower compressor units in lieu of the previously authorized 7,500 horsepower units, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant was authorized, *inter alia*, by the aforementioned order to construct and operate 7,500 horsepower units at its Greenville, Sardis, Brownsville, Cottage Grove, Jasper, and Shelbyville compressor stations.

Applicant states such proposed alterations would lend toward a more economic, efficient, and better balanced system in light of upward revisions of market requirements by certain of its existing customers.

The estimated additional cost of the proposed facilities is \$1,462,320.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 3, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 70-1934; Filed, Feb. 16, 1970;  
8:47 a.m.]

[Docket No. CP70-187]

### NATURAL GAS PIPELINE COMPANY OF AMERICA

#### Notice of Application

FEBRUARY 10, 1970.

Take notice that on February 5, 1970, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP70-187 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 to be used in the transportation and sale of natural gas in interstate commerce for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a new central field compressor station at the junction of its Camrick Field main trunk gathering line and main transmission pipeline, all in Beaver and Texas Counties, Okla. Applicant states that some of the wells connected to its gathering system are no longer capable of production against the present level of pressure in the gathering system, and the proposed facilities are necessary to reduce the level of pressure maintained and allow all connected wells to produce their prorated allowable volumes.

The total estimated cost of the proposed facilities is \$356,000, which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 6, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 70-1932; Filed, Feb. 16, 1970;  
8:47 a.m.]

[Docket No. CP70-186]

### NATURAL GAS PIPELINE COMPANY OF AMERICA

#### Notice of Application

FEBRUARY 10, 1970.

Take notice that on February 5, 1970, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP70-186 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 which are to be used in the transportation and sale of natural gas in interstate commerce for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate an additional 1,000 horsepower compressor unit at its Quinduno Field Compressor Station in Roberts County, Tex. Applicant states that the proposed facilities are necessary to enable it to receive increased and increasing quantities of gas available from the Quinduno Field.

The total estimated cost of the proposed facilities is \$303,000, which will be financed by funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 6, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7

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

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

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 70-1933; Filed, Feb. 16, 1970;  
8:47 a.m.]

[Docket No. CP70-182]  
**TRUNKLINE GAS CO.**  
**Notice of Application**

February 9, 1970.

Take notice that on February 2, 1970, Trunkline Gas Co. (Applicant), Post Office Box 1642, Houston, Tex. 77001, filed in Docket No. CP70-182 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 facilities for the transportation of natural gas in interstate commerce, and for an increase in sales to certain of its existing customers, all as more fully described in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 23.3 miles of 30-inch pipeline to continue the looping of its Indiana mainline, and a total of 48,200 compressor horsepower and appurtenant facilities at its existing compressor stations at Longville, Pollock, and Centerville, La.; Shaw, Miss.; Dyersburg, Tenn.; and Johnsonville, Ill. Applicant further proposes to increase its firm sales to (a) Panhandle Eastern Pipeline Co., by 40,000 Mcf per day to a level of 700,000 Mcf per day, (b) Consumers Power Co., by 100,000 Mcf per day to a level of 700,000 Mcf per day, and (c) Central Illinois Public Service Co. by 1,900 Mcf per day to a level of 12,900 Mcf per day.

The total estimated cost of the proposed facilities is \$20,875,000, to be financed by bank loans and ultimately by mortgage bond and other security issue.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 2, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18

CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

GORDON M. GRANT,  
Secretary.

[F.R. Doc. 70-1938; Filed, Feb. 16, 1970;  
8:47 a.m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 12, 1970.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 41890—*Newsprint paper from Port Alfred, Quebec, Canada.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2969), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Port Alfred, Quebec, Canada, to Cleveland, Ohio.

Grounds for relief—Water competition.

Tariff—Supplement 57 to Canadian National Railways tariff ICC E. 543.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 70-1968; Filed, Feb. 16, 1970;  
8:50 a.m.]

[Notice 26]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 12, 1970.

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

specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

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

#### MOTOR CARRIERS OF PROPERTY

No. MC 45736 (Sub-No. 36 TA), filed February 6, 1970. Applicant: GUIGNARD FREIGHT LINES, INC., Post Office Box 26067, Charlotte, N.C. 28213. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Paper, such as ground wood, other than newsprint, fiber content consisting of not less than 60 percent ground wood, including such papers as catalog, directory, drawing, manila, novel, postal, printing, tablet or writing paper, and newsprint, fibre content consisting of not less than 60 percent ground wood, from plantsite of Bowaters Southern Paper Corp., Calhoun, Tenn., to points in North Carolina, South Carolina, and Virginia, for 180 days. Supporting shipper: Bowaters Southern Paper Corp., Calhoun, Tenn. 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 107515 (Sub-No. 689 TA), filed February 6, 1970. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned vegetables, from Lake Jem, Fla., to points in Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Wisconsin, Kentucky, Mississippi, and Alabama, for 150 days. Note: Applicant does not intend to tack with its existing authority. Supporting shipper: Redi Foods Division, A. Dude and Sons Cooperative Association, Post Office Box 257, Oviedo, Fla. 32765. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 124679 (Sub-No. 32 TA), filed February 6, 1970. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South Street, Salt Lake City, Utah 84101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (a) Bakery products, from San Leandro, Calif., to Beaverton, Oreg., and Seattle and Spokane, Wash., (b) food dressings, from Oakland, Calif. to points in Oregon, Washington, Idaho, and Utah, for 180 days. Supporting shippers: Tip Top Foods, Inc., 476 Lesser Street, Oakland, Calif. 94601 (J. C. Alexander); George's

Delicious Foods, Inc., Post Office Box 2076, San Leandro, Calif. (Ronald M. George, President). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6201 Federal Building, Salt Lake City, Utah 84111.

No. MC 133327 (Sub-No. 1 TA) (Correction), filed February 2, 1970, published in the FEDERAL REGISTER issue of notice No. 23 and republished in part, as corrected, this issue. Applicant: MELBURN TRUCK LINES (TORONTO) CO., LTD., Post Office Box 306, Station U, Toronto 18, Ontario, Canada. Applicant's representative: Charles P. Bridge, 885 Niagara Street, Buffalo, N.Y. 14213. Note: The purpose of this partial republication is to include the name and address of Bureau Field Representative. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, N.Y. 14203. The rest of the application remains as previously published.

No. MC 134258 (Sub-No. 1 TA), February 6, 1970. Applicant: RALPH'S TRANSPORT, LTD., Hoyt (Sunbury County), New Brunswick, Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, Mass. 02108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Laminated wood, concrete products, steel and supplies and materials* as are necessary to the installation of the described commodities, from ports of entry on the United States/Canada boundary line at or near Calais, Houlton, and Vanceboro, Maine, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island; *returned and rejected shipments* of the above-described commodities, from the above-named respective destination points to the above-named respective origin points, for 180 days. Supporting shippers: Strescon Ltd., Ashburn Lake Road, St. John, New Brunswick, Canada; Ocean Steel & Construction Ltd., Post Office Box 187, Postal Station B, St. John, New Brunswick, Canada; Joseph A. Likely, Limited, 99 Rotheray Avenue, St. John, New Brunswick, Canada. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, PSS, Portland, Maine 04112.

By the Commission.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 70-1969; Filed, Feb. 16, 1970;  
8:50 a.m.]

[Notice 492]

### MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 12, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71783. By order of February 5, 1970, the Motor Carrier Board approved the transfer to Merscheid Transfer, Inc., Potter, Nebr., of the operating rights in certificate No. MC-44806 issued June 24, 1960, to Kenneth G. Merscheid, doing business as Merscheid Transfer, Potter, Nebr., authorizing the transportation, over irregular routes, of household goods, emigrant movables, and general commodities, except those of unusual value, classes A and B explosives, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Banner, Cheyenne, Morrill, and Kimball Counties, Nebr., on the one hand, and, on the other, a specified part of Colorado; oils and greases, in containers, lumber, coal, iron and steel articles, seeds, farm machinery, salt, grain, and livestock from Laramie and Cheyenne, Wyo., Colorado Springs and Pueblo, Colo., and points in Kansas, to points in Banner, Cheyenne, Morrill, and Kimball Counties, Nebr.; and emigrant movables between points in Banner, Cheyenne, Morrill, and Kimball Counties, Nebr., on the one hand, and, on the other, points in Wyoming and Kansas. Richard A. Duden, Post Office Box 60, Ogallala, Nebr. 69153, attorney for applicants.

No. MC-FC-71785. By order of February 5, 1970, the Motor Carrier Board approved the transfer to Joseph E. Hall, doing business as McCoy Truck Lines, Waterloo, Iowa, of the operating rights in Certificate No. MC-17357 issued September 21, 1961, to McCoy Truck Lines, Inc., Waterloo, Iowa, authorizing the transportation of farm tractor engines and farm tractor parts, from Waukesha, Wis., to Charles City, Iowa; and rough iron engine castings and pallets used in connection with the transportation of engines and engine castings, from Charles City, Iowa, to Waukesha, Wis. Homer E. Bradshaw, 11th Floor Des Moines Building, Des Moines, Iowa 50309, attorney for applicants.

No. MC-FC-71868. By order of February 5, 1970, the Motor Carrier Board approved the transfer to Beggs & Cobb Inc., doing business as Handverger & Co., Peabody, Mass., of Permits Nos. MC-103316, and MC-103316 (Sub-No. 2) issued September 13, 1960 and August 15, 1961, to S H Investments, Inc., (formerly S. Handverger Co., Inc.), Peabody, Mass., authorizing the transportation of: Gluestock, and gluestock, in bulk, in dump vehicles, between specified points in New Hampshire and Massachusetts. John J. Leonard, 7 Willow Street, Lynn, Mass. 01901, attorney for applicants.

No. MC-FC-71944. By order of February 11, 1970, the Motor Carrier Board approved the transfer to Paul S. Crebs, Inc., Northumberland, Pa., of the operating rights in certificates Nos. MC-30022, MC-30022 (Sub-No. 80), MC-30022 (Sub-No. 81), MC-30022 (Sub-No. 83), MC-30022 (Sub-No. 84), corrected certificate No. MC-30022 (Sub-No. 85), and certificates Nos. MC-30022 (Sub-No. 86), MC-30022 (Sub-No. 87), MC-30022 (Sub-No. 88), MC-30022 (Sub-No. 89), and MC-30022 (Sub-No. 90) issued April 28, 1969, November 13, 1957, August 6, 1959, April 3, 1964, September 23, 1966, December 20, 1966, May 17, 1967, July 25, 1968, November 16, 1967, July 17, 1968, and June 23, 1969, respectively, to Paul S. Crebs, Northumberland, Pa., authorizing the transportation, over irregular routes, of new furniture, lumber and lumber products, feed, cans, household goods, refrigerators and freezers, ranges, air conditioners, water heaters, kitchen sinks and cabinets, washers, dryers, hardware, dishwashers, desks and chairs, and other articles, to and from, or between various points in all States east of the Mississippi River, except Florida, and points in Iowa, Kansas, Minnesota, Missouri, and Nebraska, varying as to commodities transported and points served. Richard V. Zug, Woolson Building, Post Office Box 279, Springfield, Vt. 05156, attorney for applicant.

[SEAL] H. NEIL GARSON,  
Secretary.

[F.R. Doc. 70-1970; Filed, Feb. 16, 1970;  
8:50 a.m.]

[S.O. 994; ICC Order No. 40; Amdt. 1]

### CHESAPEAKE AND OHIO RAILWAY CO.

#### Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 40 (The Chesapeake and Ohio Railway Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 40 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., February 28, 1970, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 14, 1970, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 11, 1970.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[F.R. Doc. 70-1972; Filed, Feb. 16, 1970;  
8:51 a.m.]

[S.O. 1002; Car Distribution Direction No. 80]

**ILLINOIS CENTRAL RAILROAD CO.,  
AND CHICAGO AND NORTH  
WESTERN RAILWAY CO.**

**Car Distribution**

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

*It is ordered, That:*

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Illinois Central Railroad Co. shall deliver to the Chicago and North Western Railway Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

*It is further ordered, That* the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

*It is further ordered, That* cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., February 13, 1970.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., March 29, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

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

Issued at Washington, D.C., February 11, 1970.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[F.R. Doc. 70-1973; Filed, Feb. 16, 1970; 8:51 a.m.]

[S.O. 1002; Car Distribution Direction No. 81]

**ST. LOUIS-SAN FRANCISCO RAILWAY  
CO. AND CHICAGO, BURLINGTON  
& QUINCY RAILROAD CO.**

**Car Distribution**

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

*It is ordered, That:*

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) St. Louis-San Francisco Railway Co. shall deliver to the Chicago, Burlington & Quincy Railroad Co. a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

*It is further ordered, That* the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

*It is further ordered, That* cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., February 13, 1970.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., March 29, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

*It is further ordered, That* a copy of this direction shall be served upon the

Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this direction be given to the general public by depositing a copy in the Office of the Secretary of the Commission in Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 11, 1970.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[F.R. Doc. 70-1974; Filed, Feb. 16, 1970; 8:51 a.m.]

[S.O. 1002; Car Distribution Direction No. 82]

**SOUTHERN RAILWAY CO. AND CHI-  
CAGO, BURLINGTON & QUINCY  
RAILROAD CO.**

**Car Distribution**

Pursuant to section 1 (15) and (17) of the Interstate Commerce Act and authority vested in me by Interstate Commerce Commission Service Order No. 1002.

*It is ordered, That:*

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Southern Railway Co., shall deliver to the Chicago, Burlington, and Quincy Railroad Co., a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exception: Canadian ownerships.

*It is further ordered, That* the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

*It is further ordered, That* cars applied under this direction shall be so identified on empty car cards, movement slips, and interchange records as moving under the provisions of this direction.

(b) The carrier delivering the empty boxcars as described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars, covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(c) The carrier receiving the cars described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.



(3) *Effective date.* This direction shall become effective at 12:01 a.m., February 13, 1970.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., March 29, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

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

Issued at Washington, D.C., February 11, 1970.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[F.R. Doc. 70-1975; Filed, Feb. 16, 1970;  
8:51 a.m.]

[S.O. 1002; Car Distribution Direction No. 83]

SEABOARD COAST LINE RAILROAD  
CO., LOUISVILLE AND NASHVILLE  
RAILROAD CO., AND CHICAGO  
AND NORTH WESTERN RAILWAY  
CO.

#### Car Distribution

Pursuant to section 1(15) and (17) of the Interstate Commerce Act and au-

thority vested in me by Interstate Commerce Commission Service Order No. 1002.

*It is ordered, That:*

(1) Each common carrier by railroad subject to the Interstate Commerce Act shall comply with the following distribution directions:

(a) The Seaboard Coast Line Railroad Company shall deliver to the Louisville and Nashville Railroad Company a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than eight feet wide. Exceptions: Canadian ownerships.

(b) The Louisville and Nashville Railroad shall deliver to the Chicago and North Western Railway Company a weekly total of 175 empty plain serviceable boxcars with inside length less than 44 feet 8 inches and doors less than 8 feet wide. Exceptions: Canadian ownerships.

*It is further ordered,* That the rate of delivery specified in this direction shall be maintained within weekly periods ending each Sunday at 11:59 p.m., so that at the end of each 7 days the full delivery required for that period shall have been made.

*It is further ordered,* That cars applied under this direction shall be so identified on empty cars cards, movement slips, and interchange records as moving under the provisions of this direction.

(c) The carriers delivering the empty boxcars as described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars,

covered by this direction, delivered during the preceding week, ending each Sunday at 11:59 p.m.

(d) The carriers receiving the cars described above must advise Agent R. D. Pfahler on or before each Wednesday as to the number of cars received during the preceding week, ending each Sunday at 11:59 p.m.

(2) *Regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this direction, is hereby suspended.

(3) *Effective date.* This direction shall become effective at 12:01 a.m., February 13, 1970.

(4) *Expiration date.* This direction shall expire at 11:59 p.m., March 29, 1970, unless otherwise modified, changed, or suspended by order of this Commission.

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

Issued at Washington, D.C., February 11, 1970.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[SEAL]

[F.R. Doc. 70-1976; Filed, Feb. 16, 1970;  
8:51 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

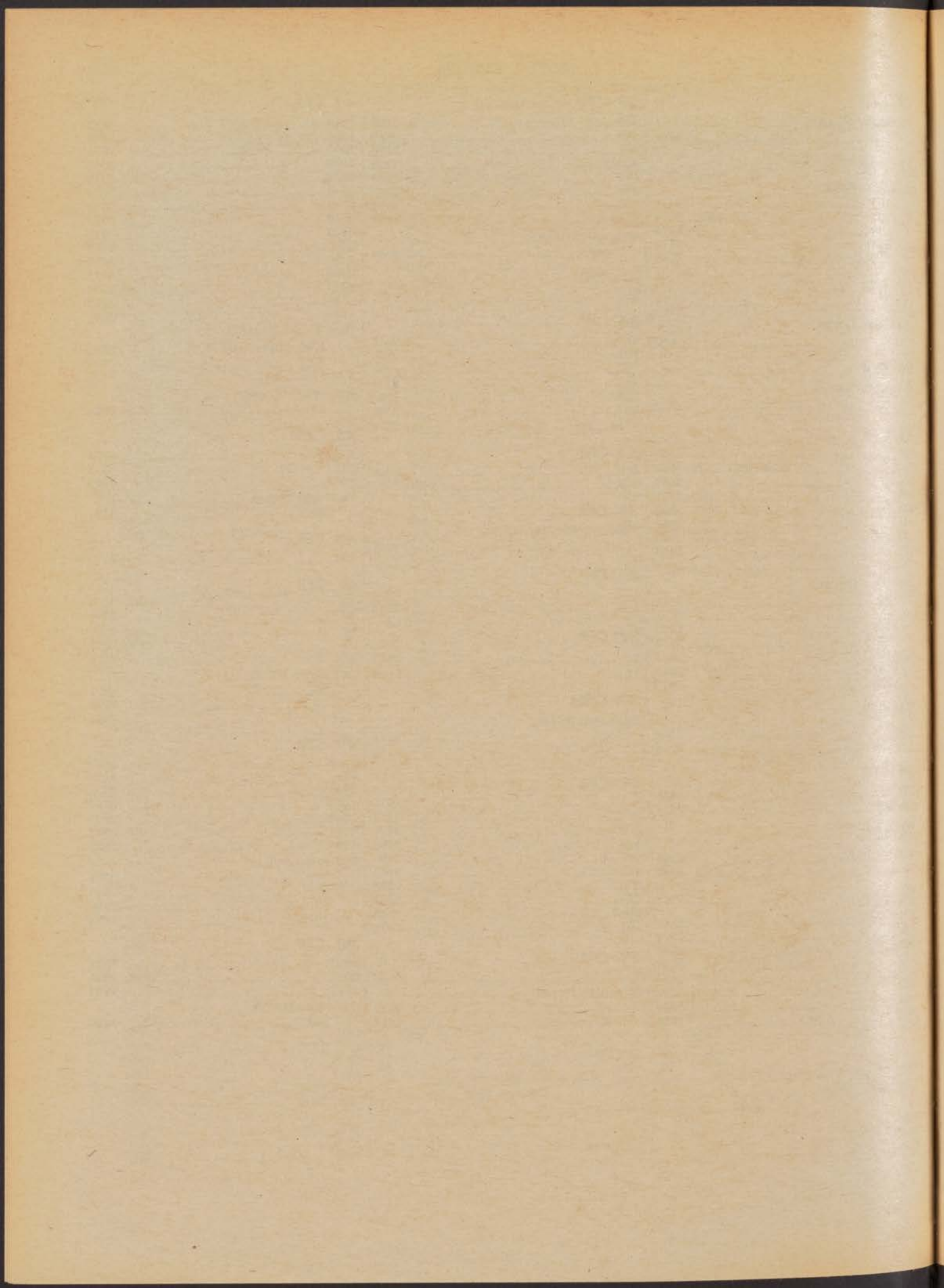
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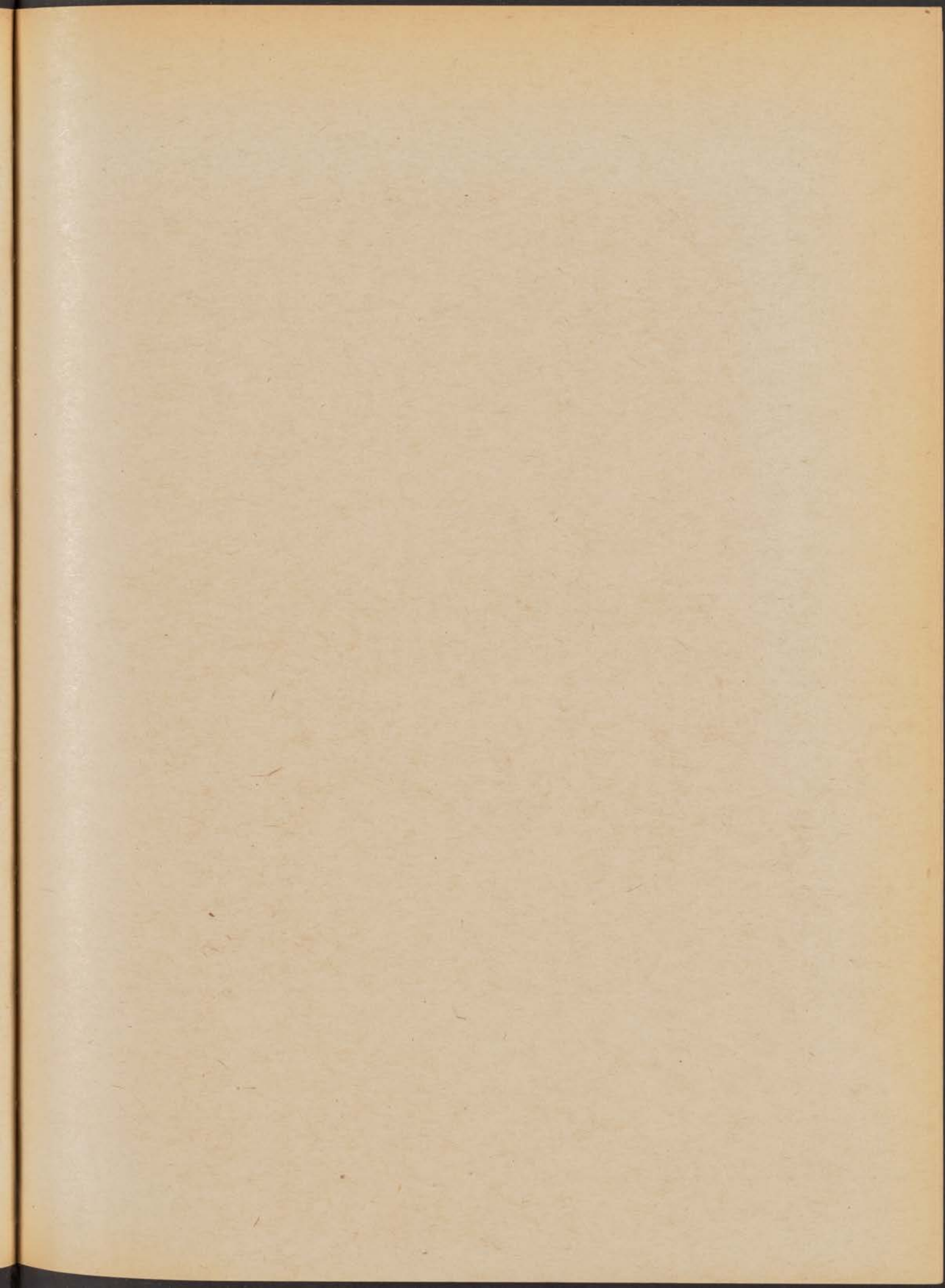
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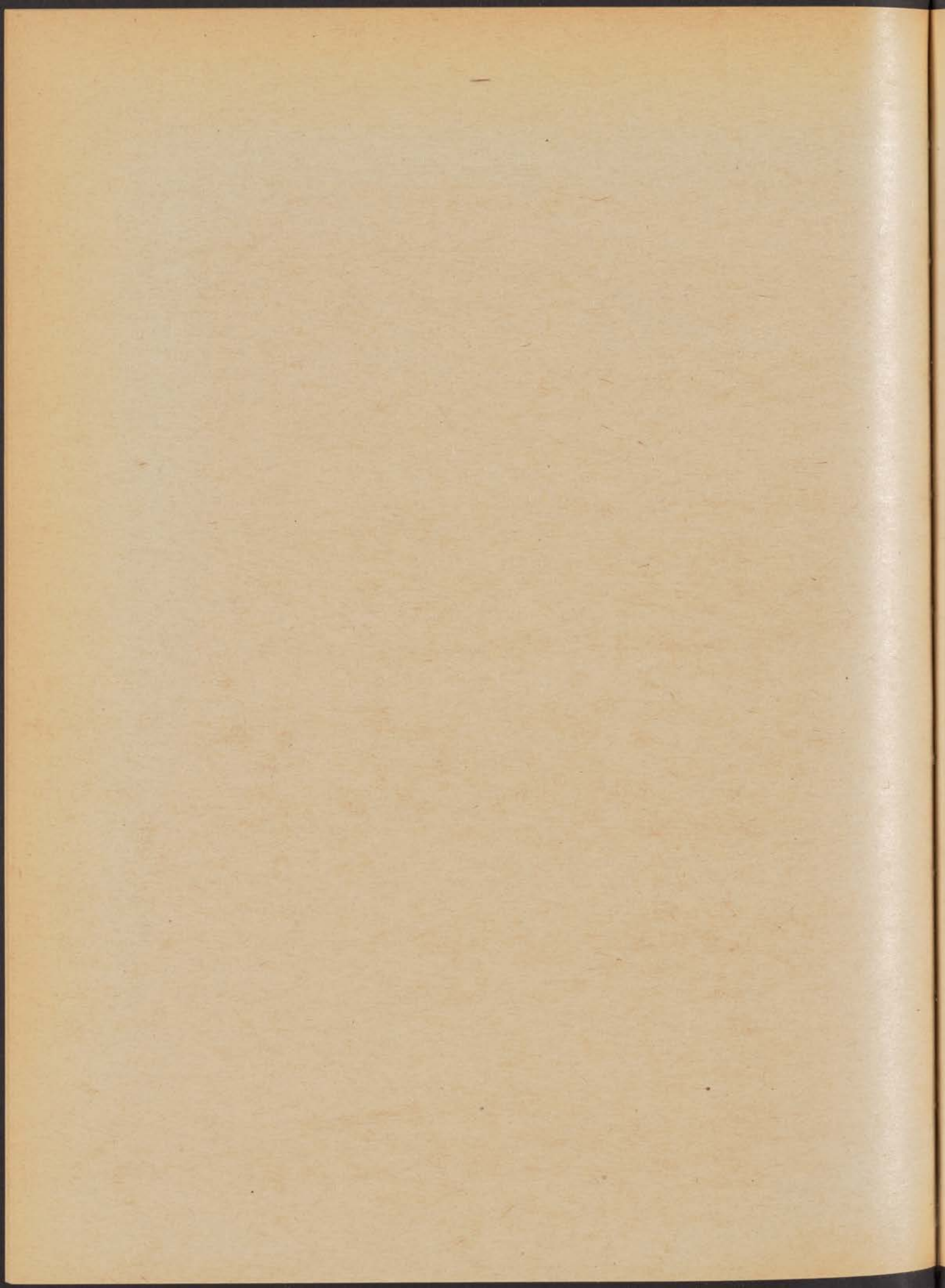
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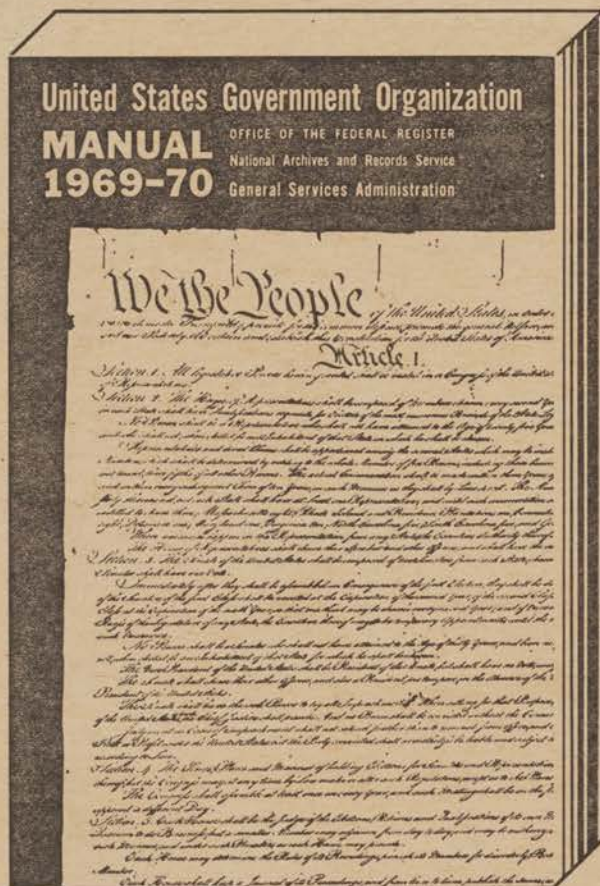








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