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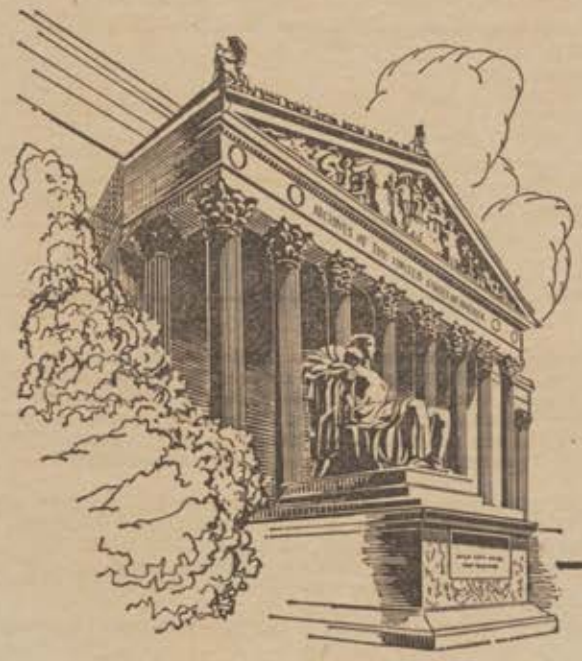

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## Title 3—THE PRESIDENT

### Proclamation 4019

### NATIONAL BLOOD DONOR MONTH

**By the President of the United States of America**

**A Proclamation**

Among the noblest acts of personal generosity is the gift of one's blood for the benefit of another. It is a contribution to health and life for which there is no substitute.

The voluntary blood donor system developed by the American Red Cross and the American Association of Blood Banks provides modern methods for safe and simple donations of blood. Contributions of the voluntary blood donor should be recognized and encouraged to assure that our nation's growing need is safely met.

To this end, the Congress by Senate Joint Resolution 223 has requested the President to issue a proclamation designating the month of January 1971 as National Blood Donor Month.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the month of January 1971 as National Blood Donor Month. I call upon the public media, the blood-banking and medical and health facilities of our country, and the public at large to pay special tribute and honor during that month to the voluntary blood donor and to encourage, by all appropriate means, increasing numbers of people to be voluntary blood donors.

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

Richard Nixon

[F.R. Doc. 70-14567; Filed, Oct. 27, 1970; 8:47 a.m.]

## Executive Order 11566

### CONSUMER PRODUCT INFORMATION

Numerous agencies of the Federal government purchase from private industry a wide variety of consumer products for government use. The making of such purchases requires the development of extensive documents, reports, and other information for evaluating the products purchased.

The Federal government has an opportunity to help the consuming public by sharing the knowledge which the government has accumulated in the process of purchasing items for government use with tax dollars.

Investigation by an interagency committee representing the significant procurement agencies indicates that certain product information thus acquired is currently available from various government agencies but lack of awareness greatly restricts the use of such information by the consuming public and by other government agencies. Some of that information would be useful to consumers in its present form, but other such information would benefit private consumers only if translated from technical procurement documents into information designed for consumer education.

Such product information is acquired in the public interest, and it should be made available to the public and to other government agencies in a manner that is useful to consumers, fair to producers and vendors, and protective of government procurement processes.

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

SECTION 1. *Consumer Product Information Coordinating Center.* (a) The General Services Administration shall establish a Consumer Product Information Coordinating Center (hereinafter referred to as the Center). The Center shall:

(1) Promote the development, production, and public dissemination of government documents containing product information of possible use to consumers, including other government agencies, and the release of which may be accomplished in a manner that is both fair to producers and vendors and protective of government procurement processes.

(2) Review regularly the documents, reports, and other information of all Federal agencies which may contain product information useful to consumers.

(3) Make publicly available, after notice to interested agencies, the selected product information through the Federal Information Centers of the General Services Administration and other local and regional government offices, as appropriate.

(4) Coordinate the Federal effort to eliminate duplicative consumer product information from government publications.

(b) In carrying out its responsibilities the Center may convene meetings of affected Federal agencies, make recommendations to such agencies for accomplishing the objectives set forth herein, and utilize the resources of voluntary and other private organizations. In the course of its work the Center shall also seek to identify those government-procured commodities which have a major impact on family budgets, and to give priority to the development and release of information regarding such commodities.

SEC. 2. *Cooperation by Federal agencies.* (a) Each Federal agency shall:

(1) Furnish the Center with copies of all documents which may contain useful consumer product information and which the Center desires to review for possible distribution as provided in this order.

(2) Cooperate with the Center in effectively identifying and distributing the product information deemed to be most useful to the public.

(3) Consider the impact on family budgets, particularly as may be identified by the Center, in determining the commodities selected for specifications review, documentation, translation, or other information improvement.

(b) Nothing contained in this order shall be construed to require the release by any agency to the Center, or the release to the public by the Center, of any matter which falls within one or more of the exemptions in 5 U.S.C. 552(b) or which is otherwise protected by law from disclosure to the public. Nothing contained in this order shall be deemed to permit the release of information which would disclose trade secrets, formulas, processes, costs, methods of doing business, names of customers, or other competitive information not otherwise available to the general public.

SEC. 3. *Pilot program on consumer product information.* (a) The U.S. Army Natick Laboratories, Department of Defense, shall undertake a pilot program to develop methods and procedures for translating selected technical documents and materials (including research and development reports), acquired by Federal agencies during the procurement specifications and standards development process, into information useful to public consumers. Upon completion of the pilot program, but not later than nine months from the date of this order, the Department of Defense shall submit a final report to the President's Committee on Consumer Interests (provided for in Executive Order No. 11136 of January 3, 1964, as amended). That report shall set forth the methods and results of the pilot project and shall include information as to the cost and feasibility of adopting such a program for all Federal agencies on a continuing basis.

(b) Each Federal agency shall cooperate with the Department of Defense in completing the pilot project described in subsection (a).

SEC. 4. *Functions of the President's Committee on Consumer Interests.* The President's Committee on Consumer Interests shall:

(1) Advise and assist the Center, and provide continuing policy guidance on the implementation of the activities provided for in this order.

(2) Review the effectiveness of government programs established for the release of useful consumer product information.

(3) Develop a program by which private media might be more effectively used to publicize available information.

(4) Initiate conferences designed to explore how individual companies, trade associations, standards organizations, consumer groups, and others may improve the product information to be supplied to consumers.

(5) Submit a report to the President describing the implementation of the programs outlined herein on each anniversary of the date of this order.

SEC. 5. *Definition.* As used in this order, the term "consumer product" means a type of article of personal property customarily sold for family or household use, consumption, or enjoyment, and the term "product information" means information relating to consumer products.

SEC. 6. *Agency documents.* Each government agency shall furnish to the President's Committee on Consumer Interests, within three months from the date of this order, copies of regulations, orders, or other documents issued to provide for the implementation of this order.

SEC. 7. *Construction.* Nothing in this order shall be construed as subjecting any function vested by law in, or assigned pursuant to law to, any Federal agency or the head thereof to the authority of any other agency or officer or as abrogating or restricting any such function in any manner.

Richard Nixon

THE WHITE HOUSE,
*October 26, 1970.*

[F.R. Doc. 70-14566; Filed, Oct. 26, 1970; 4:26 p.m.]

# Rules and Regulations

## Title 14—AERONAUTICS AND SPACE

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

[Airspace Docket No. 70-WE-56]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

#### Revocation of Transition Area

On August 27, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 13668) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke the Rockaway, Oreg., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 10, 1970, as hereinafter set forth.

Section 71.181 (35 F.R. 2134) is amended as follows: The Rockaway, Oreg,. transition area is revoked.

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

Issued in Washington, D.C., on October 20, 1970.

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

[F.R. Doc. 70-14461; Filed, Oct. 27, 1970; 8:46 a.m.]

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[Airspace Docket No. 70-WA-30]

### PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

### PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

#### Alteration of Positive Control Area

On August 22, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 13463) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would expand the positive control area in south Texas from flight level 240 to and including flight level 600 and would revoke Jet Advisory Areas Nos. 25 and 29.

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

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., January 7, 1971, as hereinafter set forth.

1. Section 71.193 (35 F.R. 2291) is amended as follows: "thence via a line 3 nautical miles from the coastline to latitude 26°42'30" N., longitude 97°16'00" W.; thence to latitude 26°37'45" N., longitude 97°34'00" W.; thence to latitude 26°30'00" N., longitude 99°06'10" W.;" is deleted and "thence via a line 3 nautical miles from the coastline to the United States/Mexico border;" is substituted therefor.

2. Section 75.200 (35 F.R. 2375) is amended as follows: "Jet Route No. 25 Jet Advisory Area" is revoked and "Jet Route No. 29 Jet Advisory Area" is revoked.

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

Issued in Washington, D.C., on October 20, 1970.

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

[F.R. Doc. 70-14460; Filed, Oct. 27, 1970; 8:46 a.m.]

## Title 7—AGRICULTURE

### Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

### PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

#### Moisture Absorption and Retention Restrictions for Poultry

*Correction*

In F.R. Doc. 70-13294 appearing at page 15739 in the issue of Wednesday, October 7, 1970, the following changes should be made in § 81.50(b)(3):

1. In subdivision (ii) the entry in the first column of Table 1 reading "Chickens over 4¼ lbs. and under" should read "Chickens 4¼ lbs. and under".

2. Tables 1 and 2 in subdivision (ii) and in the table in subdivision (iii), in the headings for the second and third columns the word "product" following the words "Zone A" or "Zone B" should be capitalized in each instance.

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### PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

#### Moisture Absorption and Retention Restrictions for Poultry

On October 7, 1970, there was published in the FEDERAL REGISTER (35 F.R. 15739-15741, F.R. Doc. 70-13294) an amendment to § 81.50 of the Federal poultry product inspection regulations (7 CFR 81.50) providing for the use of testing methods to determine moisture absorption in poultry so as to assure compliance with moisture limitations, and further to update present moisture tolerances for turkeys. In the table in amended § 81.50(b)(3)(iii) there is an error under Zone B in that "7.5" should be "7.05." The table is hereby corrected to read as follows:

MAXIMUM LIMITS FOR ALL TURKEYS TO BE CUT-UP

| Average ready-to-cook carcass weight prior to final washer (less necks and giblets) | Average percent increase in weight over weight of carcass prior to final washer (less necks and giblets) | |
|---|---|---|
| | Zone A | Zone B |
| | Product shall be retained if more than one test exceeds these limits | Product shall be retained if any test exceeds these limits |
| Less than 8 lbs. 8 ozs. | 9.0 | 10.0 |
| 8 lbs. 9 ozs.-15 lbs. 15 ozs. | 7.0 | 7.4 |
| 16 lbs.-16 lbs. 15 ozs. | 6.8 | 7.05 |
| 17 lbs.-17 lbs. 15 ozs. | 6.5 | 6.75 |
| 18 lbs.-18 lbs. 15 ozs. | 6.3 | 6.55 |
| 19 lbs.-19 lbs. 15 ozs. | 6.1 | 6.35 |
| 20 lbs.-20 lbs. 15 ozs. | 5.9 | 6.15 |
| 21 lbs.-21 lbs. 15 ozs. | 5.8 | 6.05 |
| 22 lbs.-22 lbs. 15 ozs. | 5.6 | 5.85 |
| 23 lbs.-23 lbs. 15 ozs. | 5.5 | 5.75 |
| 24 lbs.-26 lbs. 15 ozs. | 5.4 | 5.65 |
| 27 lbs. and over | 5.3 | 5.55 |

(Sec. 14, 71 Stat. 447, as amended, 82 Stat. 803, 21 U.S.C. 463; 29 F.R. 16210, as amended; 33 F.R. 10750)

The chart set forth in the regulations published on October 7, 1970, inadvertently specified 7.5 as the maximum average percentage of increase in weight permitted in turkey carcasses over the weight of the carcasses prior to the final washing. The percentage should have been 7.05, and the necessary correction is made by the foregoing amendment in the light of comments made with respect to the notice of rulemaking (35 F.R. 4865) which was published before said regulations were adopted.

It does not appear that publication of a notice of rulemaking or public participation in connection with correction of this percentage in the regulations would make additional information available to the Department. Therefore, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause

that such further rulemaking procedures are impracticable and unnecessary.

This amendment shall become effective on January 4, 1971.

Done at Washington, D.C., on October 23, 1970.

KENNETH M. MCENROE,
*Deputy Administrator,*
*Consumer Protection.*

[F.R. Doc. 70-14494; Filed, Oct. 27, 1970; 8:48 a.m.]

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

## PART 319—FOREIGN QUARANTINE NOTICES

### Subpart—Fruits and Vegetables

ENTRY INTO GUAM

Pursuant to the authority conferred by the proviso in the Fruit and Vegetable Notice of Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56) and § 319.56-2 of the regulations supplemental to said quarantine (7 CFR 319.56-2), under sections 5 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 159, 162), the administrative instructions appearing as 7 CFR 319.56a are hereby amended by changing the introductory sentence of paragraph (a) and paragraph (a) (4) and (6) to read, respectively, as follows:

**§ 319.56a Administrative instructions and interpretation relating to entry into Guam of fruits and vegetables under § 319.56.**

(a) The following fruits and vegetables may be imported into Guam without treatment except as it may be required under § 319.56-6 and they shall otherwise be subject to all the requirements of this subpart as modified by this section.

* * * * *

(4) Allium, artichokes, bananas, bell peppers, cabbage, carrots, celery, Chinese cabbage, citrus fruits, eggplant, grapes, lettuce, melons, okra, parsley, peas, persimmons, potatoes, rhubarb, squash (*Cucurbita maxima*), stone and pome fruits, string beans, sweetpotatoes, tomatoes, turnip greens, turnips, and watermelons, from Japan and Korea.

* * * * *

(6) Carrots (without tops), celery, lettuce, peas, potatoes, and radishes (without tops), from Australia.

* * * * *

(Sec. 9, 37 Stat. 318; 7 U.S.C. 162. Interprets or applies sec. 5, 37 Stat. 316; 7 U.S.C. 159; 29 F.R. 16210, as amended; 33 F.R. 15485; 7 CFR 319.56; 7 CFR 319.56-2)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

This amendment adds allium and cabbage to the list of fruits and vegetables authorized importation into Guam from Japan and Korea without treatment except when treatment is required by the inspector upon arrival of the articles in Guam; and the common name "Chinese cabbage" is inserted instead of the outdated scientific name of "Brassica chinensis." Also, the amendment adds carrots (without tops), peas, and radishes (without tops) to the list of fruits and vegetables similarly authorized importation into Guam from Australia.

This relieving of restrictions is not believed to present a hazard of plant pest dissemination into Guam. Nevertheless, such imports will be subject to treatment or refused entry at the port of entry in Guam should economically important pests not existing in Guam be detected in inspection upon arrival.

In order to be of maximum benefit to importers in Guam, the amendment should be made effective as soon as possible. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 23d day of October 1970.

[SEAL] F. A. JOHNSTON,
*Director,*
*Plant Quarantine Division.*

[F.R. Doc. 70-14496; Filed, Oct. 27, 1970; 8:48 a.m.]

## PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

### Commuted Traveltime Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports (7 CFR 354.1), effective July 1, 1970 (35 F.R. 10565), administrative instructions (7 CFR 354.2), effective May 19, 1970, prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by deleting from and adding to the "lists" therein as follows:

**§ 354.2 Administrative instructions prescribing commuted traveltime.**

* * * * *

WITHIN METROPOLITAN AREA

ONE HOUR

Delete: San Pedro, Calif.

TWO HOURS

Delete: Edmonds, Wash.
Delete: Houston, Tex.
Add: Houston, Tex. (except Houston Intercontinental Airport).

THREE HOURS

Add: Houston Intercontinental Airport, Houston, Tex.

* * * * *

OUTSIDE METROPOLITAN AREA

TWO HOURS

Delete: Columbia City, Oreg. (served from Portland, Oreg.).
Delete: St. Helens, Oreg. (served from Portland, Oreg.).

THREE HOURS

Delete: Rainier, Oreg. (served from Portland, Oreg.).

FOUR HOURS

Delete: Bradwood, Oreg. (served from Portland, Oreg.).
Delete: Westport, Oreg. (served from Portland, Oreg.).

* * * * *

These commuted traveltime periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 23d day of October 1970.

[SEAL] F. A. JOHNSTON,
*Director,*
*Plant Quarantine Division.*

[F.R. Doc. 70-14497; Filed, Oct. 27, 1970; 8:48 a.m.]

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

## PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

### Marketing Control Percentages for 1970-71 Marketing Year

Notice was published in the October 10, 1970, issue of the FEDERAL REGISTER (35 F.R. 16000) regarding a proposal, unanimously recommended by the Walnut Control Board, to establish marketable and surplus percentages for walnuts during the 1970-71 marketing year. The year began August 1, 1970. The establishment of such percentages is in accordance with the relevant provisions of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984). The amended marketing agreement and order regulate the handling of walnuts grown in California, Oregon, and Washington, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal.

None were received within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Board, and other available information, it is found that establishment of marketable and surplus percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the marketable and surplus percentages for walnuts during the 1970–71 marketing year are established as follows:

**§ 984.217 Marketable and surplus percentages for walnuts during the 1970–71 marketing year.**

The marketable and surplus percentages during the marketing year beginning August 1, 1970, shall be as follows:

| | California (District 1) | Oregon-Washington (District 2) |
|---|---|---|
| Marketable percentage | 80 | 90 |
| Surplus percentage | 20 | 10 |

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that marketable and surplus percentages designated for a particular marketing year shall be applicable to all walnuts during such year; and (2) the current 1970–71 marketing year began August 1, 1970, and the percentages established herein will automatically apply to all such walnuts beginning with such date.

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

Dated: October 22, 1970.

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

[F.R. Doc. 70-14495; Filed, Oct. 27, 1970; 8:48 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

## PART 204—DANGER ZONE REGULATIONS

## PART 207—NAVIGATION REGULATIONS

### Pacific Ocean, Hawaii, and San Juan Harbor, P.R.

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.225 governing the use and navigation of a danger zone in the Pacific Ocean off Kanewaa (Kauna) Point, Island of Hawaii, Hawaii, is hereby revoked, effective upon publication in the FEDERAL REGISTER, since the area is no longer needed, as follows:

**§ 204.225 Pacific Ocean off Kanewaa Point, Island of Hawaii, Hawaii; practice aerial target. [Revoked]**

[Regs., Oct. 12, 1970, 1522-01 (Pacific Ocean, Hawaii)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.812 is hereby amended with respect to paragraphs (a)(1), revising subdivision (iii) and (b)(3) changing the name of the enforcing agency, effective 30 days after publication in the FEDERAL REGISTER, as follows:

**§ 207.812 San Juan Harbor, Puerto Rico; seaplane restricted area.**

(a) *The area.* * * *

(1) * * *

(iii) That part of the seaplane landing area east of the Army Terminal Channel and south of the Graving Dock Channel.

* * * * *

(b) *The regulations.* * * *

(3) The regulations in this section shall be enforced by the Commander, Greater Antilles Section, U.S. Coast Guard, and such agencies as he may designate.

[Regs., Oct. 12, 1970, 1522-01 (San Juan Harbor, P.R.)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
*Special Advisor to TAG.*

[F.R. Doc. 70-14464; Filed, Oct. 27, 1970; 8:47 a.m.]

# Title 46—SHIPPING

## Chapter IV—Federal Maritime Commission

### SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 7 (Rev.); Docket No. 69-38]

## PART 528—SELF-POLICING SYSTEMS

### Mandatory Provisions

By FEDERAL REGISTER notice of August 7, 1969 (34 F.R. 12835, 12836), the Commission proposed to amend its General Order 7 to require conferences to include specific mandatory provisions in their self-policing systems. As the Commission explained in the preamble to its notice of proposed rulemaking, these mandatory provisions are required by the Court of Appeals decision in States Marine Lines, Inc. v. Federal Maritime Commission, 376 F. 2d 230, 236 (1967), wherein it was held that all self-policing systems "* * * must provide specific, realistic guarantees against arbitrary and injurious action." Thus, we concluded, in initiating this proceeding that: In order to conform the self-policing systems presently contained in approved conference and rate-fixing agreements and to establish requirements for future agreements, it is necessary that each self-policing system contain specific provisions which comport with the decision of the Court in the States Marine case, supra.

As proposed to be revised, current §§ 528.1, 528.3, and 528.4 of General Order No. 7 were restated without change, except that the latter two sections are redesignated §§ 528.4 and 528.5, respectively. Proposed revised § 528.2 also remains substantially unchanged and has been amended only to the extent necessary to allow conferences a reasonable amount of time to comply with the new proposed rules. New § 528.3, self-policing provisions; specific requirements, as proposed, would require, as a minimum, specific provisions (a) defining "with reasonable clarity" the offenses subject to self-policing sanctions, (b) specifying the maximum or range of penalties where an offense has occurred, (c) designating a disinterested person or body to adjudicate disputes and assess penalties, and (d) incorporating four specific "elements of procedural due process to an accused member."

Seventeen comments submitted on behalf of 31 conferences were filed in response to the Commission's notice of proposed rulemaking. Replies to these comments have been filed by Commission's Hearing Counsel, and answers to Hearing Counsel's replies have also been filed. The Commission has carefully considered the position of the parties and the final rules promulgated herein have been drafted with the parties' comments and arguments in mind. Comments and arguments not specifically discussed or reflected herein have been considered and found not relevant, material, or justified.

At the outset, we should like to answer those conferences which challenge the Commission's authority to make advance rules on the subject of self-policing. These parties take the position that the grant of congressional authority contained in section 15 of the Shipping Act, 1916, as it relates to self-policing, "can be exercised only after notice and hearing, which means that individual failures to police must be dealt with on an ad hoc basis and only after the parties to the agreement have acted, or failed to act."

As amended by Public Law 87-346 in 1961 (75 Stat. 763-4) section 15 provides in part that: The Commission shall disapprove any * * * agreement * * * on a finding of inadequate policing of the obligations under it * * *.

Public Law 87-346 also enacted a new section 43 to the Shipping Act, which directs the Commission to "* * * make such rules and regulations as may be necessary to carry out the provisions of * * * [the] Act. Thus, Congress, by enacting Public Law 87-346, not only gave the Commission the mandate to insure that conferences adequately police their obligations under their approved conference agreement but also

provided the means whereby the Commision could establish by rule the minimum requirements which any self-policing system must meet. In Docket No. 1156, a proceeding instituted to implement the provisions of section 15 requiring conferences to adopt reasonable procedures for considering shippers' requests and complaints, the Commission was confronted with much the same challenge to its authority as it is here. In rejecting the contention made therein that the Commission authority in the area of shippers' requests and complaints was adjudicatory only, the Commission, after citing the relevant provision of section 15 and the rulemaking provisions of section 43, stated: It necessarily follows that the Commission is not only authorized but is under a duty to promulgate rules which will afford guidelines to both the shippers and the carriers, so that the purposes of the statute will be adequately and efficiently accomplished.

This rationale is equally applicable here and is clearly dispositive of the instant challenge to our authority. We move now to a discussion of the individual sections of revised Part 528, as promulgated herein.

As adopted, § 528.1 *Scope and purpose*, and § 528.4 *Two party rate-fixing agreements*, appear without change, except that the latter section has been redesignated as § 528.6.

Section 528.2 *General requirements; section 15 agreements*, has been amended by deleting from that section the requirement that parties to approved section 15 agreements file, within 60 days of the issuance of these final rules, amendments conforming their agreements to the provisions of this part. This requirement has been retained but, for the sake of clarity and organization, has been incorporated into a new § 528.5 titled *Filing of amendments to approved agreements*.

New § 528.3 *Self-policing provisions; specific requirements*, as to which the parties commenting addressed themselves exclusively, has been extensively revised. These changes were, for the most part, effected at the suggestion of Hearing Counsel whose proposed revisions were found to be not only generally responsive to the comments of the conferences and in complete harmony with the Commission's purpose in initiating the present rulemaking proceeding, but also fully consistent with the findings and directives of the court in the States Marine Case, supra. Thus, subject to a few minor clarifications and revisions, all of the modifications requested by Hearing Counsel have been incorporated in section 528.5 as adopted herein. A paragraph by paragraph discussion of the major revisions follows:

Section 528.3(a) *Definition of offenses*, has given cause for the most criticism by commenting parties. These parties generally object to any requirement that self-policing systems specifically define each "act, practice, or omission" which would constitute an offense, malpractice, or breach of the agreement, the tariff, or the rules and regulations thereunder, and which may be the subject of self-policing sanctions. The argument is made that any attempt to so define violations would create legal loopholes and encourage evasion of the spirit of the agreement by allowing those members so inclined to take advantage of any possible uncertainty, ambiguity, or deficiency in the definitions. Hearing Counsel agree that any attempt to specifically define each act which constitutes a violation will result in serious problems and lead to endless litigation involving the construction of the various definitions of violations. Thus, they submit that the Commission could contribute to the ineffectiveness of self-policing systems by adopting an interpretation of paragraph (a) which would require that a self-policing system include a statement specifically defining each act which constitutes a violation.

Since it was never the Commission's intention to require conferences to list specifically and comprehensively every conceivable offense for which a self-policing sanction could be administered, § 528.3(a) has been revised to make this absolutely clear. Thus, as finally adopted, pargraph (a) would merely require that self-policing systems contain a statement to the effect that "any malpractice or breach of any provision(s) of the agreement, the tariff, or the rules and regulations thereunder, will be subject to the self-policing sanctions."

At the suggestion of a number of commentators and consistent with the modifications proposed by Hearing Counsel, § 528.3(b) *Permissible penalties (liquidated damages)*, has been revised to expressly permit (1) specific penalties for particular violations in lieu of, or concurrently with, a penalty or range of penalties for a general category of violations and (2) progressively staged penalties for multiple violations. The important thing to remember here, however, is that whatever provisions are made in a conference's self-policing system for the assessment of penalties, the maximum amount, or the method of determining the maximum amount, of the penalty which may be assessed against a member line for each specific violation and/or each violation of a general nature must be specified.

Section 528.3(b) has further been modified to give conferences the option of phrasing their provisions dealing with the sanctions imposed for an offense either in terms of "penalties" or "liquidated damages." Permitting this alternative should clear up any confusion that allegedly has arisen as a result of what was characterized by one party as an "intermingling of the terms."

Section 528.3(c) *Impartial adjudication*, has prompted a large number of comments. Many of the objections raised appear to result from a misunderstanding of the intent of the provisions of that paragraph. To remedy possible shortcomings in paragraph (c) and make clear the Commission's intent and purpose in promulgating that paragraph, several changes have been made. Thus, at the suggestion of certain conferences, final § 528.3(c) expressly allows for the vesting of final adjudicatory authority in a "panel" selected by traditional commercial arbitration rules: *Provided however*, That such panel does not perform investigatory and prosecutory functions and is not furnished with evidence which is not also furnished to the accused. Moreover, paragraph (c) now makes it clear that, depending upon the type of self-policing system used by the conference, the "totally disinterested person or body" or the arbitration "panel" may function either as the tribunal before which disputes are adjudicated "solely and finally" or as an appellate tribunal. Thus, appellate review is not required if a "totally disinterested person * * * unaffiliated with the Conference or * * * any member thereof" performs the initial adjudicatory function, provided, once again, however, that such person does not perform investigatory and prosecutory functions and is not furnished with evidence which is not also furnished to the accused. Where appellate review is necessary to provide a final adjudication with separation of functions, such review should encompass the determination of guilt and/or the fairness of the penalty. As Hearing Counsel pointed out, if the review were limited to the determination of guilt, the possibility would exist that the penalty assessment could be influenced by secret evidence since a true separation of functions would not occur. This is clearly in keeping with the court's decision in States Marine, supra, which clearly requires that the functions of investigation and prosecution be separated from the function of final adjudication.

A "minor point of difference" relates to the wording of Hearing Counsel's proposed revision which is designed to make the requirement of review in a policing system not mandatory but dependent upon a demand therefor, the demand being made by "the accused or complainant." This procedure, some parties argue, would almost inevitably involve disclosure of the identity of the complainant—"something which all concerned seem to agree is to be avoided." It is suggested that this difficulty can be avoided by providing that the review shall also take place upon the demand of "the conference." This point is well taken. Accordingly, in our final rule, we have included "the conference" as a proper party to demand review of the initial proceeding in a two-stage system.

A number of conferences believe that § 528.3(d) *Procedural guarantees to accused member*, should specify a time at which the accused must be furnished written charges, pointing out that the time selected should not be prior to the end of investigation since it would diminish the effectiveness of a surprise investigation and, of course, should be prior to determination of guilt. Other conferences believe that paragraph (d) should include an express statement that the written charges need not include the name of the complainant. While one conference would delete the use of the word

"adverse" in § 528.3(d)(2) of the proposed rule and require that all evidence be furnished to the accused, other conferences object to any disclosure of the evidence to the accused prior to hearing because it would eliminate a "valuable" element of surprise. Finally, two conferences believe that paragraph (d) should include provisions requiring that the accused be furnished all subsequently developed evidence but allowing for the use at the hearing of any evidence discovered during the proceeding but not furnished to the accused.

As adopted by the Commission herein, revised § 528.3(d) reflects several of the above suggestions. Specifically, paragraph (d) now provides that an accused member conference shall be charged in writing a reasonable time prior to the initial hearing and further expressly provides that the complainant's identity need not be disclosed. While paragraph (d) also permits surprise audits and inspections, it also requires that the accused be furnished all evidence, even that developed subsequent to the initial hearing. This requirement, we find, is necessary to foster an exchange of information which will permit the accused to frame an adequate defense and is wholly consistent with the court's directive in States Marine, supra, that "whatever self-policing system is adopted has to accord an accused member fair treatment."

While no comments were addressed to proposed revised § 528.4 *Reporting requirements*, Hearing Counsel, advising that "certain conferences have been interpreting that section as not requiring the reporting of a complaint until such complaint is found to be valid", would clarify the intent of the section by the addition of the following provision: For the purposes of this section, any initial complaint received by the conferences and carrier members or by any person to whom they have delegated the self-policing authority, shall be reported in the first instance on the semiannual report to the Commission. Such report must be made even though subsequent investigation during the reporting period may establish that no violation has occurred.

In view of the fact that Hearing Counsel's proposed revision accomplishes the desired result and is otherwise well-founded, we adopt it.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 15, 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 820, and 841(a)), 46 CFR Part 528 is hereby revised to read as follows:

Sec.
528.1 Scope and purpose.
528.2 General requirements; section 15 agreements.
528.3 Self-policing provisions; specific requirements.
528.4 Reporting requirements.
528.5 Filing of amendments to approved agreements.
528.6 Two party rate-fixing agreements.

AUTHORITY: The provisions of this Part 528 issued under secs. 15, 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 820, and 841(a)).

### § 528.1 Scope and purpose.

Section 15 of the Shipping Act, 1916, as amended by Public Law 87-346 (75 Stat. 763-4) provides that the Commission shall disapprove an agreement thereunder if, after notice and hearing, it finds inadequate policing of the obligations of the agreement. This amendment makes it necessary that provision for self-policing be included in certain section 15 agreements and that the Commission be informed of the manner in which such provision is being carried out. The requirements set forth below are to aid the Commission in determining the existence and adequacy of self-policing systems, in accordance with the statutory objective.

### § 528.2 General requirements; section 15 agreements.

Conference agreements and other rate-fixing agreements between common carriers by water in the foreign and domestic offshore commerce of the United States, whether or not previously approved, shall contain agreement provisions describing the method or system used by the parties in policing the obligations under the agreement, including the procedure for handling complaints and the function and authority of every person having responsibility for administering the system.

### § 528.3 Self-policing provisions; specific requirements.

Every self-policing system required under § 528.2 shall, as a minimum, contain specific provisions as follows:

(a) *Offenses (general)*. A statement that any malpractice or breach of any provision(s) of the agreement, the tariff, or the rules and regulations thereunder, will be subject to self-policing sanctions;

(b) *Permissible penalties (liquidated damages)*. A statement specifying the maximum penalties (liquidated damages) or range of penalties (liquidated damages) or the method by which such penalties (liquidated damages) shall be calculated which may be assessed against a member upon finding that such member has committed an offense. The statement may specify penalties (liquidated damages) for specific offenses and/or a general category of offenses and may relate to each and every offense, or to the number of times the member has previously been found guilty of an offense;

(c) *Impartial adjudication*. A statement designating or which describes the manner of designating a totally disinterested person or body unaffiliated with the conference or ratemaking agreement or any member thereof or a statement providing for the selection, on an ad hoc basis, of a panel of arbitrators in accordance with the traditional rules of commercial arbitration and vesting such person, body, or panel with the final authority to adjudicate disputes and assess penalties (liquidated damages) within the scope of the self-policing system. Such person, body, or panel shall not perform any other duties under the self-policing system including investigation and/or prosecution. Depending upon the type of self-policing system used by the conference, this person, body, or panel may be the tribunal before which self-policing disputes are adjudicated solely and finally or may be designated as an appellate tribunal limited to the function of reviewing an initial determination of guilt and/or assessment of penalties (liquidated damages) made by the conference itself or by any other body designated by it to so act. In the latter event, the person, body, or panel shall independently review the record of the initial proceeding upon demand of the accused, the conference or the complainant and shall have full authority to affirm, modify, or set aside any finding of fact, conclusion of law, or level of penalties (liquidated damages) assessed and shall not be bound by the results of any prior determination; and

(d) *Procedural guarantees to accused member*. A statement incorporating the following elements of fundamental procedural fairness to an accussed member:

(1) A member accused of an offense, malpractice, or breach shall be charged in writing a reasonable time prior to the initial hearing and such charges shall fairly apprise the accused member of the nature of the charges so as to permit it to frame an adequate defense: *Provided*, That such charges need not reveal the identity of the complainant;

(2) The accused member shall be furnished with all evidence a reasonable time prior to the initial hearing: *Provided*, That evidence developed thereafter shall also be furnished to the accused and a delay granted, if necessary, to allow the accused to frame an adequate defense, and provided that evidence which would reveal the identity of the complainant may be deleted or summarized;

(3) The person, body, or panel required under paragraph (c) of this section shall be furnished only such evidence as is furnished to the accused under subparagraph (2) of this paragraph and such evidence as the accused may wish to furnish;

(4) The accused member shall be given a full and fair opportunity to rebut or explain any evidence or material and to present evidence of mitigating or extenuating circumstances; and

(5) The person, body, or panel required under paragraph (c) of this section may consider only such evidence and material properly furnished to it pursuant to this section in reaching its decision and assessing penalties (liquidated damages).

### § 528.4 Reporting requirements.

Twice each year, once during the month of January and once during the month of July, there shall be filed with

the Commission by the conferences and carriers subject to these rules, or by any person to whom they have delegated the self-policing authority, a report showing the nature of each complaint received during the preceding 6-month period; the action taken on the complaint or on the volition of any person responsible for policing; and with respect to violations found, the nature thereof and the penalty or other sanction imposed. The names of the parties involved in complaints or in action taken on the volition of the person responsible for policing may be omitted from these reports. For the purpose of this section, any initial complaint received by the conferences and carrier members or by any person to whom they have delegated the self-policing authority, shall be reported in the first instance on the semiannual report to the Commission. Such report must be made even though subsequent investigation during the reporting period may establish that no violation has occurred. In the event that no initial complaints were received during the 6-month period, or no actions were taken on complaints reported in the previous 6-month period, a negative report so stating shall be filed.

§ 528.5 Filing of amendments to approved agreements.

All agreements previously approved under section 15 shall, if necessary, be amended to conform to the requirements of this part. Such amendments shall be filed with the Commission within sixty (60) days from the date of publication of these rules in the FEDERAL REGISTER.

§ 528.6 Two party rate-fixing agreements.

Any group with rate-fixing authority under an approved agreement which has no more than two signatory parties to the agreement shall be excepted from all requirements of this part.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[F.R. Doc. 70-14470; Filed, Oct. 27, 1970; 8:47 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[FCC 70-1148]

## PART 73—RADIO BROADCAST SERVICES

### Temporary Relaxation of Rules Governing Transmission of Coded Patterns for Electronic Program Identification

OCTOBER 22, 1970.

Effective May 25, 1970, the Commission adopted an amendment to Part 73 of its rules and regulations (Docket 18605) FCC 70-386, which permits the licensees of television broadcast stations to transmit program material and spot announcements containing information in coded form, which, when intercepted and suitably processed identifies the transmitted program or announcement.

The presence of such coded information in transmissions of TV stations makes possible the operation of a monitoring network which, by largely automatic means, provides information as to the times when specific stations broadcast commercial materials bearing the coded identifications.

International Digisonics Corp. (IDC), the petitioner for the rule amendment of May 25, has established such a monitoring service, which now operates in the 25 largest television markets. IDC tells us that "more than thirty of the nation's largest television advertisers are coding commercials."

The choice of whether or not he will transmit programs or spot announcements containing coded identification information rests solely with each station licensee. However, if he chooses to transmit such material, the rules require that the coded information be contained within "the first and last 10 microseconds of lines 21 through 23 and 260 through 262 (on a 'field' basis)."

In this context, two problems have arisen on which the Commission's guidance has been requested. First, some broadcasters apparently do not desire to transmit the coded identification information. It is alleged that under practices presently followed by IDC and its client advertisers, the option of obtaining uncoded commercial material is effectively foreclosed to such licensees. Secondly, it would appear that either because of faulty placement of the coded patterns on some filmed material, or other than the usual film projector alignment procedures followed in a few stations, the coded information printed on these films may be transmitted on scanning lines other than those specified in the rules. Licensees who have encountered this problem claim that they can only transmit the commercials furnished them in violation of the rules.

On the basis of material furnished by IDC, or that offered in behalf of licensees, it would appear that IDC has made no attempt to obtain blanket written acquiescence from each licensee to the use of advertising continuity containing identification codes, nor has advance notice been given of particular commercials including these codes.

IDC states that encoded tape and film is "identifiable by clear reference to IDC coding in the leader". While, therefore, a licensee is put on notice upon receipt of the advertising material that is coded, at this point of time, although opposed to airing coded material, the licensee may be impelled to broadcast the commercial lest he breach his contract with the advertiser or advertising agency. Prior notice to the licensee from these entities (rather than from IDC) of their intention to code commercials furnished him would give the licensee an opportunity to negotiate toward obtaining uncoded material. The Commission has been urged to require that prior notice be given, either on a blanket basis, or with respect to individual commercials.

We are concerned with any circumstances which may adversely affect the ability of a licensee to freely choose the material which it broadcasts. However, in this instance a private business relationship between broadcaster, advertiser and advertising agencies is involved, an area in which the Commission is reluctant to interfere. Accordingly, we will do no more, at this time, than strongly urge that ample prior notice is given.

We have been investigating the matter of code transmissions which occur on scanning lines other than those prescribed in the rules. Insofar as such transmissions have taken place because the coded blocks were inaccurately located on certain advertising film clips, we are advised by IDC that this has occurred only in few instances, and is a result of the film processor's inexperience with and improper application of the coding technique. IDC is actively working with processors to standardize their practices, and anticipates little future difficulty from this source. Also being investigated are the film projector alignment practices of the industry, to ascertain to what extent there may be a general problem which would affect the proper transmission of the identification code.

No instances have been reported to the Commission where improper code placement has resulted in complaints by the public of degradation of the transmitted picture. The Commission is watching the situation closely and expects IDC and others to keep it fully apprised of developments in this matter.

We expect our licensees to make every reasonable effort to insure that transmissions of the identification code are made in compliance with § 73.682(a)(22) of our rules and regulations. Nevertheless, under the circumstances outlined above, full compliance in all cases may be difficult, and we believe that a relaxation of the rule, for a temporary period, in fairness, should be permitted. Accordingly, for a period of 90 days, beginning on the date of this notice, the Commission will permit the transmission of the coded identification material within the first and last 10 microseconds of lines 20 through 25, and 258 through 262. All other requirements of § 73.682(a)(22) will continue to apply, particularly the stipulation that the code transmissions not result in significant degradation of broadcast transmissions.

During this period we expect IDC, and others concerned, to be able to report that the technical difficulties which have made desirable this relaxation of the rules have been fully resolved, or to propose some other permanent solution to the problem.

Action by the Commission October 21, 1970. Commissioners Burch (Chairman), Bartley, Robert E. Lee, H. Rex Lee, and

Wells, with Commissioner Johnson concurring in the result.

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

[F.R. Doc. 70-14468; Filed, Oct. 27, 1970; 8:47 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-62; Amdt. 173-38]

### PART 173—SHIPPERS

### Refrigerant Gases in 2Q Packagings

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to authorize the use of specification 2Q packagings for refrigerant gases in § 173.304 (e)(1).

The use of a 2P packaging is presently prescribed in § 173.304(e)(1). A 2Q packaging is essentially the same as a 2P packaging except: (1) It has a minimum wall thickness of 0.008 inch versus 0.007 inch; and (2) it has a specified minimum burst pressure of 270 p.s.i.g. versus 240 p.s.i.g. The Board believes that although certain refrigerant gases can be packaged in specification 2P packaging within the minimum allowable limits of the regulations, a higher level of safety in packaging can be attained by use of the 2Q packaging and it should be authorized.

In consideration of the foregoing, 49 CFR Part 173 is amended as follows:

In § 173.304, paragraph (e)(1) is amended as follows:

**§ 173.304 Charging of cylinders with liquefied compressed gas.**

* * * * *

(e) * * *

(1) Specification 2P or 2Q (§§ 178.33, 178.33a). Inside metal containers equipped with safety devices of a type approved by the Bureau of Explosives and packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container must not exceed 85 pounds p.s.i. absolute at 70° F. Each completed metal container filled for shipment must be heated until content reaches a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect. Each outside shipping container must be plainly marked "Inside Containers Comply With Prescribed Specification."

* * * * *

Since this amendment retains an existing authorization and only adds further authorization for use of a packaging that will afford a higher level of safety it imposes no added burden on any person. Notice and public procedure thereon are unnecessary and therefore this amendment is effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 831-835, 18 U.S.C., sec. 9, Department of Transportation Act, 49 U.S.C. 1657; title VI, sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421-1430, 1472(h))

Issued in Washington, D.C., on October 22, 1970.

C. R. BENDER,
*Admiral, U.S. Coast Guard, Commandant.*

CARL V. LYON,
*Acting Administrator, Federal Railroad Administration.*

ROBERT A. KAYE,
*Director, Bureau of Motor Carrier Safety, Federal Highway Administration.*

SAM SCHNEIDER,
*Board Member for the Federal Aviation Administration.*

[F.R. Doc. 70-14493; Filed, Oct. 27, 1970; 8:48 a.m.]

# Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

### PART 32—HUNTING

### UL Bend National Wildlife Refuge, Mont.

On page 14994 of the FEDERAL REGISTER of September 26, 1970, there was published a notice of a proposed amendment to 50 CFR 32.11. The purpose of this amendment is to provide public hunting of migratory game birds on certain areas of the National Wildlife Refuge System, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting of migratory game birds, it shall become effective upon publication in the FEDERAL REGISTER.

1. Section 32.11 is amended by the following addition:

**§ 32.11 List of open areas; migratory game birds.**

* * * * *

MONTANA

UL Bend National Wildlife Refuge.

* * * * *

(Sec. 7, 80 Stat. 929, 16 U.S.C. 715i; sec. 4, 80 Stat. 927, 16 U.S.C. 668dd (c), (d))

A. V. TUNISON,
*Acting Director, Bureau of Sport Fisheries and Wildlife.*

OCTOBER 22, 1970.

[F.R. Doc. 70-14451; Filed, Oct. 27, 1970; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

### [ 8 CFR Parts 242, 243 ]

### DEPORTATION OF ALIENS IN THE UNITED STATES

### Notice of Proposed Rule Making

Pursuant to section 553 of title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed issuance of the following rules which clarify the jurisdiction to authorize release from custody and clarify the jurisdiction of special inquiry officers to stay deportation pending appeal. In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE, Washington, D.C. 20536, written data, views, or arguments, in duplicate, relative to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

1. Paragraphs (a), (b), and (c) of § 242.2 are amended to read as follows:

**§ 242.2 Apprehension, custody, and detention.**

(a) *Warrant of arrest.* At the commencement of any proceeding under this part, or at any time thereafter and up to the time the respondent becomes subject to supervision under the authority contained in section 242(d) of the Act, the respondent may be arrested and taken into custody under the authority of a warrant of arrest. However, such warrant may be issued by no one other than a district director, acting district director, or deputy district director, and then only whenever, in his discretion, it appears that the arrest of the respondent is necessary or desirable. If, after the issuance of a warrant of arrest, a determination is made not to serve it, any district director, acting district director, or deputy district director may authorize its cancellation. When a warrant of arrest is served under this part, the respondent shall have explained to him the contents of the order to show cause, the reason for his arrest and his right to be represented by counsel of his own choice at no expense to the Government. He shall be advised that any statement he makes may be used against him. He shall also be informed whether he is to be continued in custody or, if release from custody has been authorized, of the amount and conditions of the bond or the conditions under which he may be released. A respondent on whom a warrant of arrest has been served may apply to the district director, acting district director, or deputy district director for release or for amelioration of the conditions under which he may be released. The district director, acting district director, or deputy district director, when serving the warrant of arrest and when determining any application pertaining thereto, shall furnish the respondent with a notice of decision, which may be on Form I–286, indicating whether custody will be continued or terminated, specifying the conditions, if any, under which release is permitted, and advising the respondent appropriately whether he may apply to a special inquiry officer pursuant to paragraph (b) of this section for release or modification of the conditions of release or whether he may appeal to the Board. A direct appeal to the Board from a determination by a district director, acting district director, or deputy district director shall not be allowed except as authorized by paragraph (b) of this section.

(b) *Authority of special inquiry officers; appeals.* After an initial determination pursuant to paragraph (a) of this section, and at any time before a deportation order becomes administratively final, upon application by the respondent for release from custody or for amelioration of the conditions under which he may be released, a special inquiry officer may exercise the authority contained in section 242 of the Act to continue or detain a respondent in, or release him from, custody, and to determine whether a respondent shall be released under bond, and the amount thereof, if any. The determination of the special inquiry officer in respect to custody status or bond shall be entered on Form I–342 at the time such determination is made and shall be accompanied by a memorandum by the special inquiry officer as to the reasons for his determination. The special inquiry officer shall promptly notify the respondent and the Service of such determination. Consideration under this paragraph by the special inquiry officer of an application or request of an alien regarding custody or bond shall be separate and apart from any deportation hearing or proceeding under this part, and shall form no part of such hearing or proceeding or of the record thereof. The determination of the special inquiry officer as to custody status or bond may be based upon any information which is available to the special inquiry officer, or which is presented to him by the alien or the Service. The alien and the Service may appeal to the Board of Immigration Appeals from any such determination. After a deportation order becomes administratively final, the respondent may appeal directly to the Board from a determination by the district director, acting district director, or deputy district director, except that no appeal shall be allowed when the Service notifies the alien that it is ready to execute the order of deportation and takes him into custody for that purpose. An appeal to the Board shall be taken from a determination by a special inquiry officer or from an appealable determination by a district director, acting district director, or deputy district director by filing a notice of appeal with the district director within 5 days after the date when written notification of the determination is delivered in person or mailed to the respondent and the Service. Upon the filing of a notice of appeal, the district director shall immediately transmit to the Board all records and information pertaining to the determination from which the appeal has been taken. The filing of such an appeal shall not operate to disturb the custody of the respondent or to stay the administrative proceeding or deportation.

(c) *Revocation.* When an alien who, having been arrested and taken into custody, has been released, such release may be revoked at any time in the discretion of the district director, acting district director, or deputy district director, in which event the alien may be taken into physical custody and detained. If detained, unless a breach has occurred, any outstanding bond shall be revoked and canceled. The provisions of paragraph (b) of this section shall govern availability to the respondent of recourse to other administrative authority for release from custody.

* * * * *

**§ 242.22 [Amended]**

2. The last two sentences of § 242.22 *Reopening or reconsideration* are deleted and the following two sentences are inserted in lieu thereof to read as follows: "The filing with a special inquiry officer of a motion under this section shall not serve to stay the execution of an outstanding decision; execution shall proceed unless the special inquiry officer who has jurisdiction over the motion specifically grants a stay of deportation. In his discretion, the special inquiry officer may stay deportation pending his determination of the motion and also pending the taking and disposition of an appeal from such determination."

**§ 243.4 [Amended]**

3. The last sentence of § 243.4 *Stay of deportation* is amended to read as follows: "Denial by the district director of a request for a stay is not appealable but such denial shall not preclude the Board from granting a stay in connection with a motion to reopen or a motion to reconsider as provided in Part 3 of this chapter, nor shall such denial preclude the special inquiry officer, in his discretion, from granting a stay in connection with, and pending his determination of, a

motion to reopen or a motion to reconsider a case falling within his jurisdiction pursuant to § 242.22 of this chapter, and also pending an appeal from such determination."

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

Dated: October 22, 1970.

RAYMOND F. FARRELL,
*Commissioner of Immigration and Naturalization.*

[F.R. Doc. 70-14469; Filed, Oct. 27, 1970; 8:47 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## [ 14 CFR Part 37 ]

[Docket No. 10656; Notice 70-42]

## AIRBORNE RADIO MARKER RECEIVING EQUIPMENT

## Technical Standard Order

The Federal Aviation Administration is considering amending § 37.137 of Part 37 of the Federal Aviation Regulations by revising Technical Standard Order: C35c (TSO-C35c) to update the standards for airborne radio marker receiving equipment operating on 75 MHz.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before January 25, 1971, will be considered by the Administrator before taking action upon the proposed rule. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The FAA proposes to amend § 37.137 to update TSO-C35c by requiring airborne radio marker receiving equipment to meet the requirements of Radio Technical Commission for Aeronautics (RTCA) Document No. DO-143 entitled "Minimum Performance Standards—Airborne Radio Marker Receiving Equipment Operating on 75 Megahertz" dated January 8, 1970, and RTCA Document No. DO-138 entitled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments", dated June 27, 1968. RTCA Document No. DO-143 has had wide distribution and acceptance within the aviation industry. It has also been coordinated with the European Organization for Civil Aviation Electronics and some European governments have indicated their intent to use it as a basis of type approval of airborne radio marker receiving equipment. The FAA plans to incorporate RTCA Document DO-138 in all future revisions to TSO's covering electronic equipment.

A number of major technical changes to TSO-C35c would be made in accomplishing the foregoing. The proposal would, by incorporating RTCA Document No. DO-143, establish two classes of equipment. Class A would identify equipment designed for use where marker beacon signals are required for both enroute and approach operations (European and Mediterranean area). Class B would identify equipment designed for use where marker beacon signals are required for approach operations only. It would also establish two receiver threshold adjustment setting requirements; 200 microvolts for enroute operation and 1,000 microvolts for approach operations. Additional sensitivity depression requirements and receiver selectivity requirements have been added for Class A equipment. The proposed requirements for audio frequency output power, audio noise level—with signal, and distortion must be met for a receiver signal input range of Receiver Threshold to 50,000 microvolts. Finally, a new requirement has been proposed whereby the root-sum-square (RSS) of the maximum deviations in Receiver Threshold caused by variations in the input rf carrier frequency, modulation depth of the input signal, frequency of the modulation of the input signal, temperature, pressure, power supply voltage, vibration and humidity must not exceed 13 db.

U.S. registered aircraft equipped with airborne radio marker receiving equipment meeting the proposed TSO standards will comply with the ICAO requirements. No technical differences exist between ICAO Annexes 2, 6, 8, and 10 and the proposed TSO and notification of differences will not be required.

In consideration of the foregoing, it is proposed to amend § 37.137 of the Federal Aviation Regulations to read as follows:

### § 37.137 Airborne Radio Marker Receiving Equipment, TSO-C35d.

(a) *Applicability.* This technical standard order prescribes the minimum performance standards that airborne radio marker receiving equipment must meet in order to be identified with the applicable TSO marking. New models of equipment that are to be so identified, and that are manufactured on or after (the effective date of this section) must meet the requirements of Radio Technical Commission for Aeronautics Document No. DO-143 entitled "Minimum Performance Standards—Airborne Radio Marker Receiving Equipment Operating on 75 Megahertz" dated January 8, 1970, and Radio Technical Commission for Aeronautics Document No. DO-138 entitled "Environmental Conditions and Test Procedures for Airborne Electronic/Electrical Equipment and Instruments" dated June 27, 1968. RTCA Documents Nos. DO-143 and DO-138 are incorporated herein in accordance with 5 U.S.C. 552(a)(1) and § 37.23, and are available as indicated in § 37.23. Additionally, RTCA Documents Nos. DO-143 and DO-138 may be examined at any FAA regional office of the Chief of Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division), and may be obtained from the RTCA secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006, at a cost of $3 per copy for Document No. DO-143 and $4 per copy for Document No. DO-138.

(b) *Marking.* In addition to the markings specified in § 37.7 the equipment must be permanently and legibly marked with the following information:

(1) The environmental categories over which the article has been designed to operate must be marked in accordance with RTCA Document DO-138, Appendix B.

(2) The equipment must be marked to indicate the class declared by the manufacturer as follows:

*Class A.* Equipment designed for use where marker beacon signals are required for both en route and approach operations.

*Class B.* Equipment designed for use where marker beacon signals are required only for approach operations.

Equipment which complies with both Class A and Class B requirements need only be marked as Class A equipment.

(3) Each separate component of equipment (antenna, receiver, indicator, etc.) must be identified with at least the name of the manufacturer, the TSO number, and the environmental categories over which the component is designed to operate. Where an environmental test procedure is not applicable to that component and the test is not conducted, an X should be placed in the space assigned for that category.

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

(1) One copy of the operating instructions and equipment limitations of the manufacturer.

(2) One copy of the installation procedures with applicable schematic drawings, wiring diagrams, and specifications, and a list of components (by part number) or possible combination thereof, which make up a system complying with this TSO. The procedures must show all limitations, restrictions, or other conditions pertinent to the installation.

(3) One copy of the manufacturer's test report.

(d) One copy of the installation procedures with the data identified in paragraph (c)(2) of this section, including limitations, restrictions, or other conditions pertinent to the installation must be furnished with each article manufactured under this TSO.

(e) *Previously approved equipment.* Airborne radio marker receiving equipment approved prior to the effective date of this section may continue to be manufactured under the provisions of its original approval.

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

Issued in Washington, D.C., on October 22, 1970.

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

[F.R. Doc. 70-14459; Filed, Oct. 27, 1970; 8:46 a.m.]

## [ 14 CFR Part 71 ]

[Airspace Docket No. 70-CE-91]

## TRANSITION AREA

### Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Benson, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Benson, Minn., Municipal Airport, utilizing a State-owned radio beacon as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Benson, Minn. The new procedure will become effective concurrently with the designation of the transition area. IFR air traffic at this location will be controlled by the Minneapolis Air Route Traffic Control Center.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

BENSON, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Benson Municipal Airport (latitude 45°20'00" N., longitude 95°39'00" W.); and within 3 miles each side of the 323° bearing from Benson Municipal Airport extending from the airport to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 323° and 143° bearings from Benson Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport, excluding the portion which overlies the Morris, Minn., transition area.

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

Issued in Kansas City, Mo., on September 29, 1970.

DANIEL E. BARROW,
*Acting Director, Central Region.*

[F.R. Doc. 70-14458; Filed, Oct. 27, 1970; 8:46 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Part 74 ]

[Docket No. 18397-A, etc.; FCC 70-1149]

## COMMUNITY ANTENNA TELEVISION SYSTEMS

### Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rulemaking and/or legislative proposals, Docket No. 18397-A; amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to diversification of control of community antenna television systems; and inquiry with respect thereto to formulate regulatory policy and rulemaking and/or legislative proposals, Docket No. 18891; amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to Federal, State or local relationships in the community antenna television systems fields; and/or formation of legislative proposals in this respect, Docket No. 18892; and amendment of Subpart K of Part 74 of the Commission's rules and regulations with respect to technical standards for community antenna television systems, Docket No. 18894.

1. On September 30, 1970 the Commission adopted an Order (FCC 70-1076) (35 F.R. 16057) in Docket No. 18397-A in which it extended the time for filing comments and reply comments respecting the commercial substitution plan.[1] In addition, the Commission indicated that it intended to be briefed by its staff on December 7, 1970, regarding comments then on file, and that, thereafter, it planned to conduct an en banc hearing dealing with cable policy.

2. Since the Commission's earlier action, it has received a "Request for Extension of Time" filed jointly by the Corporation for Public Broadcasting and The Ford Foundation in which they request an extension of 60 days for filing the comments due October 7, 1970. In support of this request, they state that on March 11, 1969, Rosel H. Hyde then Commission Chairman, invited The Ford Foundation in the CATV rule making proceeding, and that, pursuant to that request, The Ford Foundation engaged Rand Corporation to conduct a series of studies on CATV issues. It is urged that the Corporation for Public Broadcasting and The Ford Foundation have been exploring various of these issues and that the requested extension of time is necessary to complete their analysis.

3. We are persuaded by the foregoing that an additional extension of time would be appropriate. Since any substantial extensions would in any event conflict with parties end-of-the-year plans, we have determined that it is appropriate to grant in full the extensions. And our earlier announced plan for briefing by our staff and en banc hearing will be delayed as consistent with these extensions.

*Accordingly, it is ordered,* That the time for filing comments in the above-captioned proceedings is extended until December 7, 1970, and that the time for filing reply comments is extended until January 8, 1971.

Adopted: October 21, 1970.

Released: October 22, 1970.

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

[F.R. Doc. 70-14467; Filed, Oct. 27, 1970; 8:47 a.m.]

[1] In addition, by orders released October 6, 1970, comparable extensions were granted in Dockets Nos. 18891, 18892, and 18894.

[2] Commissioner Bartley dissenting.

# DEPARTMENT OF AGRICULTURE

## Consumer and Marketing Service

[ 7 CFR Parts 1001, 1002, 1004, 1006, 1007, 1011–1013, 1015, 1030, 1032, 1033, 1036, 1040, 1043, 1044, 1046, 1049, 1050, 1060–1065, 1068–1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096–1099, 1101–1104, 1106, 1108, 1120, 1121, 1124–1134, 1136–1138 ]

[Docket No. AO–10–A41 etc.]

## MILK IN ST. LOUIS-OZARKS AND CERTAIN OTHER MARKETING AREAS

### Notice of Extension of Time for Filing Exceptions To Recommend Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

| 7 CFR part | Marketing area | Docket No. |
|---|---|---|
| 1002 | St. Louis-Ozarks | AO–10–A41. |
| 1001 | Massachusetts-Rhode Island New Hampshire. | AO–14–A47–RO1 |
| 1002 | New York-New Jersey | AO–71–A39. |
| 1004 | Middle Atlantic | AO–160–A43–RO2 |
| 1006 | Upper Florida | AO–356–A5. |
| 1007 | Georgia | AO–366–A3. |
| 1011 | Appalachian | AO–251–A12. |
| 1012 | Tampa Bay | AO–347–A9. |
| 1013 | Southeastern Florida | AO–286–A17. |
| 1015 | Connecticut | AO–306–A25 |
| 1030 | Chicago Regional | AO–361–A2–RO1 |
| 1032 | Southern Illinois | AO–313–A18. |
| 1033 | Ohio Valley | AO–166–A40–RO1. |
| 1036 | Eastern Ohio-Western Pennsylvania. | AO–179–A32–RO1. |
| 1040 | Southern Michigan | AO–225–A22 |
| 1043 | Upstate Michigan | AO–247–A15. |
| 1044 | Michigan Upper Peninsula | AO–299–A17. |
| 1046 | Louisville-Lexington-Evansville. | AO–123–A36. |
| 1049 | Indiana | AO–319–A15. |
| 1050 | Central Illinois | AO–355–A7. |
| 1060 | Minnesota-North Dakota | AO–360–A4. |
| 1061 | Southeastern Minnesota-Northern Iowa. | AO–367–A1. |
| 1063 | Quad Cities-Dubuque | AO–105–A31. |
| 1064 | Greater Kansas City | AO–23–A38. |
| 1065 | Nebraska-Western Iowa | AO–86–A23. |
| 1068 | Minneapolis-St. Paul | AO–178–A25. |
| 1069 | Duluth-Superior | AO–153–A17. |
| 1070 | Cedar Rapids-Iowa City | AO–229–A22. |
| 1071 | Neosho Valley | AO–227–A24. |
| 1073 | Wichita | AO–173–A24. |
| 1075 | Black Hills | AO–248–A12. |
| 1076 | Eastern South Dakota | AO–260–A15. |
| 1078 | North Central Iowa | AO–272–A17. |
| 1079 | Des Moines | AO–295–A20. |
| 1090 | Chattanooga | AO–266–A13. |
| 1094 | New Orleans | AO–103–A29. |
| 1096 | Northern Louisiana | AO–257–A18. |
| 1097 | Memphis | AO–219–A23. |
| 1098 | Nashville | AO–184–A28. |
| 1099 | Paducah | AO–183–A23. |
| 1101 | Knoxville | AO–195–A19. |
| 1102 | Fort Smith | AO–237–A18. |
| 1103 | Mississippi | AO–346–A11. |
| 1104 | Red River Valley | AO–298–A16. |
| 1106 | Oklahoma Metropolitan | AO–210–A28. |
| 1108 | Central Arkansas | AO–243–A20. |
| 1120 | Lubbock-Plainview | AO–328–A10. |
| 1121 | South Texas | AO–364–A1. |
| 1124 | Oregon-Washington | AO–368–A1. |
| 1125 | Puget Sound | AO–226–A21. |
| 1126 | North Texas | AO–231–A33. |
| 1127 | San Antonio | AO–232–A20. |
| 1128 | Central West Texas | AO–238–A23. |
| 1129 | Austin-Waco | AO–256–A16. |
| 1130 | Corpus Christi | AO–259–A20. |
| 1131 | Central Arizona | AO–271–A13. |
| 1132 | Texas Panhandle | AO–262–A20. |
| 1133 | Inland Empire | AO–275–A21. |
| 1134 | Western Colorado | AO–301–A11. |
| 1136 | Great Basin | AO–309–A15–RO1. |
| 1137 | Eastern Colorado | AO–326–A15. |
| 1138 | Rio Grande Valley | AO–335–A15. |

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas which was issued September 29, 1970 (35 F.R. 15396) is hereby extended to November 10, 1970.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on October 22, 1970.

JOHN C. BLUM,
*Deputy Administrator,*
*Regulatory Programs.*

[F.R. Doc. 70–14455; Filed, Oct. 27, 1970; 8:46 a.m.]

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[ 7 CFR Parts 1120, 1121, 1126, 1127, 1128, 1129, 1130 ]

[Docket No. AO–364–A3 etc.]

## MILK IN SOUTH TEXAS, NORTH TEXAS, SAN ANTONIO, CENTRAL WEST TEXAS, AUSTIN-WACO, CORPUS CHRISTI AND LUBBOCK-PLAINVIEW MARKETING AREAS

### Notice of Extension of Time for Filing Exceptions to the Partial Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

| 7 CFR part | Market | Docket No. |
|---|---|---|
| 1121 | South Texas | AO–364–A3. |
| 1126 | North Texas | AO–231–A35. |
| 1127 | San Antonio | AO–232–A21. |
| 1128 | Central West Texas | AO–238–A24. |
| 1129 | Austin-Waco | AO–256–A17. |
| 1130 | Corpus Christi | AO–259–A21. |
| 1120 | Lubbock-Plainview | AO–328–A11. |

Notice is hereby given that the time for filing exceptions to the partial recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in each of the marketing areas heretofore specified which was issued on October 7, 1970 (35 F.R. 16000) is hereby extended to November 9, 1970.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on October 22, 1970.

JOHN C. BLUM,
*Deputy Administrator,*
*Regulatory Programs.*

[F.R. Doc. 70–14454; Filed, Oct. 27, 1970; 8:46 a.m.]

# ATOMIC ENERGY COMMISSION

[ 10 CFR Parts 2, 50 ]

## RULES OF PRACTICE AND LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

### Operating Licenses

The Atomic Energy Commission has under consideration amendments to 10 CFR Part 2, rules of practice, and 10 CFR Part 50, Licensing of Production and Utilization Facilities. The purpose of the proposed amendments is to define the extent of preoperational activities which may be conducted prior to the issuance of an operating license for a nuclear power reactor, and to provide for authorization, by atomic safety and licensing boards, of low power testing and operation under specified conditions. It is expected that the proposed amendments will expedite the licensed operation of facilities needed for the generation of electric power without adversely affecting the public health and safety and the common defense and security.

The Atomic Energy Act of 1954, as amended, provides a two-step procedure for the issuance of licenses for production and utilization facilities—the issuance of a construction permit to construct the facility and, after construction is completed, an operating license to operate the facility (section 185). The Act requires the Commission to hold a public hearing at the construction permit stage on each application for a license for a facility under section 103 or 104b., and a testing facility under section 104c. (chiefly power and test reactors and fuel reprocessing plants).

Proposed new § 50.35(d) which follows would provide that a construction permit for a power reactor shall be deemed to authorize the initial loading of nuclear fuel in the reactor core, without attainment of a critical reaction, subject to a finding by the Commission that such fuel loading will not be inimical to the common defense and security or to the health and safety of the public. Such a finding would be based in part upon a demonstration that a preoperational testing program has been satisfactorily performed. The hazards associated with the loading of unexposed fuel are minimal; the most severe accidents to be considered for the reactor in this state would result in potential radiation exposure offsite in the range of fractions of annual exposures from natural background radiation.

A proposed amendment to § 50.57 of Part 50 would permit the atomic safety and licensing board, while a proceeding for the issuance of an operating license is pending, upon motion in writing, to consider and act upon such request as the applicant may make for an operating license authorizing low power testing. Such action would be subject to all the rights of the parties to the proceeding, including the right to be heard on

matters relevant to the activity to be authorized. Prior to acting on such a motion which any party opposed, the board would make findings on the matters specified in § 50.57(a) in the form of an initial decision, with respect to the contested activities sought to be authorized. If no party opposed the motion, the board would issue an order, pursuant to § 2.730(e) of Part 2, authorizing the Director of Regulation to make appropriate findings on the matters specified in § 50.57(a) with respect to the authorized activities, and to issue a license for the requested operations. The Commission would expect that the board will expeditiously consider and act upon requests for low power testing when they are made.

Low power testing would be defined as operation at not more than 1 percent of full power for the purpose of testing the facility. The inventory of radioactivity in a reactor, for equal periods of operation, is directly proportional to power level. Therefore, the upper limit of radiological hazard effects presented by potential accidents at 1 percent of power is generally no greater than 1 percent of that for full power operation. In most cases, the consequences would be even less because the comparatively short periods of time involved in such testing would result in much lower levels of long-lived radioactivity than would result from continuous operation for an extended period. In addition, such factors as heat fluxes and decay heat levels, which are important at high power, would have no significant influence on consequences at low power operation. There are some potential accidents in which the potential hazard is not directly proportional to power level, but is related to radioactivity in waste handling systems or in the primary coolant. For these postulated accidents, the consequences are controlled for full power operation by technical specifications which limit the quantities of radioactivity in these systems. Appropriately lower quantity limits can be set for low power operation.

The requisite findings, whether made by the board or by the Director of Regulation, would be based in part upon a demonstration that a preoperational testing program has been satisfactorily performed, and that satisfactory plans and technical specifications for low power operation have been developed.

While the proposed amendment deals specifically with low power testing, it would not preclude authorization of further operation beyond low power testing, subject to the same requirements as those specified in the proposed amendment for low power testing. The boards have had authority to grant such authorization in the past.

By the revision of § 50.57(c) and a proposed amendment to § 2.764 of Part 2, initial decisions directing issuance of operating licenses could be made effective immediately. Immediate effectiveness of initial decisions directing the issuance of construction permits or construction authorizations is presently authorized by § 2.764.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments of 10 CFR Parts 2 and 50 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that time will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. Section 2.764 of 10 CFR Part 2 is amended to read as follows:

**§ 2.764 Immediate effectiveness of initial decision directing issuance or amendment of construction permit or operating license.**

(a) An initial decision directing the issuance or amendment of a construction permit, a construction authorization, or an operating license shall be effective immediately upon issuance unless the presiding officer finds that good cause has been shown by a party why the initial decision should not become immediately effective subject to the review thereof and further decision by the Commission upon exceptions filed by any party pursuant to § 2.762 or upon its own motion.

(b) The Director of Regulation, notwithstanding the filing of exceptions, shall issue a construction permit, a construction authorization, or an operating license, or amendments thereto, authorized by an initial decision, within ten (10) days from the date of issuance of the decision.

2. A new paragraph (d) is added to § 50.35 of 10 CFR Part 50 to read as follows:

**§ 50.35 Issuance of construction permits.**

* * * * *

(d) Each construction permit for a power reactor issued pursuant to the regulations in this part shall be deemed to authorize the initial loading of nuclear fuel in the reactor core, without attainment of a critical reaction, subject to a finding by the Commission that such fuel loading will not be inimical to the common defense and security or to the health and safety of the public.

3. Paragraph (c) of § 50.57 of 10 CFR Part 50 is revised to read as follows:

**§ 50.57 Issuance of operating license.**

* * * * *

(c) In a case where a hearing is held in connection with a proceeding under this section, the presiding officer may, while the proceeding is pending, upon motion in writing, consider and act upon such request as the applicant may make for an operating license authorizing low power testing (operation at not more than 1 percent of full power for the purpose of testing the facility).[1] Any such action shall be taken with due regard to the rights of the parties to the proceeding, including the right of any party to be heard to the extent that his contentions are relevant to the activity to be authorized. Prior to taking any action on such a motion which any party opposes, the presiding officer shall make findings on the matters specified in paragraph (a) of this section in the form of an initial decision with respect to the contested activity sought to be authorized. If no party opposes the motion, the presiding officer will issue an order pursuant to § 2.730(e) of this chapter, authorizing the Director of Regulation to make appropriate findings on the matters specified in paragraph (a) of this section and to issue a license for the requested operations.

(Sec. 161, 68 Stat. 948, as amended; 42 U.S.C. 2201)

Dated at Germantown, Md., this 20th day of October 1970.

For the Atomic Energy Commission.

W. B. McCOOL,
*Secretary of the Commission.*

[F.R. Doc. 70-14436; Filed, Oct. 27, 1970; 8:45 a.m.]

[1] The Commission expects that the presiding officer will expeditiously consider and act upon requests for authorization of low power testing when they are made.

# Notices

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### LOUIS GEORGE BLEAU

### Notice of Granting of Relief

Notice is hereby given that Mr. Louis George Bleau, 1325 West Pierson Road, Flint, Mich., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on December 8, 1941, in the Alpena Circuit Court, Alpena, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Mr. Louis George Bleau because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Louis George Bleau to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mr. Louis George Bleau's application and:

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

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

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

Signed at Washington, D.C., this 14th day of October 1970.

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

[F.R. Doc. 70-14499; Filed, Oct. 27, 1970; 8:49 a.m.]

### JOHNIE W. CARPENTER

### Notice of Granting of Relief

Notice is hereby given that Mr. Johnie W. Carpenter, 2628 Vicksburg, Apartment No. 4, Detroit, Mich. 48206, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 21, 1936, in Federal Court, Delta Division, Northern Judicial District, Clarksdale, Miss., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Mr. Johnie W. Carpenter because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Johnie W. Carpenter to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mr. Johnie W. Carpenter's application and:

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

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

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

Signed at Washington, D.C., this 14th day of October 1970.

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

[F.R. Doc. 70-14500; Filed, Oct. 27, 1970; 8:49 a.m.]

### JOE NATHAN CLAYTON

### Notice of Granting of Relief

Notice is hereby given that Joe Nathan Clayton, 9117 Northlawn, Detroit, Mich. 48204, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 9, 1949, in the Circuit Court of Marengo County, Linden, Ala., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Mr. Clayton because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Joe Nathan Clayton to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mr. Clayton's application and:

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

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

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

Signed at Washington, D.C., this 14th day of October 1970.

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

[F.R. Doc. 70-14501; Filed, Oct. 27, 1970; 8:49 a.m.]

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### WANDA JOY GUSHWA

### Notice of Granting of Relief

Notice is hereby given that Mrs. Wanda Joy Gushwa, 11702 Southeast 167th,

Renton, Wash. 98055, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of her conviction on September 12, 1969, in the U.S. District Court, Western District of Washington, Northern Division, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Mrs. Wanda Joy Gushwa because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and she would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mrs. Wanda Joy Gushwa to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mrs. Wanda Joy Gushwa's application and:

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

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

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

Signed at Washington, D.C., this 14th day of October 1970.

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

[F.R. Doc. 70-14502; Filed, Oct. 27, 1970; 8:49 a.m.]

## CLARENCE LEROY JONES

### Notice of Granting of Relief

Notice is hereby given that Clarence Leroy Jones, 2967 Robin Oaks Drive, Apartment 158, Dallas, Tex., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 24, 1956, in the District Court, Bexar County, Tex., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Clarence L. Jones because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Clarence L. Jones to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Clarence L. Jones' application and:

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

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

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

Signed at Washington, D.C., this 15th day of October 1970.

[SEAL] D. W. BACON,
*Acting Commissioner of Internal Revenue.*

[F.R. Doc. 70-14503; Filed, Oct. 27, 1970; 8:49 a.m.]

## THOMAS A. PASTORINO

### Notice of Granting of Relief

Notice is hereby given that Mr. Thomas A. Pastorino, 1721 Melville Street, Apartment No. 4, Bronx, N.Y. 10460 has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on March 1, 1946 by General Court Martial, Naples, Italy, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Mr. Thomas A. Pastorino because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Mr. Thomas A. Pastorino to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mr. Thomas A. Pastorino's application and:

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

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

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

Signed at Washington, D.C., this 20th day of October 1970.

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

[F.R. Doc. 70-14504; Filed Oct. 27, 1970; 8:49 a.m.]

## KENNETH RAY SCHMALE

### Notice of Granting of Relief

Notice is hereby given that Kenneth Ray Schmale, 305 Highland Avenue, Sac City, Iowa, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 12, 1966, in the U.S. District Court for the Northern District of Iowa, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Kenneth R. Schmale because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Kenneth R. Schmale to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Kenneth R. Schmale's application and:

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

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

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

Signed at Washington, D.C., this 20th day of October 1970.

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

[F.R. Doc. 70-14505; Filed, Oct. 27, 1970; 8:49 a.m.]

## ASHTON SMITH

### Notice of Granting of Relief

Notice is hereby given that Ashton Smith, Post Office Box 198, Napanoch, N.Y. 12458, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 19, 1929, in the Ulster County Court, Kingston, N.Y., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Mr. Smith because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Ashton Smith to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Mr. Smith's application and:

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

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

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

Signed at Washington, D.C., this 14th day of October 1970.

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

[F.R. Doc. 70-14506; Filed, Oct. 27, 1970; 8:49 a.m.]

## HERBERT TOOLE

### Notice of Granting of Relief

Notice is hereby given that Herbert Toole, 4839 Helen, Detroit, Mich., has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on October 11, 1932, in a State court in Alabama, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Herbert Toole because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Herbert Toole to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Herbert Toole's application and:

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

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

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

Signed at Washington, D.C., this 20th day of October 1970.

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

[F.R. Doc. 70-14507; Filed, Oct. 27, 1970; 8:49 a.m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[Serial No. I-2836]

## IDAHO

### Notice of Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18) and to the regulations in 43 CFR Part 2410 and 2460, the public lands within the area described in Paragraph No. 3 are hereby classified for multiple-use management. Publication of this notice (a) has the effect of segregating all the public lands described in Paragraph No. 3 of this notice from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C., sec. 334), and from sale under section 2455 of the revised statutes (43 U.S.C. 1171), and (b) further segregating the lands described in paragraph 4 of this notice from the operation of the general mining laws (30 U.S.C. Ch. 2). Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Comments were received during the 60 days following publication of the notice of proposed classification in the FEDERAL REGISTER on June 30, 1970, and at the public hearing on July 8, in Burley, Idaho. A majority of the comments received were favorable. The adverse comments were related to segregation of the Highway Unit from the Desert Land Act, an area having uncertain suitability for irrigation farming. All comments were carefully considered and evaluated. The complete record is on file in the Idaho Land Office, Boise, Idaho, for examination by any interested party.

3. Public lands proposed for classification are within the area described below, and are part of Cassia County. They are shown on maps on file in the Burley District Office, Bureau of Land Management, and in the Land Office, Bureau of

Land Management, 550 West Fort Street, Boise, Idaho:

BOISE MERIDIAN, IDAHO

T. 12 S., R. 19 E.,
All.
T. 12 S., R. 20 E.,
All.
T. 16 S., R. 20 E.,
All.
T. 11 S., R. 21 E.,
Sec. 1, SE¼SW¼;
Sec. 31, lots 3 and 4, E½SW¼;
Sec. 35, SE¼.
T. 12 S., R. 21 E.,
Sec. 2 SE¼;
Sec. 4, NW¼SW¼;
Sec. 5, NE¼SE¼;
Secs. 13 and 14;
Sec. 21, SE¼SE¼;
Sec. 26;
Sec. 30, lots 1, 2, 3, 4, E½W½;
Secs. 31 and 32.
T. 13 S., R. 21 E.,
Sec. 1, S½;
Secs. 2 and 3;
Sec. 4, lot 4, S½N½, E½SE¼;
Secs. 5 through 15 inclusive;
Sec. 17;
Secs. 22 through 27 inclusive;
Sec. 34;
Sec. 35.
T. 14 S., R. 21 E.,
All.
T. 15 S., R. 21 E.,
All.
T. 16 S., R. 21 E.,
All.
T. 10 S., R. 22 E.,
Sec. 31, NE¼SW¼.
T. 12 S., R. 22 E.,
Sec. 6, lots 6 and 7, E½SW¼;
Sec. 31, lots 1 and 2.
T. 13 S., R. 22 E.,
Sec. 12, NE¼SW¼, S½SW¼, W½SE¼;
Secs. 13 and 14;
Secs. 22 through 26 inclusive;
Secs. 30, 31, and 35.
T. 14 S., R. 22 E.,
Secs. 1 and 2;
Secs. 6 through 15 inclusive;
Secs. 17 through 35 inclusive.
T. 15 S., R. 22 E.,
All.
T. 16 S., R. 22 E.,
All.
T. 10 S., R. 23 E.,
Sec. 32.
T. 13 S., R. 23 E.,
Sec. 8;
Secs. 17 and 18;
Secs. 30 and 31.
T. 14 S., R. 23 E.,
All.
T. 15 S., R. 23 E.,
All.
T. 16 S., R. 23 E.,
Secs. 1 through 3 inclusive;
Secs. 10 through 15 inclusive;
Secs. 22 through 27 inclusive;
Secs. 34 and 35.
T. 11 S., R. 24 E.,
All.
T. 12 S., R. 24 E.,
Secs. 1 through 5 inclusive;
Secs. 8 through 11 inclusive;
Secs. 15 through 22 inclusive.
T. 13 S., R. 24 E.,
All.
T. 14 S., R. 24 E.,
All.
T. 15 S., R. 24 E.,
All.
T. 16 S., R. 24 E.,
All.
T. 9 S., R. 25 E.,
Sec. 11;
Secs. 22 and 23.
T. 10 S., R. 25 E.,
Secs. 25 and 26;
Sec. 35.
T. 11 S., R. 25 E.,
Secs. 1 and 2;
Secs. 5 through 15 inclusive;
Secs. 18 through 26 inclusive;
Sec. 35.
T. 12 S., R. 25 E.,
Secs. 1 and 2;
Secs. 11 through 15 inclusive;
Secs. 22 through 26 inclusive;
Secs. 34 and 35.
T. 13 S., R. 25 E.,
All.
T. 14 S., R. 25 E.,
Secs. 1 through 3 inclusive;
Sec. 4, lots 1 and 2, E½SE¼, SE¼NE¼;
Sec. 8;
Sec. 9, E½NE¼, S½S½.
Secs. 10 through 15 inclusive;
Sec. 17;
Secs. 21 through 28 inclusive;
Secs. 30 through 35 inclusive.
T. 15 S., R. 25 E.,
All.
T. 16 S., R. 25 E.,
All.
T. 9 S., R. 26 E.,
All.
T. 10 S., R. 26 E.,
Secs. 1 through 15 inclusive;
Secs. 17 and 18;
Secs. 23 through 25 inclusive;
Secs. 30 and 31.
T. 11 S., R. 26 E.,
Secs. 4 through 9 inclusive;
Secs. 18 and 19;
Secs. 30 and 31.
T. 12 S., R. 26 E.,
Secs. 5 through 9 inclusive;
Sec. 15, S½;
Secs. 17 through 23 inclusive;
Secs. 26 through 35 inclusive.
T. 13 S., R. 26 E.,
All.
T. 14 S., R. 26 E.,
All.
T. 15 S., R. 26 E.,
Secs. 1 through 15 inclusive;
Secs. 17 through 23 inclusive;
Secs. 27 through 35 inclusive.
T. 16 S., R. 26 E.,
All.
T. 9 S., R. 27 E.,
All.
T. 10 S., R. 27 E.,
All.
T. 12 S., R. 27 E.,
All.
T. 13 S., R. 27 E.,
Sec. 2, lot 2;
Secs. 4 through 6 inclusive;
Sec. 8;
Sec. 15;
Sec. 17;
Secs. 21 through 23 inclusive;
Secs. 25 through 29 inclusive;
Secs. 33 through 35 inclusive.
T. 14 S., R. 27 E.,
Secs. 1 through 4 inclusive;
Sec. 7;
Secs. 9 through 15 inclusive;
Secs. 18 and 19;
Secs. 21 through 28 inclusive;
Secs. 30 and 31;
Sec. 33, E½, E½W½;
Secs. 34 and 35.
T. 15 S., R. 27 E.,
Secs. 2 through 4 inclusive;
Secs. 6 through 15 inclusive;
Sec. 17;
Secs. 20 through 28 inclusive;
Secs. 34 and 35.
T. 16 S., R. 27 E.,
Sec. 5, W½W½;
Secs. 6 through 8 inclusive;
Secs. 18 and 19.
T. 9 S., R. 28 E.,
Secs. 20 and 21.
T. 12 S., R. 28 E.,
All.
T. 13 S., R. 28 E.,
Secs. 30 and 31.
T. 14 S., R. 28 E.,
All.
T. 15 S., R. 28 E.,
Secs. 5 through 7 inclusive;
Secs. 18 and 19;
Sec. 30.
T. 10 S., R. 29 E.,
All.
T. 11 S., R. 29 E.,
All.
T. 12 S., R. 29 E.,
All.
T. 13 S., R. 29 E.,
Secs. 3 through 5 inclusive;
Secs. 9 through 11 inclusive;
Secs. 14 and 15;
Secs. 21 through 23 inclusive;
Secs. 25 through 27 inclusive;
Secs. 34 and 35.
T. 14 S., R. 29 E.,
Secs. 1 through 3 inclusive;
Sec. 7;
Secs. 10 through 15 inclusive;
Secs. 17 and 18;
Secs. 20 through 24 inclusive;
Sec. 27.
T. 15 S., R. 29 E.,
All.
T. 16 S., R. 29 E.,
All.

The area described aggregates approximately 439,200.96 acres of public land.

4. As provided in paragraph No. 1 above, the following lands are further segregated from appropriation under the general mining laws:

BOISE MERIDIAN, IDAHO

T. 14 S., R. 21 E.,
Sec. 24, S½SE¼ (Trapper Creek Boat Landing).
T. 15 S., R. 21 E.,
Sec. 12, SE¼SE¼ (Lower Reservoir Campground).
T. 16 S., R. 21 E.,
Sec. 1, lot 1.
T. 15 S., R. 22 E.,
Sec. 31, lot 4 (Goose Creek Campground).
T. 10 S., R. 23 E.,
Sec. 32 (BLM Administration Site).
T. 16 S., R. 23 E.,
Sec. 13, S½NW¼ (Twin Sisters Campground).
T. 15 S., R. 24 E.,
Sec. 28, NW¼SW¼ (Circle Campground).
T. 16 S., R. 24 E.,
Sec. 19, SE¼SE¼ (Emigrant Canyon Campground).
T. 15 S., R. 26 E.,
Sec. 23, NW¼ (Hot Well Campground).
T. 13 S., R. 25 E.,
Sec. 22, SW¼SE¼ (Cassia Creek Campground).
T. 9 S., R. 28 E.,
Sec. 20, SW¼, NE¼SE¼;
Sec. 21, NE¼SW¼ (Wildlife Area).

Containing approximately 798.22 acres.

5. Some of the lands that are classified in this decision may be potentially irrigable if water becomes available. Reclassification of such lands will be made when conditions warrant through new developments or technology and private development outweighs public values.

6. For a period of thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, this

classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3.

WILLIAM L. MATHEWS,
*States Director.*

[F.R. Doc. 70-14457; Filed, Oct. 27, 1970; 8:46 a.m.]

## Office of the Secretary

### NATIONAL WILD AND SCENIC RIVERS SYSTEM

### Notice of Selection of Rivers as Potential Additions

Notice is hereby given that the Secretaries of Interior and Agriculture have identified the following river areas in accordance with the requirement in section 5(d) of the Wild and Scenic Rivers Act, Public Law 90-542, of October 2, 1968.

(1) Ausable, Mich.: Segment from Mio Pond to Alcona Hydro Plant.

(2) Beaverkill, N.Y.: The entire river.

(3) Big Fork, Minn.: Segment from confluence with Popple River to confluence with Rainy River.

(4) Birch Creek, Alaska: Segment from North Fork bridge at milepost 94 of the Steese Highway to highway bridge at milepost 147 of the Steese Highway.

(5) Blackfoot, Mont.: Segment from Landers Fork to Milltown Dam.

(6) Cacapon, W. Va.: The entire river.

(7) Chatanika River, Alaska: Segment from the head of McManus Creek to the bridge at milepost 11 of the Elliott Highway.

(8) Chitina River, Alaska: The entire river.

(9) Columbia, Wash.: Segment from Priest River Dam to McNary Pool.

(10) Delta River, Alaska: Segment from Round Tangle Lake at milepost 21 of the Denali Highway to the Delta's confluence with Phelan Creek at milepost 212.5 of the Richardson Highway.

(11) Deschutes, Oreg.: Segment from Pelton Reregulating Dam to confluence with Columbia.

(12) Escalante, Utah: Source to Lake Powell.

(13) Flambeau (South Fork), Wis.: Segment from Round Lake to confluence with main stem.

(14) Fortymile River, Alaska: Entire river with major tributaries within Alaska.

(15) Grand Ronde, Oreg., Wash.: Segment from Rondowa to confluence with Snake River, with its tributaries, the Wenaha to Milk Creek on the South Fork of the Wenaha; the Wallowa to the Minam River; and the Minam in its entirety.

(16) Green (Upper), Wyo.: Source to Horse Creek.

(17) Gros Ventre, Wyo.: Entire river.

(18) Guadalupe, Tex.: From source to Canyon Reservoir.

(19) Gulkana River, Alaska: Entire main stem and its Middle and West Forks between the lower end of Paxson Lake and the town of Gulkana.

(20) Henrys Fork, Idaho: Segment from Big Springs to confluence with Warm River.

(21) Hudson, N.Y.: Segment from source to Luzerne, including tributaries.

(22) John Day, Oreg.: Segment from mouth to confluence with North Fork, North Fork from John Day at Kimberly to junction with Baldy Creek, Granite Creek to its junction with Clear Creek.

(23) Kern (North Fork), Calif.: Segment from source to Kernville at Lake Isabella.

(24) Klamath, Calif.: Segment from Iron Gate Dam to mouth.

(25) Little Missouri, N. Dak.: Segment from Marmarth, N. Dak., to Lake Sakakawea.

(26) Madison, Mont.: Segment from Earthquake Lake to Ennis Lake.

(27) Manistee, Mich.: Segment from Hinton Creek to Hodenpyl Dam, and from Tippy Dam Pond to Manistee Lake, including tributary, Pine River from Stronach Dam at Tippy Dam Pond to Edgette's Bridge.

(28) Mullica, N.J.: Entire river including tributaries, Wading River and Bass River.

(29) Niobrara, Nebr.: Segment from Antelope Creek to vicinity of Sparks.

(30) North Fork White River, Mo.: Segment from State Highway 76 to Lake Norfork.

(31) Pine, Wis.: Segment from source to confluence with Menominee River, including tributary, Popple River.

(32) Pocomoke, Md.: The entire river.

(33) Rappahannock, Va.: Segment from tidewater to Remington, including tributary Rapidan to community of Rapidan.

(34) Russian, Calif.: Segment from Ukiah to mouth.

(35) Sacramento, Calif.: Segment from source to Shasta Lake and from Keswick Reservoir to Sacramento.

(36) Shenandoah, W. Va., Va.: The entire river.

(37) Smith, Calif.: Entire main stem, North Fork to Diamond Creek, Middle Fork to Griffen Creek, entire South Fork.

(38) Snake (Middle), Idaho, Oreg., Wash.: Segment from Hells Canyon Dam to Lewiston, Idaho, including tributary Imnaha.

(39) Snake, Wyo.: Segments from source in Yellowstone National Park to Jackson Lake, and from Jackson Lake to Palisades Reservoir.

(40) Tangipahoa, La., Miss.: The entire river.

(41) Tuolumne, Calif.: Segment from Hetch-Hetchy Dam to New Don Pedro Reservoir.

(42) Wacissa, Fla.: The entire river.

(43) Wapsipinicon, Iowa: Segment within Linn, Bremer, Black Hawk, Buchanan, Jones, and Clinton Counties.

(44) Wenatchee, Wash.: Entire river, including Lake Wenatchee and its tributaries, the Chiwawa and White Rivers.

(45) Wind River, Wyo.: Segment from source to Boysen Reservoir.

(46) Wolf (Upper), Wis.: Segment which flows through Langlade County.

(47) Yellowstone, Mont.: Segment from Yellowstone National Park boundary to Pompey's Pillar.

In accordance with said section all Federal agencies, in their planning reports concerning such rivers, shall evaluate their wild, scenic, or recreational potential as alternative uses of the water; and related land resources involved.

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

SEPTEMBER 17, 1970.

CLIFFORD M. HARDIN,
*Secretary of Agriculture.*

OCTOBER 22, 1970.

[F.R. Doc. 70-14456; Filed, Oct. 27, 1970; 8:46 a.m.]

# DEPARTMENT OF COMMERCE

## Bureau of Domestic Commerce

### COLUMBIA 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. 70-00454-65-46070. Applicant: Columbia University, Lamont-Doherty Geological Observatory, Palisades, N.Y. 10964. Article: Scanning electron microscope, Model Mark IIA. Manufacturer: Cambridge Instrument Co., Ltd., United Kingdom.

Intended use of article: The article will be used for research projects concerning:

A. Marine Sedimentology:

1. Nepheloid layer studies;

2. Sand grain surface textures; and

3. Lithification and early diagenesis in carbonate sediments.

B. Paleontology:

1. Molluscan shell microstructure-recent and fossil;

2. Planktonic foraminifera; and

3. Studies of radiolaria.

C. Biology:

1. Studies on Erythrocyte structure;

2. Mechanisms of attachment of bacteria to marine surfaces; and

3. Morphological study of Antarctic marine diatoms.

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 to be operated by 35 scientists and/or their staff, many of whom are marginally

trained, to complete a large number of projects which are under contract. In most of these projects, valid conclusions can be reached only after examination of an extremely large number of specimens. The most closely comparable domestic instrument is the Model SM-2 scanning electron microscope manufactured by Ultrascan Corp. (Ultrascan), which was formerly doing business as K Square Corp. (K Square).

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated May 18, 1970, that the foreign article provides a column which is permanently aligned and requires the operator to use only a few simple controls to take pictures, whereas such is not the case for the Model SM-2. HEW further advises that the greater ease of operation of the foreign article when compared to the SM-2 is pertinent to the purposes for which the article is intended to be used.

We, therefore, find that the Model SM-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 instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
*Bureau of Domestic Commerce.*

[F.R. Doc. 70-14437; Filed, Oct. 27, 1970; 8:45 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. 70-00741-33-46040. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, Mass. 02138. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, Inc., West Germany.

Intended use of article: The article will be used for studies of the visual part of the cortex of the monkey and cat brain and for studies of nerve cell ganglia of small animals such as leech and lobster, on which physiological studies are being done. These two projects are to be conducted by different groups of people, who will have to learn electron microscopy as quickly as possible.

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 applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. 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 supplied by the Forgflo Corp. (Forgflo). The Model EMU-4B electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 22, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, 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,
*Bureau of Domestic Commerce.*

[F.R. Doc. 70-14438; Filed, Oct. 27, 1970; 8:45 a.m.]

## IOWA STATE 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. 70-00670-33-46040. Applicant: Iowa State University, Department of Zoology, Ames, Iowa 50010. Article: Electron microscope, Model HU-11E-1. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used in biological ultrastructural research. The projects concern the cytochemical changes in the Golgi apparatus of pituitary gonadotrophs under varying secretory conditions; the examination of several different stages in the development of the mature sperm from the spermatocyte; and the localization of antigens on the surfaces of sperm and egg to determine the biochemical roles of these antigens in sperm-egg attachment and fertilization.

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 continuous magnification from 250 to 400,000 magnifications, without changing the pole piece. The most closely comparable domestic instrument is the Model EMU-4B which was formerly manufactured by the Radio Corp. of America, and which is presently being supplied by the Forgflo Corp. (Forgflo). The Model EMU-4B, with its standard pole piece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 400 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4B that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification pole piece should be used. Changing the pole piece on the Model EMU-4B requires a break in the vacuum of the column.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 14, 1970, that the applicant requires the capability of taking high-quality micrographs at low magnifications in order to achieve the purposes for which the foreign article is intended to be used.

HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of moving from 250 to 400,000 magnifications without changing pole pieces, while at the same time providing high-quality micrographs at low magnifications, is considered to be a pertinent characteristic.

For these reasons, we find that the Model EMU-4B 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 is being manufactured in the United States.

CHARLEY M. DENTON,
*Bureau of Domestic Commerce.*

[F.R. Doc. 70-14439; Filed, Oct. 27, 1970; 8:45 a.m.]

## PRESBYTERIAN-ST. LUKE'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. 70-00779-33-46040. Applicant: Presbyterian-St. Luke's Hospital, 1753 West Congress Parkway, Chicago, Ill. 60612. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used for studies of the molecular organization of the protein polysaccharide macromolecules of connective tissue, with special emphasis on cartilage and arteries; of human hepatitis virus; of the morphology of the surface membrane of blood platelets; and of the use of pyroantimonates as stains for cations in fixed nervous tissue.

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 specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America (RCA), and which is presently being supplied by the Forgflo Corp. (Forgflo). The Model EMU-4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.)

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 30, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used.

We, therefore, find that the Model EMU-4B 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 is being manufactured in the United States.

CHARLEY M. DENTON,
*Bureau of Domestic Commerce.*

[F.R. Doc. 70-14440; Filed, Oct. 27, 1970; 8:45 a.m.]

## PRINCETON 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. 70-00714-33-90000. Applicant: Princeton University, Purchasing Department, Post Office Box 33, Princeton, N.J. 08540. Article: X-ray equipment,, Model CX-6. Manufacturer: Elliott Electronic Tubes Ltd., United Kingdom.

Intended use of article: The article will be used in X-ray diffraction investigations into the structure of biological materials such as viruses, nucleic acids and proteins.

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 small (0.1 x 1 millimeter (mm.)) focused spot and a rotating target for maximum X-ray power.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 22, 1970, that the small (0.1 x 1 mm.) focused spot and rotating target for maximum X-ray power are pertinent to the purposes for which the foreign article is intended to be used.

HEW further advises that it knows of no scientifically equivalent domestic apparatus being manufactured in the United States which possess both pertinent characteristics of the foreign article.

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,
*Bureau of Domestic Commerce.*

[F.R. Doc. 70-14441; Filed, Oct. 27, 1970; 8:45 a.m.]

## TEXAS A & M 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. 70-00724-33-47295. Applicant: Texas A & M University, Department of Biology, College Station, Tex. 77843. Article: Monitor tank for automatic recording of movements of fish and small terrestrial animals. Manufacturer: Professor H. Kleerekoper, recently of McMasters University, Canada.

Intended use of article: The article will be used for research in the orientation and role of sensory information in the orientation of fish and vertebrate animals. The study of the mode of sensory information input and response in a variety of animals will be carried out on a continuing basis. The primary educational use will be for the training of graduate students in animal behavior in Biology 691—Dissertation Research.

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

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

Reasons: The foreign article is a unique, custom-built device which has the capability of automatically detecting and recording the movements of fish and animals.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 25, 1970, that the capability described above is pertinent to the purposes for which the article is intended to be used.

HEW further advises that it knows of no comparable domestic instrument which has this pertinent capability.

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 is being manufactured by the United States.

CHARLEY M. DENTON,
*Bureau of Domestic Commerce.*

[F.R. Doc. 70-14442; Filed, Oct. 27, 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. 70-00745-33-43780. Applicant: The Johns Hopkins University, Purchasing Department, Charles and 34th Streets, Baltimore, Md. 21218. Article: Flexible bronchofibrescope, Model L. Manufacturer: Manabu Medical Instruments Co., Ltd., Japan. Intended use of article: The article will be used to identify and exactly localize small, early, developing cancers of the lung; to remove cellular and tissue fragments for microscopic examination and diagnosis of the state of health or disease in the lung; and to teach members of the Staff of the Johns Hopkins University School of Medicine and The Johns Hopkins Hospital the fine anatomy of the lung and the early detection of lung cancer.

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 5 millimeter (size) diameter, flexibility capable of flexing back upon itself approximately 190°, and permits removal of cellular and tissue fragments for examination.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 22, 1970, that a 5 millimeter size diameter and flexibility capable of flexing back upon itself approximately 190°, are pertinent characteristics to those purposes for which the foreign article is intended to be used.

HEW further advises, that it knows of no scientifically equivalent domestic instrument which provides both the pertinent characteristics of the foreign article.

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 is being manufactured in the United States.

CHARLEY M. DENTON,
*Bureau of Domestic Commerce.*

[F.R. Doc. 70-14443; Filed, Oct. 27, 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. 70-00750-33-43780. Applicant: The Johns Hopkins University, Purchasing Department, Charles and 34th Streets, Baltimore, Md. 21218. Article: Flexible bronchofibrescope, Model FBS-L4. Manufacturer: Manabu Medical Instruments Co., Ltd., Japan.

Intended use of article: The article will be used to identify and exactly localize small, early developing cancers of the lung and to remove cellular and tissue fragments for microscope examination and diagnosis of the state of health or disease in the lung.

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 4 millimeter size diameter, flexibility capable flexing back upon itself approximately 190°, and permits removable of cellular and tissue fragments for examination. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 22, 1970, that a 4 millimeter size diameter and flexibility capable of flexing back upon itself approximately 190°, are pertinent characteristics to those purposes for which the foreign article is intended to be used.

HEW further advises, that it knows of no scientifically equivalent domestic instrument which provides both the pertinent characteristics of the foreign article.

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 is being manufactured in the United States.

CHARLEY M. DENTON,
*Bureau of Domestic Commerce.*

[F.R. Doc. 70-14444; Filed, Oct. 27, 1970; 8:45 a.m.]

## OHIO STATE 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. 70-00687-33-46500. Applicant: The Ohio State University, Biological Sciences, 190 Oval Drive, Columbus, Ohio 43210. Article: Ultramicrotome, Model Ultrotome III, and knifemaker combination. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used in a program investigating the ultrastructure of various microorganisms isolated from polluted environments such as Lake Erie. Very delicate structural changes take place in the cytoplasm, plasmalemma and cell wall of numerous organisms when placed in contact with such chlorinated hydrocarbon pesticides as aldrin, endrin, DDT, and others. Advanced students in a course in microbial cytology (Microbiology 770) will use the article to perform histochemical experiments.

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 (Aug. 6, 1969).

Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model MT-2 ultramicrotome 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 September 10, 1970, that a minimum thickness capability of less than 100 angstroms is pertinent to the applicant's research studies. 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 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 foreign article was ordered.

CHARLEY M. DENTON,
*Bureau of Domestic Commerce.*

[F.R. Doc. 70-14445; Filed, Oct. 27, 1970; 8:45 a.m.]

## UNIVERSITY OF DENVER

### 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. 70-00668-33-46040. Applicant: University of Denver, Denver, Colo. 80210. Article: Electron microscope, Model HU-11C. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for research on biological mineralization to determine how organisms build hard structures such as bones, teeth, shell, and other mineralized skeletal elements; for the study of chromosomal structure from both insect and vertebrate spermatocytes; and for studies of blood and blood-forming tissues to determine the clotting mechanisms of arthropod blood and the function of nuclei and mitochondria in the blood cells of the lower vertebrates.

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 continuous magnification from 400 to 500,000 magnifications, without changing the pole piece. The most closely comparable domestic instrument is the Model EMU-4B which was formerly manufactured by the Radio Corp. of America, and which is presently being supplied by the Forgflo Corp. (Forgflo). The Model EMU-4B, with its standard pole piece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 400 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4B that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification pole piece should be used. Changing the pole piece on the Model EMU-4B requires a break in the vacuum of the column.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 14, 1970, that the applicant requires the capability of taking high-quality micrographs at low magnifications in order to achieve the purposes for which the foreign article is intended to be used.

HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of moving from 400 to 500,000 magnifications without changing pole pieces, while at the same time providing high-quality micrographs at low magnifications, is considered to be a pertinent characteristic.

For these reasons, we find that the Model EMU-4B is not of equivalent scientific value to the foreign article, for such purpose 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 is being manufactured in the United States.

CHARLEY M. DENTON,
*Bureau of Domestic Commerce.*

[F.R. Doc. 70-14446; Filed, Oct. 27, 1970; 8:45 a.m.]

## VANDERBILT 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. 70-00661-33-46040. Applicant: Vanderbilt University, 21st Avenue South and Garland Avenue, Nashville, Tenn. 37203. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, Inc., West Germany.

Intended use of article: The article will be used for studies of cell differentiation following estrogen stimulation of the chick oviduct; ultrastructural changes accompanying trophic hormone stimulation of ovary, as correlated with steroid production; and for studies on possible significance of lamellar complexes in relation to de novo biogenetics of mitochondria in fertilized rabbit ova. Specimen preparation for electron microscopy and interpretation of electron micrographs will be taught in Reproductive Physiology to graduate students, medical students, interns, and residents in Obstetrics and Gynecology.

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 applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. 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 supplied by the Forgflo Corp. (Forgflo). The Model EMU-4B electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 22, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes.

We, therefore, 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 such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
*Bureau of Domestic Commerce.*

[F.R. Doc. 70-14447; Filed, Oct. 27, 1970; 8:45 a.m.]

## WABASH 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.: 70-00749-33-46040. Applicant: Wabash College, Crawfordsville, Ind. 47933. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for research on the high resolution ultrastructural comparison of nurse cell nucleoli from wild type and mutant *Drosophila melanogaster*. A series of projects will be carried out by members of the biology staff and undergraduates working with them. None have had any training in electron microscopy and the ease by which they may be trained on the article will greatly facilitate their research program. Also, biology majors will be trained in 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 applicant requires an electron microscope which is suitable for instruction in the basic principles of

electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. 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 supplied by the Forgflo Corp. (Forgflo). The Model EMU-4B electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 22, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes.

We, therefore, 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,
*Bureau of Domestic Commerce.*

[F.R. Doc. 70-14448; Filed, Oct. 27, 1970; 8:45 a.m.]

## WAYNE STATE 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. 70-00666-99-46040. Applicant: Wayne State University, Department of Dermatology, Research Medical Building, Detroit, Mich. 48207. Article: Electron microscope, Model HS-8. Manufacurer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used in teaching residents and postdoctoral trainees the fundamental techniques in electron microscopy. These techniques will be useful to them for further investigation of skin disease. The instruction will begin with theories and techniques of fixation and embedding, principles of photography and methods of quantitative 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 applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. 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 supplied by the Forgflo Corp. (Forgflo). The Model EMU-4B electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 22, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes.

We, therefore, 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 such purposes as this article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
*Bureau of Domestic Commerce.*

[F.R. Doc. 70-14449; Filed, Oct. 27, 1970; 8:45 a.m.]

## YALE 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.: 70-00729-33-46500. Applicant: Yale University, Purchasing Department, 20 Ashmun Street, New Haven, Conn. 06520. Article: Ultramicrotome, Model "OmU2". Manufacturer: C. Reichert Optische Werke AG, Austria.

Intended use of article: The article will be used for studies on cell biology pertaining to reproductive biology and the cytochemical and fine structural analyses of cellular organelles in the Departments of Obstetrics and Gynecology and Anatomy. Graduate students, medical students and postdoctoral fellows will be trained in the use of the article.

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: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult".

The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec.

We are advised by HEW in its memorandum of September 22, 1970, that faster cutting speeds than those provided by the Sorvall Model MT-2B are pertinent to the applicant's research involving three dimensional studies of nucleolar channel systems and enzyme localizations in membranes and microtubles, which will require long series of ultrathin sections that are uniform in thickness, individuality and consistency of sectioning. HEW cites as a precedent

its prior recommendation relating to Docket No. 70-00680-33-46500 which conforms in many particulars with the captioned application.

We, therefore, find that the Model MT-2B ultramicrotome 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,
*Bureau of Domestic Commerce.*

[F.R. Doc. 70-14450; Filed, Oct. 27, 1970; 8:45 a.m.]

### Bureau of International Commerce

[Case No. 273]

### FARNER AIR SERVICE S.A. AND FARNER AIR LEASING S.A.

#### Notice of Related Party Determination

In the matter of Farner Air Service S.A. and Farner Air Leasing S.A., Sion, Switzerland.

An order dated July 22, 1960, was entered by the Bureau of Foreign Commerce, predecessor of the Bureau of International Commerce, U.S. Department of Commerce against Willi Farner of Grenchen, Switzerland, and other parties, denying all privileges of participating in any manner or capacity in exportations from the United States of commodities or technical data for the duration of U.S. export controls. This order was published in the FEDERAL REGISTER on July 28, 1960 (25 F.R. 7163).

Section 388.1(b) of the Export Control Regulations provides, in part, that to the extent necessary to prevent evasion of any order denying export privileges, said order may be made applicable to parties other than those named in the order with whom said named parties may then or thereafter be related by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or related services. It has been determined by the Office of Export Control that within the purview of said section the firms Farner Air Service S.A. and Farner Air Leasing S.A. located at the above address, are related parties to said Willi Farner. Under this determination the terms and restrictions of the order of July 22, 1960, are effective against said related parties.

The said related parties have been notified of this determination and have been advised that if they contend that the ruling is not justified, they may make application to have the ruling reconsidered or terminated. Due notice will be given of any termination or change in this related party determination.

Dated: October 22, 1970.

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

[F.R. Doc. 70-14466; Filed, Oct. 27, 1970; 8:47 a.m.]

# DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### NATIONAL WILD AND SCENIC RIVERS SYSTEM

#### Notice of Selection of Rivers as Potential Additions

CROSS REFERENCE: For a document relating to selection of rivers as potential additions to the National Wild and Scenic Rivers System, see F.R. Doc. 70-14456, Department of the Interior, Office of the Secretary, *supra*.

# ATOMIC ENERGY COMMISSION

[Docket No. 50-336]

### CONNECTICUT LIGHT AND POWER CO. ET AL.

#### Notice of Application for Construction Permit and Operating License

The Connecticut Light and Power Co., Selden Street, Berlin, Conn.; The Hartford Electric Light Co., 176 Cumberland Avenue, Wethersfield, Conn.; Western Massachusetts Electric Co., 174 Brush Hill Avenue, West Springfield, Mass.; and The Millstone Point Co., 176 Cumberland Avenue, Wethersfield, Conn. (the applicants), pursuant to the Atomic Energy Act of 1954, as amended, filed an application, dated February 27, 1969, for a permit to construct and a license to operate a pressurized water nuclear power reactor at the Millstone Nuclear Power Station, an approximately 500-acre site on Long Island Sound in the town of Waterford, Conn., about 40 miles southeast of Hartford and 3.2 miles west-southwest of New London, Conn.

The application notes that the proposed facility will be owned and financed by The Connecticut Light and Power Co., The Hartford Electric Light Co., and Western Massachusetts Electric Co., as tenants in common. The Millstone Point Co. will act as representative of the owners with respect to design, construction, and operation of the facility.

The proposed reactor, designated as Millstone Nuclear Power Station Unit 2, is designed for initial operation at approximately 2560 megawatts (thermal), with net electrical output of approximately 828 megawatts.

A copy of the application and the amendments thereto is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Town Clerk's Office, Waterford Town Hall, 200 Boston Post Road, Waterford, Conn.

Dated at Bethesda, Md., this 9th day of October 1970.

For the Atomic Energy Commission.

FRANK SCHROEDER,
*Acting Director,*
*Division of Reactor Licensing.*

[F.R. Doc. 70-13869; Filed, Oct. 13, 1970; 8:52 a.m.]

### STATE OF MARYLAND

#### Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Maryland for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended. The Commission is also publishing for comment a proposed Memorandum of Understanding between the State and AEC which would accompany the agreement. The Memorandum of Understanding is made for the purpose of facilitating an agreement with the State pending resolution of the jurisdictional issue raised by the Maryland Department of Water Resources' Surface Water Appropriation Permit No. C-70-SAP-1 to Baltimore Gas and Electric Co. The permit purports to impose limits upon radionuclide concentrations in liquid waste discharged by the Company's Calvert Cliffs nuclear power station being constructed at Calvert County, Md. The legal issue of whether or not a state has authority to impose radioactivity standards on a nuclear power plant licensed by the Commission is being litigated in a cause pending before the U.S. District Court for the District of Minnesota, Northern States Power Company v. State of Minnesota (pending litigation).

A résumé, prepared by the State of Maryland and summarizing the State's proposed program for control of sources of radiation, is set forth below as an appendix to this notice. A copy of the program, including proposed Maryland regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Chief, Public Proceedings Branch, within

30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, have been published in the FEDERAL REGISTER and are codified in 10 CFR Part 150.

Dated at Germantown, Md., this 16th day of October 1970.

For the Atomic Energy Commission.

W. B. McCOOL,
*Secretary of the Commission.*

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF MARYLAND FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, The U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, The Governor of the State of Maryland is authorized under Section 689 of Article 43 of the Annotated Code of Maryland, 1965 Replacement Volume, and 1968 Supplement, to enter into this Agreement with the Commission; and

Whereas, The Governor of the State of Maryland certified on September 30, 1970, that the State of Maryland (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, The Commission found on _____ that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, The State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, The Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

Whereas, This Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on January 1, 1971, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at _____,
in triplicate, this _____ day of _____.

FOR THE UNITED STATES ATOMIC ENERGY COMMISSION

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FOR THE STATE OF MARYLAND

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PROPOSED MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE OF MARYLAND AND THE U.S. ATOMIC ENERGY COMMISSION

The State of Maryland (State) and the U.S. Atomic Energy Commission (Commission) have this date entered into an "Agreement between the U.S. Atomic Energy Commission and the State of Maryland for Discontinuance of Certain Commission Regulatory Authority and Responsibility within the State pursuant to section 274 of the Atomic Energy Act of 1954, as Amended" ("274b. Agreement"), the effective date of which is _____, 1971.

On July 10, 1970, the State's Department of Water Resources issued Surface Water Appropriation Permit No. C-70-SAP-1 to Baltimore Gas and Electric Co. (Company). Among other things, that Permit purports to impose limits upon radionuclide concentrations in liquid waste discharged by the Company's Calvert Cliffs nuclear power station being constructed at Lusby, Calvert County, Md., under Construction Permits Nos. CPPR-63 and CPPR-64, issued by the Commission on July 7, 1969.

Whether a State may lawfully impose requirements, for purposes of protection against radiation hazards, on effluents discharged from a facility licensed by the Commission is currently an issue in litigation in a cause pending before the U.S. District Court for the District of Minnesota, styled Northern States Power Company v. State of Minnesota et al. (Civil Court File No. 3-69-185 Civil).

The purpose of this Memorandum of Understanding between the State and Commission is to facilitate the parties' entry into the 274b. Agreement without prejudice to their respective legal positions on the question described in the preceding paragraph.

It is hereby agreed between the Commission and the Governor of the State acting on behalf of the State, as follows:

*First*. Nothing herein nor in the 274b. Agreement shall be construed as defining or affecting the respective rights and powers of the Commission or the State under the U.S. Constitution.

*Second*. Nothing herein nor in the 274b. Agreement shall in any manner affect or prejudice the position of either party with respect to the legal authority, or the lack thereof, of the State to impose requirements, for purposes of protection against radiation hazards, upon activities within the State licenzed by the Commission.

*Third*. This Memorandum of Understanding shall be effective on January 1, 1971, and shall remain in effect so long as the 274b. Agreement remains in effect.

Done at Annapolis, Md., in triplicate, this ------ day of ----------, 1970.

FOR THE STATE OF MARYLAND

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FOR THE ATOMIC ENERGY COMMISSION

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STATE OF MARYLAND PROGRAM FOR THE REGULATION OF ATOMIC ENERGY

FOREWORD

A new cabinet level State Department of Health and Mental Hygiene was established by a legislative act of Maryland's General Assembly, effective July 1, 1969, to encompass the functions and responsibilities of the existing State Department of Health, Mental Hygiene, Comprehensive Health Planning, and Juvenile Services and the new Directorate for Mental Retardation.

The changing economic, social, and cultural characteristics of Maryland's expanding and diversified population have added to the complexities of providing high caliber health care on a large scale. The concept of an overall Department of Health and Mental Hygiene was predicated upon an urgent need to deliver comprehensive health services to the public as quickly, economically, and effectively as possible. Basic to the delivery of improved health care is coordination and effective utilization of existing services and resources in order to construct a broader and more flexible system for dealing with Maryland's health problems.

A new Directorate of Environmental Health Services was established on April 3, 1970, and its activities include air quality control, water and sewerage, solid wastes, drug control, food and milk, general sanitation, and radiological health, all formerly under the Health Department.

The Secretary of Health and Mental Hygiene is given the power to formulate and promulgate rules, regulations and standards for the purpose of promoting and guiding the development of the environmental, physical, and mental hygiene services of the State and its subdivisions. It is also the duty of the Secretary of Health and Mental Hygiene to enforce rules and regulations promulgated by the Department of Health and Mental Hygiene. The control of ionizing radiation is among specifically defined functions designated to the Secretary by legislation.

Section 274 of the Atomic Energy Act of 1954, as amended, authorizes the U.S. Atomic Energy Commission to enter into an agreement with the Governor of a State to transfer to the State certain licensing and control of byproduct, source, and special nuclear materials in quantities not sufficient to form a critical mass. The Department of Health and Mental Hygiene is prepared to accept these additional responsibilities and hereby presents a narrative description of its proposed program for the control of ionizing radiation, including naturally occurring radionuclides, accelerator produced radionuclides, and certain radiation producing machines.

The regulatory program for control of sources of ionizing radiation in Maryland will be conducted in such a manner as to protect the public health and safety, and at the same time to encourage the constructive uses of radiation. Every effort has been made to make this program compatible with the regulatory program of the U.S. Atomic Energy Commission and continued compatibility will be maintained. Uniformity with the regulatory programs of other agreement States will be maintained insofar as possible.

The Governor on behalf of the State of Maryland is authorized to enter into an agreement with the Federal Government providing for the State to assume certain responsibilities with respect to sources of radiation. This authority is granted in Article 43, section 689 of the Annotated Code of Maryland (1965 Replacement Volume and 1968 Supplement).

CHRONOLOGY OF EVENTS RELATING TO RADIATION CONTROL

LEGISLATIVE

*1960.* The "Radiation Protection Act" was enacted by the General Assembly. This Act set forth public policy regarding uses of ionizing radiation, and of radiation control. The Maryland State Board of Health and Mental Hygiene was empowered to formulate and promulgate, amend and repeal rules and regulations controlling sources of radiation. The Act also created the Radiation Control Advisory Board to review policies and programs of the Board, and to consult with and render advice to the Board on problems, procedures, and matters relating to radiation.

*1962.* A bill was passed by the General Assembly to add a new section to the "Radiation Protection Act", providing generally for the Governor to enter into agreements with the Federal Government for discontinuance of certain responsibilities in respect to radiation and the assumption thereof by the State.

*1963.* On April 30, Governor Tawes signed into law House Bill 555 making Maryland party to the Southern Interstate Nuclear Compact.

*1966.* The Governor's Advisory Committee on Nuclear Energy became the "Advisory Commission on Atomic Energy" by special Act of the Legislature in June. Its purpose, as declared, is "to advise the Governor and the State Government concerning matters arising from the peaceful application of atomic energy."

*1967.* A section was added to the Radiation Protection Act in June to permit the State Board of Health and Mental Hygiene to license radioactive materials.

*1969.* Article 41, section 206 of the Annotated Code of Maryland (1965 Replacement Volume and 1969 Supplement) created a Department of Health and Mental Hygiene as a Principal Department within the Executive Branch to be headed by a Secretary. The State Board of Health and Mental Hygiene was abolished and replaced by the Department of Health and Mental Hygiene.

GOVERNOR'S APPOINTMENTS, BOARD, AND ADVISORY BODY ACTIONS

*1957.* Recognizing the potential public health implications of the rapidly growing field of nuclear energy, the Director of Health called together a group of knowledgeable persons in mid-1957 to meet with selected staff members to discuss the problem. An informal advisory committee was the outgrowth of this meeting.

*1959.* A Governor's Advisory Committee on Nuclear Energy was appointed to make recommendations on State policy with respect to proper development of peacetime uses of nuclear energy.

The U.S. Congress passed Public Law 86-373 in September providing legislative means for the Atomic Energy Commission to transfer to States the responsibility for the regulation of the use of radioisotopes, the source materials and prescribed quantities of fissionable materials. Recommendation was made to the Department, both by the Radiation Control Advisory Board and by the Governor's Advisory Committee on Nuclear Energy, that preparation should be made to assume this responsibility from the AEC so the State could increase its capacity to protect the health and safety of its citizens from the hazards of ionizing radiation.

*1961.* Henry T. Douglas, Chief of Planning, Maryland Port Authority, was appointed as the Maryland representative to the Southern Interstate Nuclear Board.

*1963.* The "Regulations Governing Radiation Protection" were approved by the Radiation Control Advisory Board and adopted by the State Board of Health and Mental Hygiene on September 27, 1963, to become effective January 1, 1964. These regulations were primarily for X-ray control.

*1969.* A contract between the U.S. Atomic Energy Commission and the Maryland State Department of Health was signed as a part of a Pilot Program of the U.S. AEC in developing a centralized system for the recording of occupational exposure to radiation. This contract generally requires the State to furnish to the Commission reports on radiation exposure received by persons employed by Maryland registrants who are required to so register pursuant to the Radiation Protection Act of 1960.

*1970.* April 3. A Directorate of Environmental Health Services was established by the Secretary of Health and Mental Hygiene. This action placed environmental health services on a level equal to that of the Department of Health, Department of Mental Hygiene, and others under the State Department of Health and Mental Hygiene.

July 9. At a formal meeting, the Radiation Control Advisory Board voted its approval of Maryland's becoming an agreement State and approved new regulations drafted for the purpose of assuming the additional regulatory functions.

August 17. The new "Regulations Governing Radiation Protection" were adopted by the Secretary of Health and Mental Hygiene.

HISTORY OF DEPARTMENT ACTIVITIES IN RADIATION CONTROL

For at least 20 years, the State of Maryland has been concerned with some aspect of the problem of protecting the public health against overexposure to ionizing radiation. Health Department records show that a survey of an X-ray machine was made on October 14, 1947, by Industrial Health personnel using a newly purchased survey meter. Later, that same month, members of the staff attended a meeting discussing the Evaluation and Control of Health Hazards Associated with the use of radioactive materials.

In 1956, Maryland was among the first States to join the U.S. Public Health Service's Radiation Surveillance Network. The purpose of this nationwide sampling network was to determine the amount of radioactive fallout in air and precipitation.

During 1957, several industrial X-ray installations were surveyed by the Industrial Hygiene Section as a part of their overall plant inspections. This attention to ionizing radiation was expanded in 1958 to include radium surveys of the Hearing Clinics at several County Health Departments, and radiation protection surveys of all X-ray installations located in County Health Department clinics.

In 1958 the Department purchased an internal proportional counter for gross beta determinations on some streams used as public water supply sources.

In 1959 the Department assigned two chemists to conduct radiation laboratory analyses, and in 1960 began securing a limited amount of additional laboratory and field equipment to initiate monitoring in the Maryland vicinity of the authorized nuclear power generating station at Peach Bottom, Pa., on the Susquehanna River. Operation of a radiological milk sampling station was begun in Baltimore in August of 1960 as a part of the Public Health Service Pasteurized Milk Network.

During the academic year 1959-60, a staff member was sent to Harvard University and Brookhaven National Laboratory to obtain

a masters degree in Radiological Health under an Atomic Energy Commission Fellowship. Upon completion of the training, he was placed in charge of developing a radiation protection program as head of a newly created Radiation Protection Section in the Division of Occupational Health.

In 1962 a Public Health Radiation Specialist was added to the staff to assist in the evaluation and correction of hazards associated with the use of X-ray machines.

Because of an increase in nuclear weapons testing in 1962 and the resulting increase in radioactive fallout from the atmosphere, Maryland intensified its environmental surveillance program. Air sampling stations were set up at nine new locations, and water was sampled from various locations on nine streams and other bodies of water on a routine basis.

In 1963 a second Public Health Radiation Specialist was added to the staff to give special attention to radium, other radionuclides, and environmental surveillance; and to assist in planning for Maryland's entry into an agreement with the Atomic Energy Commission.

A dental X-ray Surpac Survey begun 2 years earlier was completed in 1963. In excess of 1,350 dental X-ray units were surveyed during this period. The Surpac had been developed to be used in a "mail-order" type survey; however, personal visits to the dentists' offices were found to be more beneficial and the program included these visits. Collimation and filtration corrections where required were subsequently made on all of the surveyed units.

During the summer months of 1963 a survey of 202 Baltimore physician office X-ray units located in 129 installations was made in cooperation with the Baltimore City Health Department and the approval of the Baltimore City Medical Society. The principal purpose of the project was to estimate the degree to which existing X-ray units employed by this segment of the medical profession met minimum standards established by the National Committee on Radiation Protection and Measurements as published in "Handbook 76" of the National Bureau of Standards, and the "Suggested State Regulations for Control of Radiation" prepared by the Council of State Governments. Additional objectives of the survey were to:

1. Obtain a basis for extending the estimate of the condition of the medical X-ray units in use in the city to those in the State.
2. Provide field experience in survey techniques for City Health Department personnel.
3. Develop a field survey form and report for machine owners.

The special survey disclosed that more than 75 percent of the units were deficient in one or more items considered to meet minimum standards.

Beginning in June of 1963, a special University Course entitled "Fundamentals of Radiation and Healthful and Safe Management of Ionizing Radiation," cosponsored by the AEC and the State Department of Health, was offered at Loyola College in Baltimore. Combination lectures and laboratory sessions or site visitations were held one afternoon each week for an academic year. Loyola College faculty members organized and taught the course with the assistance of guest lecturers. Three persons from the Division of Occupational Health (two of them from the Radiation Protection Section) completed the course. Several staff members from the Baltimore City Health Department, and some of the county health departments also participated. A local hospital and one industrial firm also sent one person each to the course.

The registration of sources of ionizing radiation, except exempt radioactive material and radioactive material licensed by the AEC, required by the new Maryland "Regulations Governing Radiation Protection" was begun in January 1964.

An extensive State-wide environmental surveillance plan was developed during 1964. The plan, involving the cooperation of numerous other divisions of the Department and other Agencies, prescribed sampling and the radio-analysis of samples taken throughout the State from the following media:

1. Air.
2. Milk.
3. Water.
   a. Rain.
   b. Surface Streams.
   c. Public Water Supplies (surface, wells, and springs).
4. Aquatic Life.
5. Soil and Vegetation.

In 1965, four new positons for the Radiation Protection Section were authorized and subsequently filled. Three of the new positions were for health physicists to work in the X-ray survey program, and one health physicist to work in the radionuclide program.

On July 1, 1967, the Radiation Protection Section became the Division of Radiological Health as part of a Departmental organizational change.

CURRENT DEPARTMENT ACTIVITIES IN RADIATION CONTROL

There are currently 3,801 X-ray units registered at 2,306 installations in the State. Of the units registered 3,463 (or approximately 91 percent) have been inspected at least once. At this time 3,137 (approximately 82 percent of those registered) are in conformance with the regulations. About 75 percent of the units surveyed were either in conformance at the time of the survey, or were brought into conformance by the surveyors, who can make minor corrections on the spot.

During 1968 color T.V. sets were surveyed in the homes of the owners at the owners specific request. Of the 530 sets inspected, 38 sets were found to be emitting 0.5 mR/hr or more with no obvious correlation to manufacturer. During 1969, 487 sets were inspected with 30 sets found to be emitting in excess of 0.5 mR/hr.

There are 54 radium installations registered all of which have been inspected with 41 percent showing deficiencies in good health and safety practices that have since been corrected. Leak testing of radium sources is performed by the staff during these inspections. At the present, resurveys of radium installations are in progress. Radium utilization is indicated as follows: 44 percent, private medical practices; 32 percent, hospitals; 17 percent, industrial applications; and 7 percent, educational institutions. Sixty percent of the total registrants are located in Baltimore City and employ 72 percent of the total radium inventory registered. One-half of the Baltimore City registrants are practicing physicians. There are 10 hospitals registered representing one-third of the total radium inventory registered in the State. The Department has been called upon to assist in searches for lost radium sources and in other radium incidents. There has been no problem of lack of communication on the part of radium users with the Department in these instances. Lost radium sources have been located by the Department personnel in some cases.

The number of applications for the utilization of radioactive material increased approximately 6 percent in Maryland during 1969. As of December 31, 1969, an additional five facilities were recorded as licensees of the U.S. Atomic Energy Commission which had issued 20 new licenses for the utilization of radioactive material in the State during the past year. Two hundred and thirteen individual Maryland based licensees are using radioactive material as authorized by 366 AEC licenses. Sixty-five percent of the AEC licensees are located in Baltimore City, Montgomery County, Baltimore County, and Prince Georges County in descending order. Approximately 45 percent or 96 AEC licensees possess and use radioactive material in Baltimore City and Montgomery County.

Authorized use of radioactive materials approximates 4.5 million curies of byproduct material, 1,000 kgs. of special nuclear material, and 25 tons of source material. Of the 4.5 million curies of byproduct material, approximately 91 percent is authorized for industrial applications, 1 percent for medical diagnosis and therapy, and 8 percent for research and special projects.

Health Department staff members have accompanied AEC inspectors on inspections of licensees within the State for many years. During the last 6 years, these accompanying visits have been made in 95 percent of the inspections. This opportunity has allowed Division of Radiological Health staff members to gain valuable experience in the conduct of inspections of byproduct, source, and special nuclear material licenses.

In March of 1970 a new section, Nuclear Facilities and Environmental Surveillance was established within the Division of Radiological Health to increase the Division's capacity to deal with new problems arising from the expansion of nuclear power. The greatest potential source of manmade radioactive contamination of the environment is no longer fallout from nuclear weapons testing, but discharges from large nuclear facilities. Therefore, the Calvert Cliffs Nuclear Power Station being constructed in Maryland on the Chesapeake Bay by the Baltimore Gas and Electric Co. has been given high planning priorities in environmental surveillance and emergency procedures.

PROGRAM DESCRIPTION

The Secretary of Health and Mental Hygiene by law (Articles 41 and 43, 1965 Replacement Volume, 1969 Supplement) has the authority for regulating, licensing and inspecting sources and uses of radioactive materials and machines and devices producing ionizing radiation.

The radiation control program will be carried out by the Division of Radiological Health, an organizational division of the Bureau of Consumer Protection of the Directorate of Environmental Health Services.

Laboratory services for the prgoram are provided by the Radiation Laboratory of the Division of Environmental Chemistry in the Bureau of Laboratories. Although the radiation laboratory is not administratively located in the Division of Radiological Health; it operates exclusively for the Radiological Health Program, and receives technical guidance from the Division staff, and from the Director of the Bureau of Consumer Protection.

*Licensing and registration.* The registration of all radiation producing machines is required except those specifically exempted in accordance with the regulations. The registrant shall be subject to all applicable requirements of the regulations and at the time of registration shall designate an individual, qualified by training and experience, to be responsible for radiation protection practices such as:

1. Recommending a radiation safety program adequate to meet applicable requirements of the regulations.
2. Giving instructions concerning hazards and safety practices.

3. Making surveys as required. This registration program will be similar to current registration activities.

Licensing of radioactive materials will be required as set forth in Part B of the regulations.

Licensing procedures and criteria will be consistent with those of the Atomic Energy Commission.

General Licenses are effective by regulation without the filing of applications with the Division or the issuance of licensing documents. General licenses are issued for specified materials under specified conditions when it is determined that the issuance of specific licenses is not necessary to protect the public and occupational health and safety. Specific licenses or amendments thereto are issued upon review and approval of an application. A specific licensing document will be issued to named persons and will incorporate appropriate conditions and expiration date.

The Chief of the Division of Radiological Health and the Head of the Radionuclide Section will evaluate license applications.

When appropriate, the Division will request the advice of the Radiation Control Advisory Board with respect to any matter pertaining to a license application or to criteria for reviewing applications. A Medical Advisory Committee has been appointed to provide advice and consultation on applications for nonroutine administration of radioisotopes to human beings, physician qualifications and research protocols.

*Inspection.* Staff personnel will conduct inspections of licensees and registrants to determine compliance with regulations promulgated by the Department and to determine the adequacy of the radiation protection program. Inspections will be performed under the supervision of the heads of the Radionuclide and X-ray Sections. Three health physicists will perform inspections of radiation producing machines. Two health physicists will perform radioactive materials inspections.

Inspection frequency for radioactive material licensees will be based upon the extent of the hazard potential and experiences with the particular facility. It is expected that all specific licensees will be inspected at least once each 2-year period.

The following frequency is anticipated.

| *Classification* | *Usual inspection frequency* |
|---|---|
| Industrial radiography: | |
| Fixed installations | Once each 12 months. |
| Mobile installations | Once each 6 months. |
| Commercial waste disposal operations | Once each 6 months. |
| Broad licenses: Industrial, Medical, or Academic | Once each 6–12 months. |
| Teletherapy licenses | Within 6 months of source installation, then once each 12 to 24 months. |
| Other specific licenses | Once each 12–24 months. |

Inspections will be made by prearrangement with the licensee or may be unannounced at reasonable times, as the Division, in its judgment, determines to be most constructive. Consultation visits will be made frequently in the early years of the licensing and compliance program in order to establish understanding and cooperation. It will be the policy of the Division to conduct prelicensing visits and to offer constructive assistance in licensing matters prior to issuance of a license for a new application for radioactive material utilization or for a significant amendment to an existing license.

Inspections will include the observation of pertinent facilities and equipment; a review of use procedures and radiation safety practices; a review of records of radiation surveys, personnel exposure, and receipt and disposition of licensed materials; and instrument surveys to assess radiation levels incident to the operation—all as appropriate to the scope and conditions of the license and applicable regulations.

At the start and conclusion of an inspection, personal contact will be at management-level whenever possible. Following the inspections, results will be discussed with the licensee management, appropriate tentative recommendations will be made and questions answered.

Investigations will be made of all reported or alleged incidents to determine the conditions and exposures incident thereto and to determine the steps taken for correction, cleanup, and the prevention of similar incidents in the future.

Radiological assistance in the form of monitoring, liaison with appropriate authorities, and recommendations for area security and cleanup will be available from the Division.

Reports will be prepared covering each inspection or investigation. The reports will be reviewed by a senior staff member and submitted to the Division Chief for approval.

In general, facilities or registrants of radiation machines are scheduled for inspections according to the following listing:

| Priority | Type | Comments |
|---|---|---|
| I | Request inspections | Announced or unannounced in response to requests from owners, users, health authorities, or other responsible persons |
| II | Follow-up inspections | Announced or unannounced. To insure correction of items of nonconformance noted in other inspection activities which create danger to public or occupational health and safety. |
| III | Initial inspections | Announced; initiated by the Division. |
| IV | Reinspections | Announced; usually scheduled because of changes in the nature of the equipment, facilities, or procedures made after completion of the initial inspection. |

It is the intention of the Department to inspect all facilities having radiation machines as often as possible giving priority on the basis of workload. The establishment of a 3-year reinspection cycle is now the Department goal.

*Compliance and enforcement.* The status of compliance with regulations, registration, or license conditions will be determined through inspections and evaluations of inspection reports.

When there are items of noncompliance, the licensee will be so informed at the time of inspection. When the items are minor and the licensee agrees at the time of inspection to correct them, written notice at the completion of the inspection will list the items of noncompliance, confirm corrections made at the time, and inform the person that a review of other corrective action will be made at the next inspection.

Where items of noncompliance of a more serious nature occur, the licensee will be informed by letter of the items of noncompliance and required to reply within a stated time as to the corrective action taken and the date completed. Assurance of corrective action will be determined by a follow-up inspection or at the time of the next regular inspection.

Upon request by the licensee, the terms and conditions of a license may be amended, consistent with the Act or regulations, to meet changing conditions in operations or to remedy technicalities of noncompliance of a minor nature. The Department may amend, suspend, or revoke a license whenever, after hearing, it is determined that a licensee has failed to comply with the State law or regulations.

The Department will use its best efforts to attain compliance through cooperation and education. Only in instances where real or potential hazards exist, or cases of repeated noncompliance or willful violation will the full legal procedures normally be employed.

Whenever the Department finds that an emergency exists requiring immediate action to protect the public health or welfare, it may issue an order reciting the existence of such an emergency and requiring that such action be taken as it deems necessary to meet the emergency. Such order shall be effective immediately. The Department is empowered to impound or order the impounding of sources of ionizing radiation in the possession of any person who is not equipped to observe or fails to observe the provisions of the Radiation Protection Act or regulations promulgated thereunder.

*Reciprocity.* The regulations provide for the recognition of licenses issued by the U.S. Atomic Energy Commission or other agreement States.

*Emergency response.* The Division of Radiological Health possesses trained manpower and equipment capability to respond under emergency conditions in the event of any incident in the State involving radioactive material. Each member of the Division is subject to call on a continuous basis in case of any radiological emergency. Competency exists to take complete charge of the radiological recovery program or to give assistance and guidance to another agency. A program of mutual assistance with other agencies such as the police, fire, and Federal agencies is actively pursued. A formal plan for radiological emergency assistance will be prepared.

*Instrumentation.* The Division of Radiological Health is equipped with portable area and personnel monitoring equipment.

*Rate meters.*

*Alpha.* 1—Eberline Model PAC—1SAGA scintillation counter.
(a) AC-3 detector.
(b) RASP detector.
1—Eberline Model PAC-1SA.
1—Eberline Model PAC-1S.
(a) AC-3 detector.
1—Eberline Model PAC-3G gas proportional counter.

*Beta Gamma.* 1—Eberline Model E500B GM survey meter.
(a) Model HP-180A detector.
(b) Model HP-177A detector.
1—Ludlum Model 14A GM survey meter.
1—Jordan Model 457 GM area monitor.
1—Victoreen Thyac II Model 459 GM survey meter.
4—Nuclear Corp. of America Model CS-40A.

*Gamma.* 1—Eberline PG-1 Plutonium gamma detector for use with PAC-1SAGA.

*Integrating meters.*

4—Victoreen Model 570 condenser R meters.
(a) 8—25 R chambers.
(b) 3—10 R chambers.
(c) 3—0.25 R chambers.
(d) 3—0.025 R chambers.
1—Victoreen Minometer II.

(a) 3—0.01 R chambers.
(b) 10—0.2 R chambers.
5—Dosimeter chargers.
6—Dosimeters (0-200 mR).
8—Dosimeters (0-2R).
4—Dosimeters (0-20R).
1—Dosimeter (0-100R).
*Standby emergency equipment.*
7—CDV 700.
2—CDV 715.
2—CDV 720.

The Radiation Laboratory includes a chemistry laboratory for the preparation of samples and a counting facility.

*Laboratory Equipment.*

1—Beckman—Wide Beta II—Low Background Automatic Planchett Counting System.
1—Beckman—Liquid Scintillation Spectrometer Model LS-133.
1—Victoreen Tullamore Model ST 400 DL Analyzer.
(a) 1—Monroe Model MC 10-40 paper tape printer.
(b) 1—Photovolt Varicord Model 43 strip chart recorder.
(c) 1—3 x 3 NaI crystal.
(d) 2—2 x 2 NaI crystals.
(e) 1—Victoreen 3-inch universal shield.
1—Nuclear Measurements Corp. scaler, Model DS1A.
(a) 1—Internal proportional converter; Model RCC-11A.
(b) 1—Universal shield with NMC end window GM Detector.

*Standby Equipment.*

1—Low level Beta counting system, W. R. Johnston Lab., Inc., Model D with 5-channel analyzer and 36 sample capacity automatic sample changer.
(a) 6-inch steel shield (from Battleship U.S.S. Hawaii—preatomic age steel).
(b) 1—large window, gas flow, GM counter window 10" x 8".
(c) 1—2 pi counter.
(d) 3—Libby foil flow counters.

STAFF

Current staff qualifications follow. Future replacements and additions will be similarly qualified.

DIRECTOR, BUREAU OF CONSUMER PROTECTION

*Education and Training.*

B.S. Chemistry—Johns Hopkins University, 1955.
M.P.H. Environmental Medicine—Johns Hopkins School of Public Health and Hygiene, 1957.
S.M. Hygiene—Environmental Health—Harvard School of Public Health 1960 (AEC-Fellowship) Summer-Brookhaven National Laboratory.
USPHS Training Courses:
Basic Radiological Health, Cincinnati, Ohio.
Reactor Safety and Hazards Evaluation, Cincinnati, Ohio.
Medical X-Ray Protection, Rockville, Md.
Management of Radiation Accidents, Rockville, Md.
Introduction to Automatic Data Processing System, Rockville, Md.
Radium Hazards and Control, Rockville, Md.
AEC Training Courses: Three-week Orientation Course—(Licensing Practices).

*Experience and Related Activity.*

Present Maryland State Health Department:
1942-1951—Chemist — In-Charge—Eastern Shore Chemical Lab.
1951-1960—Chemist—Industrial Health—Air Pollution. Instrumental in establishing PHS environmental radiation surveillance monitoring system.
1960-1965—Head, Radiation Protection Section. Responsible for developing radiation protection program in Maryland.
1965-1966—Chief, Division of Occupational Health. Supervised radiological, industrial health, and air pollution programs.
1966—Present—Director, Bureau of Consumer Protection. Establishes and directs the programs and policies and coordinates the operation of the four divisions of the Bureau; namely, Radiological Health, Food and Milk, Drug Control, and General Sanitation.

CHIEF, DIVISION OF RADIOLOGICAL HEALTH

*Education and Training.*

B.S. Chemistry—University of Denver, 1948.
Math—University of Tennessee, 1958-59.
USPHS Training Courses:
Basic Radiological Health, Rockville, Md., 1963.
Medical X-Ray Protection, Rockville, Md., 1964.
Radium Hazards and Control, Rockville, Md., 1965.
Reactor Safety and Hazards Evaluation, Rockville, Md., 1968.
Training Conference on Nonionizing Radiation, Rockville, Md., 1969.
USAEC Training Courses:
University: Fundamentals of Radiation and Healthful and Safe Management of Ionizing Radiation, Loyola College, Baltimore, Md. (essentially equivalent to the academic portion of the 10-Week Course in Health Physics and Radiation Protection), 1963-64.
Orientation Course in Regulatory Practices and Procedures, Bethesda, Md., 1964 and 1966.
Applied Health Physics, Oak Ridge, Tenn. (3 weeks), 1967.

*Experience and Related Activity.*

1953-54—Trustees of the Public Water Works, Pueblo, Colo., Chemist. Assistant to Laboratory Supervisor.
1954-60—Oak Ridge National Laboratory, Oak Ridge, Tenn., Chemist. Shift supervisor in High Radiation Level Analytical Facility.
1960-62—Martin Marietta Corp., Baltimore, Md., Chemist. Responsible for development of methods for radiochemical separation and purification of radioisotopic fuel sources.
1962—United Nuclear Corp., Pawling, N.Y. Chemist. Responsible for plutonium product chemistry.
1962—U.S. Army Edgewood Arsenal Nuclear Defense Laboratory, Edgewood, Md. Chemist. Radiochemistry research and development.
1963-Present—Maryland State State Department of Health, Baltimore Md.
1963-66—Public Health Radiation Specialist. Responsible for radionuclide program and statewide environmental radiation surveillance program. Assisted in X-ray registration and inspection program.
1966-67—Head, Radiation Protection Section. Responsible for administration of radiological health program.
1967-Present—Chief, Division of Radiological Health. Responsible for administration of radiological health program on the divisional level.

PUBLIC HEALTH RADIATION SPECIALIST

*X-Ray Section*

*Education and Training.*

B.S. Physics—Loyola College, Baltimore, Md., 1942.
USPHS Training Courses:
Basic Radiological Health.
Medical X-Ray Protection.
Occupational Radiation Protection.
Radiation Safety in Industrial Radiography.
Training Conference on Nonionizing Radiation, Rockville, Md.
Special Courses:
Health Physics and Radiographic Safety—Budd Co.
Safe Handling of Radioisotopes—Picker X-Ray Co.
USAEC Training Courses: Ten-Week Course in Health Physics.

*Experience and Related Activity.*

1955-65—Roberts and Randolph Ultrasonics Co.—Nondestructive testing including X-ray.
1965-Present—Maryland State Health Department, Public Health Radiation Specialist. Responsible for registration, utilization, and surveillance of X-ray installations.

PUBLIC HEALTH RADIATION SPECIALIST

*Radionuclide Section*

*Education and Training.*

B.S. Chemistry—Heidelberg College, Tiffin, Ohio, 1940. Graduate Chemistry—Ohio State University, 1948.
USPHS Training Courses:
Basic Radiological Health.
Medical X-Ray Protection.
Training Conference on Nonionizing Radiation, Rockville, Md.
USAEC Training Course: Orientation Course in Regulatory Practices and Procedures.

*Experience and Related Activity.*

1948-52—General Electric Co., Richland, Wash., Radiochemist.
1952-56—General Electric Co., Richland, Wash., Health Physics Supervisor.
1956-58—USAEC Chicago, Ill. Tech. Rep.—Nuclear Materials.
1958-62—USAEC Pittsburgh, Pa., Branch Chief Nuclear Materials Management.
1962-68—Martin Marietta Corp., Baltimore, Md., Nuclear Materials and Licensing Representative.
1968-Present—Maryland State Health Department, Public Health Radiation Specialist. Responsible for licensing, utilization, and control of all radionuclides.

PUBLIC HEALTH RADIATION SPECIALIST

*Nuclear Facility and Environmental Surveillance Section*

*Education and Training.*

B.S. Mathematics—St. Michael's College, Winooski Park, Vt., 1952.
Training Courses:
Nuclear Instrumentation Fundamentals and Standardization—Brookhaven National Laboratory (BNL).
Principles of Film Dosimetry (BNL).
Reactor Theory (BNL).
Radioactive Waste Management (BNL).
Environmental Surveillance (BNL).
Hot Laboratory Equipment—Design Features (BNL).
Fundamentals of Nuclear Engineering—Bethlehem Steel Co.
Basic Radiological Health USPHS.

*Experience and Related Activity.*

1952-56—U.S. Navy—Electronics and Communications.
1956-60—Brookhaven National Laboratory—Upton, N.Y., Health Physicist—BNL Graphite Reactor. Health Physics Supervisor—BNL Radiochemistry Department, Hot Machine Shops and Hot Laboratory.
1960-61—Bethlehem Steel Co. Shipbuilding Division—Quincy, Mass., Assistant Health Physics Engineer—Naval Nuclear Reactor Project.
1961-68—Martin Marietta Corp., Nuclear Division, Baltimore, Md., Senior Health Physicist—Chief Health Physicist 1964.
1968-70—Isotopes Nuclear Systems Division, Baltimore, Md. (formerly Martin Marietta Corp., Nuclear Division) Chief Health Physicist.

1970–Present—Maryland State Department of Health, Public Health Radiation Specialist. Responsible for review of in-state nuclear facilities and environmental surveillance.

HEALTH PHYSICIST III

*X-Ray Section*

*Education and Training.*
B.A. Physics—Syracuse University, Syracuse, N.Y., 1953.
M.A. Physics—University of Buffalo, Buffalo, N.Y., 1959.
M.A. Physics—The Johns Hopkins University, Baltimore, Md., 1967. Thesis Title (M.A. 1959) "Electron Stopping Powers of Gases Relative to Air".
USPHS Training Course: Basic Radiological Health, 1970.
*Experience and Related Activity.*
1951–56—Rome Air Development Center, Rome, N.Y., Physicist (Electronic Engineer) (Summers).
1953–57—The University of Buffalo, Buffalo, N.Y., Teaching Assistant.
1957–59—Roswell Park Memorial Institute, Buffalo, N.Y., Radiological Physicist.
1959–68—The Johns Hopkins University, Carlyle Barton Lab. Research Staff (Res. in microwaves, optics, lasers).
1968–70—Baltimore Biological Laboratory, Cockeysville, Md., Project Engineer (Physicist)—Product and Instrument Development in Bacteriology and Serology.
1970–present—Health Physicist III, Division of Radiological Health, Maryland State Department of Health.

HEALTH PHYSICIST III

*Radionuclide Section*

*Education and Training.*
B.S. Biology—Pembroke State College, 1956.
USPHS Training Courses:
Basic Radiological Health.
Medical X-ray Protection.
Occupational Radiation Protection.
US AEC Training Courses:
Ten-week Health Physics Course.
Orientation Course in Regulatory Practices and Procedures.
Manhattan College Radiography Course for State Regulatory Personnel.
*Experience and Related Activity.*
1959–62—Sinai Hospital, Clinical Lab Technician.
1962–65—Strasburger and Siegal, Bacteriological Assays.
1965–present—Maryland State Health Department, Health Physicist (X-ray and Radionuclide Programs).

HEALTH PHYSICIST II

*X-Ray Section*

*Education.*
B.S. Biology—Campbell College, 1965.
USPHS Training Courses:
Basic Radiological Health.
Medical X-Ray Protection.
Occupational Radiation Protection.
*Experience.*
1966–Present—Maryland State Health Department, Health Physicist (X-Ray).

HEALTH PHYSICIST II

*X-Ray Section*

*Education.*
B.S. Physical Education—University of Maryland, 1965.
USPHS Courses:
Basic Radiological Health.
Medical X-Ray Protection.
Occupational Radiation Protection.
*Experience.*
1965–Present—Maryland State Health Department, Health Physicist (X-Ray).

HEALTH PHYSICIST II

*Radionuclide Section*

*Education and Training.*
B.S. Physics—Morgan State College, Baltimore, Md., 1967.
M.S. Radiological Health—North Dakota State University, Fargo, N. Dak., 1969.
Organic Chemistry—Towson State College, Baltimore, Md., 1967.
*Experience and Related Activity.*
1967—Bendix Corp., Baltimore, Md., Reliability Engineer and Computer Programer.
1968—State Department of Health, Bismarck, N. Dak., Environmental Health Trainee—Radionuclide and X-Ray Inspections.
1969—University Hospital of San Diego County, San Diego, Calif.—Radiation Safety Officer including responsibility for personnel safety, monitoring, waste control, and patient dose calculations.
1970—Morgan State College, Baltimore, Md., Anatomy and Physiology Instructor.
August 1970—Maryland State Department of Health and Mental Hygiene, Health Physicist—Radionuclide Program.

RADIOCHEMIST

*Radiation Laboratories, Bureau of Laboratories*

*Education and Training.*
B.S. Chemistry—Johns Hopkins University, 1957.
USPHS Training Courses:
Radionuclide Analysis by Gamma Spectrometry.
Introduction to Automatic Data Processing.
Ion-Exchange Workshop.
USAEC Training Courses: Health Physics, Loyola College, Baltimore, Md.
Special Courses:
Theory and Operation of Channel-Analyzer—Victoreen Instrument Co.
Radiation Chemistry—Sponsored by A.C.S.
*Experience and Related Activity.*
1959–Present—Maryland State Health Department, Radiochemist—Responsible for analysis of radiological surveillance samples.

LABORATORY SCIENTIST I (RADIOCHEMISTRY)

*Radiation Laboratory Bureau of Labs*

*Education and Training.*
B.S. Biology—Towson State College, 1968.
Additional College Courses, Towson State College:
Calculus.
General Physics.
USPHS Training Course: Basic Radiological Health.
*Experience and Related Activity.*
September 1966–January 1968—Math-Science Teaching Baltimore County.
January 1968–January 1969—Claims Adjustor, U.S. Government.
August 1969–present—Maryland State Health Department, Analysis of Environmental Surveillance Samples.

LABORATORY TECHNICIAN (RADIOCHEMISTRY)

*Radiation Laboratory Bureau of Labs*

*Education and Training.*
Graduate Eastern High School—Academic Curriculum, 1967.
College Courses:
Chemistry.
General Botany.
Microbiology.
*Experience.*
1967–present—Maryland State Health Department, Environmental Surveillance Sample Preparation and Counting.

[F.R. Doc. 70-14173; Filed, Oct. 20, 1970; 8:49 a.m.]

[Docket No. 50-332]

## ALLIED-GULF NUCLEAR SERVICES

### Notice of Availability of Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and to the Atomic Energy Commission's regulations in 10 CFR Part 50, notice is hereby given that a document entitled "Detailed Statement on the Environmental Considerations by the Division of Materials Licensing, U.S. Atomic Energy Commission, Related to the Proposed Construction of the Barnwell Nuclear Fuel Plant by Allied-Gulf Nuclear Fuel Services" is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and in the Office of the County Commissioners, Barnwell County Courthouse, Main Street, Barnwell, S.C., where it will be available for public inspection. Appended to the statement are the applicants' environmental report and the comments of various Federal, State, and local agencies. A public hearing on the application for a construction permit commenced October 20, 1970, in Barnwell, S.C.

Single copies of the statement may be obtained by writing to the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethseda, Md., this 14th day of October 1970.

For the Atomic Energy Commission.

RICHARD E. CUNNINGHAM,
*Acting Director,*
*Division of Materials Licensing.*

[F.R. Doc. 70-14435; Filed, Oct. 27, 1970; 8:45 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

[Docket No. FDC-D-252; NDA 11-324]

## DUOGRAFIN INJECTION

### Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New-Drug Application

In a notice published in the FEDERAL REGISTER of February 6, 1970 (35 F.R. 2697) (DESI 9947), E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.J. 08903, holder of new-drug application No. 11-324 for Duografin Injection, containing 40 percent meglumine diatrizoate and 20 percent meglumine iodipamide, and any interested person who may be adversely affected by removal of the drug from the market, were invited to submit any pertinent data bearing on the announced intention to intiate proceedings to withdraw approval of the new-drug application in the absence of substantial evidence that the drug is effective as a

fixed combination for simultaneous visualization of the biliary and urinary tracts.

No data pertinent to the proposal were received.

Therefore, notice is hereby given to E. R. Squibb & Sons, Inc., and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)) withdrawing approval of that part of new-drug application No. 11-324 applying to Duografin Injection, and all amendments and supplements applying thereto, on the grounds that new information before the Commissioner with respect to this drug, evaluated with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of that part of the new-drug application applying to Duografin Injection should not be withdrawn. Such withdrawal of approval will cause any drug for human use containing the same active substances and offered for the same conditions of use to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of that part of the new-drug application applying to Duografin Injection. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the repsondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing they must file, within 30 days after the publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact 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 no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, 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 person(s) requesting the hearing otherwise agree (35 F.R. 7250, May 8, 1970).

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: October 14, 1970.

SAM D. FINE,
*Associate Commisisoner for Compliance.*

[F.R. Doc. 70-14463; Filed, Oct. 27, 1970; 8:46 a.m.]

# FEDERAL HOME LOAN BANK BOARD

[H. C. No. 79]

## GREAT WESTERN FINANCIAL CORP.

### Notice of Receipt of Application for Permission To Acquire Control of Sentinel Savings and Loan Association

OCTOBER 23, 1970.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Great Western Financial Corp., Beverly Hills, Calif., a multiple savings and loan holding company, for approval of acquisition of control of the Sentinel Savings and Loan Association, San Diego, Calif., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase for cash of the stock of Sentinel Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
*Secretary,*
*Federal Home Loan Bank Board.*

[F.R. Doc. 70-14484; Filed, Oct. 27, 1970; 8:48 a.m.]

# FEDERAL MARITIME COMMISSION

## AMERICAN WEST AFRICAN FREIGHT CONFERENCE

### Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

John K. Cunningham, Chairman, American West African Freight Conference, 67 Broad Street, New York, N.Y. 10004.

Agreement No. 7680-28, between the member lines of the American West African Freight Conference, modifies Article 18(d) of the basic agreement which provides for a November 30, 1970 termination date for the neutral body self-policing system of the conference to provide that its duration shall be the same as the duration of the remainder of the basic agreement.

Dated: October 22, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
*Secretary.*

[F.R. Doc. 70-14471; Filed, Oct. 27, 1970; 8:47 a.m.]

## STATE OF HAWAII AND MATSON NAVIGATION CO.

### Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

Melvin E. Lepine, Chief, Harbors Division, State of Hawaii, Department of Transportation, Post Office Box 397, Honolulu, Hawaii 96809.

Agreement No. T-2171-1, between the State of Hawaii (Hawaii) and Matson Navigation Co. (Matson), modifies the basic agreement which provides for the lease of marine terminal space by Hawaii to Matson. The purpose of the modification is to add 527 square feet of land to the leased premises and increase the annual rental.

Dated: October 22, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
*Secretary.*

[F.R. Doc. 70-14472; Filed, Oct. 27, 1970; 8:47 a.m.]

## STRAITS/PACIFIC CONFERENCE

### Notice of Proposed Cancellation of Agreements

Notice is hereby given that the following agreement(s) will be cancelled by the Commission pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER.

Notice of cancellation filed by:

Henry Noon & Co., Secretaries, Straits/Pacific Conference, Hong Kong Bank Chambers, Sixth Floor, Singapore 1, Republic of Singapore.

The Secretaries, Henry Noon & Co., of the Straits/Pacific Conference Agreement No. 7090 have notified the Commission of the resignation of the Conference's two remaining members, Kawasaki Kisen Kaisha and Nippon Yusen Kaisha effective October 31, 1970. Accordingly, the Commission is treating this notice as an intention to cancel Agreement No. 7090 and its companion dual rate-exclusive patronage contract system.

Dated: October 22, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
*Secretary.*

[F.R. Doc. 70-14473; Filed, Oct. 27, 1970; 8:47 a.m.]

## THAILAND/U.S. ATLANTIC & GULF CONFERENCE

### Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

Elkan Turk, Jr., Esquire, Burlingham, Underwood, Wright White & Lord, 25 Broadway, New York, N.Y. 10004.

Agreement No. 8100-6 between the member lines Thailand/U.S. Atlantic and Gulf Conference would amend the Conference's basic agreement by adding language to the effect that no conference member nor its agents, nor subsidiaries, affiliated or related companies or concerns of either member lines or agents may represent any nonconference vessel at any loading port in Thailand except as husbanding agent or except where the nonconference vessel is loading cargoes whose rates have been declared as "open" by the Conference.

According to the letter of transmittal, the term "any vessel" used in Agreement No. 8100-6 applies to "private or contract, as well as common nonconference carriers."

Dated: October 22, 1970.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
*Secretary.*

[F.R. Doc. 70-14474; Filed, Oct. 27, 1970; 8:47 a.m.]

# DEPARTMENT OF LABOR

## Office of the Secretary

## AEOLIAN AMERICAN CORP.

### Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of August 13, 1970, a petition requesting certification of eligibility to apply for adjustment assistance was filed with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the Independent Union of Piano Workers, on behalf of workers of the East Rochester, N.Y., plant of Aeolian American Corp. The petition points out that the request for certification is made under Proclamation 3964 ("Modification of Trade Agreement Concession and Adjustment of Duty on Certain Pianos") of February 21, 1970 (35 F.R. 3645). In that Proclamation, the President, among other things, acted to provide under section 302(a)(3) with respect to the piano industry that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under chapter 3, title III, of the Trade Expansion Act of 1962.

The Trade Expansion Act, section 302 (b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under chapter 3

any group of workers in an industry with respect to which the President has acted under section 302(a)(3) upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof. The same degree of causal connection is applicable here as under the tariff adjustment and other adjustment assistance provisions; that is, the increased imports have been the major factor.

Upon receipt of the petition, the Department's Director of the Office of Foreign Economic Policy instituted an investigation, following which he made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 F.R. 18342 and 35 F.R. 13408; 29 CFR Part 90). The Director reported that increased imports of pianos of the types covered by the Presidential Proclamation 3964 have been the major factor in causing the unemployment or underemployment of a significant number or proportion of workers from the plant of the Aeolian American Corp. in East Rochester, N.Y. He further reported that this unemployment or underemployment began after January 18, 1970, and has continued to the present.

After due consideration, I make the following certification:

All workers of the Aeolian American Corp. plant at East Rochester, N.Y., who became or will become unemployed or underemployed after January 18, 1970, are eligible to apply for adjustment assistance under chapter 3, title III, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 21st day of October 1970.

GEORGE H. HILDEBRAND,
*Deputy Under Secretary*
*International Affairs.*

[F.R. Doc. 70-14498; Filed, Oct. 27, 1970; 8:48 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G-6061 etc.]

## NATIONAL COOPERATIVE REFINERY ASSOCIATION ET AL.

### Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

OCTOBER 15, 1970.

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

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 12, 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 or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
*Acting Secretary.*

| Docket No. and date filed | Applicant | Purchaser and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| G-6061 E 9-18-70 | National Cooperative Refinery Association (successor to United States Smelting, Refining & Mining Co.), 404 Lincoln Tower Bldg., Denver, Colo. 80203. | El Paso Natural Gas Co., Blanco Mesa Verde Field, San Juan and Rio Arriba Counties, N. Mex. | [2] 14.0 | 15.025 |
| G-9833 E 9-21-70 | do | El Paso Natural Gas Co., Ignacio (Pictured Cliffs) Field, La Plata County, Colo. | [2] 14.0 | 15.025 |
| G-9834 E 9-21-70 | do | El Paso Natural Gas Co., Ignacio (Dakota-Morrison) Field, La Plata County, Colo. | [2] 14.0 | 15.025 |
| G-10362 E 9-21-70 | do | do | [2] 14.0 | 15.025 |
| G-12273 C 10-5-70 | Pan American Petroleum Corp. (Operator) et al. Post Office Box 591, Tulsa, Okla. 74102. | El Paso Natural Gas Co., acreage in Rio Arriba County, N. Mex. | 13.0 | 15.025 |
| G-13304 D 9-14-70 | Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102 (partial abandonment). | Cities Service Gas Co., Beach No. 1 Well, Alfalfa County, Okla. | (3) | ..... |
| G-13324 D 10-5-70 | Mobil Oil Corp., Post Office Box 1774, Houston, Tex. 77001. | Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla. | Assigned | ..... |
| G-18352 (G-18403) C 9-28-70 [4] | Cities Service Oil Co. | Natural Gas Pipeline Co. of America, Smart A Gas Unit, Beaver County, Okla. | 18.5 | 14.65 |
| G-18390 E 9-14-70 | Euramerica Partnership 69 (successor to T. L. Roach and T. L. Roach, Jr., d.b.a. Roach & Son), 829 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102. | Phillips Petroleum Co., Hugoton Field, Sherman County, Tex. | [2] 10.0 | 14.65 |
| G-20484 8-17-70 [4] | Mobil Oil Corp. | El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex. | 17.7929 | 14.65 |
| CI64-294 [5] E 9-29-70 | National Cooperative Refinery Association (successor to United States Smelting, Refining, and mining Co.). | El Paso Natural Gas Co., Chinle Wash Field, San Juan County, Utah. | 17.7 | 15.025 |
| CI64-670 C 9-22-70 | Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840. | Arkansas Louisiana Gas Co., Wilburton Field, Pittsburg County, Okla. | 16.015 | 14.65 |
| CI65-1256 E 9-21-70 | Duquesne Natural Gas Co. (successor to Associated Oil & Gas Exploration, Inc.), 206 Southwest Tower, Houston, Tex. 77002. | Southern Natural Gas Co., North Kings Ridge Field, Lafourche Parish, La. | [6] 15.0<br>[6] 17.5 | 15.025 |
| CI66-882 E 9-8-70 | Patrick Petroleum Co. (successor to Whitestone Petroleum Corp. (Operator) et al.), 720 Oil & Gas Bldg., 1100 Tulane Ave., New Orleans, La. 70112. | Texas Eastern Transmission Corp., Manila Village Field, Jefferson Parish, La. | 15.0 | 15.025 |
| CI67-1155 E 9-29-70 | National Cooperative Refinery Association (successor to United States Smelting Refining and Mining Co.). | Mountain Fuel Supply Co., North Craig Field, Moffat County, Colo. | 15.0 | 15.025 |
| CI68-517 E 9-8-70 | Donald S. Garvin and Harold L. Summers, d.b.a. Garvin-Summers (successor to Drevzoll, Inc.), 4515 North Santa Fe, Oklahoma City, Okla. 73118. | Equitable Gas Co., Center District, Gilmer County, W. Va. | 25.0 | 15.325 |
| CI69-49 C 9-24-70 | John C. Oxley et al., 800-A Enterprise Bldg., Tulsa, Okla. 74013. | Arkansas Louisiana Gas Co., Kinta Field, Pittsburg County, Okla. | 15.0 | 14.65 |
| CI69-632 C 9-3-70 | D. R. Lauck Oil Co., Inc. (Operator) et al., 310 South Broadway, Wichita, Kans. 67202. | Northern Natural Gas Co., Wil Field, Edwards County, Kans. | 16.0 | 14.65 |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

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

| Docket No. and date filed | Applicant | Purchaser and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| C170-469..... 9-18-70 [10] | Gulf Oil Corp. (Operator) et al., Post Office Box 1580, Tulsa, Okla. 74102. | Kansas-Nebraska Natural Gas Co., Inc., West Reydon Field, Roger Mills County, Okla. | [11] 15.0 | 14.65 |
| C170-504 [7]..... 9-18-70 [10] | do..... | Wm. W. Wiley, West Reydon Field, Roger Mills County, Okla. | 20.0 | 14.65 |
| C170-1131 [7] (C170-366) C 9-14-70 [13] | Imperial-American Management Co. (successor to Galaxy Oil Co.), The Main Bldg., Houston, Tex. 77002. | Arkansas Louisiana Gas Co., Arkoma Area, Le Flore and other counties, Okla. | 16.015 | 14.65 |
| C171-259..... B 9-21-70 | Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017. | Northern Natural Gas Co., North East Ivanhoe Field, Beaver County, Okla. | Depleted | ..... |
| C171-265..... (G-15791) F 9-16-70 | Yucca Petroleum Co. (successor to Sun Oil Co.), Post Office Box 9158, Amarillo, Tex. 79105. | Transwestern Pipeline Co., acreage in Lipscomb County, Tex. | [12] 20.0175 | 14.65 |
| C171-266..... (G-17979) F 9-16-70 | Yucca Petroleum Co. (successor to Atlantic Richfield Co.). | .....do..... | [12] 20.58969 | 14.65 |
| C171-267..... A 9-22-70 | Emerald Oil Co., Post Office Box 51325, Lafayette, La. 70501. | Tennessee Gas Pipeline Co., a division of Tenneco Inc., Glenmora Field, Rapides Parish, La. | [12] 21.25 | 15.025 |
| C171-268..... A 9-22-70 | George Mitchell & Associates, Inc., 12th Floor, Houston Club Bldg., Houston, Tex. 77002. | Transwestern Pipeline Co., Barstow Field, Ward County, Tex. | [12] 26.5 | 14.65 |
| C171-274..... A 9-23-70 | Arkla Exploration Co., Post Office Box 1734, Shreveport, La. 71102. | Arkansas-Louisiana Gas Co., Buffalo Wallow Field, Hemphill County, Tex. | 20.5 | 14.65 |
| C171-277..... A 9-25-70 | Charles Allen et al., d.b.a. Allen Oil Co., et al., Suite 616, Union Trust Bldg., Parkersburg, W. Va. 26101. | Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va. | 28.0 | 15.325 |
| C171-278..... A 9-25-70 | Harry A. Jones, Route 2, Cairo, W. Va. 26337. | Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va. | 28.0 | 15.325 |
| C171-279..... B 9-25-70 | Anadarko Production Co., Post Office Box 9317, Fort Worth, Tex. 76107. | Northern Natural Gas Co., Carthage Area, Texas County, Okla. | [9] | ..... |
| C171-280..... A 9-25-70 | Franks Petroleum Inc., Post Office Box 7665, Shreveport, La. 71107. | United Gas Pipe Line Co., West Bryceland Field, Bienville Parish, La. | 18.75 | 15.025 |
| C171-281..... A 9-25-70 | Anadarko Production Co..... | Panhandle Eastern Pipe Line Co., Reust A No. 1 Gas Unit, Texas County, Okla. | [12] 18.5 | 14.65 |
| C171-282..... B 9-28-70 | Getty Oil Co., Post Office Box 1404, Houston, Tex. 77001. | Tennessee Gas Pipeline Co., a division of Tenneco Inc., Caillou Island Field, Terrebonne Parish, La. | Assigned | ..... |
| C171-283..... A 9-28-70..... | Ashland Oil, Inc., Post Office Box 18695, Oklahoma City, Okla. 73118 | Southern Natural Gas Co., Fish Island Field, Iberia Parish, La. | 21.25 | 15.025 |
| C171-284..... A 9-30-70 | Commonwealth Gas Corp., 801 Union Bldg., Charleston, W. Va. 25325. | United Fuel Gas Co., Grant District, Jackson County, W. Va. | 30.0 | 15.325 |
| C171-285..... A 9-28-70 | Cities Service Oil Co..... | El Paso Natural Gas Co., Citgo-University Unit, Terrell County, Tex. | [12] 26.5 | 14.65 |
| C171-287..... A 9-30-70 | Sohio Petroleum Co., 970 First National Bank Bldg., Oklahoma City, Okla. 73102. | Oklahoma Natural Gas Gathering Co., Ringwood Field, Major County, Okla. | 12.0 | 14.65 |
| C171-288..... B 9-30-70 | Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102. | Cities Service Gas Co., Sterling Field, Comanche County, Okla. | Depleted | ..... |
| C171-289..... B 10-1-70 | Rounds & Stewart Natural Gasoline Co., Inc. | Cities Service Gas Co., acreage in Marion County, Kans. | Depleted | ..... |
| C171-290..... B 10-1-70 | Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102. | Texas Gas Transmission Corp., Blackburn Field, Claiborne Parish, La. | Depleted | ..... |
| C171-292..... (G-5362) F 9-30-70 | Anadarko Production Co. (successor to Skelly Oil Co.). | Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Greenwood Field, Morton County, Kans. | [17] 16.0 | 14.65 |
| C171-293..... A 10-5-70 | John A. Taylor, c/o G. D. Ashabranner, attorney, 219 Couch Dr. Oklahoma City, Okla. 73102. | Michigan Wisconsin Pipe Line Co., Laverne Field, Ellis County, Okla. | [12] 20.0 | 14.65 |
| C171-294..... A 10-5-70 | Warren Petroleum Corp., Post Office Box 1589, Tulsa, Okla. 74102. | United Gas Pipe Line Co., Gladewater Plant (Plant 31), Gregg County, Tex. | [12] 19.0 | 14.65 |
| C171-295..... A 10-5-70 | Cities Service Oil Co..... | United Fuel Gas Co., Ripley District, Jackson County, W. Va. | 30.0 | 15.325 |
| C171-297..... A 10-5-70 | Leben Drilling, Inc. (Operator), et al., c/o W. F. Schell, attorney, 1111 Vickers Tower, Wichita, Kans. 67202. | Panhandle Eastern Pipe Line Co., acreage in Seward and Meade Counties, Kans. | [19] 22.44 | 14.65 |
| C171-298..... A 10-6-70 | Jack M. Allen and Richard L. Parker, d.b.a. Allen & Parker, Post Office Box 926, Perryton, Tex. 79070. | Michigan Wisconsin Pipe Line Co., East Campbell Field, Major County, Okla. | [12] 20.0 | 14.65 |
| C171-299..... A 10-5-70 | Mobil Oil Corp..... | Southern Union Gathering Co., Fulcher Kutz and Basin Dakota Fields, San Juan County, N. Mex. | [20] 13.0 [21] 15.0 | 15.025 |

[1] Rate in effect subject to refund in Docket No. RI64-669.
[2] Rate in effect subject to refund in Docket No. RI64-656.
[3] Well is no longer capable of delivering into Buyer's pipeline system.
[4] Adds acreage acquired from Skelly Oil Co., Docket No. G-18403.
[5] Less 0.4466 cent per Mcf for sour gas.
[6] Applicant requests that its certificate in Docket No. G-20484 be amended to include those sales now authorized in Dockets Nos. G-12072, G-12073, G-12074, G-20482, G-20483, and G-20485 to be made pursuant to its FPC GRS Nos. 86, 90, 92, 208, 209, and 211, respectively, and that the certificates in the latter dockets be terminated.
[7] Pending certificate application.
[8] Gas delivered from the Harrison No. 1 well.
[9] All other gas.
[10] Amendment to certificate filed to add interest of coowner, Lone Star Producing Co.
[11] An increase in rate to 17 cents per Mcf has been filed for and suspended in Docket No. RI70-1439.
[12] Adds acreage acquired from Galaxy Oil Co., Docket No. C170-366.
[13] Rate in effect subject to refund in Dockets Nos. RI68-101 and RI70-253.
[14] Rate in effect subject to refund in Dockets Nos. RI66-166 and RI70-117.
[15] Subject to upward and downward B.t.u. adjustment.
[16] Contract provides for rate of 20 cents per Mcf; however, applicant states its willingness to accept certificate at 18.5 cents per Mcf, subject to B.t.u. adjustment.
[17] Rate in effect subject to refund in Docket No. RI64-505.
[18] Contract provides for rate of 19 cents per Mcf; however, applicant states its willingness to accept certificate at 15 cents.
[19] Includes 0.44 cent per Mcf upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[20] Production from Pictured Cliffs formation.
[21] Production from Dakota formation. Applicant has agreed to accept a permanent certificate at an initial rate of 13 cents per Mcf.

[F.R. Doc. 70-14363; Filed, Oct. 27, 1970; 8:45 a.m.]

[Docket No. E-7558]

## CAROLINA POWER AND LIGHT CO. ET AL.

### Order Suspending Certain Tendered Rate Schedules, Accepting Other Tendered Rate Schedules for Filing, Instituting Investigations, Granting Waiver of Notice Requirements, and Providing for Hearing

OCTOBER 19, 1970.

This order suspends for 1 day the operation of tendered rate schedules, institutes an investigation into the lawfulness of certain of the tendered wholesale rate schedules, orders a public hearing to be held on the lawfulness of those schedules, grants a waiver of notice requirements, and accepts other tendered rate schedules for filing.

Carolina Power and Light Co. (CP&L), Duke Power Co. (Duke), South Carolina Electric and Gas Co. (SCE&G), and the Virginia Electric and Power Co. (VEPCO), public utilities subject to the jurisdiction of this Commission, on October 2, 1969, and July 10, 1970, tendered filings to terminate the existing Carolinas-Virginias power pool (CARVA) agreements, to continue the exchange of power and planning operations under new bilateral agreements among the four companies and to include a new generator installation agreement. The filings are proposed to become effective October 20, 1970.

New bilateral agreements include: (1) The "1971 Generator Installation Agreement" filed on October 2, 1969, with a supplement filed on July 10, 1970, under which CP&L is to construct, operate, and maintain a steam generating unit of approximately 200 mw and 80 percent of the output to Duke, SCE&G, and VEPCO; and (2) interchange power agreements which provide for (a) the interchange of economy energy and nondisplacement energy; (b) maintenance of spinning reserve capacity between the parties and payments therefor; (c) limited term power and energy arrangements for the sale and purchase of capacity for yearly periods and (d) short-term power and energy transactions which provide for the reservation of power by one or the other parties for one or more calendar weeks. The agreements are identified in Appendix A below.

The parties contend that the pricing formula in the CARVA agreement became obsolete with changing economic conditions and in practice was very complicated. Further, the agreement was not felt to have the flexibility needed by them.

The "1971 Generator Installation Agreement" filed on October 2, 1969, is to take effect beyond the 90 day maximum notice period as provided by § 35.3 of the Commission's regulations under the Federal Power Act (18 CFR 35.3). On July 10, 1970, the parties requested waiver of the notice period. We will grant waiver of the notice requirements to permit the filing to be tendered at this time.

A preliminary review of the filings indicates that the proposed rates of return

contained in the "1971 Generator Installation Agreement" and in the limited term power and energy service schedules may be excessive. Therefore, we are instituting an investigation and ordering a hearing to determine the lawfulness of those filings and suspending the operation of the limited term power and energy service schedules for 1 day.

The Commission further finds:

(1) The "1971 Generator Installation Agreement" and the limited term power and energy service schedules may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful under the Federal Power Act.

(2) Good cause has been shown to waive the notice requirements of § 35.3 of the Commission's regulations under the Federal Power Act (18 CFR 35.3) to permit the parties to file the "1971 Generator Installation Agreement" at this time.

(3) It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 301, 307, 308, and 309 thereof, that an investigation be instituted regarding the lawfulness of the "1971 Generator Installation Agreement", that a public hearing be held on the lawfulness of that agreement.

(4) It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 301, 307, 308, and 309 thereof that the operation of the limited term power and energy service schedules be suspended, the use thereof deferred and a public hearing be held on the lawfulness of those schedules all as hereinafter provided.

(5) Good cause has been shown to accept for filing the agreements tendered on July 10, 1970, other than those referred to in finding paragraphs (3) and (4) above.

(The Commission orders:

(A) An investigation into the lawfulness of the rate schedules as referred to in finding paragraphs (3) and (4) above is hereby instituted.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and pursuant to the Commission's rules of practice and procedure a public hearing shall be convened to commence with a prehearing conference to be held on November 16, 1970, at 10 a.m., e.s.t., at the offices of the Federal Power Commission, Washington, D.C. concerning the lawfulness of the "1971 Generator Installation Agreement" and of the limited term power and energy service schedules.

(C) Waiver of the notice requirements of § 35.3 of the Commission's regulations under the Federal Power Act (18 CFR 35.3) is hereby granted to permit the parties to file the "1971 Generator Installation Agreement".

(D) Pending such hearing and decision thereon the limited term power and energy service schedules are hereby suspended and the use thereof deferred until Octobr 21, 1970. On that day those schedules shall take effect in the manner prescribed by the Federal Power Act, and the parties, subject to further orders of the Commission, shall charge and collect the increased rates and charges set forth in those schedules for all power sold and delivered thereunder.

(E) The parties shall refund at such times and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest at the New York prime rate on October 21, 1970, from the date of payment until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates and charges effective as of October 21, 1970, for each billing period; and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, the billing determinants of electric energy sold and delivered under the above-suspended agreements and the revenues resulting therefrom as computed under the rates in effect immediately prior to October 21, 1970, and under the rates and charges made effective by this order, together with the differences in the revenues so computed.

(F) The agreements tendered on July 10, 1970, other than those referred to in finding paragraphs (3) and (4) above, are hereby accepted for filing.

(G) Unless otherwise ordered by the Commission, the parties shall not change the terms or provisions of its proposed agreements or its present effective rate schedules until this proceeding has been terminated or until the period of suspension has expired.

(H) Notices of intervention and petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before November 9, 1970, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37). Answers to those petitions may be filed on or before November 23, 1970.

By the Commission.

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

APPENDIX A

RATE SCHEDULE DESIGNATIONS

Filing Date: July 10, 1970

| Designation | Instrument date | Instrument |
|---|---|---|
| Duke Power Co.: | | |
| (1) Supplement No. 5 to Rate Schedule FPC No. 10.... | 7- 9-70 | Termination agreement. |
| (2) Supplement No. 6 to Rate Schedule FPC No. 10.... | 7- 9-70 | Amendatory agreement with Carolina Power & Light Co. |
| (3) Supplement No. 7 to Rate Schedule FPC No. 10 (Supersedes Supplement No. 2 to Rate Schedule FPC No. 10). | 7- 9-70 | Service Schedule B—Spinning reserve. |
| (4) Supplement No. 8 to Rate Schedule FPC No. 10.... | 7- 9-70 | Service Schedule C—Limited term power and energy. |
| (5) Supplement No. 9 to Rate Schedule FPC No. 10.... | 7- 9-70 | Service Schedule D—Short term power and energy. |
| (6) Supplement No. 10 to Rate Schedule FPC No. 10... | 7- 9-70 | Service Schedule E—Scheduled maintenance. |
| (7) Supplement No. 11 to Rate Schedule FPC No. 10... | 7- 9-70 | Service Schedule F—Interchange power. |
| Carolina Power & Light Co.: Supplement No. 3 to Rate Schedule FPC No. 45 (Concurs in (1) through (7) above). | 7-10-70 | Certificate of concurrence. |
| Virginia Electric & Power Co. | | |
| (1) Rate Schedule FPC No. 95 (Supersedes Rate Schedule FPC Nos. 2 and 3). | 7- 9-70 | Interchange agreement with Carolina Power & Light Co. |
| (2) Supplement No. 1 to Rate Schedule FPC No. 95... | 7- 9-70 | Termination of CARVA pool agreement. |
| (3) Supplement No. 2 to Rate Schedule FPC No. 95... | 7- 9-70 | Service Schedule A—Interchange power. |
| (4) Supplement No. 3 to Rate Schedule FPC No. 95... | 7- 9-70 | Service Schedule B—Spinning reserve. |
| (5) Supplement No. 4 to Rate Schedule FPC No. 95... | 7- 9-70 | Service Schedule C—Limited term power and energy. |
| (6) Supplement No. 5 to Rate Schedule FPC No. 95... | 7- 9-70 | Service Schedule D—Short term power and energy. |
| (7) Supplement No. 6 to Rate Schedule FPC No. 95... | 7- 9-70 | Service Schedule E—Scheduled maintenance. |
| Carolina Power & Light Co., Rate Schedule FPC No. 96 (Concurs in (1) through (7) above and Supersedes Rate Schedule FPC Nos. 7 and 8). | 7-10-70 | Certificate of Concurrence. |
| Duke Power Co.: | | |
| (1) Supplement No. 7 to Rate Schedule FPC No. 8.... | 7- 9-70 | Termination agreement. |
| (2) Supplement No. 8 to Rate Schedule FPC No. 8.... | 7- 9-70 | Amendatory agreement with South Carolina Electric & Gas Co. |
| (3) Supplement No. 9 to Rate Schedule FPC No. 8 (Supersedes Supplement No. 1 to Rate Schedule FPC No. 8). | 7- 9-70 | Service Schedule A—Spinning reserve. |
| (4) Supplement No. 10 to Rate Schedule FPC No. 8 (Supersedes Supplement No. 2 to Rate Schedule FPC No. 8). | 7- 9-70 | Service Schedule B—Scheduled maintenance. |
| (5) Supplement No. 11 to Rate Schedule FPC No. 8 (Supersedes Supplement No. 3 to Rate Schedule FPC No. 8). | 7- 9-70 | Service Schedule C—Interchange power. |
| (6) Supplement No. 12 to Rate Schedule FPC No. 8... | 7- 9-70 | Service Schedule D—Limited term power and energy. |
| (7) Supplement No. 13 to Rate Schedule FPC No. 8... | 7- 9-70 | Service Schedule E—Short term power and energy. |
| South Carolina Electric & Gas Co., Supplement No. 2 to Rate Schedule FPC No. 10 (Concurs in (1) through (7) above). | 7-10-70 | Certificate of concurrence. |
| Carolina Power & Light Co.: | | |
| (1) Rate Schedule FPC No. 97..... | 7- 9-70 | Interchange agreement with South Carolina Electric & Gas Co. |
| (2) Supplement No. 1 to Rate Schedule FPC No. 97.. | 7- 9-70 | Termination of CARVA pool agreement. |
| (3) Supplement No. 2 to Rate Schedule FPC No. 97.. | 7- 9-70 | Service Schedule A—Interchange power. |
| (4) Supplement No. 3 to Rate Schedule FPC No. 97.. | 7- 9-70 | Service Schedule B—Spinning reserve. |
| (5) Supplement No. 4 to Rate Schedule FPC No. 97.. | 7- 9-70 | Service Schedule C—Limited term power and energy. |
| (6) Supplement No. 5 to Rate Schedule FPC No. 97.. | 7- 9-70 | Service Schedule D—Short term power and energy. |
| (7) Supplement No. 6 to Rate Schedule FPC No. 97.. | 7- 9-70 | Service Schedule E—Schedule maintenance. |

APPENDIX A—Continued

| Designation | Instrument date | Instrument |
|---|---|---|
| South Carolina Electric & Gas Co., Rate Schedule FPC No. 29 (Concurs in (1) through (7) above). | 7-10-70 | Certificate of concurrence. |
| Carolina Power & Light Co.: | | |
| (1) Rate Schedule FPC No. 98 | 7- 9-69 | Generator installation agreement. |
| (2) Supplement No. 1 to Rate Schedule No. 98 | 7- 9-70 | Amendatory agreement. |
| Duke Power Co. Rate Schedule FPC No. 247 (Concurs in (1) and (2) above). | 7-10-70 | Certificate of concurrence. |
| South Carolina Electric & Gas Co. Rate Schedule FPC No. 30 (Concurs in (1) and (2) above). | 7-10-70 | Do. |
| Virginia Electric & Power Co. Rate Schedule FPC No. 96 (Concurs in (1) and (2) above). | 7-10-70 | Do. |

[F.R. Doc. 70-14421; Filed, Oct. 27, 1970; 8:45 a.m.]

[Docket No. CP71-100]

## CONSOLIDATED GAS SUPPLY CORP.

### Notice of Application

OCTOBER 20, 1970.

Take notice that on October 9, 1970, Consolidated Gas Supply Corp. (applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP71-100 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, applicant seeks authorization for the sale to Southern Natural Gas Co. (Southern) of its interest in the natural gas to be produced from Fish Island Field, Iberia Parish, La., pursuant to the terms of a contract dated September 30, 1970, between Applicant as "seller" and Southern as "buyer". The application states that the proposed sale will be made at a total price (including all adjustments and tax reimbursement) of 21.25 cents per Mcf measured at 15.025 p.s.i.a. Initial deliveries are estimated to approximate 60,000 Mcf per month; applicant's share is 100 percent of the total deliveries.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 10, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
*Acting Secretary.*

[F.R. Doc. 70-14485; Filed, Oct. 27, 1970; 8:48 a.m.]

[Docket No. CP71-101]

## CONSOLIDATED GAS SUPPLY CORP.

### Notice of Application

OCTOBER 20, 1970.

Take notice that on October 9, 1970, Consolidated Gas Supply Corp. (applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP71-101 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, applicant seeks authorization for the sale to Texas Gas Transmission Corp. (Texas Gas) of its interest in the natural gas to be produced from Block 4 Field, East Cameron Area, Offshore Zone 1, Louisiana, pursuant to the terms of a contract dated September 28, 1970, between applicant as "seller" and Texas Gas as "buyer". The application states that the proposed sale will be made at a total price (including all adjustments and tax reimbursement) of 21.25 cents per Mcf measured at 15.025 p.s.i.a. Initial deliveries are estimated to approximate 27,000 Mcf per month; applicant's share is 100 percent of the total deliveries.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 10, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
*Acting Secretary.*

[F.R. Doc. 70-14486; Filed, Oct. 27, 1970; 8:48 a.m.]

[Docket No. CP71-102]

## CONSOLIDATED GAS SUPPLY CORP.

### Notice of Application

OCTOBER 20, 1970.

Take notice that on October 9, 1970, Consolidated Gas Supply Corp. (applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP71-102 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, applicant seeks authorization for the sale to Texas Gas Transmission Corp. (Texas Gas) of its interest in the natural gas to be produced from West Gueydan Field, Vermilion Parish, La., pursuant to the terms of a contract dated September 28, 1970, between applicant as "seller" and Texas Gas as "buyer". The application states that the proposed sale will be made at a total price (including all adjustments and tax reimbursement) of 21.25 cents per Mcf measured at 15.025 p.s.i.a. Initial deliveries are estimated to approximate 22,500 Mcf per month; applicant's share is 100 percent of the total deliveries.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 10, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
*Acting Secretary.*

[F.R. Doc. 70-14487; Filed, Oct. 27, 1970; 8:48 a.m.]

[Docket No. CP71-103]

## CONSOLIDATED GAS SUPPLY CORP.

### Notice of Application

OCTOBER 20, 1970.

Take notice that on October 9, 1970, Consolidated Gas Supply Corp. (applicant), 445 West Main Street, Clarksburg, W. Va., 26301, filed in Docket No. CP70-103 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, applicant seeks authorization for the sale to Texas Gas Transmission Corp. (Texas Gas) of its interest in the natural gas to be produced from Duson Field, Lafayette Parish, La., pursuant to the terms of a contract dated September 28, 1970, between applicant as "seller" and Texas Gas as "buyer". The application states that the proposed sale will be made at a total price (including all adjustments and tax reimbursement) of 21.25 cents per Mcf measured at 15.025 p.s.i.a. Initial deliveries are estimated to approximate 6,000 Mcf per month; applicant's share is 100 percent of the total deliveries.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 10, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
*Acting Secretary.*

[F.R. Doc. 70-14488; Filed, Oct. 27, 1970; 8:48 a.m.]

[Docket No. CP71-104]

## CONSOLIDATED GAS SUPPLY CORP.

### Notice of Application

OCTOBER 20, 1970.

Take notice that on October 9, 1970, Consolidated Gas Supply Corp. (applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP71-104 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, applicant seeks authorization for the sale to Texas Gas Transmission Corp. (Texas Gas) of its interest in the natural gas to be produced from Chalkley Field, Cameron Parish, La., pursuant to the terms of a contract dated September 28, 1970, between applicant as "seller" and Texas Gas as "buyer". The application states that the proposed sale will be made at a total price (including all adjustments and tax reimbursement) of 21.25 cents per Mcf measured at 15.025 p.s.i.a. Initial deliveries are estimated to approximate 52,500 Mcf per month; applicant's share is 100 percent of the total deliveries.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 10, 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 ts own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
*Acting Secretary.*

[F.R. Doc. 70-14489; Filed, Oct. 27, 1970; 8:48 a.m.]

[Docket No. CP71-105]

## CONSOLIDATED GAS SUPPLY CORP.

### Notice of Application

OCTOBER 20, 1970.

Take notice that on October 9, 1970, Consolidated Gas Supply Corp. (applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP71-105 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, applicant seeks authorization for the sale to Texas Gas Transmission Corp. (Texas Gas) of its interest in the natural gas to be produced from Bayou Chevreuil Field, Lafourche, St.

James and St. John the Baptist Parishes, La., pursuant to the terms of a contract dated September 28, 1970, between applicant as "seller" and Texas Gas as "buyer". The application states that the proposed sale will be made at a total price (including all adjustments and tax reimbursement) of 21.25 cents per Mcf measured at 15.025 p.s.i.a. Initial deliveries are estimated to approximate 2,100 Mcf per month; applicant's share is 100 percent of the total deliveries.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 10, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
*Acting Secretary.*

[F.R. Doc. 70-14490; Filed, Oct. 27, 1970; 8:48 a.m.]

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[Project No. 1889]

## WESTERN MASSACHUSETTS ELECTRIC CO.

### Notice of Application for New License for Constructed Project

OCTOBER 20, 1970.

Public notice is hereby given that application for new license has been filed under section 15 of the Federal Power Act (16 U.S.C. 791a–825r) by Western Massachusetts Electric Co. (correspondence to: Robert E. Barrett, Jr., President, Western Massachusetts Electric Co., 174 Brush Hill Avenue, West Springfield, Mass. 01089) for a new license for its constructed Turners Falls Project No. 1889, located on the Connecticut River at Turners Falls, in Franklin County, Mass., in the vicinity of Gill, Montague, and Greenfield.

The existing project, the present license for which will expire on June 30, 1971, consists of: (1) A concrete gravity dam in two sections connected by a natural rock island including: (a) Montague Spillway 630 feet long, average height about 35 feet, containing four bascule gates each 120 feet long by 13.25 feet high and (b) Gill Spillway 493 feet long and about 50 feet high containing three tainter gates 40 feet wide and 39 feet high (under construction); (2) a reservoir 20 miles long with a total usable storage capacity of approximately 17,000 acre-feet and a normal maximum pond elevation at the dam of 183 feet (U.S.G.S. datum); (3) a gate house with 17 gates; (4) a power canal about 2 miles long; (5) two powerhouses: (a) No. 1 Station housing six horizontal shaft generating units with a total installed capacity of 6,000 kw. and (b) Cabot Station housing six vertical shaft 8,500-kw. generating units with a total installed capacity of 51,000 kw.; and (6) all other facilities and interests appurtenant to operation of the project. The project reservoir serves as the lower reservoir for the Northfield Pumped Storage Project presently under construction by Northeast Utilities Service Co. as Project No. 2485.

Applicant proposes to spend $334,000 for recreational development at the project which is within a residential area, and will integrate the existing waterfront with the municipally owned Unity Park in Montague including the development of picnicking and play areas, parking, landscaping, and boating. The canal area near Station No. 1 will be improved by landscaping and by provisions for fishing and picnicking. An area to be known as Cabot Woods will be set aside for future recreational use.

According to the application: (1) Power produced by the project is dispatched by the Connecticut Valley Electric Exchange (CONVEX) of which applicant is a member, and is fully utilized by the CONVEX system; (2) the net investment of the project is estimated to be about $8.4 million which is less than the estimated fair value; (3) the estimated severance damages in event of "takeover" by the United States is about $16.8 million; and (4) for the year 1968 it is estimated that the project provided $238,000 in local tax revenues, and State and Federal taxes amounted to $57,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 29, 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. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
*Acting Secretary.*

[F.R. Doc. 70-14491; Filed, Oct. 27, 1970; 8:48 a.m.]

# GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. E-12]

## GASOLINE FOR USE IN MOTOR VEHICLES

OCTOBER 26, 1970.

To: Heads of Federal agencies.

1. *Purpose.* This regulation establishes a revised standard for gasoline designed to further the use of unleaded and low-lead content gasoline in motor vehicles.

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER, however existing contracts need not be revised or amended merely to conform to the provisions of this regulation.

3. *Expiration date.* This regulation expires July 31, 1971, unless sooner revised or superseded. Prior to this expiration date, this regulation will be codified in the permanent regulations of GSA appearing in Title 41, CFR, Public Contracts and Property Management.

4. *Applicability.* The provisions of this regulation apply to all executive agencies. Other Federal agencies are encouraged to conform so that maximum benefits may be realized.

5. *Background.* The phasing out of the use of leaded gasoline is an important step toward cleaner air. Lead in gasoline has two adverse effects: Lead emissions into the air can be harmful to health; and lead inhibits the use of other pollution control devices. In keeping with the President's goal of reducing pollution and improving the quality of the environment, it is appropriate that the Government take full advantage of the availability of recently developed unleaded and low-lead content gasolines by using such fuels in Federal vehicles, except when it is clearly impractical or unfeasible to do so. The objective of this regulation, therefore, is to promote and effect the utilization of unleaded and low-lead content gasolines by providing an assured market for such fuels in Federal vehicles. The existence of such an assured market will hasten the development of refinery and distribution capability that can also serve the general motorist.

6. *Use standards for gasoline.* Unleaded or low-lead content gasoline (low-lead content gasoline is defined as containing 0.5 gm./gal. lead) shall be used in Government-operated vehicles within the 50 States except when it is clearly impractical or unfeasible to do so. The

cost of gasoline shall not be used as a factor in determining the practicability or feasibility of using unleaded or low-lead content gasolines; however, manufacturers' recommendations on octane requirements shall be generally followed. Gasoline for use in overseas Government-operated vehicles shall be limited to unleaded or low-lead content gasoline unless: (1) such use would be in conflict with country-to-country or multinational logistics agreements and (2) such gasoline is not locally available at competitive prices.

7. *Purchase of or contracts for gasoline.* All contracts entered into after the effective date of this regulation shall provide for procurement of unleaded or low-lead content gasoline in conformance with paragraph 6 above. Where intermediate activities perform a procurement function for other agencies, the type of gasoline procured will be dependent on the needs of the requiring or issuing activity, however, the latter activity shall also be guided by the provisions of paragraph 6.

8. *Effect on other issuances.* This regulation revises and supersedes the use standards for gasoline set forth in FPMR 101–25.303.

9. *Comments or suggestions.* Agency views concerning the effect or impact of this regulation on agency operations or programs should be submitted to General Services Administration (FF), Washington, D.C. 20406, no later than February 28, 1971, for consideration and possible incorporation into the permanent regulation.

Dated: October 26, 1970.

ROBERT L. KUNZIG,
*Administrator of General Services.*

[F.R. Doc. 70–14579; Filed, Oct. 27, 1970; 9:36 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 1002; Car Distribution Direction 92–A]

## GULF, MOBILE AND OHIO RAILROAD CO. AND COLUMBUS AND GREENVILLE RAILWAY CO.

### Car Distribution

Upon further consideration of Car Distribution Direction No. 92, and good cause appearing therefor:

*It is ordered*, That:

Car Distribution Direction No. 92 be, and it is hereby, vacated.

*It is further ordered*, That this order shall become effective at 11:59 p.m., October 20, 1970, and that it 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., October 20, 1970.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
*Agent.*

[F.R. Doc. 70–14482; Filed, Oct. 27, 1970; 8:48 a.m.]

[Notice 25]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 23, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification, and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 563) (Cancels Deviation No. 491) GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed October 14, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Charleston, W. Va., over Interstate Highway 64 to junction U.S. Highway 60, with the following access routes: (1) From Hurricane, W. Va., over West Virginia Highway 34 to junction Interstate Highway 64; (2) from Huntington, W. Va., over West Virginia Alternate Highway 10 to junction Interstate Highway 64; (3) from Huntington, W. Va., over West Virginia Highway 94 to junction Interstate Highway 64; (4) from Kenova, W. Va., over West Virginia Highway 75 to junction Interstate Highway 64; and (5) from Ashland, Ky., over U.S. Highway 60 to junction Interstate Highway 64, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Charleston, W. Va., over U.S. Highway 60 to junction unnumbered highway near Barboursville, W. Va., thence over unnumbered highway to Barboursville, thence return over said unnumbered highway to junction U.S. Highway 60, thence over U.S. Highway 60 to Huntington, W. Va., thence across the Ohio River Bridge to Chesapeake, Ohio, thence over U.S. Highway 52 to Coal Grove, Ohio (also from junction U.S. Highway 60 and West Virginia Highway 34 over West Virginia Highway 34 to Hurricane, W. Va., thence over unnumbered highway to junction U.S. Highway 60, also from Huntington, W. Va., over U.S. Highway 60 to Ashland, Ky.), and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[F.R. Doc. 70–14477; Filed, Oct. 27, 1970; 8:47 a.m.]

[Notice 34]

## MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 23, 1970.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 30605 (Deviation No. 17), THE SANTA FE TRAIL TRANSPORTATION COMPANY, 1413 Railway Exchange, 80 East Jackson Boulevard, Chicago, Ill. 60604, filed October 12, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Scott City, Kans., over Kansas Highway 96 to the Kansas-Colorado State line, thence over Colorado Highway 96 to Eads, Colo., thence over U.S. Highway 287 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction Interstate Highway 70, thence over Interstate Highway 70 to Denver, Colo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service

routes as follows: (1) From Denver, Colo., over U.S. Highway 85 to junction relocated U.S. Highway 85 near Crow, Colo., thence over relocated U.S. Highway 85 to junction U.S. Highway 85, south of Greenhorn, Colo., thence over U.S. Highway 85 via Rowe and Glorieta, N. Mex., to Albuquerque, N. Mex. (also from Denver as specified above to Rowe, N. Mex., thence over unnumbered highway via Pecos, N. Mex., to Glorieta, N. Mex., thence over U.S. Highway 85 to Albuquerque, N. Mex.); (2) from Dodge City, Kans., over U.S. Highway 50 to the Kansas-Colorado State line; (3) from Scott City, Kans., over U.S. Highway 83 to Garden City, Kans.; (4) from the Colorado-Kansas State line over U.S. Highway 50 to Pueblo, Colo.; (5) from junction U.S. Highway 50 bypass and U.S. Highway 85 north of Pueblo, Colo., over U.S. Highway 50 bypass to junction U.S. Highway 50; and (6) from Pueblo, Colo., over Colorado Highway 96 to Boone, Colo., thence over Colorado Highway 209 to junction U.S. Highway 50, and return over the same routes.

No. MC 48958 (Deviation No. 23), ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. 80216, filed October 14, 1970. Carrier's representative: Morris G. Cobb, Post Office Box 9050, Amarillo, Tex. 79105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Los Angeles, Calif., over U.S. Highway 60 (Interstate Highway 10) to junction U.S. Highway 95, thence over U.S. Highway 95 to junction U.S. Highway 91 (Interstate Highway 15), thence over U.S. Highway 91 (Interstate Highway 15) to Salt Lake City, Utah, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Colton, Calif., over U.S. Highway 99 to Indio, Calif., thence over U.S. Highway 60 to Wickenburg, Ariz., thence over U.S. Highway 89 to Ashfork, Ariz.; (2) from Los Angeles, Calif., over U.S. Highway 66 via San Bernardino, Calif., to Albuquerque, N. Mex., thence over U.S. Highway 85 to Denver, Colo.; and (3) from Salt Lake City, Utah, over U.S. Highway 91 to Levan, Utah, thence over Utah Highway 28 to Gunnison, Utah (also from Salt Lake City over U.S. Highway 89 to Gunnison), thence over U.S. Highway 89 to junction Alternate U.S. Highway 89 at or near Kanab, Utah, thence over Alternate U.S. Highway 89 to junction U.S. Highway 89, thence over U.S. Highway 89 to Flagstaff, Ariz., thence over Interstate Highway 17 to Phoenix, Ariz., and return over the same routes.

No. MC 52953 (Deviation No. 13), ET & WNC TRANSPORTATION COMPANY, 132 Legion Street, Johnson City, Tenn. 37601, filed October 16, 1970. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Decatur, Ala., over Alabama Highway 24 to junction U.S. Highway 43, at or near Russellville, Ala., thence over U.S. Highway 43 to Hamilton, Ala., thence over U.S. Highway 78 to Tupelo, Miss., thence over Mississippi Highway 6 to junction U.S. Highway 61 at or near Clarksdale, Miss.; and (2) from Sheffield, Ala., over U.S. Highway 43 to junction Alabama Highway 24 at or near Russellville, Ala., thence over the route described in (1) above to junction Mississippi Highway 6 and U.S. Highway 61 at or near Clarksdale, Miss., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Memphis, Tenn., over U.S. Highway 61 to Clarksdale, Miss., thence over U.S. Highway 49 to Tutwiler, Miss., thence over U.S. Highway 49E to Greenwood, Miss.; (2) from Memphis, Tenn., over U.S. Highway 64 to Selmer, Tenn., thence over U.S. Highway 45 to Corinth, Miss., thence over U.S. Highway 72 to Florence, Ala.; (3) from Memphis, Tenn., over U.S. Highway 72 to junction U.S. Highway 45; and (4) from Florence, Ala., over U.S. Highway 72 to junction Alternate U.S. Highway 72 at or near Tuscumbia, Ala., thence over Alternate U.S. Highway 72 to Huntsville, Ala., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-14478; Filed, Oct. 27, 1970; 8:47 a.m.]

[Notice 97]

## MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 23, 1970.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

### APPLICATIONS ASSIGNED FOR ORAL HEARING

#### MOTOR CARRIERS OF PROPERTY

No. MC 120083 (Sub-No. 8) (Republication) filed February 13, 1970, published in the FEDERAL REGISTER issue of March 26, 1970, and republished, this issue. Applicant: LINCOLN COACH LINES, 1008 Lincoln Highway West, Irwin, Pa. 15642. Applicant's representatives: S. Berne Smith and James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. The modified procedure has been followed in this proceeding and a supplemental order of the Commission, Operating Rights Board, dated September 25, 1970, and served October 21, 1970, finds: that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers; (1) between Stone House, Pa., and Warren, Pa., from Stone House, over Pennsylvania Highway 8 to Rouseville, Pa., thence over Pennsylvania Highway 227 to junction Pennsylvania Highway 27 thence over Pennsylvania Highway 27 to junction U.S. Highway 6, thence over U.S. Highway 6 to Warren, Pa., and return over the same route, serving all intermediate points; (2) between Grove City, Pa., and Barkeyville, Pa., from Grove City over Pennsylvania Highway 173 to junction Pennsylvania Highway 208 thence over Pennsylvania Highway 208 to Barkeyville, and return over the same route, serving all intermediate points; and (3) between Oil City, Pa., and Youngsville, Pa., over U.S. Highway 62 serving intermediate points, with service at Warren, Pa., restricted to the transportation of passengers picked up or discharged by applicant at Warren, Pa., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. That inasmuch as the grant of authority described duplicates applicant's existing common carrier authority to a certain extent, such grant of authority shall be subject to the condition that to the extent it duplicates applicant's existing authority, it shall not be construed as conferring more than a single operating right. Because it is possible that other persons, who relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order a notice of authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in the proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128878 (Sub-No. 18) (Republication), filed March 5, 1970, published in the FEDERAL REGISTER issue of April 16, 1970, and republished this issue. Applicant: SERVICE TRUCK LINE, INC., Post Office Box 3904, Shreveport, La. 71103. Applicant's representative: Ewell H. Muse, Jr., 415 Perry-Brooks Building, Austin, Tex. 78701. The modified procedure has been followed in this proceeding and an order of the Commission, Operating Rights Board, dated September 28, 1970, and served October 21, 1970, finds: That the present and future public convenience and necessity require operation by applicant, in interstate or

foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) dry fertilizer, from Texarkana, Tex., to points in Oklahoma; (2) dry fertilizer from Amite, Lacassine, Opelousas, and Mansfield, La., to points in Arkansas, Oklahoma, and Texas (except points in Austin, Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties, Tex.); and (3) wood residuals from Shreveport, La., to points in Arkansas, Tennessee, and Mississippi. Because it is possible that other persons who relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order a notice of authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in the proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No .MC 113545 (Sub-No. 5) (Notice of Filing of Petition To Modify Permit), filed October 6, 1970. Petitioner: CORMETT FORWARDING CO., INC., 348 Railroad Avenue, Hackensack, N.J. Petitioner's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Petitioner, as here pertinent, states it holds a permit as a contract motor carrier in No. MC 113545 (Sub-No. 5) authorizing service over irregular routes, in the transportation of: *Paper and paper articles*, as described in appendix XI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in the New York, N.Y., commercial zone, as defined by the Commission, to points in Hudson, Essex, Union, Bergen, Passaic, Morris, Somerset, Middlesex, Monmouth, and Mercer Counties, N.J., and Rockland, Westchester, Suffolk, and Nassau Counties, N.Y., with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized herein is subject to the following conditions: The authority granted herein is restricted to traffic, having an immediately prior movement by rail. The operations authorized herein are limited to a transportation service to be performed, under a continued contract, or contracts, with Crown-Zellerbach Corp., of New York, N.Y., and Fort Howard Paper Co., of Green Bay, Wis. By the instant petition, petitioner requests that the permit be modified to permit it to handle traffic not only from points in the New York, N.Y., commercial zone as presently shown in its permit, but also from Hackensack, N.J., which is located in Bergen County, less than 2 miles from the western boundary of the New York, N.Y., commercial zone. Hackensack, N.J., and Leonia, N.J., the latter point in the New York, N.Y., commercial zone, are separated only by Teaneck, N.J. Petitioner further urges the amendment of the permit with respect to the destination territory to add New York, N.Y., on shipments from Hackensack, N.J. That point is not now included as a destination because operations from the New York, N.Y., commercial zone to New York, N.Y., are exempt under section 203(b)(8) of the Interstate Commerce Act. However, the transportation from Hackensack, N.J., to New York, N.Y., will require specific authority, even though none is now required. Petitioner further states it seeks merely to continue to handle the same traffic for these shippers as it has been handling. No new or different service is proposed. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

### NOTICE OF FILING OF PETITIONS

No. MC 116497 (Notice of Filing of Petition To Amend Permit To Add Additional Supporting Shipper), filed October 16, 1970. Petitioner: CLANCY BROS. TRANSPORTATION CO., INC., 70 Bengal Terrace, Rochester, N.Y. 14610. Petitioner's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Petitioner, as here pertinent, states it presently holds authority in permit No. MC 116497, as a motor contract carrier over irregular routes, in the transportation of: "Fresh meats, in vehicles equipped with mechanical refrigeration, from Rochester, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New York, New Jersey, Rhode Island, Pennsylvania, Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Queen Packing Co. of Rochester, N.Y.; and Rochester Independent Packer, Inc., of Rochester, N.Y." By the instant petition, petitioner requests that its permit No. MC 116497 be amended to include the name of Monroe Packing, Inc., of Rochester, N.Y., as an additional shipper within the scope of operations authorized by said permit. This will enable petitioner to provide the said shipper a complete service, by authorizing it to perform interstate services, as well, for this shipper, besides the New York intrastate services it has been performing. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

### APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

### MOTOR CARRIERS OF PROPERTY

No. MC-F-10946 (AMERICAN COURIER CORPORATION — Control — (1) ARMORED MOTOR SERVICE OF ARIZONA, INCORPORATED, (2) SECURITIES TRANSPORT COMPANY, INCORPORATED), published in the September 23, 1970, issue of the FEDERAL REGISTER on page 14817. Application filed October 19, 1970, for temporary authority under section 210a(b).

No. MC-F-10963. (Correction) (OVERNITE TRANSPORTATION COMPANY—Purchase—GEORGE MEADE TRANSFER COMPANY), published in the September 30, 1970 issue of the FEDERAL REGISTER, on page 15271. This correction to show vendee is authorized to operate as a common carrier in *North Carolina, Tennessee, South Carolina, Georgia, Virginia, West Virginia, Kentucky, and Alabama*. Prior notice read vendee is authorized to operate as a common carrier in North Carolina, Tennessee, South Carolina, Georgia, Virginia, West Virginia, Kentucky, Minnesota, Mississippi, Pennsylvania, New York, and Alabama.

No. MC-F-10993. Authority sought for merger into A-P-A TRANSPORT CORP., 2110 85th Street, North Bergen, N.J. 07047, of the operating rights of HENRY JENKINS TRANSPORTATION CO., INC., Braintree Industrial Plaza, Braintree, Mass., and for acquisition by A-P-A TRUCK LEASING CO., INC., 1207 Tonnelle Avenue, North Bergen, N.J. 07047, of control of the operating rights through the transaction. Applicants' attorney: Herbert Burstein, 30 Church Street, New York, N.Y. 10007. Operating rights sought to be merged: *General commodities*, excepting, among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Hartford, Conn., and New Haven, Conn., between Hartford, Conn., and Bridgeport, Conn., between Farmington, Conn., and Thomaston, Conn., between junction Connecticut Highway 4 and unnumbered highway, near Collinsville, Conn., and Torrington, Conn., between Waterbury, Conn., and Middletown, Conn., between Seymour, Conn., and Danbury, Conn., serving all intermediate points, between Boston, Mass., and Hartford, Conn., serving all intermediate points, and certain specified off-route points in Massachusetts, and Suffield and Poquonock, Conn., between Boston, Mass., and Hartford, Conn., serving all intermediate points, and certain specified off-route points in Massachusetts and Connecticut, between Boston, Mass., and Providence, R.I., serving all intermediate points, and certain specified off-route points in Massachusetts and Rhode Island:

Between Boston, Mass., and Providence, R.I., between Providence, R.I., and Peace Dale, R.I., between Boston, Mass., and New Bedford, Mass., serving all intermediate points and certain specified off-route points in Massachusetts, between Boston, Mass., and Worcester, Mass., serving all intermediate points, and certain specified off-route points in Massachusetts, between Boston, Mass.,

and Rockland, Mass., serving all intermediate points and certain specified off-route points in Massachusetts, between Boston, Mass., and Maynard, Mass., serving all intermediate points, and certain specified off-route points in Massachusetts, between Boston, Mass., and Beverly, Mass., serving all intermediate points and certain specified off-route points in Massachusetts, between Boston, Mass., and Haverhill, Mass., serving all intermediate points, and certain specified off-route points in Massachusetts, between Boston, Mass., and Lawrence, Mass, serving all intermediate points, and certain specified off-route points in Massachusetts, between Littleton Common, Mass., and Worcester, Mass., serving all intermediate points, between Littleton Common, Mass., and Gardner, Mass., serving all intermediate points, and certain specified off-route points in Massachusetts, between Boston, Mass., and Amesbury, Mass., serving all intermediate points, and the off-route point of Merrimac, Mass., between Boston, Mass., and Lowell, Mass., serving all intermediate points, and certain specified off-route points in Massachusetts, between Oxford, Mass., and New London, Conn., serving all intermediate points and certain specified off-route points in Connecticut, between Sturbridge, Mass., and Palmer, Mass., serving the intermediate points of Brinfield, Mass., between Providence, R.I., and Lowell, Mass., serving all intermediate points and certain specified off-route points in Rhode Island and Massachusetts, between Providence, R.I., and Haverhill, Mass., serving all intermediate points, and certain specified off-route points in Rhode Island and Massachusetts, and those within 10 miles of the State House at Boston, Mass., between Maynard, Mass., and Boston, Mass., serving all intermediate points and the off-route point of Hudson, Mass., between Uxbridge, Mass., and Woonsocket, R.I., serving all intermediate points;

Between junction Connecticut Highway 15 and 20 (east of Staffordville, Conn.), and junction Connecticut Highways 74 and 30 (east of Rockville, Conn.), serving all intermediate points, between Providence, R.I., and East Hartford, Conn., for operating convenience only, serving no intermediate points, between Middletown, Conn., and junction U.S. Highway 6 and Alternate U.S. Highway 6 (west of Willimantic, Conn.), for operating convenience only, serving no intermediate points, between junction U.S. Highway 20 and Massachusetts Highway 131 (near Sturbridge, Mass.), and Chepachet, R.I., for operating convenience only, serving no intermediate points; *general commodities*, except those of unusual value, commodities in bulk, livestock, classes A and B explosives, household goods as defined by the Commission, commodities requiring refrigeration or special equipment, and those injurious or contaminating to other lading, between Boston, Mass., and Barre, Mass., between Lawrence, Mass., and Lowell, Mass., between Lowell, Mass., and North Chelmsford, Mass., between Boston, and Woonsocket, R.I., serving all intermediate points; *general commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading, between Naugatuck, Conn., and New York, N.Y., serving certain specified intermediate and off-route points in Connecticut and New York; *bakery products*, serving Manchester, N.H., as an off-route point in connection with carrier's regular-route operations authorized herein, serving Concord, N.H., as an off-route point in connection with carrier's regular-route operations authorized herein; *wool*, from Boston, Mass., to Barre, Mass., serving the intermediate point of Gilbertville, Mass., for delivery only, with restriction;

*Books, magazines, paper, waste paper, and platforms*, between Lowell, Mass., and Concord, N.H., serving no intermediate points, *printed matter, oil, and textile machinery and parts*, from Uxbridge, Mass., to Woonsocket, R.I., serving no intermediate points; *general commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier* over irregular routes, between Boston, Mass., on the one hand, and, on the other, points in Massachusetts within 10 miles of Boston, between Boston, Mass., and points in Massachusetts within 40 miles of Boston, Mass., on the one hand, and, on the other, points in Rhode Island and Connecticut, and those in that part of New Hampshire south of a line beginning at the New Hampshire-Maine State line, and extending along U.S. Highway 202 to Hillsboro, N.H., and thence along New Hampshire Highway 9 to the Connecticut River, including points on the indicated portions of the highways specified, between New Britain, Conn., and Worcester, Mass.; *general commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading, between certain specified points in Connecticut, on the one hand, and, on the other, certain specified points in New York and New Jersey; *general commodities*, except those of unusual value, livestock, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring refrigeration or special equipment and those injurious or contaminating to other lading, between Boston, Mass., on the one hand, and, on the other, points in that part of Massachusetts on and east of Massachusetts Highway 12, between points in that part of Massachusetts on and east of Massachusetts Highway 12, on the one hand, and, on the other, points in Rhode Island;

*Such commodities* as require special handling by reason of their unusual size, weight, or bulk, between Boston, Mass., and points within 30 miles of Boston, on the one hand, and, on the other, points in Connecticut and Rhode Island; magazines, from Old Saybrook, Conn., to points in Massachusetts, Rhode Island, and New York authorized to be served by carrier over regular routes in the transportation of general commodities, with specified exceptions, authorized herein; *wool, waste and cloth*, between Boston, Mass., and points within 10 miles of Boston, on the one hand, and, on the other, points in Connecticut and Rhode Island; *wool, wool products, mohair, rayon, rags, and burlap bags, and supplies* used in connection with the manufacture of textiles, except liquid commodities in bulk, between Franklin, N.H., and Tilton, N.H.; *wool and wool shoddy*, between Newton, Mass., on the one hand, and, on the other, Harrisville, N.H., Wickford, R.I., and points in Providence County, R.I.; *wool and wool products*, between points in Massachusetts and Rhode Island; *oil, paints, ventilating fans, rubberized fabric and cloth, and jack lifts and truck*, between Newton and Watertown, Mass., on the one hand, and, on the other, points in Providence County, R.I.; *empty containers*, from Harrisville, N.H., Wickford, R.I., and points in Providence County, R.I., to Watertown and Newton, Mass.; *wool, wool products, mohair, rayon, rags and burlap bags*, between Boston, Mass., and points in Massachusetts within 40 miles of Boston, Mass., on the one hand, and on the other, Franklin, Derry, and Manchester, N.H., points in Rhode Island, those in Massachusetts on and south of a line beginning at South Duxbury, Mass., and extending westerly through Bridgewater, Mass., to the Massachusetts-Rhode Island State line, and those in that part of Connecticut east of a line beginning at the Connecticut-Massachusetts State line and extending along Alternate U.S. Highway 5 to Hartford, Conn., thence along U.S. Highway 5 to New Haven, Conn., thence along U.S. Highway 1 to Norwalk, Conn., thence south along Connecticut Highway 136 via South Norwalk, Conn., to Long Island Sound, including points on the indicated portions of the highway specified, between Barre, Mass., and Pease Dale, R.I.;

*Heavy machinery, machine parts, and articles requiring specialized handling or rigging* because of size or weight, between points in Massachusetts, on the one hand, and, on the other, New York, N.Y., and points in Rhode Island, Connecticut, New Hampshire, Vermont, and Massachusetts, between points in that part of New Hampshire south and east of a line beginning at Portsmouth, N.H., and extending along U.S. Highway 4 to junction U.S. Highway 202, and thence along U.S. Highway 202 to the New Hampshire-Massachusetts State line, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Rhode Island; *textile supplies*, except in bulk, between Franklin, N.H., on the one hand, and, on the other, Boston, Mass., and points in Massachusetts within 40 miles of Boston, Mass.; *shop furniture*, from New Britain, Conn., to points in New York; *wrenches*, from New Britain,

Conn., to Poughkeepsie, N.Y.; *heavy machinery and parts thereof*, from New Britain, Conn., to Albany, N.Y.; *packinghouse products, eggs, and empty containers, for such commodities*, between Hartford, Conn., on the one hand, and, on the other, Millerton, N.Y. A-P-A TRANSPORT CORP., is authorized to operate as a *common carrier* in New York, Connecticut, Pennsylvania, and New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10994. Authority sought for purchase by DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46621, of a portion of the operating rights of ROBERT NELSON HINES, doing business as CENTRE CARRIERS, Post Office Box 530, 1006 West College Avenue, State College, Pa. 16801, and for acquisition by PAUL A. MAVIS, also of South Bend, Ind. 46621, of control of such rights through the purchase. Applicants' attorney: Charles M. Pieroni, 4000 West Sample Street, South Bend, Ind. 46621. Operating rights sought to be transferred: Machinery, as a *common carrier*, over irregular routes, between points in Centre County, Pa., on the one hand, and, on the other, points in New York, New Jersey, Ohio, West Virginia, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10995. Authority sought for control and merger by MARY ELLEN STIDHAM, N. M. STIDHAM, INEZ MANKINS, JAMES E. MANKINS, SR., ESTATE OF A. E. MANKINS, SR. (INEZ MANKINS AND JAMES E. MANKINS, SR., TRUSTEES), doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, Tex. 75662, of the operating rights and property of PELICAN TRUCKING COMPANY, INC., 1600 Wells Island Road, Post Office Box 7127, Shreveport, La. 71107. Applicants' attorney: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Operating rights sought to be controlled and merged: *Machinery, equipment, materials, and supplies*, used in or in connection with, discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at wells or hole sites; and (d) the injection or removal of commodities into or from holes or wells, as a *common carrier* over irregular routes, between points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Tennessee, Texas, and Georgia, between points in Alabama, Florida, Texas, Louisiana, Arkansas, and Mississippi, on the one hand, and, on the other, points in Illinois, Indiana, and Kentucky;

*Metal railroad tank car tanks*, between Shreveport, La., on the one hand, and, on the other, Texarkana, Ark.-Tex.; *commodities*, the transportation of which because of size or weight requires the use of special equipment or handling, from Shreveport, La., to points in Alabama, Arkansas, Florida, Georgia, Indiana, Illinois, Kentucky, Mississippi, Tennessee, and Texas. MARY ELLEN STIDHAM, N. M. STIDHAM, INEZ MANKINS, JAMES E. MANKINS, SR., ESTATE OF A. E. MANKINS, SR. (INEZ MANKINS AND JAMES MANKINS, SR., TRUSTEES), doing business as EAGLE TRUCKING CO., is authorized to operate as a *common carrier* in Arkansas, Louisiana, Mississippi, Texas, Georgia, Alabama, Florida, Colorado, Wyoming, Utah, Montana, Kansas, Oklahoma, New Mexico, Nevada, Illinois, Indiana, Iowa, Kentucky, Missouri, Delaware, Nebraska, New Jersey, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: MC-FC-72397, filed September 15, 1970, certificate not yet issued.

No. MC-F-10996. Authority sought for purchase by NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, Conn. 06066, of a portion of the operating rights of C. RICKARD & SONS, INC., 20 Atlantic Street, Bridgeport, Conn. 06604, and for acquisition by CHARLES G. CHILBERG, 33 Reed Street, Rockville, Conn. 06066; KENNETH A. H. NELSON, 32 Earl Street, Manchester, Conn. 06040; CLIFFORD J. O. NELSON, 9 Old Farm Road, Dover, Mass. 02030; and OSCAR H. CHILBERG, 52 Richard Road, Manchester, Conn. 06040, of control of such rights through the purchase. Applicants' attorneys: Vernon V. Baker, 1250 Connecticut Avenue NW., Washington, D.C. 20036, and Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06107. Operating rights sought to be transferred: *General commodities*, excepting, among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in Fairfield County, Conn., on the one hand, and, on the other, points in New York (excepting points in Nassau, Suffolk, and Westchester Counties), Pennsylvania, Delaware, Maryland, and the District of Columbia; *petroleum and petroleum products* (except commodities in bulk) *and advertising materials*, from Reno, Rouseville, and Oil City, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York (except points on and east of U.S. Highway 11 from the New York-Pennsylvania State line to junction New York Highway 57 near Syracuse, N.Y., and points on and west of New York Highway 57 from Syracuse to Oswego), Rhode Island, and Vermont. Vendee is authorized to operate as a common carrier in New York, Pennsylvania, New Jersey, District of Columbia, Maryland, Delaware, Connecticut, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Virginia, West Virginia, Indiana, Michigan, Ohio, and Illinois. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10997. Authority sought for control by LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108, of HUEY MOTOR EXPRESS, 1426 Dalton Avenue, Cincinnati, Ohio 45214, and for acquisition by LEE WAY MOTOR FREIGHT, INC., and in turn R. E. LEE and M. S. LEE, also of Oklahoma City, Okla. 73108, of control of HUEY MOTOR EXPRESS, through the acquisition by LEE WAY MOTOR FREIGHT, INC. Applicants' attorneys and representative: Roland Rice, Suite 618, Perpetual Building, 1111 E. Street N.W., Washington, D.C. 20004; Richard H. Champlin, Post Office Box 82488, Oklahoma City, Okla. 73108; and Harry V. McChesney, Box 464, Frankfort, Ky. 40601. Operating rights sought to be controlled: *General commodities*, as a *common carrier* over regular routes, between Owenton, Ky., and Williamstown, Ky., between Cincinnati, Ohio, and Louisville and Williamstown, Ky., between Erlanger, Ky., and the Boone-Kenton Airport (in Boone County approximately 5 miles west of Erlanger); *general commodities*, excepting, among others, dangerous explosives, household goods, and commodities in bulk, between Louisville, Ky., and Cincinnati, Ohio; general commodities, excepting, among others, classes A and B explosives, household goods, and commodities in bulk, between junction Kentucky Highway 36 and U.S. Highway 42 (near Carrollton, Ky.) and junction U.S. Highways 421 and 42 (near Bedford, Ky.), between Florence, Ky., and Beaverlick, Ky., serving all intermediate points, service is authorized at various intermediate and off-route points on the above specified routes; *general commodities* including *livestock*, as a *common carrier* over irregular routes, between points and places in Ohio on and west of U.S. Highway 62 and on and south of U.S. Highway 40, on the one hand, and, on the other, points and places in Boone, Campbell, and Kenton Counties, Ky.; *cream, butter, eggs, lumber, roofing, and soap*, in truckload quantities, from Cincinnati, Ohio, to points and places in Kentucky on and north of U.S. Highway 60. LEE MAY MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Oklahoma, Texas, Missouri, Illinois, Kansas, Colorado, Indiana, Ohio, Pennsylvania, West Virginia, New York, Arizona, New Mexico, and California. Application has been filed for temporary authority under section 210a(b).

No. MC–F–10998. Authority sought for purchase by TRANSPORTATION SERVICE, INC., 2021 South Schaefer Drive, Detroit, Mich. 48217, of a portion of the operating rights of ATKINSON LINES, INC., 11 Heid Avenue, Dayton, Ohio 45404, and for acquisition by BILLY O. HEFFLEY, also of Detroit, Mich. 48217, of control of such rights through the purchase. Applicants' attorneys: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215, and John Graham, 2021 South Schaefer Drive, Detroit, Mich. 48217. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–120247 Sub-2, covering the transportation of property, as a common carrier, in interstate commerce, within the State of Ohio. Vendee is authorized to operate as a *common carrier* in Michigan and Ohio. Application has been filed for temporary authority under section 210a (b). NOTE: MC–43442 Sub-22 is a matter directly related.

No. MC–F–10999. Authority sought for purchase by R. M. SULLIVAN TRANSPORTATION, INC., 649 Cottage Street, Springfield, Mass. 01104, of the operating rights of BROZ EXPRESS, INC., 115 York Street, West Springfield, Mass. 01089, and for acquisition by ROBERT M. SULLIVAN, 14 Old Coach Road, Wilbraham, Mass. 01095, of control of such rights through the purchase. Applicants' attorney: David M. Marshall, 135 State Street, Springfield, Mass. 01103. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk as a *common carrier* over regular routes, between Springfield, Mass., and Chester, Mass., serving all intermediate points with restriction, and under a certificate of registration, in Docket No. MC–28331 (Sub–No. 3), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Massachusetts, New Hampshire, Rhode Island, and Connecticut. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC–2066 Sub–No. 2, is a matter directly related.

No. MC–F–11000. Authority sought for purchase by McBRIDE TRANSPORTATION, INC., 289 West Main Street, Goshen, N.Y. 10924, of the operating rights and property of C & E TRUCKING CORPORATION, ALFRED A. ROSENBERG, ASSIGNEE FOR BENEFIT OF CREDITORS, Route No. 212, Saugerties, N.Y. 12477, and for acquisition by H. LEON McBRIDE, SR., FRANK McBRIDE, SR., and H. LEON McBRIDE, JR., all also of Goshen, N.Y. 10924, of control of such rights and property through the purchase. Applicants' attorney: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Operating rights sought to be transferred: *Sugar syrup*, in bulk, in tank vehicles, as a *contract carrier*, over irregular routes, from Yonkers, N.Y., to Burlington, Vt.; *liquid sugar, invert sugar, syrup and flavorings*, in bulk, in tank vehicles, from New York, N.Y., to Annapolis and Baltimore, Md., certain specified points in Pennsylvania, and Alexandria, Va.; *liquid sugar and invert sugar*, in bulk, in tank vehicles, from Yonkers, N.Y., to Bradford and Erie, Pa., from Yonkers, N.Y., to points in Pennsylvania (with exceptions); *flavoring syrup*, in bulk, in tank vehicles, from New York, N.Y., to points in Pennsylvania (with exceptions); *blends or mixtures of corn syrup and liquid or invert sugar*, in bulk, in tank vehicles, from Long Island City, N.Y., to Alexandria, Va., Annapolis and Baltimore, Md., and points in Pennsylvania (with exception), from Yonkers, N.Y., to Alexandria, Va., Annapolis and Baltimore, Md., and points in Pennsylvania (with exception); *liquid sugar, invert sugar, and blends or mixtures of liquid and invert sugar and corn syrup*, in bulk, in tank vehicles, from Bayonne, N.J., to points in Pennsylvania (with exceptions).

*Liquid sugar, invert sugar, and blends of liquid and/or invert sugar and corn syrups*, in bulk, in tank vehicles, from Yonkers, N.Y., and Bayonne, N.J., to Wilmington, Del., and to Philadelphia, Pa., and points within 25 miles of Philadelphia; *wine and grape juice*, in bulk, in tank vehicles, from Fredonia, N.Y., to Greenville, N.H.; *liquid sugar, invert sugar, sirups, and blends or mixtures of sirups and sugar*, in bulk, in tank vehicles, from Montezuma, N.Y., to points in Pennsylvania (with exceptions); *fruit juices*, in bulk, in tank vehicles, from Fredonia, N.Y., to Philadelphia, Pa.; *liquid sugar, invert sugar, and blends of liquid and/or invert sugar, and/or corn syrup*, from Yonkers, N.Y., and Bayonne, to Chestertown, Md.; *flavorings and flavoring syrups* (except liquid chocolate, liquid chocolate coatings, liquid chocolate liquor, cocoa butter, and liquid vegetable oil coatings) and *liquid sugar, invert sugar, and blends and mixtures* of liquid and/or invert sugar and corn syrup, in bulk, in tank vehicles, from New York and Yonkers, N.Y., to points in Delaware and Maryland, with restrictions. Vendee is authorized to operate as a *common carrier*, in New York, Pennsylvania, Connecticut, New Jersey, Ohio, Maryland, Massachusetts, Vermont, New Hampshire, Maine, Rhode Island, Virginia, Delaware, West Virginia, Michigan, Indiana, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70–14479; Filed, Oct. 27, 1970; 8:47 a.m.]

[Notice 179]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 23, 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.

### MOTORS CARRIERS OF PROPERTY

No. MC 689 (Sub-No. 2 TA), filed October 20, 1970. Applicant: GABRIEL CHERTUDI AND FELIX CHERTUDI, doing business as CHERTUDI BROTHERS, 1604 Parker Avenue, Caldwell, Idaho 83605. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities*, between Jordan Valley, Oreg., and points in Oregon within 40 miles of Jordan Valley, on the one hand, and, on the other, Ontario, Oreg., and points in Owyhee, Canyon and Ada Counties, Idaho, for 180 days. NOTE: Applicant does not intend to tack or interline authority sought. Supporting shippers: James Baltzor, Chairman, Jordan Valley High School, Jordan Valley, Oreg. 97910; S. K. Skinner & Sons, Jordan Valley, Oreg. 97910; Bill Ross, Jordan Valley, Oreg. 97910; Mrs. Gertrude Anderson, Jordan Valley, Oreg. 97910; James Acarregui, Mayor, Jordan Valley, Oreg. 97910; Walter Baltzor, Jordan Valley, Oreg. 97910. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, Boise, Idaho 83702.

No. MC 35807 (Sub-No. 12 TA), filed October 21, 1970. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, 330 East 22d Street, New York, N.Y. 10010. Applicant's representative: Melvin E. Ballet, Post Office Box 4313, Atlanta, Ga. 30302. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, and related money transfers*, between New Orleans, La., on the one hand, and, on the other hand, points in Concordia, Madison, and Teneas Parishes, La., for 180 days. Supporting shipper: Federal Reserve Bank of Atlanta, New Orleans, La., branch. 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 105881 (Sub-No. 43 TA) (Correction), filed October 7, 1970, published FEDERAL REGISTER, issue of October 16,

1970, and republished as corrected this issue. Applicant: M. R. & R. TRUCKING COMPANY, 715 North Ferdon Boulevard, Post Office Box 997, Crestview, Fla. 32536. Applicant's representative: V. N. PIGOTT (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Arlington and Atlanta, Ga., from Arlington over Georgia Highway 62 to junction Georgia Highway 62 and Georgia Highway 91, thence over Georgia Highway 91 to Albany, Ga., thence over U.S. Highway 19 to Atlanta, and return over the same routes, serving no intermediate points, for 180 days. NOTE: The purpose of this republication is to correctly set forth the regular route proposed. Supported by: Sunshine Metal Products Co., Inc., Post Office Box 267, Arlington, Ga. 31713. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 107295 (Sub-No. 460 TA), filed October 20, 1970. Applicant: PER-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wall, door, and window systems, doors, windows and doors, and window frames and sash, and parts and accessories* used in the installation thereof, from Harrisonburg, Va., to points in Cook, Du Page, and Lake Counties, Ill., for 180 days. Supporting shipper: Kawneer Co., Inc., 1105 North Front Street, Niles, Mich. 49120. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 116519 (Sub-No. 10 TA), filed October 20, 1970. Applicant: FREDERICK TRANSPORT LIMITED, Rural Route 6, Chatham, Ontario, Canada. Applicant's representative: S. Harrison Kahn, 733 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Maumee and Toledo, Ohio, to ports of entry at the international boundary at or near Detroit and Port Huron, Mich. Restriction: The traffic involved here is restricted to foreign commerce only, for 150 days. Supporting shipper: The Andersons, Post Office Box 119, Maumee, Ohio 43537. Send protests to: District Supervisor Melvin F. Kirsch, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 116982 (Sub-No. 8 TA), filed October 20, 1970. Applicant: FUCHS, INC., 306 Water Street, Sauk City, Wis. 53583. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials, and agricultural chemicals*, such as but not limited to insecticides, herbicides, fungicides, pesticides, and rodenticides when shipped with fertilizer or fertilizer materials, from the plant and warehouse facilities of Swift Agricultural Chemicals Corp. at Almond, Wis., to points in Illinois, Indiana, Iowa, the Upper Peninsula of Michigan, Minnesota, and Wisconsin, limited to a transportation service to be performed under a continuing contract or contracts with Swift Agricultural Chemicals Corp., Chicago, Ill., for 180 days. Supporting shipper: Swift Agricultural Chemicals Corp., 2 North Riverside Plaza, Chicago, Ill. 60606. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, Wis. 53703.

No. MC 118039 (Sub-No. 11 TA), filed October 21, 1970. Applicant: MUSTANG TRANSPORTATION, INC., Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes, fiberboard*, other than corrugated and *bakery trays*, from the plantsite and warehouse of the Food Packaging Corp., De Kalb County, Ga., to points in Mississippi, Arkansas, Oklahoma, Louisiana, and Texas, for 120 days. Supporting shipper: Food Packaging Corp., 4691 Lewis Road, Post Office Box 366, Stone Mountain, Ga. 30083. 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 125474 (Sub-No. 27 TA), filed October 20, 1970. Applicant: BULK HAULERS, INC., Post Office Box 3601, U.S. Highway 421 North, Wilmington, N.C. 28401. Applicant's representative: L. W. Latham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl terephthalate* (DMT), from points in New Hanover County, N.C., to Anderson, S.C., for 180 days. Supporting shipper: Hercules, Inc., 900 Life of Georgia Tower, Atlanta, Ga. 30308. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, N.C. 27611.

No. MC 127299 (Sub-No. 3 TA), filed October 20, 1970. Applicant: PENNY EXPRESS, INC., 718 West Birchtree Lane, Claymont, Del. 19703. Applicant's representative: Alan Kahn, Suite 1920, Two Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes*, from Oaks, Montgomery County, Pa., to points in Delaware, and *return shipments* of the above-specified commodities, from points in Delaware to Oaks, Pa., for 180 days. Restricted to a transportation service under a continuing contract or contracts with Arthur J. Matthews, doing business as Delaware Tire Center, 3700 Market Street, Wilmington, Del. 19802. Supporting shipper: Arthur J. Matthews, doing business as Delaware Tire Center, 3700 Market Street, Wilmington, Del. 19802. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 127580 (Sub-No. 2 TA), filed October 20, 1970. Applicant: H. P. HALE, Post Office Box 177, Roswell, N. Mex. 88201. Applicant's representative: Edwin E. Piper, Jr., Suite 715, Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Particle board;* (1) from Flagstaff, Ariz., to Roswell, N. Mex.; and (2) from Flagstaff, Ariz., and Roswell, N. Mex., to points in that part of Oklahoma on and west of a line beginning at the Oklahoma-Kansas State line and extending south along U.S. Highway 69 to Durant, Okla., thence along U.S. Highway 75 to the Oklahoma-Texas State line and points in that part of Texas on, west, and north of a line beginning at the Texas-Oklahoma State line and extending south along U.S. Highway 75 to Dallas, Tex., thence southward along U.S. Highway 77 to junction U.S. Highway 81 at or near Hillsboro, Tex., thence southward along U.S. Highway 81 (and Interstate Highway 35) to San Antonio, Tex., thence westward along U.S. Highway 90 to Van Horn, Tex., thence west-northwestward along U.S. Highway 80 to the Texas-New Mexico State line at El Paso, Tex., including El Paso, Tex., with the operations authorized to be performed under a continuing contract or contracts with Dodson Wholesale Lumber Co. of Roswell, N. Mex., for 180 days. Supporting shipper: Dodson Wholesale Lumber, Box 1851, Roswell, N. Mex. Send protests to: Wm. R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10515 Federal Building and U.S. Courthouse, 500 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 133000 (Sub-No. 6 TA) (correction), filed September 23, 1970, published FEDERAL REGISTER, issues of October 2 and October 16, 1970, and republished as corrected this issue. Applicant: DIAMOND SAND & STONE CO., 744 Riverside Avenue (32204), Post Office Box 4667, Jacksonville, Fla. 32201. Applicant's representative: Martin Sack, Jr., Gulf Life Tower, Jacksonville, Fla. 32207. NOTE: The purpose of this republication is to show the correct docket number assigned thereto, in lieu of No. MC 13300 (Sub-No. 6 TA), which was shown in error in the previous publication.

No. MC 134954 (Sub-No. 1 TA), filed October 20, 1970. Applicant: INTERNATIONAL PRODUCTS CORP. 427 Michigan Avenue, Chickasha, Okla. 73018.

Applicant's representative: Allen H. Singer (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer compounds*, in bulk, or in bags, in straight or mixed shipments, from the plantsite and warehouse facilities of OLIN, located at Pasadena (Houston) Tex., to points in Oklahoma, for 180 days. Supporting shipper: OLIN, R. H. May, Supervisor, Distribution Analysis, Post Office Box 991, Little Rock, Ark. 72203. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 135002 TA, filed October 20, 1970. Applicant: BAY MOVING CO. INC., 1714 Frankford Avenue, Panama City, Fla. 32401. Applicant's representative: Sol. H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission and *unaccompanied baggage and personal effects*, between points in Bay, Gulf, Washington, Calhoun, Jackson, Gadsden, Liberty, Leon, Wakulla, and Franklin Counties, Fla. Restriction: Said operations are restricted to the transportation of traffic having a prior or subsequent movement in containers, except as to unaccompanied baggage and personal effects, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Department of Defense, Washington, D.C. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 135003 TA, filed October 20, 1970. Applicant: CRX, INC., St. Charles, Minn. 55972. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh or frozen dressed poultry, poultry products, and frozen foods*, from Faribault, Minn., to Portland, Maine; Manchester, N.H.; and Providence, R.I.; and to points in Michigan, Illinois, Missouri, Indiana, Ohio, Kentucky, Pennsylvania, Maryland, New Jersey, Virginia, New York, District of Columbia, West Virginia, Massachusetts, and Connecticut; and (2) *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce act if transported in vehicles not used in carrying any other property when moving in the same vehicle at the same time with (1) above, for 180 days. Supporting shipper: Doughboy Industries, Inc., New Richmond, Wis. 54017. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-14480; Filed, Oct. 27, 1970; 8:47 a.m.]

## NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 23, 1970.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. M-5455, filed October 13, 1970. Applicant: TERMINAL MOVING AND STORAGE COMPANY, 500 East Markham Street, Little Rock, Ark. 72201. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of (1) *household goods* as defined by the Arkansas Commerce Commission and *unaccompanied baggage and personal effects*, between points in Arkansas; (2) *telephone instruments, telegraph instruments, teletype machines and parts* thereof; and (3) *radio and television transmission, receiving and recording equipment, electron microscope equipment and component parts* therefor. Restriction: (A) The interstate portion of this application is to be restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; (B) the intrastate portion of this application is restricted to the intrastate transportation of described traffic packaged, crated, and containerized, or the unpacking, uncrating, and decontainerization of such traffic, and the packing, crating, and containerization, or the unpacking, uncrating, and decontainerization of such traffic, between points in Arkansas, as an extension (commoditywise) of present Arkansas Intrastate Certificate No. B-415). Both intrastate and interstate authority sought.

*HEARING:* Monday, November 30, 1970, at 10 a.m., Arkansas Commerce Commission hearing room, Justice Building, Little Rock, Ark. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Arkansas Commerce Commission, Justice Building, Little Rock, Ark., and should not be directed to the Interstate Commerce Commission.

State Docket No. 43, 144 M, filed October 18, 1970. Applicant: GOLDEN BELT EXPRESS, INC., 501 Stone Street, Great Bend (Barton County), Kans. Applicant's representative: Erle W. Francis, Topeka, Kans. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting: light express consisting of packages not exceeding 3 feet in height, width or breadth or 6 feet in length and not exceeding 200 pounds in weight and no single shipment to exceed 800 pounds in weight: Between Hoisington and Scott City, Kans., via the following highways: From Hoisington via U.S. Highway 281 to Russell, Kans.; thence via U.S. Highway 40 or Interstate 70 to Wakeeney and the junction of U.S. Highway 283; thence via U.S. Highway 283 to junction of Kansas Highway 4; thence via Kansas Highway No. 4 to Ransom and return to U.S. Highway 283; thence via U.S. Highway 283 to Ness City, Kans.; thence via Kansas Highway No. 96 to Scott City; and also, between Kinsley, Dodge City, and Jetmore, Kans., on the following highways: From Kinsley, Kans., via U.S. Highway 56 to Dodge City, Kans., and from junction of U.S. Highway 56 and U.S. Highway 283 at or near Wright, Kans.; thence via U.S. Highway 283 to Jetmore, Kans., with service to be authorized to, from and between Hoisington, Russell, Hays, Ellis, Wakeeney, Ransom, Ness City, Dighton, Scott City, Kinsley, Dodge City, Jetmore, and all other points and places on the proposed extension, and between all points and places on the proposed extension on the one hand and all points presently authorized to be served on the other.

Except that the commodities consisting of: (a) Vehicle exhaust, tailpipes, tubing, and television antennas shall have a length limitation not to exceed 10 feet. (b) Articles, or packages consisting of engines, engine blocks, cylinder heads, and transmissions shall have a weight limitation so that no single article or package shall exceed 350 pounds. Restricted to offer or perform no service to, from or between points and places on the extension and on the extension on the one hand and presently authorized points on the other for the transportation of commercial papers, documents, and written instruments (except coins, currency, and negotiable securities) as are used in the conduct and operation of banks and banking institutions. Applicant seeks corresponding authority to operate in interstate or foreign commerce under section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. Applicant presently has authority to transport light express in packages not exceeding 3 feet in height, width, or

breadth or 6 feet in length and not exceeding 100 pounds in weight each with no single shipment to exceed 100 pounds in weight and restricted to perform no service of more than one shipment totaling 100 pounds from any one consignor to any one consignee in any one 24-hour period. The purpose of this application is to permit service to shippers and receivers of express on this extension in the same manner as similar situated shippers and receivers receive service on the territory embraced in the original certificate. Both intrastate and interstate authority sought.

*HEARING:* December 15 and 16, 1970, at the Highland Manor Hotel, 3017 West Tenth, Grand Bend, Kans. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State Corporation Commission, Fourth Floor, State Office Building, Topeka, Kans. 66612, and should not be directed to the Interstate Commerce Commission.

State Docket No. 70–133–MP/A, filed April 24, 1970. Applicant: WESTOURS MOTOR COACHES, INC. 900 IBM Building, Seattle, Wash. 98101. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *passengers and their baggage,* in (a) limousine service between transportation terminals, housing facilities, and tourist attractions at Valdez, Alaska and vicinity; (b) sightseeing in and around the city of Valdez, within 25 miles radius thereof; (c) tour service between Valdez and Anchorage and Fairbanks; and (d) charter service originating at Valdez, Alaska. Both intrastate and interstate authority sought.

*HEARING:* Unknown at this time. Request for procedural information including the time for filing protests concerning this application should be addressed to the Alaska Transportation Commission, 750 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501, and should not be directed to the Interstate Commerce Commission.

State Docket No. 70–135–MP–A, filed April 24, 1970. Applicant: WESTOURS MOTOR COACHES, INC., 900 IBM Building, Seattle, Wash. 98101. Certificate of public convenience and necessity sought to operate a passenger service as follows: Transportation of *passengers and their baggage,* in (A) Limousine service between transportation terminals, housing facilities, and tourist attractions, at Seward and vicinity; (B) sightseeing in and around the city of Seward, extending to Anchorage; (C) tour service between Seward and Anchorage; and (D) charter service originating at Seward, Alaska. Both intrastate and interstate authority sought.

*HEARING:* Not yet assigned. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Alaska Transportation Commission, 750 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501, and should not be directed to the Interstate Commerce Commission.

State Docket No. 70–136–MP/A, filed April 24, 1970. Applicant: WESTOURS MOTOR COACHES, INC., 900 IBM Building, Seattle, Wash. 98101. Certificate of public convenience and necessity sought to operate passenger service as follows: Transportation of *Passengers and their baggage,* in: (A) Limousine service between transportation terminals, housing facilities and tourist attractions; (B) sightseeing; (C) tour; and (D) charter service in the city of Skagway and surrounding area within a radius of twenty (20) miles. Both intrastate and interstate authority sought.

*HEARING:* Unknown at this time. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Alaska Transportation Commission, 750 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501 and should not be addressed to the Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70–14476; Filed, Oct. 27, 1970; 8:47 a.m.]

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[Ex Parte No. 261; Special Permission No. 70–275]

## TARIFFS CONTAINING JOINT RATES AND THROUGH ROUTES FOR TRANSPORTATION OF PROPERTY BETWEEN POINTS IN U.S. AND FOREIGN COUNTRIES

Upon consideration of the record in the above-entitled proceeding, including the report and order of the Commission, 337 ICC 625, decided September 4, 1970, and of the filing of petitions for reconsideration thereof, and for good cause shown,

*It is ordered,* That the effective date of the said order, October 26, 1970, be, and it is hereby postponed until the further order of the Commission.

*It is further ordered,* That notice of this order 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.

Dated at Washington, D.C., on this 22d day of October 1970.

By the Commission, Acting Chairman Hardin.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70–14481; Filed, Oct. 27, 1970; 8:48 a.m.]

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[No. MC 99744 (Sub-No. 4) etc.]

## VICTOR GROTHAUS ET AL.

### Tacking Restriction

OCTOBER 23, 1970.

No. MC 99744 (Sub-No. 4), Victor Grothaus modification of certificate; No. MC–C–6689, Victor Grothaus, doing business as Grothaus Express—investigation and revocation of certificates; No. MC–C–5930, Crouse Cartage Company v. Victor Grothaus, doing business as Grothaus Express et al.; No. MC–FC 69011, Victor Grothaus, doing business as Grothaus Express, Kingsley, Iowa, transferee and Wade W. Mohr, Manning, Iowa, transferor; U.S.D.C. Northern District of Iowa, Civil No. 67–C–2020–C, Crouse Cartage Company v. United States of America, et al.

By petition filed December 9, 1968, Victor Grothaus, doing business as Grothaus Express, Kingsley, Iowa, seeks removal or modification of a tacking restriction contained in certificate No. MC–9744 (Sub-No. 4). In a decision and order dated May 21, 1970, Review Board No. 2 affirmed and adopted the findings of the joint board in the above-entitled proceeding and ordered that the certificate in No. MC–99744 (Sub-No. 4) be reissued and modified so as to authorize service as follows:

General commodities, except classes A and B explosives, commodities in bulk, in tank vehicles, and beverages, between Omaha, Nebr., and Moville, Iowa, from Omaha over U.S. Highway Alternate 30 to Council Bluffs, Iowa, thence over U.S. Highway 75 to Sloan, Iowa, thence over Iowa Highway 141 to Hornick, Iowa, thence over Iowa Highway 140 to Moville, and return over the same route, serving the intermediate points of Whiting, Sloan, Hornick, and Climbing Hill, Iowa, and the off-route points of Salix and Bronson, Iowa.

At the request of the parties, the time for the filing of petitions for reconsideration of this decision and order has been extended to October 30, 1970.

This notice is being published at this time in view of the agreement of the parties to that proceeding as summarized below, and because it is possible that other persons who have relied upon the notice of the petition in No. MC–99744 (Sub-No. 4) published in the FEDERAL REGISTER issue of January 3, 1969, would be prejudiced by the lack of proper notice of the authority described in the decision and order of May 21, 1970. Any interested person may file an appropriate petition, within 30 days of this publication, to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

Should the aforementioned review board decision and order of May 21, 1970, in No. MC–99744 (Sub-No. 4) become final, Victor Grothaus has stated his intention to surrender for cancellation certificate No. MC–9765, acquired in No. MC–FC–69011, which authorizes the transportation of livestock and general commodities, between Denison, Iowa, and Omaha, Nebr., with service to and from intermediate and off-route points within 25 miles of Denison.

Upon the cancellation of certificate No. MC–9765, Crouse Cartage Co. has evidenced its intention to (1) dismiss Civil Action No. 67–C–2020–C U.S.D.C. Northern District of Iowa, (2) withdraw from the proceeding in No. MC–C–5930

and request that it be dismissed, and (3) withdraw as an intervenor in No. MC-C-6689.

Any interested person desiring to object to the proposed surrender of certificate No. MC-9765 as set forth above shall file an original and seven copies of his written representations, views, and arguments, within 30 days from the date of this publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-14483; Filed, Oct. 27, 1970; 8:48 a.m.]

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