FEDERAL REGISTER

VOLUME 35 • NUMBER 215

Wednesday, November 4, 1970 • Washington, D.C.

Pages 16969–17024

Agencies in this issue—

Agricultural Research Service
Alien Property Office
Atomic Energy Commission
Civil Aeronautics Board
Coast Guard
Commerce Department
Comptroller of the Currency
Defense Department
Federal Aviation Administration
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Power Commission
Federal Reserve System
Food and Drug Administration
Food and Nutrition Service
Hazardous Materials Regulations Board
Housing and Urban Development Department
Interim Compliance Panel (Coal Mine Health and Safety)
Interstate Commerce Commission
Land Management Bureau
Oil Import Administration
Public Health Service
Securities and Exchange Commission
Tariff Commission
Treasury Department

Detailed list of Contents appears inside.

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Contents

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations

Hog cholera and other communicable swine diseases; areas quarantined 16973

AGRICULTURE DEPARTMENT

See Agricultural Research Service; Food and Nutrition Service.

ALIEN PROPERTY OFFICE

Notices

Ramsperger, Bruno and Judith; notice of intention to return vested property 16987

ATOMIC ENERGY COMMISSION

Notices

Connecticut Light and Power Co., et al.; application for construction permit and operating license 16993
Iowa State University; issuance of amendment to facility license ... 17000
Regents of the University of California; issuance of amendment to facility license 17001
State of Maryland; proposed agreement for assumption of certain regulatory authority 16993
Toledo Edison Co., and Cleveland Electric Illuminating Co.; application for construction permit ... 16999
Yankee Nuclear Power Corp.; amendment of provisional construction permit 17001

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
Air Haiti, S.A 17002
Britannia Airways, Ltd 17002
International Air Transport Association 17002
U.S. Mainland-Hawaii Fares ... 17002

COAST GUARD

Notices

Nelbro Packing Co.; qualification as citizen of U.S 17001

COMMERCE DEPARTMENT

Notices

International Commerce Bureau; organization and functions 16988

COMPTROLLER OF THE CURRENCY

Notices

Insured banks; joint call for report of condition; cross reference ... 16986

DEFENSE DEPARTMENT

Rules and Regulations

Illegal or improper use of drugs by members of the Department of Defense 16974

FEDERAL AVIATION ADMINISTRATION

Proposed Rule Making

Civil airplane noise reduction retrofit requirements 16980

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Certain FM broadcast stations; table of assignments 16977

Proposed Rule Making

Certain FM broadcast stations; table of assignments 16983

Notices

Hearings, etc.:
Atsinger, Edward G., III, et al ... 17004
Folkways Broadcasting Co., Inc., and Harriman Broadcasting Co 17002
Major Market Stations, Inc., et al 17005
Niagara Communications, Inc ... 17007

FEDERAL DEPOSIT INSURANCE CORPORATION

Notices

Insured banks; joint call for report of condition 17008

FEDERAL POWER COMMISSION

Notices

Midwestern Gas Transmission Co.; notice of petition to amend order 17008

FEDERAL RESERVE SYSTEM

Rules and Regulations

Availability of information; rules applicable 16973

Notices

Insured bank; joint call for report of condition; cross reference 17009
United Banks of Colorado, Inc.; order approving acquisition of bank stock by bank holding company (2 documents) ... 17008, 17009

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Certain pesticide chemical; tolerances 16974

Proposed Rule Making

Certain pesticide chemical; proposed tolerances 16980

Notices

Drugs for human use; drug efficacy study implementation ... 16992

FOOD AND NUTRITION SERVICE

Rules and Regulations

Special milk program for children; reapportionment for certain States 16973

HAZARDOUS MATERIALS REGULATIONS BOARD

Proposed Rule Making

Transportation of hazardous materials; tank car specifications; correction 16983

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration; Public Health Service.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Notices

Director, Administration Division, and Chief and Program Insurance Advisor, Local Agency Services Branch, Renewal and Housing Management; delegation of authority 16993
Property Disposition Committee and Assistant Secretary for Renewal and Housing Management; correction of authority delegation 16993

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

Notices

Applications for renewal permits; hearings:
Bethlehem Mines Corp., and Kaiser Steel Corp 17010
Sewell Coal Co. et al 17009

INTERIOR DEPARTMENT

See Land Management Bureau; Oil Import Administration.

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section application for relief 17012
Motor carrier:
Alternate route deviation notices (2 documents) 17019
Applications and certain other proceedings 17020
Intrastate applications 17017
Temporary authority applications (2 documents) ... 17013, 17014
Transfer proceedings 17017

JUSTICE DEPARTMENT

See Alien Property Office.

LAND MANAGEMENT BUREAU

Notices

Montana; proposed classification of public lands for multiple-use management; correction 16988
New Mexico; proposed withdrawal and reservation of lands 16987

(Continued on next page)

OIL IMPORT ADMINISTRATION

Rules and Regulations

Oil import regulation; appeals and definitions 16976

PUBLIC HEALTH SERVICE

Rules and Regulations

Air quality control regions; designation (2 documents) 16976, 16977

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:

Armco Steel Corp 17010
Alleghney Power System Inc., et al 17010
Carolina Power & Light Co. et al 17011
Dome Mines, Ltd 17011
General Answer Transportation Corp 17011
Quinnehtuk Co., and Northeast Utilities 17012

TARIFF COMMISSION

Notices

Ferrite cores from Japan; notice of investigation and hearing 17012

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration; Hazardous Materials Regulations Board.

TREASURY DEPARTMENT

See also Comptroller of the Currency.

Notices

6¾ Percent Treasury Notes of Series D–1972; offering of notes 16986

List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1970, and specifies how they are affected.

7 CFR

215 16973

9 CFR

76 16973

12 CFR

261 16973

14 CFR

PROPOSED RULES:

Ch. I 16980

21 CFR

120 16974

PROPOSED RULES:

120 16980

32 CFR

62 16974

32A CFR

OIA (Ch. X):

OI Reg. 1 16976

42 CFR

81 (2 documents) 16976, 16977

47 CFR

73 16977

PROPOSED RULES:

73 16983

49 CFR

PROPOSED RULES:

179 16983

Rules and Regulations

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Appendix—Third Apportionment of Special Milk Program Funds, Pursuant to Child Nutrition Act of 1966, Fiscal Year 1970

Amendments of Reapportionment for the States and total as listed below.

A third apportionment pursuant to section 3 of the Child Nutrition Act of 1966, Public Law 89-642, 80 Stat. 885-6, milk assistance funds available for fiscal year ending June 30, 1970, was published in the FEDERAL REGISTER on September 15, 1970 (35 F.R. 14435). The third apportionment is amended for the States and total listed as follows:

State	Total apportionment	State agency	Withheld for private schools
Colorado	$961,576	$877,229	$84,347
Kentucky	2,954,503	2,954,503	
Maine	521,049	443,407	77,642
Pennsylvania	5,285,595	4,650,158	635,437
Tennessee	1,961,830	1,886,679	75,151
Total	101,556,502	95,119,603	6,436,899

(Secs. 2, 3, 6; 8-16, 80 Stat. 885-890, 42 U.S.C. 1771, 1772, 1775, 1777-1785)

Dated: October 29, 1970.

EDWARD J. HEKMAN,
Administrator.

[F.R. Doc. 70-14838; Filed, Nov. 3, 1970; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 70-290]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, in subparagraph (e)(9) relating to the State of Missouri, a new subdivision (iii) relating to Bates County is added to read:

(9) *Missouri.* * * *

(iii) That portion of Bates County bounded by a line beginning at the junction of the Johnstown-Butler Airport Road and State Highway BB; thence, following State Highway BB in a southerly direction to State Highway H; thence, following State Highway H in an easterly direction to State Highway BB; thence, following State Highway BB in a southwesterly direction to State Highway 52; thence, following State Highway 52 in a southerly and then southeasterly direction to State Highway W; thence, following State Highway W in a generally southwesterly direction to State Highway B; thence, following State Highway B in a westerly direction to State Highway N; thence, following State Highway N in a generally northwesterly direction to State Highway 52; thence, following State Highway 52 in a westerly direction to U.S. Highway 71; thence, following U.S. Highway 71 in a northeasterly direction to the Johnstown-Butler Airport Road; thence, following the Johnstown-Butler Airport Road in an easterly direction to its junction with State Highway BB.

2. In § 76.2, the reference to the State of Kansas in the introductory portion of paragraph (e), and subparagraph (e)(5) relating to the State of Kansas are deleted.

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

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

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

The amendments also exclude a portion of Wyandotte County, Kans., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the area excluded from quarantine. The amendments release Kansas from the list of States quarantined because of hog cholera.

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

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

Done at Washington, D.C., this 30th day of October 1970.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-14806; Filed, Nov. 3, 1970; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 261—RULES REGARDING AVAILABILITY OF INFORMATION

Exemptions From Disclosure

1. Effective immediately, § 261.6(b) is amended by changing the words "the Board's Division of Examinations" to read "the Board's Division of Supervision and Regulation" in the second sentence thereof.

2a. The purpose of this amendment is to reflect a reorganization of certain divisions of the Board's staff subsequent to the latest revision of these rules.

b. The requirements of section 553 of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment because it is editorial in nature and does not change any substantive rule.

Board of Governors, October 27, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-14789; Filed, Nov. 3, 1970; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-(Thiocyanomethylthio) Benzothiazole

A petition (PP 0F0954) was filed with the Food and Drug Administration by Buckman Laboratories, Inc., Memphis, Tenn. 38108, proposing establishment of a tolerance of 0.1 part per million for negligible residues of the fungicide 2-(thiocyanomethylthio) benzothiazole in or on the raw agricultural commodity cottonseed.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being established.

After consideration of the data submitted in the petition and other relevant material, the Commissioner of Food and Drugs concludes that:

1. The proposed use is in the category specified in § 120.6(a)(3); therefore, tolerances are not necessary regarding meat, milk, eggs, and poultry.

2. The proposed tolerance is safe and will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), and under authority delegated to the Commissioner (21 CFR 2.120), Part 120 is amended by adding a new section as follows:

§ 120.288 2-(Thiocyanomethylthio)benzothiazole; tolerances for residues.

A tolerance of 0.1 part per million is established for negligible residues of the fungicide 2-(thiocyanomethylthio)benzothiazole in or on cottonseed.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: October 23, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14790; Filed, Nov. 3, 1970; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL: MILITARY AND CIVILIAN

PART 62—ILLEGAL OR IMPROPER USE OF DRUGS BY MEMBERS OF THE DEPARTMENT OF DEFENSE

The Deputy Secretary of Defense approved the following revision to Part 62 on October 23, 1970:

Sec.
62.1 Purpose and scope.
62.2 Applicability.
62.3 Definitions.
62.4 Policies and responsibilities.

AUTHORITY: The provisions of this Part 62 are published under authority of sec. 301, 80 Stat. 379; 5 U.S.C. 301.

§ 62.1 Purpose and Scope.

This part establishes Department of Defense policies for preventing and eliminating drug abuse by personnel of the Department of Defense and for restoring members of the Armed Forces so involved to useful functions. It assigns responsibilities for carrying out its provisions.

§ 62.2 Applicability.

The provisions of this part apply to all components of the Department of Defense.

§ 62.3 Definitions.

The following definitions are intended for administrative use and are not necessarily applicable to the administration of military justice under the Uniform Code of Military Justice.

(a) *Narcotics.* Any opiates or cocaine.

(b) *Marijuana.* The intoxicating products of the hemp plant, cannabis sativa.

(c) *LSD.* Lysergic acid diethylamide, a dangerous drug.

(d) *Dangerous drugs.* Those nonnarcotic drugs that are habit-forming or have a potential for abuse because of their stimulant, depressant, or hallucinogenic effect, as determined by the Attorney General of the United States. (See Title 21 of the Code of Federal Regulations.)

(e) *Drugs.* As used in general terms in this directive means any of the narcotics, marijuana, or other dangerous drugs defined in paragraphs (a), (b), (c), and (d), of this section.

(f) *Drug abuse.* The illegal, wrongful or improper use of any narcotic substance, marijuana, or dangerous drug, or the illegal or wrongful possession, transfer, or sale of the same. When such drugs have been prescribed by competent medical personnel for medical purposes their proper use by the patient prescribed for is not drug abuse.

(g) *Drug abuser.* One who has illegally, wrongfully, or improperly used any narcotic substance, marijuana, or dangerous drug, or who has illegally or wrongfully possessed, transferred, or sold the same:

(1) *Drug experimenter.* One who has illegally, wrongfully, or improperly used any narcotic substance, marijuana or dangerous drug as defined herein not more than a few times for reasons of curiosity, peer pressure, or other similar reason. The exact number of usages is not necessarily as important in determining the category of user as is the intent of the user, the circumstances of use, and the psychological makeup of the user. Final determination of the category should be within the judgment of the Commanding Officer, aided by medical, legal, and moral advice.

(2) *Drug user.* One who has illegally, wrongfully, or improperly used any narcotic substance, marijuana, or dangerous drug as defined herein generally several times, and for reasons of a deeper and more continuing nature than those which motivate the drug experimenter. Final determination of the category should be within the judgment of the Commanding Officer aided by medical, legal, and moral advice.

(3) *Drug addict.* One who exhibits a behavioral pattern of compulsive drug use, characterized by overwhelming involvement with the use of a drug, and the securing of its supply. As the term "drug addict" is used herein, one may or may not be physically dependent on the drug. Rather, the term refers in a quantitative sense to the degree to which drug use pervades the total life activity of the user.

(h) *Supplier.* One who furnished illegally, wrongfully, or improperly any of the proscribed drugs defined herein to another person.

(i) *Casual supplier.* One who furnished illegally, wrongfully, or improperly to another person a small amount of any of the proscribed drugs defined herein for the convenience of the user rather than for gain.

§ 62.4 Policies and responsibilities.

It is the policy of the Department of Defense to prevent and eliminate drug abuse within the armed forces and to attempt to restore members so involved to useful service. The illegal or improper use of drugs by a member of the armed forces may have a seriously damaging effect on his health and mind, may jeopardize his safety and the safety of his fellows, may lead to criminal prosecution and to discharge under other than honorable conditions and is altogether incompatible with military service or subsequent civilian pursuits. Further, these policies shall extend, as appropriate, to the civilian components of the Department of Defense.

(a) *General.* (1) The Department acknowledges a particular responsibility for counseling and protecting members

of the armed forces against drug abuse, for disciplining members who use or promote the use of drugs in an illegal or improper manner, and for attempting to restore and rehabilitate members using drugs who evidence a desire and willingness to undergo such restoration.

(2) Appropriate disciplinary and administrative actions in cases of drug abuse will be dependent upon all the facts and circumstances of each case and will include consideration of whether the service member involved is a drug experimenter, drug user, drug addict, supplier, or casual supplier (as defined herein).

(i) Prior to initiating any administrative or disciplinary action against a person for using proscribed drugs, consideration will be given to the referral of such individual for medical evaluation.

(ii) In addition where restoration and rehabilitation efforts are deemed feasible, use will be made of such administrative and judicial tools as will insure that the service member is not prematurely and permanently precluded from participation in service sponsored or other government agency rehabilitation programs.

(b) *Marijuana.* Marijuana use is dangerous. It is a drug which has no known beneficial use. Its use, possession, transfer, or sale is prohibited by law. The maximum penalty prescribed for conviction by court-martial includes confinement at hard labor for 5 years and dishonorable discharge. Other laws of the United States, the individual States, and most countries in the world prohibit involvement with marijuana. The penalties vary and in some jurisdictions are much more severe than a court-martial may adjudge.

(1) There may be very definite and substantial detrimental effects on both the mental and physical well-being of the individual from the use of marijuana. Depending on the dose of the active ingredient, tetrahydrocannabinol (THC), found in marijuana, its use can induce psychotic reactions in almost any individual.

(2) Its use may also produce visual hallucinations, pronounced anxiety, and paranoid reactions lasting for hours. The muscular incoordination and the distortion of space and time perception commonly associated with marijuana use are potentially hazardous.

(3) The more prominent subjective effects include irritability, confusion, impairment of judgment and memory, and impairment of the verbal facility both in speaking and writing. The use of marijuana with other drugs may have a synergistic effect and result in the death of the user.

(4) All the results of marijuana use on the human body, mind, personality and genetic system are not yet known. Research is being conducted to determine the full scope of its impact in these areas.

(c) *LSD.* (1) Permanent damage may result from LSD usage. The nature of this damage appears to be related to the individual's physical, mental, and genetic makeup as well as the quantity used and the frequency of use. Recurrence of hallucinogenic effects by users is widespread.

(2) In view of this LSD recurrence phenomenon, and the documented unpredictable conduct of an individual under the influence of LSD, any military person or civilian employee having taken LSD will be scrutinized carefully and special determination made as to what, if any, duty he may be trusted to perform with particular attention to any duty where the security of the Nation or the safety of personnel or equipment is a prime factor.

(d) *Drug abuse control program.* (1) The Assistant Secretary of Defense (Manpower and Reserve Affairs), or his designee is assigned overall responsibility for developing a coordinated program consistent with the provisions of this part.

(2) The ASD(M&RA) shall be advised by a Drug Abuse Control Committee comprised of two representatives of each Military Service who will be designated by the Secretary concerned, and such additional advisors as the ASD (M&RA) or the Chairman of the Drug Abuse Control Committee shall deem appropriate.

(i) The Committee shall also include a Chairman, an Executive Assistant, and a Recorder, and it shall meet monthly or more frequently as called by the Chairman.

(ii) The ASD(M&RA), his designee, or at his discretion, the Chairman of the Committee, shall submit appropriate reports to the Secretary and/or Deputy Secretary of Defense.

(e) *Screening out drug addicts or potential drug addicts.* The Military Departments shall develop a program to identify drug users and to screen out drug addicts or potential drug addicts (as defined herein) from entry into the Military Service.

(f) *Drug abuse education.* (1) The ASD(M&RA), or his designee, shall provide for the procurement and development of materials on the dangers of illegal or improper drug use, including films, pamphlets, posters, and radio and television programs which shall be used for the orientation and continuing education of all persons in the armed forces, civilian employees of the Department of Defense, and their dependents.

(i) Materials developed shall:

(*a*) Emphasize the physiological and psychological dangers inherent in the use of such drugs;

(*b*) Stress the inconsistency of their use with military responsibility and national security and the implications of such behavior in security determinations and administrative actions; and

(*c*) Contain an explanation of disciplinary actions which can be taken for drug abuse.

(ii) Upon review by the Committee and approval by the ASD(M&RA), informational materials developed shall be made available to the Secretaries of the Military Departments and Directors of Defense Agencies for distribution to military personnel and civilian employees and their dependents, and the Reserve Components.

(2) In addition, the ASD(M&RA), his designee, or the Committee shall:

(i) Through on-site inspections review, evaluate, and monitor existing programs of the military departments concerning drug abuse and the rehabilitation of drug users and addicts.

(ii) Recommend new policies for more effective control of drug abuse and the rehabilitation of users and addicts.

(iii) At their discretion, require DoD components to submit such information for collation and dissemination to other DoD components as is deemed useful in the matter of drug abuse, the methods employed to combat it, and the rehabilitation of drug users and addicts.

(iv) Obtain reports and recommendations from DoD components assigned responsibility for the programs described in paragraphs (b), (f) (1) and (3) and (g), (h), (i), and (j) of this section.

(v) Take action to:

(*a*) Keep abreast of the activities of other agencies of the Federal Government and private organizations in examining and combating drug abuse, the treatment of drug users, and the rehabilitation of drug users and addicts, including a continuing effort to keep DOD components informed of research projects being conducted by other governmental and private organizations, and

(*b*) Where appropriate, recommend additional research.

(3) The Secretaries of the Military Departments and Directors of Defense Agencies shall insure that action is taken to:

(i) Extend education and training for the prevention of drug abuse to all military educational and training levels from basic training to the senior service schools and joint colleges.

(*a*) Appropriate portions of the curricula or training programs of these activities shall be devoted to information on the dangers of drug abuse, methods of prevention of drug abuse, and in the higher levels of education and training, to the administration of discipline and rehabilitation.

(b) Medical Officer, Judge Advocate, and Chaplain training programs shall include identification, treatment, discipline (as appropriate) rehabilitation, and counseling on drugs and their abuse.

(ii) Extend education and training for the prevention of drug abuse to the National Guard and Reserve forces and opportunities for such education and training to civilian employees of the Department of Defense and to the dependents of military and civilian personnel.

(iii) Disseminate drug abuse information material to all military and civilian personnel and their dependents under their cognizance including Reserve Components.

(iv) Devise orientation, refresher training and supplemental information programs for all military and civilian personnel and their dependents including Reserve Components.

(v) Provide orientation programs to all military personnel before their departure to overseas areas. Further, provide refresher training, as well as other supplementation of this informational material, on a regular basis to members, particularly those in overseas areas where drugs may be illicitly obtained with relative ease.

(vi) Make proper notations in each military member's appropriate personnel record at the time of attending the initial and the preoverseas departure drug orientation programs.

(g) *The control of smuggling.* Each Military Department and Defense Agency shall:

(1) Develop additional procedures to prevent illicit trafficking and shipping of drugs by civilian personnel and military members of the armed forces.

(2) Devote special attention to the possibility of illicit drugs being transported by members traveling from one country to another, and develop procedures to prevent the same.

(3) Maintain cooperation with the U.S. Post Office Department, Bureau of Customs of the Department of the Treasury, and the Bureau of Narcotics and Dangerous Drugs of the Department of Justice.

(h) *Quarantine areas program.* (1) The Military Departments and Defense Agencies shall develop implementing instructions designed to identify areas and business establishments located in areas within their jurisdiction which should be declared "off-limits" by local commanders because of the availability of narcotics, marijuana, or other dangerous drugs in that area or at that establishment.

(2) In foreign countries, the military commander additionally shall be required to inform the appropriate local authorities and attempt to formulate coordinated law enforcement procedures.

(i) *Restoration and rehabilitation of drug users and drug addicts.* (1) The Military Departments are encouraged to develop programs and facilities to restore and rehabilitate members who are drug users or drug addicts when such members desire and are willing to undergo such restoration. Rehabilitation programs will not be used in lieu of appropriate disciplinary or administrative actions, but they may be used in connection with or as an adjunct to such actions.

(2) When its is appropriate and feasible to do so, the Military Departments may develop drug rehabilitation programs in cooperation with suitable private and government agencies. The potential for further useful military service shall be the governing factor in determining whether rehabilitation will be attempted.

(j) *The Military Departments are authorized on a trial basis to establish amnesty programs.* (1) Under this program individuals shall be informed that:

(i) Medical assistance will be made available.

(ii) Action under the UCMJ may be suspended for the unauthorized use of drugs against a person who is sincere in seeking help to eliminate his drug dependence, and who voluntarily comes forward before he is apprehended or detected as a drug abuser.

(iii) If the degree or type of drug involvement precludes rehabilitation and restoration to full duty, a discharge under honorable conditions shall be considered.

(iv) In recognition of an individual's personal moral responsibility for his actions and their consequences, and in evidence of his sincerity, a grant of amnesty shall stipulate the member's full cooperation in his own rehabilitation.

(2) Those who elect to enter the amnesty program should receive a thorough psychiatric examination. Subsequent action by commanding officers should be guided by other provisions of this part.

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

[F.R. Doc. 70-14788; Filed, Nov. 3, 1970; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

[Oil Import Regulation 1 (Rev. 5) Amdt. 24]

OI REG. 1—OIL IMPORT REGULATION

Appeals and Definitions

1. There is not at present a sufficiently clear statement in section 21 of Oil Import Regulation 1 (Revision 5) (35 F.R. 163) of the jurisdiction of the Oil Import Appeals Board with respect to appeals alleging error on the part of the Administrator of the Oil Import Administration respecting applications for allocations. Accordingly, paragraphs (b) and (d) of section 21 of Oil Import Regulation 1 (Revision 5) are further amended to read as follows:

Sec. 21 Appeals.

(b) The Appeals Board shall consider petitions by persons affected by this regulation that fall within the limits of the jurisdiction specified in this paragraph and may, within the limits of the maximum levels of imports established in section 2 of Proclamation 3279, as amended:

(1) Reverse or modify on grounds of error actions taken by the Administrator on applications for allocations under this regulation;

(2) Modify any allocation made to any person under this regulation on the grounds of exceptional hardship;

(3) Grant allocations of crude oil and unfinished oils in special circumstances to persons with importing histories who do not qualify for allocations under this regulation;

(4) Grant allocations of finished products on the grounds of exceptional hardship to persons who do not qualify for allocations under this regulation; and

(5) Review the revocation or suspension of any allocation or license.

* * * * *

(d) The Appeals Board may adopt, promulgate, and publish such rules and procedures as it deems appropriate for the conduct of its business. The action of the Appeals Board on a petition, if within the jurisdiction conferred upon it by paragraph (b), shall constitute final action within the Department for that case, but interpretations by the Board of this regulation or of Proclamation 3279, as amended, are not thereafter binding upon the Secretary.

2. Proclamation 3279, as amended, is designed to impose restrictions upon the importation of specified derivatives of crude oil without respect to the facilities in which, or the nature of the operation by which, such derivatives are produced. In order more clearly to state the effect of the proclamation in respect of liquefied gases, subparagraph (1) of paragraph (g) of section 22, Oil Import Regulation 1 (Revision 5) (31 F.R. 7750) is amended to read as follows:

Sec. 22 Definitions.

* * * * *

(g) * * *

(1) liquefied gases—ethane, propane, butanes, ethylene, propylene and butylenes (but not methane) which are derived from natural gas or from crude oil and which, to be maintained in a liquid state at ambient temperatures, must be kept under greater than atmospheric pressures;

* * * * *

This Amendment 24 shall take effect immediately.

FRED J. RUSSELL,
Acting Secretary of the Interior.

OCTOBER 29, 1970.

[F.R. Doc. 70-14877; Filed, Nov. 2, 1970; 12:40 p.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER G—PREVENTION, CONTROL, AND ABATEMENT OF AIR POLLUTION

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Scottsboro (Alabama)—Jasper (Tennessee) Interstate Air Quality Control Region

On May 20, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 7740) to amend Part 81 by designating the Scottsboro (Alabama)—Jasper (Tennessee) Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule

making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on June 23, 1970. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.72, as set forth below, designating the Scottsboro (Alabama)—Jasper (Tennessee) Interstate Air Quality Control Region, is adopted effective on publication.

§ 81.72 Scottsboro (Alabama)—Jasper (Tennessee) Interstate Air Quality Control Region.

The Scottsboro (Alabama)—Jasper (Tennessee) Interstate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clear Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Alabama:

De Kalb County. Jackson County.

In the State of Tennessee:

Bledsoe County. Sequatchie County.
Marion County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: September 30, 1970.

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

Approved: October 19, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-14673; Filed, Nov. 3, 1970; 8:45 a.m.]

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA, AND CONTROL TECHNIQUES

Metropolitan Billings Intrastate Air Quality Control Region

On August 15, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 13023) to amend Part 81 by designating the Metropolitan Billings Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments, and a consultation with appropriate State and local authorities pursuant to section 107(a) of the Clean Air Act (42 U.S.C. 1857c-2(a)) was held on August 26, 1970. Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, § 81.88, as set forth below, designating the Metropolitan Billings Intrastate Air Quality Control Region, is adopted effective on publication.

§ 81.88 Metropolitan Billings Intrastate Air Quality Control Region.

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

In the State of Montana:

Carbon County. Yellowstone County.
Stillwater County.

(Secs. 107(a), 301(a), 81 Stat. 490, 504; 42 U.S.C. 1857c-2(a), 1857g(a))

Dated: October 2, 1970.

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

Approved: October 19, 1970.

ELLIOT L. RICHARDSON,
Secretary.

[F.R. Doc. 70-14674; Filed, Nov. 3, 1970; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18476; FCC 70-1161]

PART 73—RADIO BROADCAST SERVICES

Second Report and Order

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Doniphan, Mo.; Princeton, W. Va.; Auburn, Nebr.; Cayce, S.C.; Sallisaw, Okla.; Heber Springs, Ark.; Preston, Minn.; Barnstable, Nantucket, and Falmouth, Mass.; Mineral Wells, Tex.; Fayette, Hartselle, and Talladega, Ala.; Mariposa, Calif.; Greenville, Hartford, Cadiz, Elizabethtown, Hodgenville, Burnside, and Greensburg, Ky.; and Flora, Ill.), Docket No. 18476, RM-1356, RM-1359, RM-1360, RM-1364, RM-1368, RM-1373, RM-1374, RM-1376, RM-1377, RM-1378, RM-1379, RM-1382, RM-1383, RM-1389, RM-1390, RM-1391, RM-1414.

1. The Commission here considers the notice of proposed rule making in Docket No. 18476, adopted March 5, 1969 (FCC 69-207; 34 F.R. 5120), as it concerns RM-1378, RM-1390, and RM-1414 (pars. 21-24 and 31-32). In the present decision, we make three new assignments of Channel 292A at Cadiz, Hartford, and Hodgenville, Ky., delete that channel at Elizabethtown and Greenville, Ky., and substitute Channel 261A at Elizabethtown, all as proposed by the petitioners in RM-1378, RM-1414, which proposed the use of the latter channel at Greensburg, Ky., and thus conflicted with use at Elizabethtown, is denied herein as such; another proposal for that city is included in a new proceeding being instituted today. The new proceeding also includes RM-1390, concerning Burnside, Ky., and a possible channel change involving an existing station at Jamestown, Ky., both of which are related to the Greensburg assignment matter. It also includes use of Channel 288A as a replacement at Greenville, an assignment proposed in comments herein but which appears to need further exploration before final consideration.

2. Hayward F. Spinks and Barkley Lake Broadcasting Co., the petitioners in RM-1378, in order to increase their attractiveness of their proposal, obviate the conflict with RM-1414, and overcome the objections of an applicant for Channel 292A at Greenville, Ky.,[1] have made a number of counterproposals for changes in the FM Table of Assignments in Kentucky. The proposals set forth in the Notice and in their comments, with respect to the six communities directly involved, are as follows:

City	Present	Notice proposals	Later Spinks et al. proposals
Hartford		292A	[2] 292A
Cadiz		292A	[3] 292A
Hodgenville			[4] 292A
Elizabethtown	292A	or 261A	261A
Greensburg		or 261A	[5] 276A
Greenville	292A		[6] 288A

[1] To meet the mileage requirements of the rules, these assignments would have to be used at other than reference points. (See footnotes 2-5.)
[2] 2 miles to the southwest of Cadiz.
[3] 1 mile west of Hodgenville.
[4] 1 mile to the northeast of Greensburg.
[5] 7 miles south of Greenville.

3. All of the communities mentioned are the county seats of their respective counties; four of them are also the largest communities therein, and Greenville and Hartford are the second largest (by 496 and 30 persons respectively). The city populations (1960 Census), counties where located and county populations, are as follows:

City	Population	County and population	
Hartford	1,618	Ohio	17,725
Cadiz	1,980	Trigg	8,870
Hodgenville	1,985	Larue	10,346
Elizabethtown	9,661	Hardin	67,789
Greensburg	2,334	Green	11,249
Greenville	3,198	Muhlenberg	27,791

4. With respect to broadcast outlets presently in these communities and counties, in the case of Hodgenville, which would gain an FM assignment, and Greensburg, where a proposed assignment would have to be denied if the

[1] Shain Broadcasting Co., in BPH-6671, filed Mar. 24, 1969, after this proceeding was begun.

proposal is adopted,[3] there is no broadcast station or FM assignment presently in the city or county, although there is a pending application for a new daytime facility at Greensburg. In the case of Hartford and Cadiz, which would gain FM assignments, the city and county now have one aural facility, a daytime-only AM station licensed to one of the parties joining in the RM-1378 petition, and no FM assignments. Greenville has no local station or FM assignment other than that proposed here for deletion; but it receives primary AM and FM service from two daytime-only AM stations and a Class C FM station at Central City, a slightly larger community only 7 miles away (4 miles to the station locations) and in the same county. In Elizabethtown, where only a possible shift of FM channels is involved, there is an operating FM station on the channel and a fulltime Class IV AM station.

5. Thus, the proposal put forward by Spinks and Barkley Lake in their comments would mean the assignment of Channel 292A as a first FM assignment in three communities and counties, a first broadcast assignment of any kind in one and a first local nighttime service in two. On the other hand, it would mean loss of the assignment at Greenville, itself with no local outlet but with nearby, in-county AM and FM service, a shift of an operating station at Elizabethtown and—in order to make the replacement assignment at Elizabethtown—loss of one means by which a first local outlet could be made available to Greensburg and its county. As noted above, there are other approaches to making FM assignments at both Greenville and Greensburg, but in reaching a decision herein we assume, initially, that the proposal represents complete loss of assignment possibilities at these places.

6. The RM-1378 proposal was vigorously opposed in three pleadings filed by Shain Broadcasting Co., the recent Greenville applicant noted above. A number of arguments are advanced: (1) Greenville does not have any local outlet, the notice statement that it has a daytime AM station being incorrect, and therefore, under established Commission precedent, it is entitled to a strong preference as opposed to Cadiz and Hartford, which have daytime AM stations, and the same preference lies in favor of the Greensburg proposal which would have to be denied; (2) Channel 288A, proposed by the petitioners in their comments as a replacement at Greenville, simply will not work there, because it must be used more than 7 miles out of town to meet separation requirements, a suitable site cannot be found and use of the maximum tower height required would not be economically feasible; (3) as to the proposed assignment at Hodgenville, there is no demand for it, a statement which is no longer true;[2] (4) an FM channel formerly assigned to Greenville was used, and the Shain application shows a present demand for the assignment; (5) the recent growth of Greenville (a recent Chamber of Commerce estimate is 4,300 persons) and other facts and statements by civic officials indicate a need for the facility; (6) aside from Hodgenville, the two new assignments proposed would mean only an extension of existing daytime service into evening hours, dubious under Commission policies against concentration of control, whereas at Greenville and Greensburg it would provide the first local service; (7) multiple FM services available in all of these places (three at Greenville, Hartford and Cadiz); and (8) the irrelevance of service from nearby Central City, as held by the Review Board in its 1963 decision in Hayward F. Spinks, 34 FCC 974, involving competing daytime applications for Greenville and Hartford.

7. These arguments do not persuade us that the RM-1378 proposal, as modified in the Spinks-Barkley Lake comments herein, should not be adopted. We recognize that, on the assumption set forth at the end of paragraph 5, above, the matter is a fairly close one, since adoption of the proposal for the three new assignments means shifting one existing station and removing an opportunity for a first local outlet in two places, and the first such station in one county (Greensburg and Green County). However, it will mean the provision of a first local broadcast service in one community and county (Hodgenville and Larue County), as well as a first local nighttime service in Cadiz and Hartford and their counties. On balance, we conclude that the proposal should be adopted, even on the assumption mentioned.

8. An important element in this decision is the fact that Greenville receives FM service of principal-city intensity, as well as AM service of good quality, from the nearby Central City stations. It is shown that WNES and WNES-FM, Central City, present a very substantial amount of programing of particular significance to Greenville, especially since it is the county seat, including news, special events, regular religious broadcasts and Greenville high school basketball games. In an affidavit by the general manager of these stations, submitted with the Spinks and Barkley Lake reply comments, it is stated that the licensee has considered Greenville as much a part of its market as Central City, and this appears to be supported by the specific details given and referred to above. Thus, it cannot be said that the need for a first local outlet is as great in this case as it is normally and, apparently, with respect to Hodgenville and Greensburg.[4] In taking this into account we recognize and do not dispute the Review Board holding mentioned above, concerning Greenville (and Central City) vis-a-vis Hartford. But that was in a different service, involved two individual applications rather than a general rule-making proceeding concerning the optimum distribution of FM facilities in the area, and did not involve the programing showing mentioned above.[5] With respect to the argument that the Cadiz and Hartford assignments will merely result in an extension of the service already rendered by the same licensees on their daytime AM stations, this of course is not necessarily true, since FM assignments are open to all applicants. Even if it is true, the provision of a first local nighttime service to a community and county is an important consideration.

9. Moreover, while we have reached this decision initially on the assumption stated, that it will not be possible to provide a substitute assignment at Greenville and an alternative for a first assignment at Greensburg, this is, of course, not necessarily true. As indicated above and proposed in a new proceeding instituted herewith, it may be possible to assign Channel 288A to Greenville and Channel 276A to Greensburg. An AM application for Greensburg is under study.

10. In view of the foregoing, we are amending section 73.202(b) of our rules, the FM Table of Assignments, to assign Channel 292A to Cadiz, Hartford, and Hodgenville, Ky., to delete that channel at Greenville and Elizabethtown, Ky., and to assign Channel 261A to Elizabethtown. RM-1414, proposing the assignment of the latter channel at Greensburg, is denied as such, with an alternative being proposed instead as well as

---

[3] We have never made changes in the FM Table requiring the shift of an existing station without providing a replacement channel, and it is out of the question to do so here. Therefore, the use of Channel 261A at Elizabethtown, to replace 292A, is an integral part of the proposal, since no other substitute channel appears to be available.

Making all three of the proposed new 292A assignments, or any two of them, requires deletion of the channel at both Greenville and Elizabethtown. The Cadiz assignment could be made if the channel were deleted only at Greenville; the Hodgenville assignment could be made if the channel were removed only at Elizabethtown. The proposed Hartford assignment conflicts with both.

[2] On May 23, 1969, John E. Robertson filed a petition seeking Channel 292A for Hodgenville, stating that he is a resident of that area and will apply for the channel if assigned. This was treated as a comment in this proceeding.

[4] Even in the absence of a showing of this type, it would probably be unusual for stations so close to a community which is the county seat, approaching in size their own community of license, not to devote considerable programing effort to the county seat community.

[5] The actual point involved in the Spinks case was rather narrow: Whether the Spinks application for Hartford, which was inferior to the competing application for Greenville with respect to total population served, community population and other services, deserved a "first local outlet" preference because Hartford had no local outlet and the Central City stations in effect served Greenville as a local outlet. The Board held that it did not, and accordingly granted the Greenville application. This station went on the air but went silent after a fire, and its license was ultimately deleted in favor of an AM application by Spinks for Hartford.

We are also of the view that the provision of a first service to a county is of some importance, at least in rule-making proceedings and where the county involved is outside of an urbanized area or SMSA and thus with no nexus to a larger community.

Channel 288A for Greenville. As indicated above, use of the assignments at Cadiz and Hodgenville must be short distances outside of these communities.

11. *Shift of Station WQXE, Elizabethtown, to Channel 261A.* The reassignments thus made will require Station WQXE, Elizabethtown, to shift from Channel 292A to Channel 261A. It is well settled Commission policy that when changes in the FM Table of Assignments are made which require operating stations to change frequency, the licensees thereof are entitled to reimbursement of the actual costs of the change, from the party benefitting, i.e., the party receiving a CP on the new assignment made possible by the change. While Station WQXE has not yet been licensed and is of fairly recent origin, in our view the same principle should apply in this case.[6] We note that here there is more than one new assignment and therefore more than one party potentially benefitting. It appears that all should contribute ultimately, but that the permittee of WQXE should not have to wait for reimbursement for all of the new assignments to be activated. Accordingly, we rule that Hardin County Broadcasting Co., the permittee of Station WQXE, is entitled to reimbursement from the party first receiving a construction permit on one of the new assignments of Channel 292A at Cadiz, Hartford, or Hodgenville, Ky.; and that that party is in turn entitled to pro rata reimbursement from parties receiving grants on the other two assignments. We are making the changes in the rules adopted herein effective January 4, 1971; and modifying the WQXE permit and ordering amendment of its license application accordingly; but WQXE may seek either earlier temporary authority for operation on Channel 261A or may continue to operate on Channel 292A after January 4, 1971, until 45 days after it receives notification that a construction permit has been granted on one of the new assignments of that channel adopted herein.[7]

12. In view of the foregoing, and pursuant to authority found in sections 4(i), 303 (c), (d), and (r), and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That:

(a) Effective January 4, 1971, § 73.202 (b) of the Commission's rules, the Table of Assignments, FM Broadcast Stations, is amended, to delete the reference to Greenville, Ky., and to read as follows with respect to the cities listed:

City	Channel No.
All in Kentucky:	
Cadiz	292A
Elizabethtown	261A
Hartford	292A
Hodgenville	292A

(b) The petition for rule making RM-1414 (Virgil A. Price and E. J. Milby, filed Feb. 24, 1969), requesting rule making to assign Channel 261A to Greensburg, Ky., is denied; an alternative proposal to assign Channel 276A to that community is included in the notice of proposed rule making in Docket No. 19074, adopted today.

(c) The petition for rule making RM-1390 (Leon Jasper, filed Jan. 2, 1969), requesting rule making to assign Channel 285A at Burnside, Ky., is withdrawn from this proceeding, Docket 18476, and is included in the notice of proposed rule making in Docket No. 19074, adopted today.

(d) The construction permit held by Billy R. Evans and Keith L. Reising, doing business as Hardin Broadcasting Co., for Station WQXE, Elizabethtown, Ky. (BPH-6072, as modified) is modified to specify Channel 261A instead of 292A, subject to the conditions set forth below;

(e) Billy R. Evans and Keith L. Reising, doing business as Hardin Broadcasting Co., shall amend the pending application for license to cover construction permit of Station WQXE to specify Channel 261A instead of 292A, with no fee being due in connection with this amendment;

(f) Station WQXE may operate on Channel 292A until January 4, 1971, or until 45 days after it receives notice from the Commission that a construction permit has been granted for Channel 292A as assigned to Cadiz, Hartford, or Hodgenville, Ky., whichever is later; or the permittee may apply earlier for temporary authority to operate on Channel 261A. The permittee of Station WQXE, at least 30 days before it wishes to commence operation on Channel 261A, or within 30 days of receiving notification from the Commission that operating authority on the current channel is about to terminate, shall submit to the Commission the technical information normally required of an applicant for construction permit on Channel 261A, including any changes in antenna and transmission line; and within 30 days after receiving Commission authority to operate on the newly assigned channel, it shall submit measurement data normally required of an applicant for an FM station license.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: October 28, 1970.

Released: October 30, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[8]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-14812; Filed, Nov. 3, 1970; 8:47 a.m.]

[6] The initial application for CP was filed in November 1967, and granted in June 1968, well before the RM-1378 petition was filed in November 1968. The WQXE application for covering license was filed in November 1969, and it received program test authority at that time.

[7] The permittee of WQXE has previously indicated that it does not object to the channel change provided it is reimbursed for the costs involved. In any event, our authority to modify permits and licenses in connection with rule making decisions is well settled. American Airlines, Inc. v. CAB, 359 F 2d 624 (1966); California Citizens Band Association v. U.S., 375 F 2d 43 (1967).

The Hodgenville 292A assignment will be used fairly close to Elizabethtown, since the two communities are only some 10 miles apart even though they are county seats of different counties. Accordingly, if the permittee of WQXE so requests, in order to avoid confusion we will not grant program test authority on Channel 292A until a reasonable time, up to 60 days, after WQXE commences operation on Channel 261A at Elizabethtown.

[8] Commissioner Bartley absent.

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Decachlorooctahydro-1,3,4-Metheno-2*H*-Cyclobuta [CD] Pentalen-2-One; Proposed Tolerance

The United Fruit Co., Miami, Fla. 33145, has submitted a request (PP 0E0919) pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, proposing a tolerance of 0.01 part per million for negligible residues of the insecticide decachlorooctahydro-1,3,4-metheno-2*H*-cyclobuta[cd]pentalen - 2-one in or on bananas. Data submitted by the firm show that (1) application of 2 ounces of a 5 percent dust formulation applied in a band approximately 12 inches wide adjacent to each banana plant is effective in the control of the banana root borer (*Cosmopolites sordidus*), (2) residues in or on bananas from this use would not exceed 0.01 part per million, and (3) such residues in or on bananas would not be a hazard to man.

The U.S. Department of Agriculture advises that this insecticide is useful for the purpose of the tolerance.

Based on consideration given the data submitted, and other relevant material, the Commissioner of Food and Drugs concludes that the proposed tolerance is safe and will protect the public health. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; U.S.C. 346a (e)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 120 be amended by adding a new section as follows:

§ 120.287 Decachlorooctahydro-1,3,4-metheno-2H-cyclobuta[cd]pentalen-2-one; tolerances for residues.

A tolerance of 0.01 part per million is established for negligible residues of the insecticide decachlorooctahydro - 1,3,4-metheno-2H-cyclobuta[cd]pentalen - 2-one in or on the raw agricultural commodity bananas.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing the subject pesticide may request, within 30 days after publication hereof in the FEDERAL REGISTER, that the above proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: October 23, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14791; Filed, Nov. 3, 1970; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Ch. I]

[Docket No. 10664; Notice No. 70-44]

CIVIL AIRPLANE NOISE REDUCTION RETROFIT REQUIREMENTS

Advance Notice of Proposed Rule Making

The Federal Aviation Administration is considering rule making to establish noise reduction requirements that would involve modification (i.e., "retrofit") of currently type certificated subsonic turbofan engine powered airplanes, regardless of category, as a condition to further operation of those airplanes.

This advance notice of proposed rule making is issued in accordance with the Federal Aviation Administration's policy of early institution of public proceedings in actions related to rule making. An "advance" notice of proposed rule making is issued when it is found that the resources of the Federal Aviation Administration do not yield a sufficient basis to identify and select tentative or alternative courses of action upon which a rule making procedure might be undertaken, or when it would otherwise be helpful to invite early public participation in the identification and selection of such tentative or alternative courses of action.

Interested persons are invited to participate in the subject rule making process by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before January 29, 1971, will be considered by the Administrator before taking action on the proposed rule. The concepts contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

I. *Federal responsibility for noise reduction retrofit of aircraft.* Federal authority and responsibility for the modification of aircraft for noise purposes has been prescribed by the Congress in Public Law 90-411, July 21, 1968, which added section 611 to the Federal Aviation Act of 1958. The relationship between Public Law 90-411 (49 U.S.C. 1431) and local government initiatives was specifically discussed as follows in Senate Report 1353:

> It is not the intent of the committee in recommending this legislation to effect any change in the existing apportionment of powers between the Federal and State and local governments * * * "The proposed legislation will not affect the rights of a State or local public agency, as the proprietor of an airport, from issuing regulations or establishing requirements as to the permissible level of noise which can be created by aircraft using the airport * * * Just as an airport owner is responsible for deciding how long the runways will be, so is the owner responsible for obtaining noise easements necessary to permit the landing and takeoff of the aircraft. The Federal Government is in no position to require an airport to accept service by larger aircraft and, for that purpose, to obtain longer runways. Likewise, the Federal Government is in no position to require an airport to accept service by noisier aircraft, and for that purpose to obtain additional noise easements. The issue is the service desired by the airport owner and the steps it is willing to take to obtain the service. In dealing with this issue, the Federal Government should not substitute its judgment for that of the States or elements of local government who, for the most part, own and operate our Nation's airports. The proposed legislation is not designed to do this and will not prevent airport proprietors from excluding any aircraft on the basis of noise considerations." Of course, the authority of units of local government to control the effects of aircraft noise through the exercise of land use planning and zoning powers is not diminished by the bill.

However, with respect to the intended effect of Public Law 90-411 on the current fleet of aircraft the Senate Committee on Commerce also stated that:

> Today there are many thousands of aircraft which have been in service a short time and have many years of useful life ahead of them. Many of these aircraft are noisy and should it become feasible to make them less noisy, this should be done. For this reason, the bill grants authority to require retrofitting of aircraft already certificated. Operative aircraft can be modified to accommodate newly developed safety improvements. Perhaps they can also be modified to incorporate the latest practicable noise suppressing equipment. Industry representatives have

objected to the retrofit feature. As we understand their opposition, it stems from the fear of having noise requirements imposed without regard to the economic impact of the modifications on air carriers and other aircraft owners, or in derogation of the highest safety practices. The Committee appreciates this concern but believes that the safeguards built into the bill are adequate * * * Aircraft owners and operators will be protected against precipitious or unsound actions of the Administrator in two ways. The administrative process of developing standards, rules, and regulations will afford interested parties, including owners and operators, the opportunity to make their views known. Moreover, there are precise guidelines spelled out in section 611(b) which must be followed before the Administrator may act. He is specifically required to consider all relevant data, including the results of any research, development, testing, and evaluation activities, and to consult with appropriate Federal, State, and interstate agencies. He must also consider whether any proposed regulation or standard is consistent with the highest degree of safety, is economically reasonable and is technologically practicable. The Administrator's order, based on these considerations, is then subject to complete review by the National Transportation Safety Board. A party aggrieved by the results of this administrative process then has access to the courts for a judicial review.

In the light of the above, it is clear that any action to require that the airlines equip their aircraft with noise suppressors must come from the statutory basis of Federal responsibility, not only with respect to the precise substantive guidelines that the Administrator must follow in rule making, but also with respect to the carefully framed procedural safeguards that are intended by the Congress to protect the regulated person from precipitous and unsound action.

Accordingly, control over the acoustical modification of aircraft must be exercised by the Federal Aviation Administration, in consultation with the Secretary of Transportation, in order to insure that noise reduction retrofit regulations (1) consider and apply acoustical knowledge gained from research and development performed by Government and private industry; (2) apply in a uniform, coordinated manner the input of Federal, State, and interstate agencies, as well as comments from the public generally; (3) insure that a single certification process is applied that is consistent with the highest degree of safety in air commerce or air transportation in the public interest; and (4) are economically reasonable, technologically practicable, and appropriate for the particular type of aircraft, aircraft engine, or appliance to which they apply.

II. *The need for aircraft noise reduction retrofit: two aspects.* The noise generated by the current fleet of aircraft requires corrective action by the FAA for two reasons:

The first reason is the obvious public need for relief. It was the noise of the current fleet of aircraft that, in large part, led to the enactment of Public Law 90-411 and with respect to which the public need for protection is clearly the most urgent. The near-total noise saturation of hundreds of airport neighborhoods has been well documented and needs no further elaboration other than to restate the FAA's commitment to using every legal regulatory technique at its disposal to reduce the noise impact of aircraft through source noise reduction.

The second reason for an aggressive noise reduction retrofit program is that the noise of the current fleet of aircraft is a deterrent to the development of new airports, the extension of existing runways, and the continued full use of the airport system in the United States. The airport system is a vital national asset, and its health directly affects the health of the entire air transportation system. The FAA, therefore, regards an effective noise reduction retrofit regulatory program as being necessary in the broad public and national interest not only because of the relief it will bring to airport neighbors under Public Law 90-411 and the National Environmental Policy Act of 1969, but also because aircraft noise reduction retrofit is directly related to the further promotion, encouragement, and development of civil aeronautics.

In summary, aircraft noise reduction retrofit cannot be viewed apart from the total environmental and aeronautical responsibilities of the FAA.

III. *Current status.* The primary obstacles to the achievement of real relief for airport neighbors are the hard factors that control noise reduction technology and air transportation economics. This is most acutely true in the case of noise reduction through retrofit, since the economics of fleet modification must be considered.

The first step in controlling the noise of the current fleet of aircraft has already been taken and is now law. This involves the "acoustical change" requirement of Part 36 of the Federal Aviation Regulations, which became effective on December 1, 1969. Under this requirement (§ 36.1(c)), no transport category or turbojet engine powered airplane that exceeds the noise limits specified in Part 36 for new type designs may be modified to increase its noise over that of the parent airplane. This policy has been vigorously applied since it is clear that the successful stopping of the escalation of noise, in addition to being necessary in its own right under Public Law 90-411, is also an essential foundation for the equitable application of positive noise reduction requirements through retrofit: Clearly no operator should be required to apply a noise reduction modification that can legally be nullified by modifications of the same aircraft that increase its noise. In short, the current "acoustical change" requirements of Part 36 are vital to later effective retrofit regulations and will continue to be vigorously applied to the current fleet of aircraft. In addition, amendments to the current "acoustical change" requirements are now being considered that would further define and control the method of showing that no noise increase at the noise source in fact results from aircraft growth or other modification.

The second step in controlling the noise of the current fleet of aircraft involves research and development to change the state of the art relative to the hard economic and technological factors now limiting the noise reduction possibilities. These factors are basic to the technology of the turbine engine itself as a propulsion unit, and to the physical limitations of materials. For example, the high energy low frequency noise or roar of turbine engines is so fundamental to turbojet engine operation that it has been called the "jet floor." Substantial reduction of this noise source is not within the current state of the art; however, some reduction is deemed possible. In addition, the difficulty in reducing the noise of the "jet floor" is an obstacle to the achievement of overall noise reduction by attacking the other noise sources within a turbine engine installation, such as compressor whine. The reduction of the compressor whine would be of no public value if the elimination of that noise source is not perceivable because of the continuing "jet floor" noise.

Much research has, therefore, been done to define and control all of the noise sources in a turbine engine installation. This has included studies on potential noise reduction from the JT3D turbofan engine. This study, initiated by the National Aeronautics and Space Administration (NASA) in September 1966, in conjunction with Boeing and Douglas, finally concluded in October 1969, that substantial noise attenuation results on approach were possible for Douglas DC-8 and Boeing 707 modifications. Attenuations in approach noise in the Order of 10.5 EPNdB and 15.5 EPNdB were attained in this study for the Douglas DC-8 and Boeing 707, respectively. While installed hardware, flight information, and definition in the state of the art of engine nacelle treatment modification was obtained for the JT3D engine, the program's primary value was the demonstration that the basic concepts of sound absorption developed in various laboratories were valid for aircraft in flight. Thus, the hardware developed was designed mainly for acoustical properties and was not intended to be flight weight nor airworthy from a certification or maintenance standpoint. This hardware was fabricated of relatively new materials (fiber metallurgy and polymide glass reinforced plastics) for which there was very little fabrication and mechanical property experience for use as critical components in aircraft. This program provided a valuable impetus to the development of sound absorption treatment technology. Research done under that program and substantiated in other laboratories indicated that some fairly common materials, for which structural and fabrication experience exist, might provide significant acoustical improvement. However, this program did not develop a modification design or hardware of certification quality or that could meet the requirements of economic reasonableness or technological practicability. Furthermore, this program did not include the development of acoustical modifications for the JT8-D engine which is in wide use in the current fleet. Therefore, further research is planned

to develop noise reduction design techniques for JT8-D powered airplanes.

Subsequent to the enactment of Public Law 90-411, the FAA contracted with the Rohr Corp. for a program to provide acoustic nacelle design and an economic study on noise abatement retrofit for aircraft powered by JT3D and JT8D turbofan engines. This study considered six basic aircraft configurations including all commonly used aircraft powered by the JT3D and JT8D, four optimum cost-effectiveness design configurations, and three classes of sound absorption materials. This resulted in a matrix of 72 different noise abatement configurations requiring preliminary hardware designs, noise estimates, cost analyses, and the economic impact on the aircraft operator, including direct operating costs and return on investment. The above mentioned NASA Boeing/Douglas program provided a valuable basis for this later study, which indicates a high potential for satisfactory retrofit with the use of simplified acoustical treatment that should achieve significant noise reduction at a reasonable cost. However, this was an analytical investigation only. No hardware was developed during this study. Further programs are necessary to determine that materials and designs exist that meet airworthiness certification requirements and also are economically reasonable and technologically practicable on a fleet-wide basis.

In addition to the above, fundamental work is being done by NASA to change the basic nature of the turbofan engine to achieve marked noise reductions. This program is called the "Experimental Quiet Engine Program" and its objective is the development, from the first stage of design, of an experimental turbofan engine having low noise production as the primary configurational constraint. The FAA has received some public comment that assumed that a "quiet engine" has already been perfected under this program and that immediate retrofit of the fleet with that engine is now appropriate. This is not the case. The NASA "quiet engine" program's objectives include (1) demonstration of the technology and the design innovations that are necessary to reduce noise, (2) determination of the noise levels produced by turbofan engines designed for low noise output and confirmation that predicted noise reductions can be achieved, and (3) acquisition of experimental acoustic and aerodynamic data for high bypass turbofan engines designed for low noise output, to provide a basis for correlation of acoustic theory and experiment, and to provide better understanding of the noise production mechanisms in fans, compressors, turbines, and exhaust jets. This does not include development of a certifiable engine.

The NASA and Rohr studies included preliminary analyses of the probable economic impact of acoustical modifications on the operation of the aircraft. The FAA intends to refer to these economic analyses, together with economic analyses submitted in response to this notice, in order to arrive at an economically rational basis for proceeding with an NPRM and would welcome comment by interested persons concerning the substance of these reports.

In summary, research and development done to date has demonstrated that the basic concepts of noise suppression of turbofan engines are valid acoustically, and that materials and fabrication technologies may be developed to translate these concepts into hardware that could provide economically reasonable and technologically practicable means of significantly reducing the noise generated by certain currently certificated turbofan engine powered airplanes.

IV. *Public comment requested.* As indicated above, the current phase of the FAA's noise retrofit program involves (1) translating the general conclusions of retrofit research and development into hardware and design modifications that are capable of being fully airworthy from a certification and maintenance standpoint; (2) determining that acoustical modifications can be applied in a manner that is economically reasonable; and (3) insuring that this will provide a significant improvement in the noise environment for the airport neighbors. These objectives introduce the following problem areas in which broad public participation and assistance is requested.

1. The means by which operators, including foreign operators, should be regulated with respect to the modification. Under one possible alternative, a complete acoustical "fix" or modification would be prescribed, or referred to, as in an airworthiness directive, together with all modification details necessary to insure the safety of the installation. This alternative might provide for some use of alternate means of compliance by the operator, but would provide the operator with a clear means of compliance. Under another possible alternative, no precise design change would be prescribed. Rather, the operator would be required only to achieve a specified acoustical objective, either in terms of a prescribed noise reduction or an absolute noise level. The means of compliance would be left with the operator and would not be specified. This alternative, to be successful, would require a general availability of acoustical and materials knowledge and technology. This alternative would have the positive value of permitting the maximum freedom in the development of means of reducing noise, and might thus be more effective than the alternative mentioned above.

2. The extent to which aircraft operators could assess the economic impact or specific acoustical modification requirements on their operation of the affected aircraft, including considerations related to weight, performance, operational factors, depreciation schedules, maintenance, fuel, and insurance costs, direct operating costs (including ground costs), and return on investment.

3. The criteria that should be applied in determining whether a given economic effect is reasonable. This issue requires public comment with respect to the amount of noise reduction necessary to provide meaningful relief to the affected public. This assessment of economic and public relief factors, to determine whether an economic penalty should be imposed by regulation, and the determination of how great that penalty must be, are among the most difficult judgments to be made under Public Law 90-411, and are of particular importance under a retrofit program in which aircraft may be taken out of service or burdened with costs that were not factored into the original design and purchasing decisions concerning those aircraft.

4. The extent to which the current fleet of aircraft should be divided into classes, types, or other groups, for noise reduction retrofit purposes, to insure that the maximum noise reduction from the fleet is achieved and to insure that retrofit regulations are economically reasonable and technologically practicable.

5. The compliance times that should be applied in a noise reduction retrofit regulation.

6. The extent to which economic incentives might be applied to increase the amount of noise reduction that could be accomplished.

7. Possible fresh areas of additional studies that may have been overlooked and may give effective support to a noise retrofit program.

8. The extent to which subsidiary rule changes may be necessary with respect to the performance and approval of acoustical modifications as alterations to aircraft, and with respect to the maintenance of side modifications. Any retrofit rule would, of course, assume that the materials and technology necessary to accomplish the aircraft modification are available to the regulated person. However, the rules governing the performance and approval of aircraft modifications (such as Part 43—Maintenance, Preventive Maintenance, Rebuilding, and Alteration, Part 65—Certification: Airmen other than flight crewmembers, and Part 145—Repair Stations) are safety oriented. Current performance standards do not exist that specifically regulate the ability of maintenance airmen or repair stations to evaluate acoustical modifications for other than airworthiness.

9. The extent to which current research and development could be applied to pure turbojet engines.

In order to facilitate public comments regarding the issues raised in this Notice, the following documents will be available for inspection at the Office of Noise Abatement, Federal Aviation Administration, Department of Transportation; 800 Independence Avenue SW., Washington, D.C. 20590.

1. Part 36—Noise Standards: Aircraft Type Certification, Amendment to Federal Aviation Regulations, Issued 3 November 1969.

2. Public Law 90-411, dated 21 July 1968, Amendment to Federal Aviation Act of 1958 by addition of section 611—Control and Abatement of Aircraft Noise and Sonic Boom.

3. Senate Report No. 1353, dated 1 July 1968—Aircraft Noise Abatement.

4. House of Representatives Report No. 1463, dated 23 May 1968—Aircraft Noise Abatement.

5. NASA SP-220, issued 15 October 1969—NASA Acoustically Treated Nacelle Program.

6. Rohr Report (FAA-NO-70-11) dated July 1970—Economic Impact of Implementing Acoustically Treated Nacelle and Duct Configuration Applicable to Low Bypass Turbofan Engines.

Copies of these documents may be obtained from the following sources:

Documents 1. and 2.—FAA, 800 Independence Avenue SW., Washington, D.C. 20590—Attention: NO-1—no cost.

Documents 3. and 4.—House or Senate Document Room (as appropriate)—U.S. Capitol, Washington, D.C. 20590—no cost.

Documents 5. and 6.—Clearinghouse for Federal, Scientific, and Technical Information, U.S. Department of Commerce, Springfield, Va. 22151—cost $3.

This advance notice of proposed rule making is issued under the authority of sections 313(a), 601, 603, and 611 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423, and 1431). Sections 2 (b)(2) and 6(c) of the Department of Transportation Act (49 U.S.C. 1651(b)(2) and 1655(c)), Title 1 of the National Environmental Policy Act of 1969 (Public Law 91-190, January 1, 1970), and Executive Order 11514 (Protection and Enhancement of Environmental Quality, March 5, 1970).

Issued in Washington, D.C., on October 30, 1970.

J. H. SHAFFER,
Administrator.

[F.R. Doc. 70-14821; Filed, Oct. 30, 1970; 3:52 p.m.]

Hazardous Materials Regulations Board

[49 CFR Part 179]

[Docket No. HM-63; Notice No. 70-20]

TRANSPORTATION OF HAZARDOUS MATERIALS

Tank Car Specifications

Correction

In F.R. Doc. 70-14545 appearing at page 16741 in the issue for Thursday, October 29, 1970, the eighth line of the first complete paragraph, column 1, on page 16742 should read "such service. No further requests to".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19074; FCC 70-1162]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Greenville, Ky.; Burnside, Greensburg, and Jamestown, Ky.; Oak Ridge and Jamestown, Tenn., Pineville, Barbourville, and Middlesboro, Ky., and Big Stone Gap, Va.), Docket No. 19074, RM-1390, RM-1427, RM-1436, RM-1581.

1. Notice of proposed rule making is hereby given concerning various proposals to amend the FM Table of Assignments (§ 73.202(b) of the rules) with respect to various places in Kentucky, Tennessee, and southwestern Virginia. One of the proposals (RM-1390, Burnside, Ky.) was formerly included in Docket 18476 but was removed from that proceeding in the decision adopted today; others were advanced as counterproposals in that proceeding; and others center around a proposal to add Channel 261C as a second assignment at Oak Ridge, Tenn. (which was formerly, but is no longer, related to the Docket 18476 proceeding). Essentially, this proceeding has three separate parts: (1) The assignment of Channel 288A as a replacement at Greenville, Ky., where Channel 292A is being deleted in today's decision in Docket 18476; (2) the assignment of Channel 276A as a first assignment at Greensburg, Ky., which would require a station at Jamestown, Ky., to change channel and also mean denial of the petition (RM-1390) for an assignment at Burnside, Ky.;[1] and (3) assignment of Channel 262C at Oak Ridge (RM-1436) requiring a substitution of either Channel 223A or Channel 292A at Pineville, Ky., for 261A now assigned there (or else an assignment at nearby Barbourville). The proposed substitutions conflict respectively with petitions seeking Channel 228A as a first assignment at Big Stone Gap, Va., and Channel 292A as a second assignment at Middlesboro, Ky. (RM-1427 and 1581). The Oak Ridge proposal also involves a change of channel and operating station at Jamestown, Tenn.

2. *Assignment of Channel 288A at Greenville, Ky.* The Docket 18476 decision adopted today removes Channel 292A as the only assignment at Greenville, Ky. The petitioners in RM-1378, whose proposal for other uses of that channel was essentially adopted, urged in their comments that Channel 288A could be substituted. An opposing party, who recently applied for Channel 292A at Greenville, urged that Channel 288A could not suitably be used there, because the site would have to be over 7 miles from the city to meet mileage separations, and allegedly problems were therefore presented concerning whether a suitable site could be obtained, providing the signal over the city required by the rules, and the economic feasibility of constructing the tall tower which would be required.

3. It appears appropriate to find a replacement channel for Greenville, population 3,198 and a county seat,[2] which has no local AM outlet and has now lost the opportunity for Channel 292A to be used there. We therefore invite comments on whether Channel 288A is in fact usable and should be assigned there, or whether there is another alternative. The assignment is proposed herein.

4. *Greensburg, Burnside, and Jamestown, Ky.* In RM-1414, petitioners Virgil A. Price and E. J. Milby sought the assignment of Channel 261A at Greensburg. This conflicted with the use of that channel at Elizabethtown, Ky., an integral part of the RM-1378 proposal adopted in today's decision, as a replacement for Channel 292A which was proposed for deletion there and on which a station is operating. Today's Docket 18476 decision accordingly denies RM-1414 as such (see the second report and order in Docket 18476, paragraph 12(b)). However, we recognize the merit in making a first assignment at Greensburg, population 2,334 and the county seat of and largest community in Green County, population 11,249. While petitioners have an application pending for a daytime AM station, there is now no broadcast outlet in the county and, even if the AM application is ultimately granted, this FM assignment would provide opportunity for a first local fulltime service therein.

5. The petitioners in RM-1378 advanced as an alternative Channel 276A for Greensburg, and this appears feasible (it would have to be used 1 mile or more northeast of the city). Accordingly, in view of the merit of making an assignment at Greensburg, and the indicated demand for it, it is proposed herein, despite the problems mentioned in the next paragraph.

6. Assignment of this channel to Greensburg would require operating Station WJRS-FM, now on that channel at Jamestown, Ky., to change frequency. Jamestown is some 30 miles from Greensburg. The petitioners in RM-1378 proposed that Channel 285A be substituted there for Channel 276A. This, in turn, would require denial of the proposal in RM-1390, for use of Channel 285A as a first assignment at Burnside, Ky. In paragraph 31 of the initial notice of proposed rule making in Docket 18476 we discussed this proposal and expressed reservations as to its merit, since Burnside had a 1960 Census population of only 572 persons and is only about 7 miles from the larger city of Somerset, the county seat, with two AM stations (daytime and Class IV) and one Class A FM station. We pointed out that the channel appeared more appropriate for use at other, larger communities within the general area. The petitioner, Leon Jasper, advanced in his comments arguments as to why the assignment should nonetheless be made, including the contention that a number of smaller nearby communities are regarded as part of Burnside, and that the city is close to

[1] The second report and order in Docket 18476, adopted today (FCC 70-1161), includes the following actions bearing on this proceeding: (1) Deletion of Channel 292A from Greenville, Ky., so that it could be assigned in other places; and (2) denial of RM-1414, requesting assignment of another channel at Greensburg, Ky., since the channel requested would have conflicted with the assignments in Kentucky adopted in that decision. The RM-1414 proposal also conflicted with the Oak Ridge proposal.

[2] Population figures herein are from the 1960 U.S. Census unless otherwise indicated.

Lake Cumberland and therefore a thriving tourist center, with the area having 400,000 visitors a year and the tourist business growing.

7. We are still of the view that this proposal is of rather dubious merit, particularly since it now appears that the assignment would preclude the desirable first assignment at Greensburg. However, since it is not appropriate to adopt the latter finally at this point (in view of the Jamestown change required), we believe further comments upon the Burnside matter should be entertained if parties wish to submit them. Material previously filed in Docket 18476 need not be resubmitted but may be incorporated by reference.

8. *Oak Ridge and Jamestown, Tenn.; Pineville, Barbourville, and Middlesboro, Ky.; and Big Stone Gap, Va.* The three petitions involved are:

RM-1436, Oak Ridge and Jamestown, Tenn., and Pineville, Ky. (Trevor F. Swoyer and Associates, for Ch. 262C at Oak Ridge and related changes).

RM-1427, Big Stone Gap, Va. (Gap Broadcasting Co., for Ch. 228A).

RM-1581, Middlesboro, Ky. (Walter Powell, Jr. trading as Tri-State Broadcasters, for Ch. 292A).

Also involved is an application for use of the Pineville assignment at nearby Barbourville, Ky., filed by the Barbourville Community Broadcasting Co., the daytime AM licensee in that community (BPH-6331).[3]

9. The Swoyer petition proposes assignment of Channel 262C to Oak Ridge and substitutes for adjacent Channels 261A at Pineville, Ky., and Jamestown, Tenn., respectively. Because of a conflict with RM-1427, Swoyer also counterproposed another channel for Pineville, but that proposal conflicts with RM-1581. Swoyer's original proposal is Plan I, and Plan II is its counterproposal:

PLAN I

City	Present	Proposed
Oak Ridge, Tenn.	232A	232A, 262C
Pineville, Ky.	261A	228A
Jamestown, Tenn.	261A	280A

PLAN II

Oak Ridge, Tenn.	232A	232A, 262C
Pineville, Ky.	261A	292A
Jamestown, Tenn.	261A	280A

The proposed assignment of Channel 262C to Oak Ridge is for a site about 12 miles north of that city near Briceville, Tenn.[4]

[3] Barbourville is some 13 miles from the Pineville reference point, but Barbourville Community's application was filed prior to the amendment of § 73.203(b) of the rules decreasing to 10 miles the permissible use of a Class A FM channel in an unlisted community.

[4] The Oak Ridge proposal formerly conflicted with the use of Channel 261A at Greensburg, Ky., proposed in RM-1414 and Docket 18476. However, in the decision today this has been denied for other reasons and this conflict need not be further considered.

10. Gap Broadcasting Co., licensee of AM Station WLSD (daytime-only) at Big Stone Gap, Va., filed a petition on March 19, 1969, to assign Channel 228A for that city (population 4,688 located in Wise County, population 43,579) in order to provide the city and the surrounding area with a first local nighttime service. As already noted, this petition conflicts with "Plan I", the original Swoyer proposal, filed April 2, 1969, insofar as the latter proposes the substitution of Channel 228A for Channel 261A at Pineville. As noted, the Pineville assignment is presently sought by an applicant for its use at Barbourville, which is farther away from Big Stone Gap; it is some 60 miles from Barbourville and the applicant's proposed site to the Big Stone Gap reference point, 5 miles short of the 65-mile cochannel Class A separation required by § 73.207 of the rules. To obviate the mileage deficiency with the Big Stone Gap petition, Swoyer counterproposed Channel 292A for Pineville; this, however, conflicts with the petition filed on February 25, 1970, by Walter Powell, Jr. trading as Tri-State Broadcasters, for the additional assignment of Channel 292A to Middlesboro (population 12,607). See Plan II, above. Powell is the licensee of Station WAFI (daytime-only) at Middlesboro. Already assigned to Middlesboro is Channel 224A, for which Cumberland Gap Broadcasting Co., licensee of daytime-only AM Station WMIK there, became the successful applicant after hearing on a concentration of control issue (BPH-6026; Docket No. 18520).[5]

11. In support of its request for a Class C assignment at Oak Ridge, Swoyer urged the historical importance of Oak Ridge as a "unique city", incorporated in 1959, which has since grown to a city in excess of 31,400 (1960 census 27,169), with an effective buying power of $95 million and retail sales of about $66 million, and is the main population center of Anderson County (1960 census 60,032), with numerous churches and schools.[6] The only local aural services are Stations WATO (fulltime regional) and WATO-FM (Class A) which, it is said, demonstrably are insufficient to serve the needs and interests of Oak Ridge either for local programing or local advertising. The addition of Channel 262C, it is urged, will result in a substantial benefit to the area's economic and philosophic life and growth. It is also urged that, used as proposed at a high elevation, a Channel 262 station would serve a large area (12,874 square miles), including substantial area now without primary FM service (597 square miles) or with only one such service (3,461 square miles). An operation with 100 kw. E.R.P. and height of 2,000 feet a.a.t. is envisaged.

12. In support of his petition for a second FM assignment at Middlesboro, Powell asserted that Middlesboro is entitled to a second channel because it is the largest city (12,670) in Bell County (35,336); it is the commercial center of the county doing more than one-half of the retail business—$168 million of $300 million; and it accounts for about two-thirds of retail sales in the county ($24 million). Further data as to Middlesboro's position need not be detailed here. Powell filed several supplements to the petition including one on March 24, 1970, addressed to the conflict with Swoyer's counterproposal to assign Channel 292A to Pineville. Powell contends that it is feasible for Channel 228A to be assigned to both Barbourville and Big Stone Gap. In another later pleading, Swoyer continued to urge the assignment of Channel 292A as a substitute at Pineville, and asserted that assignment of Channel 292A to Middlesboro is inconsistent with the Commission's allocation policy for FM as set out in the first report and order in Docket No. 14185, 33 FCC 309 (1962), and the public notice (policy to Govern Requests for Additional FM Assignments), adopted May 10, 1967 (8 FCC 2d 79). While Swoyer's citations of authority are not wholly accurate,[7] it may not be in the public interest to make a second assignment to Middlesboro. Relevant are population (12,607) and the general status of need elsewhere. As concerns the assignment of Channel 292A at Pineville, there is a 2-mile shortage from the Pineville reference point to Station WNVA, Norton, Va. (cochannel), but, as Swoyer notes, this might not be a problem.

13. Among the communities mentioned other than Oak Ridge, all have at least one local AM outlet. Barbourville, Ky., population 3,211, is the county seat of Knox County (population 25,258), and the largest city located entirely in that county, which also includes a small part of the larger city of Corbin. Aside from two AM stations (one daytime, one fulltime) and two Class A FM stations at Corbin, the only broadcast outlet or FM channel in the county is the daytime station at Barbourville, licensed to the FM applicant. Big Stone Gap, Va., population 4,688, is the largest community actually within Wise County, population 43,579, although the slightly larger independent city of Norton (population 4,996) is entirely surrounded by the county. The county has no FM channels assigned, and only one AM station, daytime only at Big Stone Gap. Norton has a daytime AM station and a Class A FM channel and station. Middlesboro and Pineville, Ky., with respective populations of 12,607 and 3,181 respectively, are both in Bell County (population 35,336), the former being the largest city and the latter the county seat (they are about 10 miles apart). Middlesboro has two daytime AM stations and one Class A FM channel licensed to one of the AM

[5] The Hearing Examiner's Initial Decision, released May 28, 1970 (FCC 70D-24) became effective July 20, 1970; see notice, released July 24, 1970; Mimeo No. 53034.

[6] Including Oak Ridge Associated University, the University of Tennessee Evening School, and the University of Tennessee Resident Graduate School.

[7] The first reference should have been to the further notice of proposed rule making in Docket No. 14185, adopted July 25, 1962 (FCC 62-867), and incorporated by reference in paragraph 25 of the third report, memorandum opinion and order, adopted July 25, 1963 (23 R.R. 1859, 1871).

licensees; Pineville has a full-time Class IV station. Pineville's one FM assignment is that involved here, with a pending application for its use at Barbourville.

14. *Proposals and alternatives.* It appears clear that the assignment of Channel 262C at Oak Ridge should be proposed herein, along with the concomitant change of the Class A assignment and station at Jamestown, Tenn., in view of the importance of Oak Ridge and the wide area and needed service which a station on the channel could provide. As to the Big Stone Gap-Pineville-Barbourville-Middlesboro requests, it appears that there are a wide range of alternatives. Of the four, Big Stone Gap appears the most meritorious, since it is the largest of the three communities now without an FM assignment, and there is none (and no full-time AM service) actually in its county. Barbourville appears meritorious for much the same reasons. It has not had a channel assigned up to now, but there is demand there for use of a channel, as shown by the pending application. As indicated above, cochannel assignment of Channel 228A at these places does not appear to be out of the question, if sites 65 miles apart could be utilized. Pineville has the one present FM channel, and it has full-time AM service and there is one FM assignment in the same county at Middlesboro. Middlesboro is much the largest of the communities, but it has one FM assignment already. As indicated above, whether a second assignment would be made depends on what is shown about the preclusive effect on needed assignments elsewhere. We do not now decide which of the proposals discussed above should be preferred. One consideration, which the parties should discuss, is assignment flexibility: where the channels involved here, 228A and 292A, could be used if not assigned to one of the places proposed.

Other matters: Reimbursement and "cutoff" procedure. 15. *Reimbursement of operating stations having to change channel.* It is settled Commission policy that where changes in the FM Table of Assignments are made which require changes in the channels of operating stations, these stations shall be reimbursed for the actual costs of the change. We will apply that policy in this case, with respect to Station WJRS–FM, Jamestown, Ky., if the assignment of Channel 276A to Greensburg is adopted; and with respect to Station WDEB–FM at Jamestown, Tenn., if the assignment of Channel 262 at Oak Ridge is adopted. The parties getting construction permits on these channels will be expected to reimburse the licensees of these stations for the actual costs of the channel change.

16. Barbourville Community Broadcasting Co., the pending applicant for Barbourville using the Pineville assignment, urges its right to the same treatment. This claim must be rejected. Applicants have not spent money in actually building facilities, and therefore they have no claim to reimbursement. However, a fee will not be charged this applicant for amending its application to whatever channel is ultimately specified herein.

17. *"Cutoff" procedure.* The history of Docket 18476, with respect to the matters covered in the second report and order adopted today and also as to others still pending, demonstrates that there is need for a "cutoff" procedure in the consideration of proposals for FM channel changes. The orderly conduct of the Commission's business requires that at some point in the consideration of a group of proposals, requests which conflict with them must be barred from consideration until decision upon the earlier proposals is reached. Accordingly, the following procedures will govern:

(a) As to counterproposals advanced in this proceeding itself, they will be considered if advanced in initial comments so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. This has been standard procedure.

(b) With respect to petitions for rule making which conflict with any of the proposals in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

Proposals. 18. In view of the foregoing, and pursuant to authority contained in sections 4(i), 303(r) and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend § 73.202(b), the FM Table of Assignments, as follows (in some cases in the alternative, as indicated):

City	Channel No.	
	Present	Proposed
Greenville, Ky.		288A.
Greensburg, Ky.		276A. [1]
Jamestown, Ky.	276A	285A.
Oak Ridge, Tenn.	232A	232A, 262C.
Jamestown, Tenn.	261A	280A.
Big Stone Gap, Va.		228A.
Barbourville, Ky.		228A, 292A or—
Pineville, Ky.	261A	292A or—
Middlesboro, Ky.	224A	224A and 292A or—

[1] As indicated in paragraph 7 hereinabove, comments will be entertained upon the alternative of assigning Channel 285A to Burnside, Ky., and not making the Greensburg assignment or changing channels at Jamestown, Ky.

19. It is also proposed to modify the licenses of Stations WJRS–FM, Jamestown, Ky., and WDEB–FM, Jamestown, Tenn., to specify Channel 285A instead of 276A, and 280A instead of 261A, respectively.

20. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before December 21, 1970, and reply comments on or before January 4, 1971. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings. Material previously filed in Docket 18476, in connection with the assignment of channels to Greenville, Greensburg, and Burnside, Ky., need not be refiled herein, but will be considered if incorporated by reference.

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

Adopted: October 28, 1970.

Released: October 30, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 70-14813; Filed, Nov. 3, 1970; 8:47 a.m.]

[2] Commissioner Bartley absent.

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 70-14803, Federal Deposit Insurance Corporation, *infra*.

Office of the Secretary

[Department Circular; Public Debt Series—No. 12-70]

6¾ PERCENT TREASURY NOTES OF SERIES D-1972

Offering of Notes

OCTOBER 30, 1970.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders at a price not less than 99.76 percent of their face value for $2 billion, or thereabouts, of notes of the United States, designated 6¾ percent Treasury Notes of Series D-1972. Tenders will be received up to 1:30 p.m., e.s.t., Thursday, November 5, 1970. The notes will be issued under competitive and noncompetitive bidding, as set forth in section III hereof. The 5 percent Treasury Notes of Series A-1970, maturing November 15, 1970, will be accepted at par in payment, in whole or in part, to the extent subscriptions are allotted by the Treasury.

II. *Description of notes.* 1. The notes will be dated November 16, 1970, and will bear interest from that date at the rate of 6¾ percent per annum, payable on a semiannual basis on May 15 and November 15, 1971, and May 15, 1972. They will mature May 15, 1972, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Tenders and allotments.* 1. Tenders will be received at Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220, up to the closing hour, 1:30 p.m., e.s.t., Thursday, November 5, 1970. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the price offered, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals, e.g., 100.00. Tenders at a price less than 99.76 will not be accepted. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $200,000. It is urged that tenders be made on the printed forms and forwarded in the special envelopes marked "Tender for Treasury Notes", which will be supplied by Federal Reserve Banks on application therefor.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than commercial banks will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, federally insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or 5 percent Treasury Notes of Series A-1970, which will be accepted at par) of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Treasury Department of the amount and price range of accepted bids. Those submitting tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, the highest prices offered will be accepted in full down to the amount required, and if the same price appears in two or more tenders, and it is necessary to accept only a part of the amount offered at such price, the amount accepted at such price will be prorated in accordance with the respective amounts applied for. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $200,000 or less without stated price from any one bidder will be accepted in full at the average price[1] (in two decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after 1:30 p.m., e.s.t., Thursday, November 5, 1970.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. *Payment.* 1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before November 16, 1970, at the Federal Reserve Bank or Branch or at the Office of the Treasurer of the United States, Washington, D.C. 20220, in cash, 5 percent Treasury Notes of Series A-1970 (interest coupons dated Nov. 15, 1970, should be detached), or other funds immediately available by that date. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make settlement by credit in its Treasury Tax and Loan Account for not more than 50 percent of notes allotted to it for itself and its customers. When payment is made with notes of Series A-1970, a cash adjustment will be made to or required of the bidder for any difference between the face amount of notes submitted and the amount payable on the notes allotted.

V. *Assignment of registered notes.* 1. Registered notes tendered as deposits

[1] Average price may be at, or more or less than 100.00.

and in payment for notes allotted hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department, in one of the forms hereafter set forth. Notes tendered in payment should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The maturing notes must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for 6¾ percent Treasury Notes of Series D–1972"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for 6¾ percent Treasury Notes of Series D–1972 in the name of ----------"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 6¾ percent Treasury Notes of Series D–1972 in coupon form to be delivered to ----------".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] CHARLS E. WALKER,
Acting Secretary of the Treasury.

[F.R. Doc. 70-14947; Filed, Nov. 3, 1970; 8:50 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

BRUNO AND JUDITH RAMSPERGER

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, claims number, property, and location

Bruno Ramsperger, 24 Eibenstrasse, Zurich, Switzerland, Claim No. 60713, Vesting Order No. 18102, $1,403.64 in the Treasury of the United States,

Judith Ramsperger, 32 Etzelstrasse, Zurich, Switzerland, $1,403.64 in the Treasury of the United States.

Executed at Washington, D.C., on October 30, 1970.

For the Attorney General.

WILLIAM D. RUCKELSHAUS,
Assistant Attorney General, Civil Division, Director, Office of Alien Property.

[F.R. Doc. 70-14837; Filed, Nov. 3, 1970; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 12530]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 27, 1970.

The Forest Service, U.S. Department of Agriculture, has filed application New Mexico 12530 for the withdrawal of the lands described below, from location and entry under the general mining laws only. The applicant desires the lands for use in connection with the Rio La Junta, Tres Ritos, and Angostura Recreation areas and the Sipapu Ski Area. All four sites are located within the boundary of the Carson National Forest, N. Mex.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Land Office Manager, Post Office Box 1449, Santa Fe, N. Mex. 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

CARSON NATIONAL FOREST

Angostura Recreation Area

T. 22 N., R. 14 E., partially unsurveyed,
Sec. 29, that portion of lot 9 south and west of State Highway No. 3;
Sec. 30, those portions of lots 3, 4, and 5 (excluding HES 312) south and west of State Highway No. 3, W½SE¼SE¼ and E½SW¼SE¼;
Sec. 31, lots 5, 6, 9, 10, E½NW¼NE¼NE¼, SW¼NE¼NE¼, NW¼SE¼NE¼, N½SW¼SE¼NE¼, E½SE¼NW¼NE¼, E½SW¼NE¼, and E½SW¼SW¼NE¼.

Rio La Junta Recreation Area

T. 22 N., R. 13 E., partially unsurveyed,
Sec. 24, S½SE¼NE¼.
T. 22 N., R. 14 E., partially unsurveyed,
Sec. 9, W½SW¼NE¼, E½SE¼NW¼, NE¼NE¼SW¼, N½NW¼SE¼, E½SW¼NW¼SE¼, SE¼NW¼SE¼, E½SW¼SE¼, and E½W½SW¼SE¼;
Sec. 16, E½NW¼NE¼, E½W½NW¼NE¼, NW¼SW¼NE¼, W½NE¼SW¼NE¼, N½SW¼SW¼NE¼, S½NE¼SE¼NW¼, S½SE¼NW¼, S½S½SW¼NW¼, N½NW¼NE¼SW¼, and N½N½NW¼SW¼;
Sec. 17, S½N½SW¼NE¼, S½SW¼NE¼, S½SE¼NE¼, E½SE¼SE¼NW¼, E½NE¼SE¼SW¼, E½SW¼SE¼SW¼, SE¼SE¼SW¼, N½NE¼NE¼SE¼, W½NW¼SE¼, and W½W½SW¼SE¼;
Sec. 19, S½NE¼NE¼, SE¼NE¼NE¼NE¼, SE¼SE¼NW¼NE¼, N½SW¼NE¼, W½SW¼SW¼NE¼, NW¼NW¼SE¼NE¼, and S½S½NW¼;
Sec. 20, N½ lot 1; N½, N½S½ lot 2, NW¼NW¼NE¼, and N½NE¼NW¼.

Tres Ritos Recreation Area

T. 22 N., R. 13 E., partially unsurveyed,
Sec. 24, those portions of lots 3, 4, W½SW¼NE¼, W½NW¼SE¼, N½NE¼SE¼NW¼, SE¼NE¼SE¼NW¼, SW¼SW¼SE¼SE¼, E½SW¼SE¼, and NE¼NW¼SW¼SE¼ lying south and/or south and west of State Highway No. 3, excluding that part of PLO 725 in lot 3 and that part of S½SE¼NE¼NW¼ (excluding HES 316) lying south and west of State Highway No. 3;
Sec. 25, those portions of lot 1 lying south and west of State Highway No. 3, E½NE¼NW¼NE¼, S½NW¼NE¼NE¼, NE¼SW¼NE¼NE¼, and SE¼NE¼NE¼.
T. 22 N., R. 14 E., partially unsurveyed,
Sec. 30, that portion of lot 1 lying south and west of State Highway No. 3 and S½NW¼NW¼ (excluding HES 312).

Sipapu Ski Area

T. 22 N., R. 13 E., partially unsurveyed,
Sec. 9, S½SE¼;
Sec. 10, SW¼ (excluding approximately 10 acres in Patent No. 883043);
Sec. 15, N½NW¼ and SW¼NW¼;
Sec. 16, NE¼, SE¼NW¼, E½SW¼, W½SE¼, and NE¼SE¼.

The areas described above aggregate 1,507.48 acres, more or less, in Taos County.

HAROLD A. BERENDS,
Acting Land Office Manager.

[F.R. Doc. 70-14793; Filed, Nov. 3, 1970; 8:45 a.m.]

[Montana 16802]

MONTANA

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

Correction

In F.R. Doc. 70-13861 appearing on page 16187, in the issue of Thursday, October 15, 1970, under the land description "T. 3 N., R. 26 E.," the two entries reading "Sec. 8, SE¾;" and "Sec. 10, SW¾." should be changed to read "Sec. 8, SE¼;" and "Sec. 10, SW¼." respectively.

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Organization order 40-2B]

BUREAU OF INTERNATIONAL COMMERCE

Organization and Functions

This material supersedes the material appearing at 30 F.R. 2041 of February 13, 1965; 31 F.R. 4169 of March 9, 1966; 32 F.R. 12728 of September 2, 1967; 33 F.R. 8553 of June 11, 1968; and 34 F.R. 5611 of March 25, 1969.

SECTION 1. *Purpose.* This order prescribes the organization and assignment of functions within the Bureau of International Commerce.

SEC. 2. *Organization.* The principal organization structure and line of authority of the Bureau of International Commerce shall be as depicted in the attached organization chart. (A copy of the organization chart is on file with original of this document with the Office of the Federal Register.)

SEC. 3. *Office of the Director.* .01 The Deputy Assistant Secretary and Director, Bureau of International Commerce (BIC) shall determine the objectives of the Bureau, formulate the policies and programs for achieving those objectives and direct execution of the programs.

.02 The Deputy Director shall assist in the direction of the Bureau and perform the functions of the Director in his absence.

.03 The Assistant Director shall be the principal policy assistant in the development and execution of plans and programs for the Bureau.

.04 The following functions shall also be performed in the Office of the Director:

a. Provide secretariat and support services to the Advisory Committee on Export Policy (ACEP), the Export Administration Review Board, and the Foreign-Trade Zones Board.

b. The Compliance Commissioner shall conduct hearings and perform other duties with respect to administrative compliance proceedings involving export control violation cases, in accordance with the rules set forth in the export regulations and as may be necessary or appropriate in connection with such cases.

SEC. 4. *Office of International Commercial Relations.* The Office of International Commercial Relations shall be responsible for the development and implementation of policy and program recommendations with regard to trade and investment relations with individual foreign countries and regional economic groupings, and for coordination of activities in this program area and for foreign commercial services and commercial officer representation abroad, as provided for in agreements between the Departments of State and Commerce. The Office shall be organized as set forth below:

.01 The Office of the Director includes: the Director who shall plan and direct the execution of the policies and programs of the Office, the Deputy Director who shall assist in the direction of the Office, particularly on trade policy, and perform the functions of the Director in his absence, and the Assistant Director who shall assist in the direction of the Office, particularly on trade promotion, and perform the functions of the Director in the absence of both the Director and the Deputy Director.

.02 The Foreign Commercial Services Staff shall be the point of coordination between organization units of the Department of Commerce, and the Department of State and the Foreign Service of the United States on the selection, utilization and control of economic/commercial officers serving overseas in support of Commerce programs; evaluation of the effectiveness of commercial reporting and performance of personnel assigned to these functions abroad; training of personnel scheduled for assignment or reassignment overseas; communications between the Department of Commerce and foreign service posts abroad; and preparation of instructions to overseas posts on the implementation of Commerce program and reporting requirements.

.03 The International Trade Analysis Division shall conduct basic research on the level, direction and composition of U.S. foreign trade and world trade as a whole, including development of econometric methods of analyzing trends in U.S. trade and projecting its movement; prepare analyses of trends in U.S. imports and exports, and shifts in the U.S. share of foreign trade; development and maintain value, unit value, and volume indexes of U.S. trade; compile, publish and service requests for U.S. foreign trade data; and prepare special reports and evaluations on subjects related to trade flows for the use of policy officials.

.04 The geographic divisions as listed below, shall maintain expert familiarity with the economy of an assigned group of countries through individual country desk officers and trade regulations officers:

Africa Division.
American Republics Division.
Western Europe Division.
Far East Division.
Near East-South Asia Division.
Eastern Europe Division.

In carrying out this responsibility, each division shall:

a. Develop recommendations with respect to the position of the Department on policy and legislative matters regarding problems of international trade and investment with individual countries and regional economic groupings; and develop recommendations on problems relating to the trade of the United States with individual countries or regional entities arising in negotiations under, or in the administration of, the General Agreement on Tariffs and Trade or other agreements or treaties, on country programs and policies applied to individual countries or the region as a whole in the U.S. foreign aid program, and on international economic integration activities in the region;

b. In consultation with other interested units of the Department, develop and maintain an annual comprehensive U.S. commercial program for each major trading country in the region, and for each regional grouping, setting forth the key problems and outlook for U.S. commerce with the country or country grouping and the priorities and schedules for trade and investment promotion or policy projects respecting each country; and develop longer-range U.S. commercial programs for selected individual countries for use in the export expansion program;

c. Develop recommendations on the Department's position in international organizations concerned with regional groups of countries and assigned areas of the Organization for Economic Cooperation and Development (OECD); and represents the Department, as appropriate, in interdepartmental discussions relating to meetings of these organizations;

d. Assemble, analyze, and disseminate to the U.S. business community information on foreign economic conditions, tariffs, laws and regulations needed by U.S. firms in connection with the planning and conduct of their international operations, make such material available for use by other agencies of the Government and other interested parties, and prepare and publish analytical surveys on individual country markets;

e. Initiate and pursue, through the Foreign Service of the United States and other channels, representations on behalf of U.S. business interests for the furtherance of these interests and for maintenance of their full rights under terms of treaties and international agreements of the United States; and identify and evaluate foreign impediments to U.S. commercial interests and take appropriate action to eliminate or alleviate their adverse impact; and

f. Maintain contacts with foreign government representatives in the United States, with the Department of State, other U.S. Government agencies and intergovernmental organizations as appropriate, on country and regional trade matters.

.05 In addition to the functions set forth in paragraph .04 above, the Far East Division administers the Department's responsibilities pursuant to the China Trade Act of 1922 (42 Stat. 849), as amended (15 U.S.C. 141 et seq.) (except the provisions authorizing issuance

of certificates of incorporation of China Trade Act Corporations), and section 914(b), Internal Revenue Code 1954 (26 U.S.C. 914(b)), dealing with certification of special dividend contributions.

SEC. 5. *Office of International Trade Promotion.* The Office of International Trade Promotion shall develop, administer and coordinate the export development, commercial exhibitions, and export services programs of the Department to encourage and assist in the expansion of U.S. exports. The Office shall be organized as set forth below:

.01 The Office of the Director includes: The Director who shall formulate policies, direct the development and execution of programs, and provide for coordination of export promotion activities with the Small Business Administration (SBA) in implementation of the Commerce/SBA Agreement of November 13, 1967; and the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence.

.02 The Assistant Director for Export Development shall develop and implement analytical, promotional and assistance programs designed to increase the export base in the U.S. business community.

a. The Export Market Identification Division shall identify specific export marketing opportunities, by product and country, which have immediate and long-term sales potential; evaluate product-market opportunities by compiling and analyzing market research data; prepare market surveys designed to motivate U.S. firms to exploit identified export opportunities; and develop Global Marketing Plans for high-export-potential product categories, identifying on a worldwide basis area for industry/government promotional activity over a 2- to 5-year period.

b. The Export Sales Campaign Division shall initiate and conduct export sales campaigns to increase export awareness and action in the U.S. business community.

c. The Joint Export Activities Division shall provide assistance and guidance through contractual relations with groups of U.S. firms for the systematic long-term development of selected export markets under the Joint Export Association (JEA) program.

.03 The Assistant Director for Commercial Exhibits shall develop and implement promotional programs providing trade fair and trade center exhibition facilities in foreign markets for the display and sale of products of U.S. business and the development of sales representation in the market.

a. The Commercial Exhibits Division shall establish and operate U.S. Trade Centers in major markets abroad; plan, design, and conduct coordinated exhibits of U.S. firms at the Centers and in commercial trade fair or solo exhibitions; and arrange for participation by U.S. firms and provide market development support overseas for those activities.

b. The Exhibits Design Division shall conduct preliminary site surveys and determine suitable physical accommodations for U.S. commercial exhibitions; develop design concepts and exhibition themes which promote the participation of U.S. exhibitors and the attendance of foreign buyers and agents; prepare specifications for exhibit design and construction services; and advise exhibitors on individual product layouts and displays.

.04 The Assistant Director for Export Services shall develop and implement programs designed to increase exports to developing countries, disseminate commercial information, and provide special promotional services and assistance to U.S. exporters.

a. The Developing Countries Trade Promotion Division shall develop, plan and conduct trade promotion activities designed for markets of the lesser-developed countries; and direct the operations of the trade development offices located in selected regions of the world.

b. The Commercial Intelligence Division shall provide World Trade Directory Reports, Trade Lists, Trade Contact Surveys and trade complaint services; process trade inquiries sent by U.S. firms to the Foreign Service; maintain exporter-importer directories on the U.S. firms to assist them in developing trade and investment opportunities abroad; support the export control function of the Department and the economic defense activities of other U.S. agencies; and solicit donations of selected trade publications for commercial libraries overseas in support of the trade mission, trade fair, and trade center programs.

c. The Trade Missions Division shall plan, organize, and extend Government sponsorship to trade missions composed of American businessmen, to assist in increasing U.S. exports and foreign investment and tourism in the United States; operate the "America Weeks" program whereby overseas retailers are furnished promotional assistance to stage special sales promotions of consumer goods produced in the United States; and provide advice and assistance to business groups traveling abroad for commercial purposes.

d. The Export Business Relations Division shall provide export counseling services for U.S. businessmen visiting Washington and arrange meetings for them with officials of Government agencies; operate the "Piggyback" program, which matches new-to-export U.S. producers with more experienced exporters willing to handle complementary or new product lines through their overseas sales facilities; and provide executive secretariat support for regional meetings held by the Bureau with U.S. business organizations such as the Western International Trade Group.

SEC. 6. *Office of Export Control.* The Office of Export Control shall administer and, in conjunction with the Office of the General Counsel, enforce the export control regulations and control programs required to carry out the Department's responsibilities under the Export Administration Act of 1969; initiate, develop and recommend policies and measures for the control of U.S. exports of commodities and technical data; and seek, in collaboration with appropriate agencies, the adoption and maintenance by foreign countries of such controls over their exports as will help to carry out the policies of the United States with respect to trade between the free world and the Communist-dominated areas, and with such other areas as national security and foreign policy may require. The Office shall be organized as set forth below:

.01 The Office of the Director includes: the Director who shall plan and direct the execution of the policies and programs of the Office, the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence, and the Assistant Director who shall assist the Director in policy formulation and assist, as required, in the direction of the Office.

.02 The Policy Planning Division shall develop recommendations for export control policies to be followed toward specific countries and over specific commodities; analyze and recommend the disposition of certain license applications which present special policy or security problems; represent the Department on certain committees and working groups of the Department of State's Economic Defense Advisory Committee (EDAC) and coordinate Department policies and programs concerning United States and international export controls and U.S. economic defense; and represent the Department on national security and foreign policy matters involving export controls before the Operating Committee of the Advisory Committee on Export Policy (ACEP).

.03 The Operations Division shall process license applications; develop internal operating procedures; conduct public contact activities; issue U.S. import certificates; prepare analytical and statistical reports on export control activities; develop and publish export control regulations and procedures as well as instructions for Customs and Foreign Service Officers; handle clearances with the Office of Management and Budget of public reporting requirements for the Bureau of International Commerce (BIC); handle the emergency readiness and planning functions for the BIC; and prepare the quarterly report of the Secretary of Commerce on Export Control to the President and the Congress.

.04 The Export Clearance and Facilitation Division shall promote compliance with export control clearance regulations; develop and coordinate methods and systems to reduce paperwork and simplify export documentation and clearance procedures; and maintain liaison with the Bureau of Customs, U.S. Postal Service, and other Government and private organizations on export control compliance and facilitation matters.

.05 The Investigations Division shall conduct the enforcement of export control regulations, including the development of intelligence information regarding areas of possible export control violations, investigation of suspected violations, and preparation of cases on violations for referral to the Compliance

Commissioner through the Office of the General Counsel or to the Office of the General Counsel for other legal guidance or action.

.06 The Technical Data Division shall administer export controls over technical data in accordance with the provisions set forth in the Export Administration Act of 1969 and the policies and procedures established by the Office of Export Control; take action on export license applications for technical data; conduct studies of technology in important fields to establish a basis for recommendations on export control policies, criteria and regulations; provide assistance to industry and other Government agencies on export control problems involving technical data; and represent the Department on committees, dealing with East-West exchanges.

.07 The Director shall also direct the following product/licensing divisions: Capital Goods, Production Materials and Consumer Products, and Scientific and Electronic Equipment. Each Division shall perform the following similar functions for the products under its jurisdiction:

a. Administer export controls in accordance with provisions set forth in the Export Administration Act of 1969 and the policies and procedures established by the Office of Export Control;

b. Determine and take appropriate action on export license applications;

c. Conduct technical analyses of products, including potential end-use applications, to determine and recommend the extent of controls to be applied; and

d. Render assistance to industry and other Government agencies on export control problems within its jurisdiction.

SEC. 7. *Office of International Investment.* The Office of International Investment shall advance U.S. policy and business interests by assisting in the formulation of financial and investment policies and programs, by stimulating foreign investment and licensing in the United States, and by providing information and other services consistent with U.S. balance of payments policies to U.S. firms undertaking investments overseas. The Office shall be organized as set forth below:

.01 Office of the Director includes: the Director who shall plan and direct the execution of the policies and programs of the Office; the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence; and the Assistant Director who shall provide policy coordination and perform the functions of the Director in the absence of both the Director and the Deputy Director.

.02 The International Finance Division shall represent the Department in matters relating to international finance as developed within and outside the National Advisory Council on International Monetary and Financial Policies (NAC), particularly those relating to export financing, export guarantees and credit insurance, foreign lending and assistance activities of United States and international agencies, balance of payments measures, and international monetary policy; provide the analyses and staff support necessary to execute the Secretary's responsibility as Chairman of the Export Expansion Advisory Committee in the financing of export transactions and formulation of export finance policy for the Export Expansion Facility which is administered by the Export-Import Bank; act as the Department's principal liaison with banks and other private institutions engaged in international financing activities as well as with U.S. Government agencies lending abroad and with international financial institutions; formulate policy and program recommendations relating to the administration of Government-financed procurement programs, including foreign aid; formulate policy and program recommendations and appraise trends and developments in the U.S. balance of payments, including analytical and staff support for the Secretary in his role as a member of the Cabinet Committee on Balance of Payments; and provide advice to firms on financing mechanisms available in private institutions, the U.S. Government, and international agencies.

.03 The Investment Policy Division shall represent the Department in matters relating to the development of international direct investment; formulate recommendations with respect to the Department's position on programs, policies, and legislation affecting investment abroad by U.S. citizens and investment in the United States by foreign citizens; analyze U.S. investment overseas and foreign investment in this country, including the nature, trends, and economic impact of such investments, particularly relative to the U.S. balance of payments and trade and the role of the U.S. Government.

.04 The Domestic Investment Services Division shall encourage foreign direct capital investment and licensing by foreign firms in the United States as one of the continuing Departmental programs to improve the U.S. balance of payments; develop domestic investment, joint ventures, and licensing opportunities and proposals for transmission to interested foreign businessmen; and obtain specific investment and licensing proposals from potential foreign investors for presentation to the U.S. business community.

.05 The Foreign Investment Services Division shall provide information and counsel, consistent with U.S. balance of payments policies and objectives, to U.S. businessmen concerning their existing and planned overseas investments; identify and disseminate for the benefit of the U.S. business community, foreign investment, licensing, and joint venture proposals; and furnish information to U.S. foreign investors on private and public sources of investment capital, particularly foreign sources, guarantees, and related types of investment and loan capital available for financing investment abroad, particularly including developing countries.

.06 The Foreign Business Practices Division shall formulate policy and program recommendations relating to international commercial and investment operations of American firms, specifically with reference to restrictive business practices, patents, trademarks, copyrights, standardization, commercial law, arbitration, State-trading, expropriation, and United States and foreign tax measures; shall develop Departmental policy and program recommendations for the protection of American property rights abroad, and with respect to drafting and negotiation of treaties, conventions, and agreements bearing on the international operations of American business; and shall provide information and advice to U.S. firms on such matters.

SEC. 8. *Office of International Trade Policy.* The Office of International Trade Policy shall be responsible for the formulation, coordination and implementation of the Department's positions on U.S. policies, programs, measures and developments in the broad field of international trade, including the trade and commercial policy activities of international organizations and regional economic groupings, the analyses of U.S. legislative and tariff proposals, multilateral and bilateral trade negotiations, and international transportation and insurance problems affecting U.S. business; and for representing the Department on interagency senior staff-level committees concerned with trade policy matters, and before Congressional Committees. The Office shall be organized as set forth below:

.01 The Office of the Director includes: The Director who shall plan and direct the execution of the policies and programs of the Office; the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence; and the Assistant Director who shall assist the Director in developing and implementing special study projects and research bearing on the formulation of U.S. trade policy and perform the functions of the Director in the absence of both the Director and the Deputy Director.

.02 The General Trade Policy Division shall develop and coordinate the Department's positions on all broad trade and commercial policy issues, particularly those arising from U.S. participation in the GATT, OECD, and UNCTAD; prepare and clear position papers for U.S. delegations to meetings of those organizations and represent the Department at such meetings; undertake special studies related to the formulation of U.S. trade policy; and represent the Department at interagency meetings and task forces dealing with the various issues of U.S. trade policy.

.03 The Legislation and Tariff Analysis Division shall develop and coordinate the Department's positions on proposed legislation affecting U.S. tariffs and trade measures; represent the Department at interagency meetings and Congressional Committee hearings dealing with U.S. trade regulations and tariff legislation; develop proposals on new trade measures for Executive or Legislative Branch action and review such proposals of other agencies; and develop the Department's

positions on all reports of the Tariff Commission to the President.

.04 The Trade Negotiations Division shall develop, coordinate and supervise the Department's preparations for, and participation in, international trade negotiations arising from U.S. participation in the GATT and existing bilateral trade agreements; formulate basic negotiating positions and tactics; monitor the obligations of other countries to the U.S.; initiate action necessary to assure compliance with those obligations; and represent the Department at interagency meetings and at international conferences dealing with these aspects of trade policy.

.05 The Transportation and Insurance Division shall provide information to policy officials of the Department and to the U.S. business community regarding insurance and transportation abroad; serve as the insurance industry's point of contact with the Department; develop recommendations with respect to foreign insurance and transportation laws and practices as they affect U.S. export trade, and with respect to transportation and insurance programs of international organizations; and develop recommendations for easing the burden of U.S. business interests engaged in international transportation by eliminating or simplifying procedural requirements.

SEC. 9. *Office of International Business Assistance.* The Office of International Business Assistance shall serve as the focal point in the Department for providing Government-wide assistance to U.S. firms on major international business transactions, including export related investments; inform U.S. firms of specific large scale projects overseas with significant potential for exports of U.S. goods and services; and assist them on a case-by-case basis in competing for such projects. The Office shall be organized as set forth below:

.01 The Office shall be headed by a Director who shall plan and direct the activities of the Office, and a Deputy Director who shall assist in the direction of the Office, and perform the functions of the Director in his absence. It shall also furnish staff support for carrying out the Secretary's responsibility as Chairman of the Interagency Committee on Export Expansion, and Secretariat support for the National Export Expansion Council Action Committees.

.02 The Project Research Staff shall identify those foreign capital projects with major export potential which should be brought to the attention of U.S. industry, or which are likely to require special Government assistance for successful competition.

.03 The following staff groups shall assist U.S. firms, on a case-by-case basis, in competing for major international projects:

a. The Military Exports Staff shall concentrate on international military related exports;

b. The Transportation Systems Staff shall concentrate on international air transport ground systems, urban transport systems, and rail systems;

c. The Infrastructure Systems Staff shall concentrate on international power, water and agricultural, social infrastructure, civil engineering, and telecommunications systems; and

d. The Industrial Systems Staff shall concentrate on petrochemical and chemical, metal producing, petroleum, and other industrial plant systems.

SEC. 10. Delegation of authority relating to export control. .01 The Director, Office of Export Control, is delegated authority to exercise and perform all powers and functions provided by the Export Administration Act of 1969. This delegation specifically includes the authority:

a. To issue rules and regulations to carry out the purposes of the aforesaid Act, including rules and regulations applicable to the financing, transporting, and other servicing of exports and the participation therein by any person;

b. To sign and issue subpenas requiring any person to appear and testify or to appear and produce books, records, and other writings, or both, to any designated place, in connection with any investigation or proceeding necessary or appropriate to the enforcement of said export control authority;

c. To require reports and the keeping of records by any person, to the extent necessary or appropriate to the enforcement of said export control authority, and to require any person to permit the inspection of books, records, and other writings, premises or property; and

d. To take any other action necessary or appropriate to achieve effective enforcement of the Act in connection with actual or potential export control violations, including the issuance of denial and probation orders.

.02 The Director, Office of Export Control, is authorized to redelegate any power or function conferred by this delegation and may authorize successive redelegations, except as otherwise provided and limited in paragraphs .03, .04, and .05 of this section with respect to inspections, subpenas, oaths, and affirmations, and other enforcement authority.

.03 In addition to the Director, at all times the Deputy Director, Office of Export Control, the Director of Investigations Division and the Agent-in-Charge, New York Field Office, Investigations Division, are each authorized:

a. To require any person to permit the investigation of books, records, and other writings, premises, or property; and

b. To sign and issue subpoenas requiring any person to appear and testify or appear and produce books, records, and other writings, or both, to any designated place, in connection with any investigation or proceeding necessary or appropriate to the enforcement of said export control authority.

.04 The Compliance Commissioner is authorized, in any proceeding relating to the denial of export privileges or the imposition of civil penalties under the Export Control Act of 1949, as amended and extended, and the Export Administration Act of 1969:

a. To administer oaths and affirmations; and

b. To sign and issue subpoenas, requiring any person to appear and testify or to appear and produce books, records, and other writings, or both.

.05 Any special agent employed in the Investigations Division of the Office of Export Control and any attorney in the Office of the General Counsel assigned to export control enforcement duties, who is specifically designated as a special agent of the Bureau of International Commerce, is hereby authorized:

a. To make investigations, obtain information, inspect books, records, and other writings, premises, or property of, and take the sworn testimony of, any person; and

b. To administer oaths and affirmations for the purpose of procuring or receiving from any person sworn statements or other sworn testimony, concerning any matter under investigation necessary or appropriate to the enforcement of the export control authority.

.06 This supersedes delegations of authority previously made and confirmed with respect to export control, except that all outstanding rules, regulations, orders, licenses, designations, and other forms of administrative action shall, until amended or revoked, remain in full force and effect.

SEC. 11. *Field activities.* Field activities of the Bureau of International Commerce are performed by:

a. Field offices of the Bureau of Domestic Commerce which are located in principal cities of the United States and Puerto Rico. In support of the programs of the Bureau of International Commerce, each field office provides business firms with information and other assistance on international trade, including advice and information on foreign markets for U.S. products and services; trade and investment opportunities abroad; intentions of foreign governments to procure American products; information on the availability of Government financing aids to exporters; provisions of U.S. and foreign trade quotas; tariffs and foreign exchange regulations and procedures; requirements for obtaining export and import licenses; export and import statistics; and economic data on foreign countries and foreign commercial enterprises.

b. An Export Control Field Investigation Office, located in New York, N.Y., which investigates possible violations of export control regulations.

c. An Exhibits Transportation Office, located in New York, N.Y., which is responsible for the warehousing and shipping of materials for U.S. exhibits at overseas trade fairs, trade centers, and trade development offices.

LARRY A. JOBE,
Assistant Secretary for Administration.

[F.R. Doc. 70-14802; Filed, Nov. 3, 1970; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 7959]

CERTAIN DRUGS CONTAINING AMBENONIUM CHLORIDE; PYRIDOSTIGMINE BROMIDE; OR EDROPHONIUM CHLORIDE FOR ORAL OR PARENTERAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Tensilon Injectable Solution containing edrophonium chloride (NDA 7-959); and

2. Mestinon Tablets (NDA 9-829) and Mestinon Timespan Tablets (NDA 11-665), both containing pyridostigmine bromide; all marketed by Hoffman-La-Roche Inc., 340 Kingsland Avenue, Nutley, N.J. 07110.

3. Mytelase Chloride Tablets and Caplets, both containing ambenonium chloride; marketed by Winthrop Laboratories, 90 Park Avenue, New York, N.Y. 10016 (NDA 10-155).

The drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

AMBENONIUM CHLORIDE; EDROPHONIUM CHLORIDE; OR PYRIDOSTIGMINE BROMIDE

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that these drugs are effective for the indications described in the "Indications" section of this announcement.

B. *Form of drug.* Edrophonium chloride preparations are sterile aqueous solutions suitable for parenteral administration. Pyridostigmine bromide is in conventional or sustained release form for oral administration. Ambenonium chloride is in tablet or capsule form for oral administration.

C. *Labeling conditions.* 1. The labels bear the statement "Caution: Federal law prohibits dispensing without prescription."

2. The drugs are labeled to comply with all requirements of the Act and regulations. Their labeling bears adequate information for safe and effective use of the drugs and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" sections are as follows:

For Ambenonium Chloride and for Pyridostigmine Bromide:

INDICATIONS

This drug is indicated for the treatment of myasthenia gravis.

For Edrophonium Chloride:

INDICATIONS

Edrophonium chloride is indicated for the differential diagnosis of myasthenia gravis; as an adjunct in the evaluation of treatment requirements for myasthenia gravis; for emergency treatment of myasthenic crises; as a curare antagonist to reverse neuromuscular block produced by curare, tubocurarine, gallamine triethiodide or dimethyltubocurarine; and as adjunctive therapy in the treatment of respiratory depression caused by curare overdosage.

D. *Marketing status.* Marketing of the drugs may continue under the conditions described in paragraphs E and F of this announcement.

E. *Previously approved application.* 1. Each holder of a "deemed approved" new-drug application (i.e., an application which became effective on the basis of safety prior to Oct. 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

a. Revised labeling as needed to conform to the labeling conditions described herein for the drug and complete current container labeling, unless recently submitted.

b. Adequate data to assure the biologic availability of the drug in the formulation which is marketed. For preparations claiming sustained action, timed release or other delayed or prolonged effect, these data should show that the drug is available at a rate of release which will be safe and effective. If such data are already included in the application, specific reference thereto may be made.

c. Updating information as needed to make the application current in regard to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of the new-drug application form FD-356H to the extent described for abbreviated new-drug applications, § 130.4(f), published in the FEDERAL REGISTER April 24, 1970 (35 F.R. 6574). (One supplement may contain all the information described in this paragraph.)

2. Such supplements should be submitted within the following periods after the date of publication of this notice in the FEDERAL REGISTER:

a. 60 days for revised labeling. The supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9) which permit certain changes to be put into effect at the earliest possible time.

b. 180 days for biologic availability data.

c. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs 1 and 2 are acted upon, provided that within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement.

F. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under A above, should submit an abbreviated new-drug application meeting the conditions specified in § 130.4(f) (1), (2), and (3), published in the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6574). Such applications should include proposed labeling which is in accord with the labeling conditions described herein and adequate data to assure the biologic availability of the drug in the formulation which is marketed or proposed for marketing. For preparations claiming sustained action, timed release, or other delayed or prolonged effect, these data should show that the drug is available at a rate of release which will be safe and effective.

2. Distribution of any such preparation currently on the market without an approved new-drug application may be continued provided that:

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein.

b. The manufacturer, packer, or distributor of such drug submits, within 180 days from the date of this publication, a new drug application to the Food and Drug Administration.

c. The applicant submits within a reasonable time additional information that may be required for the approval of the application as specified in a written communication from the Food and Drug Administration.

d. The application has not been ruled incomplete or unapprovable.

G. *Unapproved use or form of drug.* 1. If the article is labeled or advertised for use in any condition other than those conditions provided for in this announcement, it may be regarded as an unapproved new drug subject to regulatory proceedings until such recommended use is approved in a new-drug application or is otherwise in accord with this announcement.

2. If the article is proposed for marketing in another form or for use other than the use provided for in this announcement, appropriate additional information as described in § 130.4 or § 130.9 of the regulations (21 CFR 130.4, 130.9) may be required, including results of animal and clinical tests intended to show whether the drug is safe and effective.

A copy of the NAS-NRC report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE-200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 7959, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: October 20, 1970.

SAM D. FINE,
Associate Commissioner for Compliance.

[F.R. Doc. 70-14792; Filed, Nov. 3, 1970; 8:45 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

DIRECTOR, ADMINISTRATION DIVISION, ET AL.

Redelegation of Authority

The redelegation of authority by the Assistant Secretary for Renewal and Housing Management to the Director, Administration Division, and Chief and Program Insurance Adviser, Local Agency Services Branch, Renewal and Housing Management, published at 35 F.R. 4019, March 3, 1970, is amended by adding the following paragraphs 3, 4, and 5:

3. Program of Loans for Housing for the Elderly or Handicapped under sectitle IV of the Housing Act of 1950 (12 U.S.C. 1701q).

4. College Housing Program under title IV of the Housing Act of 1950 (12 U.S.C. 1749-1749c).

5. Multifamily Programs of the National Housing Act (12 U.S.C. 1701 et seq.). (For this purpose, "multifamily programs" means all insurance programs authorized by the National Housing Act other than title I and 1- to 4-family programs.)

(Secretary's delegations of authority with respect to program of loans for housing for the elderly or handicapped, published at 35 F.R. 2747, Feb. 7, 1970; to college housing program, published at 34 F.R. 17041, Oct. 18, 1969, and 35 F.R. 2747, Feb. 7, 1970; and to multifamily programs of the National Housing Act, published at 35 F.R. 2746, Feb, 7, 1970)

Effective date. This amendment of redelegation of authority shall be effective as February 7, 1970.

NORMAN V. WATSON,
Acting Assistant Secretary for Renewal and Housing Management.

[F.R. Doc. 70-14818; Filed, Nov. 3, 1970; 8:47 a.m.]

PROPERTY DISPOSITION COMMITTEE AND ASSISTANT SECRETARY FOR RENEWAL AND HOUSING MANAGEMENT

Redelegation of Authority and Assignment of Functions; Correction

The Amendment of the Redelegation of Authority and Assignment of Functions to the Property Disposition Committee and Assistant Secretary for Renewal and Housing Management published at 35 F.R. 16102, October 14, 1970, is corrected by changing the reference "section A" in the first paragraph, line 5, to read "section B".

(Secretary's delegation of authority published at 35 F.R. 2746, et seq. Feb. 7, 1970)

Issued in Washington, D.C., November 4, 1970.

NORMAN V. WATSON,
Acting Assistant Secretary for Renewal and Housing Management.

[F.R. Doc. 70-14819; Filed, Nov. 3, 1970; 8:47 a.m.]

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 westsouthwest 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

FOR THE STATE OF MARYLAND

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 licensed 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

FOR THE ATOMIC ENERGY COMMISSION

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. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Notice of Hearing on Application for a Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, rules of practice, notice is hereby given that a hearing will be held at 10 a.m. local time, on December 8, 1970, in the Ohio National Guard Armory, 135 West Perry Street, Port Clinton, Ohio, to consider the application filed under § 104b. of the Act by The Toledo Edison Co. and The Cleveland Electric Illuminating Co. (the applicants), for a construction permit for a pressurized water nuclear reactor, Davis-Besse Nuclear Power Station, designed to operate initially at 2,633 megawatts (thermal) to be located at the applicants' site on the southwestern shore of Lake Erie in Ottawa County, Ohio, approximately 21 miles east of Toledo, Ohio.

The hearing will be conducted by the atomic safety and licensing board designated by the Atomic Energy Commission, consisting of Dr. Charles Winters, Bethesda, Md.; Dr. Walter H. Jordan, Oak Ridge, Tenn.; and Walter T. Skallerup, Jr., Esq., McLean, Va., Chairman. Dr. John C. Geyer, Baltimore, Md., has been designated as a technically qualified alternate, and James P. Gleason, Esq., Rockville, Md., has been designated as an alternate qualified in the conduct of administrative proceedings.

A prehearing conference will be held by the board in the Ohio National Guard Armory, 135 West Perry Street, Port Clinton, Ohio, on November 23, 1970, at 2 p.m. local time, to consider the matters provided for consideration by 10 CFR § 2.752 and section II of Appendix A to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings on Item Nos. 1–3 and a negative finding on Item 4 specified below as the basis for the issuance of a construction permit to the applicants.

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

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

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

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted, a research

and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicants are technically qualified to design and construct the proposed facility;

3. Whether the applicants are financially qualified to design and construct the proposed facility; and

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

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

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

As they become available, the application, the proposed construction permit, the applicants' summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of this notice of hearing, the proposed construction permit, the ACRS report, the applicants' summary of the application and the regulatory staff's Safety Evaluation will also be available at the Ida Rupp Public Library, Port Clinton, Ohio, for inspection by members of the public Monday through Saturday, 9 a.m. to 5 p.m. Copies of the proposed construction permit, the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the board, within such limits and on such conditions as may be fixed by the board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, by November 18, 1970.

Any person whose interest may be affected by the proceeding who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene. Petitions for leave to intervene, pursuant to the provisions of 10 CFR § 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than November 18, 1970, or in the event of a postponement of the prehearing conference, at such time as the board may specify. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely will be denied unless the petitioner shows good cause for failure to file it on time.

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

An answer to this notice, pursuant to the provisions of 10 CFR § 2.705 of the Commission's rules of practice, must be filed by the applicants on or before November 18, 1970.

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

Pending further order of the board, parties are required to file pursuant to the provisions of 10 CFR § 2.708 of the Commission's rules of practice, an original and twenty copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission has established the Appeal Board pursuant to 10 CFR § 2.785 of the Commission's rules of practice, and has made the delegation pursuant to paragraph (a)(1) of this section. The Appeal Board is composed of the Chairman and Vice Chairman of the Atomic Safety and Licensing Board Panel and a third member who is technically qualified and designated by the Commission. The Commission has designated Dr. Lawrence Quarles, Dean of the School of Engineering and Applied Science, The University of Virginia, as this third member.

Dated at Washington, D.C., this 30th day of October 1970.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary of the Commission.

[F.R. Doc. 70-14804; Filed, Nov. 3, 1970; 8:46 a.m.]

[Docket No. 50-116]

IOWA STATE UNIVERSITY

Notice of Issuance of Amendment to Facility License

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 4 to Facility License No. R-59 dated October 16, 1959. The license authorizes Iowa State University to possess and operate the Argonaut Model UTR-10 training and research reactor on its campus at Ames, Iowa. The amendment increases the amount of uranium 235 which the University may receive, possess and use in fission counters from 2 grams to 15 grams.

By application received October 9, 1970, Iowa State University requested authorization to receive the additional material to permit the purchase of additional fission counters to be used in the reactor. The possession and use of the additional fission counters does not involve any significant hazards considerations not previously evaluated for this facility.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Ch. I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file

a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for amendment, and (2) the amendment to the facility license which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of the amendment may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 26th day of October 1970.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 70-14810; Filed, Nov. 3, 1970; 8:47 a.m.]

[Docket No. 50-142]

REGENTS OF THE UNIVERSITY OF CALIFORNIA

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 8 to Facility License No. R-71. The license authorizes The Regents of the University of California at Los Angeles to possess, use and operate the Argonaut-type nuclear reactor located on the University's campus in Los Angeles, Calif., at power levels up to 100 kW. The amendment authorizes an increase (from 4 kilograms to 10 kilograms) in the quantity of contained uranium 235 which the University may receive, possess and use in connection with operation of the reactor.

The additional material is required for the fabrication of fuel elements which will be used to replace those now in the reactor. The new fuel elements will be stored in their shipping containers or other appropriate containers in accordance with the license and existing Technical Specifications (Final Hazards Analysis Report).

The Commission has found that the application for the amendment dated September 24, 1970, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Ch. I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated September 24, 1970, and (2) the amendment to the facility license, both of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies of item (2) above may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 26th day of October 1970.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 70-14809; Filed, Nov. 3, 1970; 8:47 a.m.]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Order Amending Provisional Construction Permit

Notice is hereby given that, by an order dated October 27, 1970, the Atomic Energy Commission found the Vermont Yankee Nuclear Power Corp. financially qualified to design and construct its facility at Vernon, Vt., subject only to the sale of $80 million of its first mortgage bonds. The order deletes paragraph 4 of Provisional Construction Permit No. CPPR-36, issued to Vermont Yankee Nuclear Power Corp., which pertained to a previously granted interim exemption from the Commission's financial qualifications requirements and to the submission by the Corporation of certain related information. The order also requires the Corporation to report the sale of the first mortgage bonds to the Commission.

A copy of the order is available for inspection by members of the public in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the order may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 27th day of October 1970.

FRANK SCHROEDER,
Acting Director, Division of Reactor Licensing.

[F.R. Doc. 70-14811; Filed, Nov. 3, 1970; 8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 70-133]

NELBRO PACKING CO.

Notice of Qualification as a Citizen of the United States

This is to give notice that pursuant to 46 CFR 67.23-7 issued under the provisions of section 27A of the Merchant Marine Act, 1920, as amended by the Act of September 2, 1958 (46 U.S.C. 883-1), Nelbro Packing Co., 657 Northeast Northlake Way, Seattle, Wash., incorporated under the laws of the State of Washington, did on October 5, 1970, file with the Commandant, U.S. Coast Guard, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in Form 1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a territory, district, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, United States Coast Guard, having found this oath to be in compliance with the law and regulations, on October 29, 1970, issued to Nelbro Packing Co. a certificate of compliance on Form 1262, as provided in 46 CFR 67.23-7. The certificate and any authorization granted thereunder will expire 3 years from the date thereof unless there first occurs a change in the corporate status requiring a report under 46 CFR 67.23-7(c).

This continues in effect the notice of qualification of Nelbro Packing Co. as a citizen of the United States dated January 2, 1968.

Dated: October 29, 1970.

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

[F.R. Doc. 70-14827; Filed, Nov. 3, 1970; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 22577]

AIR HAITI, S.A.

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding now assigned to be held on November 12, 1970, is hereby postponed until further notice.

Dated at Washington, D.C., October 29, 1970.

[SEAL] WILLIAM H. DAPPER,
Hearing Examiner.

[F.R. Doc. 70-14822; Filed, Nov. 3, 1970; 8:48 a.m.]

[Docket No. 22552]

BRITANNIA AIRWAYS LTD.

Notice of Further Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding now assigned to be held on November 9, 1970, is hereby postponed to November 24, 1970, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., October 29, 1970.

[SEAL] WILLIAM H. DAPPER,
Hearing Examiner.

[F.R. Doc. 70-14823; Filed, Nov. 3, 1970; 8:48 a.m.]

[Docket No. 22364]

U.S. MAINLAND-HAWAII FARES

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on December 1, 1970, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., October 30, 1970.

[SEAL] ARTHUR S. PRESENT,
Hearing Examiner.

[F.R. Doc. 70-14824; Filed, Nov. 3, 1970; 8:48 a.m.]

[Docket No. 20993; Order 70-10-129]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority October 28, 1970.

By Order 70-10-67, dated October 13, 1970, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 70-10-67 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 21753, R-28 through R-30, be and it hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[F.R. Doc. 70-14825; Filed, Nov. 3, 1970; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18912, 18913; FCC 70R-363]

FOLKWAYS BROADCASTING CO., INC., AND HARRIMAN BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Folkways Broadcasting Co., Inc., Harriman, Tennessee, Docket No. 18912, File No. BPH-5495, and F. L. Crowder, trading as Harriman Broadcasting Co., Harriman, Tenn., Docket No. 18913, File No. BPH-5537; for construction permits.

1. This proceeding involves the mutually exclusive applications of Folkways Broadcasting Co., Inc. (Folkways), and F. L. Crowder, trading as Harriman Broadcasting Co. (Harriman) for a permit to construct and operate a new FM broadcast station on Channel 224A at Harriman, Tenn. By Order, FCC 70-736, released July 14, 1970, the Commission designated the two applications for hearing on several issues, including financial qualifications issues directed against both applicants; Suburban (community survey) issues against both; an issue (Issue 5) to determine whether Harriman is "qualified to be a permittee of the Commission" in light of the Commission's decision in Harriman Broadcasting Co. (WXXL), 9 FCC 2d 731, 10 RR 2d 981 (1967),[1] that F. L. Crowder had engaged in the trafficking of broadcast stations; and the standard comparative issue. Presently before the Review Board is a petition to enlarge issues, filed August 3, 1970, by Harriman,[2] requesting the addition of § 1.65 and diligence issues against Folkways, and the modification of Issue 5 (trafficking issue).

Section 1.65 issue. 2. In support of its request for a § 1.65 issue, Harriman alleges that substantial and significant changes affecting the Folkways proposal have taken place since the application was filed in July 1966, and that Folkways has failed to amend its application to reflect those changes. In particular, petitioner maintains that Folkways has not amended its application to show: (1) Changes in ownership and personnel; (2) changes in the ownership interests of Folkways' principal stockholder in other broadcast facilities; and (3) changes with respect to Folkways' financial qualifications. According to Harriman's counsel, all of the information underpinning Harriman's allegations was gleaned from ownership reports and renewal applications filed by Folkways. (Folkways is the licensee of standard broadcast Station WHBT, Harriman, Tenn.) With respect to changes in Folkways' ownership and personnel, Harriman submits that when the Folkways application was filed, the corporate applicant consisted of three stockholders, one with an 80 percent interest and two 10 percent stockholders,[3] but that today one of those persons, Kenneth Crosthwait, owns 100 percent of the stock. Petitioner notes that this change of ownership was not reported to the Commission in the form of an amendment to Folkways' application. In addition, states Harriman, Folkways had proposed in its application to integrate the two former stockholders (Carrigan and Roberts) on a full-time basis into the management of the FM station, and Folkways has never amended its application to reflect their complete departure from the corporation. In regard to the ownership interests of Crosthwait in other media, petitioner alleges that Crosthwait is a principal of Maranatha Broadcasting Co., Inc., which is the proposed assignee of FM broadcast Station WKYX-FM in Paducah, Ky., but has not amended the Folkways application to

[1] Affirmed sub nom. Crowder v. FCC, 130 U.S. App. D.C. 198, 399 F. 2d 569, 13 RR 2d 2073, cert. denied 393 U.S. 962 (1968).

[2] Also before the Board are Folkway's opposition and the Broadcast Bureau's comments, both filed on Aug. 21, 1970. By letter, dated Aug. 28, 1970, Harriman's counsel informed the Board that Harriman would not file a reply.

[3] In July 1966, Kenneth J. Crosthwait owned 80 percent of the Folkways stock and was president and director of the corporation, and William R. Carrigan and Grant E. Roberts each owned 10 percent of the stock and were vice president/director and treasurer/director of the corporation, respectively.

show this interest. Moreover, urges Harriman, the exact interest of Crosthwait in two West Virginia broadcast stations (WOVE(AM) and WKJC(FM), Welch, W. Va.), and of Crosthwait's brother in two Whitesburg, Ky., radio stations, should have been disclosed by amendment in the Folkways application. Finally, petitioner argues that five of the documents in Folkways application relating to the applicant's financial qualifications are "over 4 years old and contain inaccurate or outdated information", that "it was and is the duty of Folkways to make them current", and that they must be "considered significant in nature." Harriman finally notes that Folkways has supplied "some information" to the Commission through ownership reports, but contends that this is inadequate to meet its responsibilities under Rule 1.65, citing Gordon Sherman, 4 FCC 2d 337, 8 RR 2d 366 (1966); Central Broadcasting Corporation, 3 FCC 2d 115, 8 RR 2d 344, reconsideration denied 3 FCC 2d 577, 8 RR 2d 347 (1966); and Cleveland Broadcasting, Inc., 2 FCC 2d 717, 7 RR 2d 205 (1966).

3. Folkways opposes Harriman's request for a § 1.65 issue, taking the position that becaue it reported to the Commission in one way or another all of the matters referred to in Harriman's petition, it cannot be found to have violated Commission § 1.65. Folkways insists that the Board consider Harriman's request in light of Commission pronouncements on the purpose of § 1.65,[4] suggesting that the changes with respect to its application that did occur since July 1966, were neither "substantial" nor "significant," and hence did not have to be reported by amendment to the FM application. Folkways then disputes each of the grounds asserted by Harriman in support of its request, each time repeating its basic argument that it incorporated by reference in its FM application the WHBT license and ownership files, thereby showing that "there was no bad motive or any indication of design on Folkways' part to avoid Commission requirements." With respect to Folkways' financial showing, it is pointed out that the Commission designated a financial qualifications issue against Folkways[5] and that Folkways will seek to amend its application to update its financial proposal. Folkways also contends that it made no "specific changes" in its financial proposal since January 1967, when it last amended its application, "because of the dormancy of its application", and that "the new financial proposal eventuates from the coming to life reflected by the [Designation Order]."

4. The Broadcast Bureau agrees with Harriman's petition to the limited extent of supporting a § 1.65 inquiry into Folkways' failure to amend its application to reflect changes in ownership and personnel, unless Folkways offers a "satisfactory explanation" of the matter. All of the other bases advanced by Harriman for a sweeping § 1.65 issue are rejected by the Bureau.

5. In the Board's opinion, substantial questions have been raised as to Folkways' compliance with § 1.65. From the Commission's files, it appears that Kenneth Crosthwait acquired 100 percent of the stock in Folkways in October 1969, and that the former stockholders (Carrigan and Roberts), who were to be program director and station manager, respectively, of the FM station, are no longer associated with the corporate applicant in any way. It also appears that Crosthwait is the full-time general manager of Station WHBT, Folkways' AM outlet in Harriman. None of these changes are reported in Folkways' FM application. In the Board's opinion, these changes should have been brought to the Commission's attention in the FM application, either through the amendment procedure or by a record statement, because the changes are "substantial and might have a significant impact on the status of [Folkways'] application." Report and Order in Docket 14867, supra, 29 F.R. at 15517, 3 RR 2d at 1625. Cf. Chapman Radio and Television Company, FCC 70R-332, released October 5, 1970, _____ FCC 2d _____. In particular, the changes have a direct bearing on Folkways' integration proposal. It is no defense that the application was lying dormant for over 4 years, that the changes are reported elsewhere in the Commission's files, or that the FM application incorporates by reference those files. By its terms, Rule 1.65 applies "from the time [the application] is accepted for filing by the Commission" (in this case, July 22, 1966), and not from the time of designation for hearing, as Folkways suggests. Dormancy, therefore, is no excuse. Furthermore, it is well established Commission policy that the requirements of § 1.65 are not met by filing information in ownership reports or license files. Gordon Sherman, supra; Central Broadcasting Corp., supra; Cleveland Broadcasting, Inc., supra. "In order to comply with § 1.65, an applicant must either amend its application or furnish a statement for the record containing the appropriate information." Cleveland Broadcasting, Inc., supra, 2 FCC 2d at 719, 7 RR 2d at 207. Folkways has failed to do either with respect to its ownership and personnel changes. Furthermore, we agree with the Broadcast Bureau that incorporation by reference, which is heavily relied upon as a defense by Folkways, is only proper with respect to the initial application. Cf. Hartford County Broadcasting Corp., 9 FCC 2d 698, 10 RR 2d 1083 (1967).[6] Any subsequent changes of a substantial and significant nature must be reported by amending the pending application or by furnishing a statement for the record containing the appropriate information. To hold otherwise would, as the Bureau states, undermine the entire purpose and intent of § 1.65. See report and order in Docket 14867, supra. Likewise, we believe that Folkways' failure to amend its FM application to reflect changes in Crosthwait's ownership interest in Station WKJC(FM), Welch, W. Va., also warrants exploration at the hearing. In 1966, when the Folkways application was filed, Crosthwait owner a 68 percent interest in the station, and in 1969, he acquired a 100 percent interest. In our view, this change should have been reported to the Commission in connection with the FM application. North American Broadcasting Co., Inc., 15 FCC 2d 984, 15 RR 2d 367 (1969). Cf. Gordon Sherman, supra. Again, we note that the applicant's reliance on cross-reference to, and incorporation by reference of, ownership reports and license files is not sufficient to establish compliance with § 1.65. Cleveland Broadcasting, Inc., supra. In light of the foregoing, an appropriate issue will be specified against Folkways.

6. While the Board believes that a § 1.65 issue should be specified in this proceeding, the Board also believes that an inquiry into the other matters raised in Harriman's petition is unwarranted. Crosthwait's proposal to acquire an interest in Station WKYX-FM, Paducah, Ky., which was filed with the Commission on July 2, 1970, was timely reported to the Commission in a letter from Folkways. The letter, a copy of which is attached to the opposition, is dated July 31, 1970, is addressed to the Commission's Secretary, refers to the docket number in this proceeding, and indicates that copies of the letter were sent to the other parties to this proceeding. This, in our opinion, complies with the spirit of § 1.65. Cleveland Broadcasting, Inc., supra. With the exception of his interest in Station WKJC(FM), Crosthwait's only other broadcast interest (WOVE(AM)) is fully disclosed by incorporation by reference in the FM application.[7] Compare Gordon Sherman, supra. Finally the

[4] Citing the Commission's report and order in Docket 14867 (Reporting of Changed Circumstances), 29 F.R. 15516, 3 RR 2d 1622 (1964); Media, Inc., 22 FCC 2d 486, 18 RR 2d 970 (1970); and WLCY, Inc., 13 FCC 2d 404, 13 RR 2d 497 (1968).

[5] The designated issue (Issue 1) reads as follows:

"To determine whether Folkways * * * has available $18,780 required for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications."

At paragraph 1 of the Designation Order, the Commission notes that Folkways' "financial data is over four years old and, for that reason, unreliable."

[6] We strongly disagree with Folkways' citation of Hartford County Broadcasting Corp., supra, for the proposition that, "where information reported to the Commission is in one public file, which file is referred to in the application under consideration * * *, a violation of § 1.65 will not be found." In that case, the Board expressly stated that it was not dealing with a situation such as the instant one, namely, "where a substantial change occurs in the facts presented in the application after it is filed and the change is reported, but not in connection with the application being considered." 9 FCC 2d at 701 n. 4, 10 RR 2d at 1088 n. 4. The difference between the two situations is patently obvious and crucial.

[7] Answering questions in applications by referring to other documents on file with the Commission is not violative of § 1.65 where, as here, specific reference is made to the document containing the relevant information. Hartford County Broadcasting Corp., supra, 9 FCC 2d at 701, 10 RR 2d at 1088. But see paragraph 5, supra.

fact, that Folkways financial showing is over 4 years old does not, standing alone, indicate that there have been "substantial" and "significant" changes warranting an evidentiary inquiry. See report and order in Docket 14867, supra. As the Bureau points out, Folkways is a going business concern and, as such, its financial position, as reflected in its balance sheet, can be expected to change from year to year. This does not mean, however, that such changes are significant and substantial; and Harriman's petition is noteworthy for its failure to allege specific facts, supported by sworn affidavits, to show that a § 1.65 inquiry into Folkways' financial status is warranted. See Commission § 1.299(c).

Diligence issue. 7. Harriman predicates its request for a diligence issue against Folkways on the grounds urged in support of a § 1.65 issue (i.e., Folkways' failure to keep its application up-to-date) and on other examples of what petitioner terms Folkways' "ineptness, carelessness, and neglect." Harriman cites the following examples of Folkways' alleged lack of diligence: (1) Failure to comply with the Commission's community survey standards; (2) failure by 21 days to timely supply information requested by the Commission; (3) failure to correctly specify the location of Station WKJC (FM) in the WHBT license renewal application; (4) failure to "fully identify" material incorporated by reference in the FM application; (5) failure to change the name of the person to be contacted by the Commission in matters of urgency; and (6) failure to survey the FM station's proposed expanded service area. Harriman cites Marvin C. Hanz, 22 FCC 2d 147, 18 RR 2d 830 (1970), review denied, FCC 70-724, released July 13, 1970, in support of its request. The Review Board agrees with Folkways and the Bureau, who oppose Harriman's request, that an issue inquiring into Folkways' diligence is not warranted. Traditionally, diligence or ineptness issues have been added in Commission proceedings only where an applicant's conduct has concerned relevant matters of major significance, and where the conduct has disclosed a pattern of carelessness and inadvertence. See, e.g., Marvin C. Hanz, supra;[8] and Adirondack Television Corp., 6 FCC 2d 156, 8 RR 2d 1311 (1966). See also Beamon Advertising, Inc., FCC 63R-467, 1 RR 2d 285, review denied FCC 63-1182, released December 27, 1963. Harriman has failed to show such conduct on the part of Folkways;[9] therefore, its request for a diligence issue will be denied.

Modification of Issue 5. 8. Harriman's final request is for the modification of Issue 5 (the trafficking issue) from a basic qualifications issue to a comparative issue only.[10] Harriman's sole argument in support of its request is that "basic fairness" requires it. Folkways and the Broadcast Bureau oppose the request.

9. In the Board's opinion, there is absolutely no merit to Harriman's request. In Atlantic Broadcasting Co., 5 FCC 2d 717, 8 RR 2d 991 (1966), the Commission held that where there has been a thorough consideration of a particular question in a designation order, subordinate officials would be expected, in the absence of new factors or circumstances, to follow the Commission's judgment as the law of the case. In the Designation Order in this case, the Commission prefaced its specification of Issue 5 with the following discussion of the 1967 Harriman decision, supra:

> After a remand from the Court of Appeals, Folkways Broadcasting Company, Inc. v. FCC, 375 F. 2d 299 (1967), we found that Mr. F. L. Crowder had engaged in the trafficking of broadcast stations when he sold standard broadcast stations WHBT, Harriman, and WDEH, Sweetwater, Tenn., at a profit. In F. L. Crowder, tr/as Harriman Broadcasting Co., 9 FCC 2d 731, 734 (1967), we held that Crowder should not be granted a radio station in Harriman because of his conduct with respect to the stations he had previously held in Harriman and Sweetwater. Specifically, the Commission found that he had not acquired those stations for the principal purpose of operating in the public interest, but instead had treated them as properties to be bought and sold for profit. These findings also bear upon Mr. Crowder's qualifications to hold a construction permit in this case, and an appropriate issue will be specified.

A fair reading of this language clearly reflects a reasoned analysis of the trafficking question and how that question relates to Harriman's basic qualifications in this proceeding.[11] Petitioner does not allege otherwise. Nor has Harriman alleged any new facts or circumstances not before the Commission at the time of designation. Its request to modify the trafficking issue must therefore be denied. Cf. Moline Television Corp. (WQAD-TV), 12 FCC 2d 767, 13 RR 2d 49 (1968). Finally, we agree with the Bureau that, in addition to being potentially disqualifying, Harriman's past conduct should also be considered in judging the applicant's comparative qualifications; however, we believe that Issue 5 should be modified accordingly, rather than having the matter considered under the standard comparative issue, as the Bureau suggests. Therefore, we will, on our own motion, modify Issue 5 to encompass both Harriman's basic and comparative qualifications.

10. *Accordingly, it is ordered,* That the petition to enlarge issues, filed August 3, 1970, by F. L. Crowder, trading as Harriman Broadcasting Company, is granted to the extent indicated herein, and is denied in all other respects; and

11. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue:

> To determine whether the Folkways Broadcasting Co., Inc., has complied with the provisions of § 1.65 of the Commission's rules by keeping the Commission advised of substantial changes in matters specifically referred to in this memorandum opinion and order, and, if not, to determine the affect of such noncompliance on the basic and comparative qualifications of Folkways Broadcasting Co., Inc., to be a Commission permittee; and

12. *It is further ordered,* That Issue 5 in this proceeding is modified to read as follows:

> To determine the effect of the Commission's decision in F. L. Crowder, tr/as Harriman Broadcasting Co., supra, on the basic and comparative qualifications of Harriman Broadcasting Co. to be a permittee of the Commission; and

13. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issue added herein, shall be upon F. L. Crowder, trading as Harriman Broadcasting Co., and the burden of proof shall be upon Folkways Broadcasting Co., Inc.

Adopted: October 23, 1970.

Released: October 28, 1970.

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

[F.R. Doc. 70-14814; Filed, Nov. 3, 1970; 8:47 a.m.]

[Dockets Nos. 19068-19070; FCC 70-1133]

EDWARD G. ATSINGER, III, ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Edward G. Atsinger, III, Owensboro, Ky., Requests: 1140 kc., 500 w., Day, Docket No. 19068, File No. BP-18067; Gary H. Latham and Wells T. Lovett, doing business as L and L Broadcasting Co., Owensboro, Ky., Requests: 1140 kc., 500 w., Day, Docket No.

[8] In Hanz, the applicant against whom an issue was added had failed to: (1) Serve copies of amendments pursuant to § 1.522 (a); (2) serve copies of pleadings as required by § 1.1223; (3) timely publish notice of designation as required by § 1.549(a); and maintain a copy of the application for public inspection as specified in § 1.526(a). The sharp contrast between the facts in Hanz and those present in this case is apparent at first glance.

[9] Likewise, Harriman's request for a diligence issue is inconsistent with the Commission's established policy of avoiding unduly prolonged comparative hearings. Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 399, 5 RR 2d 1901, 1913 (1965). Cf. Home Service Broadcasting Corp., 24 FCC 2d 192, 196, 19 RR 2d 347, 352 (1970).

[10] The issue presently reads: "To determine in light of the Commission's decision in F. L. Crowder, tr/as Harriman Broadcasting Co., supra, whether Harriman Broadcasting Co. is qualified to be a permittee of the Commission." Harriman would have it read: "To determine the effect of the Commission's decision in F. L. Crowder, tr/as Harriman Broadcasting Co., supra, on the comparative qualifications of F. L. Crowder, tr/as Harriman Broadcasting Company."

[11] At a prehearing conference held on Sept. 2, 1970, the Hearing Examiner ruled that the issue "indeed" relates to Harriman's basic qualifications. We agree with that ruling.

19069, File No. BP-18475; Bayard Harding Walters, tr/as Hancock County Broadcasters, Hawesville, Ky., Requests: 1140 kc., 500 w., Day, Docket No. 19070, File No. BP-18490; for construction permits.

1. The Commission has before it for consideration (i) the above-captioned mutually exclusive application; (ii) a petition to deny the Atsinger application filed by Owensboro On The Air, Inc., licensee of station WVJS, Owensboro, Ky.; and (iii) opposition to the petition to deny.

2. In its petition WVJS asserts that Atsinger's efforts to ascertain community needs and interests were inadequate and requests specification of a Suburban [1] issue. In this connection, petitioner noted that Atsinger had relied on his wife's familiarity with the area and superficial interviews with only 18 local residents were conducted. In response, the applicant augmented his ascertainment of community needs with a general audience survey and consultations with over 100 community leaders. As a result, petitioner's contentions are no longer valid. We note, however, that although extensive efforts to ascetain community needs and interests were made, the applicant failed to supply sufficient information concerning the makeup of the population of the area to be served. As a result, the Commission is unable to determine whether those people consulted represented a true cross-section of community leaders and the general public. Accordingly, a Suburban issue will be specified.[2] Likewise, the efforts of the other two applicants have also been deficient in this respect and a Suburban issue will be included as to them.

3. Examination of the Hancock County application indicates that $36,880 will be required to construct and operate the proposed station for 1 year without revenue. The applicant proposes to meet this requirement with $2,600 cash, $9,200 in other liquid assets, and a bank loan of $20,000. Since the amount available amounts to only $31,800, a financial issue will be included.

4. Since L and L Broadcasting Co. has failed to keep its financial showing current, it will have to establish its qualifications in hearing. Thus, a financial issue with respect to this applicant will also be included.

5. The engineering exhibits filed by Edward G. Atsinger, III fail to define the business district of Owensboro. Since the proposed 25 mv/m contour does not cover the entire city, a question is raised as to the applicant's compliance with § 73.188(b) (1) of the rules. Thus, an appropriate issue will be specified.

[1] Suburban Broadcasters, 20 RR 951 (1961).

[2] Applicants are expected to indicate by cross-sectional survey, statistically reliable sampling, or other valid method, that those consulted are representative of the economic, social, political, and cultural elements of the community. City of Camden (WCAM), 18 FCC 2d 412 (1969), proposed Primer on Ascertainment of Community Problems by Broadcast Applicants, 34 F.R. 20282, 20 FCC 2d 880.

6. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the above proposals and the availability of other primary aural service (1 mv/m or greater in the case of FM) to such areas and populations.

2. To determine the efforts made by the applicants to ascertain the community needs and interests of the area to be served and the means by which the applicants propose to meet those needs and interests.

3. To determine whether L and L Broadcasting Co. is financially qualified to construct and operate its proposed station.

4. To determine, with respect to the application of Hancock County Broadcasters;

(a) The source of additional funds to construct and operate the proposal for 1 year without revenue; and

(b) Whether, in light of the evidence adduced pursuant to (a), above, the applicant is financially qualified.

5. To determine whether the proposal of Edward G. Atsinger III would meet the coverage requirements of § 73.188(b) (1) of the rules and, if not, whether circumstances exist which would warrant a waiver of said section.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would, on a comparative basis, better serve the public interest.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

9. *It is further ordered,* That Owensboro On The Air, Inc., licensee of station WVJS, Owensboro, Ky., is made a party to the proceeding.

10. *It is further ordered,* That the petition to deny by Owensboro On The Air, Inc., is granted to the extent indicated above and is denied in all other respects.

11. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to apear on the date fixed for the hearing and present evidence on the issues specified in this order.

12. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: October 21, 1970.

Released: October 28, 1970.

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

[F.R. Doc. 70-14815; Filed, Nov. 3, 1970; 8:47 a.m.]

[Docket Nos. 19062-19066; FCC 70-1132]

MAJOR MARKET STATIONS, INC. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Major Market Stations, Inc., Corona, Calif., Requests: 95.1 mc, No. 236; 10 kw.; 162.6 feet, Docket No. 19062, File No. BPH-6149; Newell Broadcasting System, Inc., San Bernardino, Calif., Requests: 95.1 mc, No. 236; 18.9 kw. (H); 18.9 kw. (V); 275 feet, Docket No. 19063, File No. BPH-6150; Manual G. Martinez, San Bernardino, Calif., Requests: 95.1 mc, No. 236; 2.8 kw.; 1,582 feet, Docket No. 19064, File No. BPH-6151; Dick Clark Television Productions, Inc., San Bernardino, Calif., Requests: 95.1 mc, No. 236; 20 kw. (H); 20 kw. (V); 324 feet, Docket No. 19065, File No. BPH-6293; Kipp Pritzlaff and William E. Sullivan, d/b as Kippco, Upland, Calif., Requests: 95.1 mc, No. 236; 20 kw. (H); 20 kw. (V); 269 feet, Docket No. 19066, File No. BPH-6391; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to its application, Major Market Stations would require $29,737 to construct and operate its proposed station for 1 year without reliance on revenues. However, this amount includes only $8,500 for operating expenses, an

amount which does not appear adequate for the nonduplicated operation proposed. Moreover, applicant shows only $7,600 in liquid assets plus a $10,000 loan, for a total of $17,600, to meet its requirements. Accordingly, a financial issue will be specified.

3. According to his application, Manuel Martinez would require $54,420 to construct and operate his proposed station for 1 year without reliance on revenues. To meet this requirement, applicant relies on funds to be derived from the sale of land to the California Division of Highways. However, Mr. Martinez has not shown what has happened regarding the $75,302 offer since it was made in June 1968. Nor has he shown that he would be able to utilize enough of the proceeds from such a sale to cover his costs. Accordingly, a financial issue will be specified.

4. Evidence developed at a hearing in Docket 17198 to determine whether a license to cover a construction permit authorizing a new FM station at San Fernando, Calif., would serve the public interest, indicated that Manuel Martinez participated in an unauthorized transfer of control of station KSFV and that Martinez, while managing the station, had permitted repeated and willful violations of the Commission's technical operating rules, and in some instances had specifically directed the falsification of the station's logs. In addition, evidence indicated that Martinez had entered into time-brokerage contracts on behalf of the station which were not filed as required by § 1.617 of the Commission's rules. Under these circumstances, a substantial question is raised as to Martinez' qualifications to become a licensee, and appropriate issues will be specified.

5. In Suburban Broadcasters, 30 FCC 951 (1961), our public notice of August 22, 1968, FCC 68-847, 13 RR 2d 1903, and City of Camden (WCAM), 18 FCC 2d 412 (1969), we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case, none of the applicants has shown that it has contacted a representative cross-section of its area, nor adequately provided the comments regarding community problems obtained from such contacts. Likewise, none of the applicants has adequately provided a listing of the specific programs responsive to specific community problems as evaluated. As a result, we are unable at this time to determine whether any of the applicants is aware of and responsive to the needs and interests of their areas. Accordingly, Suburban issues are required.

6. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

7. A full comparison of the programing proposals is warranted when one or more applicants propose predominantly specialized programing and the others, general market programing—Ward L. Jones, FCC 67-82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965). Similar treatment is required when the applicants propose differing specialized programing. In this case, Martinez proposes Spanish-language programing, and Dick Clark Productions, Inc., Negro-oriented programing, while the other applicants propose general market programing. Therefore, the programing proposals of the applicants may be compared under the contingent comparative issue.

8. Some time ago the Commission adopted an interim policy to be in effect during the pending of the multiple-ownership rule-making proceeding in Docket 18110. This policy provided that action on applications filed after April 3, 1968, which conflicted with the proposed rules would be withheld pending resolution of the proceeding. Subsequently, the policy was modified [Seaborn Rudolph Hubbard, 15 FCC 2d 690 (1968)] to permit the designation for hearing of a nonconforming application if it were mutually exclusive with an application which was not in conflict with the interim policy.[1]

9. This case presents a slightly different situation. The former interim policy did not apply to two of the subject applications because the applicants do not have full-time broadcast interests in the market. The interim policy, however, did apply to two of the other applications and would have applied to the remaining application were it not for the fact that it was filed before April 3, 1968. Under the procedure outlined in Hubbard, supra, if a nonconforming application were to be preferred, a final action on it was to be withheld until the rule-making proceeding was resolved. Utilization of that procedure would not necessarily serve the public interest in all instances, for it is the question of multiple ownership of more than one full-time station in the market that concerns us, not distinguishing between licensees of full-time stations based on the dates on which their applications were filed. Where, as here, the interim policy calls for treating differently applications which have similar multiple ownership consequences, we believe that a change in procedure is required. Thus, in the relatively few instances where applications in conflict with the former interim policy are mutually exclusive with applications which would have been in such conflict had they been filed after April 3, 1968, we will treat both (or all) applicants on an equal basis. In our view, failure to take this approach would cause unequal treatment of essentially like applicants without any public interest benefit. In fact, we believe our new procedure will be in furtherance of the public interest, since only one of the applications can be granted, and the possibility already existed that the grant would be made to the licensee of a full-time station in the market. Moreover, the new procedure is analogous to the approach taken regarding applications involving use of the "25-mile" rule which was amended to become the "10-15-mile" rule. There, we concluded that if a timely application had been filed under the 25-mile rule, similar opportunity to use this provision would be accorded to other mutually exclusive applicants even though filed after the 10-15-mile limitation had become effective. Finally, it should be noted that this policy is only intended to remove artificial distinctions between applications filed by licensees of full-time stations in the market and is not intended to alter the weight given to these broadcast interests in comparing the applicants under the comparative issue.

10. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

11. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the amount required by Major Market Stations to construct and operate its proposed station for 1 year without reliance on revenues, and whether it has available to it sufficient funds in addition to the $17,600 shown in the application for this purpose to thus demonstrate its financial qualifications.

(2) To determine whether Manuel Martinez has available to him the $54,420 required for construction and first-year operation of his proposed station without reliance on revenues to thus demonstrate his financial qualifications.

(3) To determine the efforts made by Major Market Stations to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(4) To determine the efforts made by Newell Broadcasting System to ascertain the community needs and interests of the area to be served, and the means by which the applicant proposes to meet those needs and interests.

(5) To determine the efforts made by Manuel Martinez to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(6) To determine the efforts made by Dick Clark Television Productions, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(7) To determine the efforts made by Kippco to ascertain the community

[1] Although a report and order recently has been issued in the rule-making proceeding, various petitions for reconsideration of our adoption of the new rules have been filed and are awaiting action.

needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(8) (a) To determine whether, and, if so, the extent to which Manuel Martinez participated in an authorized transfer of control of Station KSFV, San Fernando, Calif., during the period 1965 through 1967 in violation of section 310(b) of the Communications Act of 1934.

(b) To determine whether, during his tenure as manager of Station KSFV, Manuel Martinez was responsible for technical violations of the Commission's rules and whether, and, if so, the extent to which Manuel Martinez specifically directed the falsification of the station's logs.

(c) To determine whether, during his tenure as manager of Station KSFV, Manuel Martinez entered into time-brokerage contracts on behalf of the licensee of that station in violation of § 1.613 of the Commission's rules in failing to file said contracts.

(d) To determine, on the basis of evidence adduced, pursuant to the foregoing issues, whether Manuel Martinez possesses the requisite qualifications to be a broadcast licensee.

(9) To determine the areas and populations which would receive FM service of 1 mv/m or greater intensity from the respective proposals together with the availability of other primary aural services in such areas.

(10) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

(11) To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

(12) To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications for construction permit should be granted.

12. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

13. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: October 21, 1970.

Released: October 28, 1970.

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

[F.R. Doc. 70-14816; Filed, Nov. 3, 1970; 8:47 a.m.]

[Dockets Nos. 19058-19060; FCC 70-1125]

NIAGARA COMMUNICATIONS, INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Niagara Communications, Inc., Savannah, Ga., Docket No. 19058, File No. 723-M-L-89; Marine Telephone Co., Inc., Savannah, Ga., Docket No. 19059, File No. 804-M-P-99; Answering Network of Georgia, Inc., Savannah, Ga., Docket No. 19060, File No. 901-M-L-80; for a Public Coast Class III-B radio station at Savannah, Ga.

1. On August 15, 1969, Niagara Communications, Inc. (Niagara), and on September 17, 1969, Marine Telephone Co., Inc. (Marine), and on August 14, 1970, Answering Network of Georgia, Inc. (Answering), filed applications for a Public Coast Class III-B radio station license to operate at Savannah, Ga. Niagara and Marine request authority to use the working frequency 161.9 Mc/s and, in addition, Marine requests authority to use the working frequency 161.95 Mc/s, and Answering requests authority to use the working frequency 162.0 Mc/s. No applicant has made a showing of the need for more than one station of this class at Savannah, nor has Marine made a satisfactory showing of need for a second working frequency. There were questions concerning the financial qualifications of Niagara that were finally resolved satisfactorily by a statement furnished by Niagara on May 1, 1970. Except for the issues hereinafter specified, all applicants are otherwise qualified.

2. On October 31, 1969, Niagara filed a Petition to Deny the Marine application. Niagara asserts that it could provide better coverage because of a higher antenna and a directional antenna system. Niagara further asserts that Marine would not be able to fully comply with the Commission rule requirements concerning participation in the maritime communication safety system at Marine's remote control station location. In this connection, Marine filed an application for a remote control station to operate in the 72-76 Mc/s band to be located at the mouth of the Savannah River, about 10 miles down river from the city of Savannah. On November 21, 1969, Marine filed an Opposition to the Petition to Deny. Marine asserted that its application was in proper order and that engineering studies would demonstrate that the service area of its station would far exceed that of Niagara's proposed station. Marine urged the Commission "to proceed to determine" which of the competing applications, if granted, would better serve the public interest.

3. The Commission does not, ordinarily, grant applications for a second working frequency without a satisfactory showing of need therefor. Additionally, we do not normally authorize more than one station of this class to serve the same geographical area, nor, pursuant to section 81.303 of the rules do we grant an application for a station of this class to serve an area already served unless a satisfactory showing of the need for additional service, is made. Further, both Marine and Niagara have applied for the frequency 161.9 Mc/s. Simultaneous operation of the proposed stations on the same frequency would result in mutually destructive electrical interference; therefore, the applications of Niagara and Marine are mutually exclusive. In view of the above, an evidentiary hearing is needed to determine which of the three applications should be granted.

4. With respect to the Petition to Deny filed by Niagara, that petition is granted to the extent that the application of Marine is designated for hearing on the issues specified herein and in all other respects is denied.

5. *Accordingly, it is ordered*, That the above entitled applications of Marine, Niagara and Answering are designated for hearing at a time and place to be specified in a subsequent order on the following issues.

a. To determine which applicant will provide the public with the best public coast station service based on the following considerations:

(1) coverage area and its relation to the greatest number of potential users;

(2) hours of operation;

(3) ability to effectively participate in the maritime mobile radio safety system;

(4) rates and charges;

(5) qualifications of management, operators and other personnel;

(6) interconnection with landline facilities; and

(7) reliability and efficiency of service.

b. To determine the need, if any, of Marine's proposed station for a second working frequency.

c. To determine in the light of the evidence adduced on all the foregoing issues, which application should be granted.

6. *It is further ordered*, That the burden of proceeding with the introduction of evidence on issue a is placed on each applicant insofar as the respective items pertain to each of these parties, and on issue b the burden is placed on Marine. Issue c is conclusory.

7. *It is further ordered*, That the guide and reference source for preparing exhibits showing the geographical area in which satisfactory ship-shore maritime communications can technically be exchanged will be the criteria contained in the Commission's notice of proposed rule making released August 28, 1970, in Docket 18944, which proposes technical standards for the computation of service area for Public Coast III-B stations.

8. *It is further ordered*, That to avail themselves of an opportunity to be heard, Marine, Niagara and Answering, pursuant to § 1.221(c) of the rules, shall within 20 days of the mailing of this order file with the Commission in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order. Pursuant to § 1.21(b) of the rules, the Chiefs of the Safety and Special Radio Services Bureau and the Common Carrier Bureau are parties to this proceeding.

Adopted: October 21, 1970.

Released: October 28, 1970.

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

[F.R. Doc. 70-14817; Filed, Nov. 3, 1970; 8:47 a.m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition Insured Banks

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(a)(3)), each insured bank is required to make a report of condition as of the close of business October 28, 1970, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 475,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 197,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 93,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and a copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Reports of Condition by National Banking Associations," dated June 1969, and any amendments thereto.[2] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated June 1969, and any amendments thereto.[2] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 by insured State banks not members of the Federal Reserve System," dated June 1969, and any amendments thereto.[2]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated December 1962, and any amendments thereto,[2] and shall send the same to the Federal Deposit Insurance Corporation.

FRANK WILLE,
Chairman, Federal Deposit Insurance Corporation.

WILLIAM B. CAMP,
Comptroller of the Currency.

J. L. ROBERTSON,
Vice Chairman, Board of Governors of the Federal Reserve System.

[F.R. Doc. 70-14803; Filed, Nov. 3, 1970; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Dockets Nos. CP70-292, CP70-293]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Petition to Amend

NOVEMBER 2, 1970.

Take notice that on October 28, 1970, Midwestern Gas Transmission Co. (petitioner), Post Office Box 2511, Houston, Tex. 77001, filed in Dockets Nos. CP70-292 and CP70-293 a petition to amend the Commission's orders issued on July 7, 1970, in said dockets so as to authorize petitioner to enlarge its importation of natural gas from Canada, and so as to authorize the continued sale of natural gas to Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) and to other existing customers, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that on July 7, 1970, it was granted Commission authorization in the subject dockets to sell natural gas to Michigan Wisconsin and other northern system customers and to import from Canada up to 5 million Mcf of natural gas until October 31, 1970.

Petitioner states that the abovementioned authorization, granted July 7, 1970, had been requested in the anticipation that petitioner would be able to commence on November 1, 1970, additional sales and transportation service authorized by the Commission's order of April 30, 1970, at Dockets Nos. CP70-24 and CP70-25, as amended. Because of numerous delays, petitioner states that the facilities needed to effectuate these sales and transportation will not be completed until several weeks after November 1, 1970. Petitioner states that Michigan Wisconsin has informed petitioner that it needs to replace, in part, the 50,000 Mcf per day that it was to receive commencing November 1, 1970, under the abovementioned authorization.

Petitioner requests that the Commission's orders dated July 7, 1970, in the subject dockets be amended to authorize petitioner:

(a) to continue the sale of gas to Michigan Wisconsin and to any other of petitioner's existing northern system customers requesting additional gas on a best efforts basis until such time as the services authorized at Docket No. CP70-24 are commenced, or until February 15, 1971, whichever is earlier;

(b) to continue the total volume authorized to be imported at Docket No. CP70-292 from 5 million to 8 million Mcf, and the time for such imports be extended as set out above.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filings of protests and petitions to intervene. Accordingly, any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 30, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 70-14949; Filed, Nov. 3, 1970; 9:54 a.m.]

FEDERAL RESERVE SYSTEM

UNITED BANKS OF COLORADO, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of United Banks of Colorado, Inc., Denver,

[1] Filed as part of original document.

Colo., for approval of acquisition of at least 80 percent of the voting shares of The Colorado Springs National Bank, Colorado Springs, Colo.

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

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

The present application was filed under the name of Denver U.S. Bancorporation, Inc.; during the pendency of the application, Applicant's name was changed to United Banks of Colorado, Inc. Notice of receipt of the application was published in the FEDERAL REGISTER on November 5, 1969 (34 F.R. 17930), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

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

By order of the Board of Governors,[2] October 29, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-14807; Filed, Nov. 3, 1970; 8:46 a.m.]

UNITED BANKS OF COLORADO, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of United Banks of Colorado, Inc., Denver, Colo., for approval of acquisition of 80 percent or more of the voting shares of Mesa National Bank of Grand Junction, Grand Junction, Colo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by United Banks of Colorado, Inc., Denver, Colo. (Applicant) [formerly Denver U.S. Bancorporation, Inc.], a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Mesa National Bank of Grand Junction, Grand Junction, Colo. (Bank).

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

Notice of receipt of the application was published in the FEDERAL REGISTER on September 16, 1970 (35 F.R. 14522), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources of Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, the largest banking organization in Colorado, controls nine subsidiary banks with $626 million in deposits, which represent 15.9 percent of total deposits of all Colorado banks. (All banking data are as of Dec. 31, 1969, adjusted to reflect holding company formations and acquisitions approved by the Board to date, including the acquisition by Applicant of The Colorado Springs National Bank, Colorado Springs, Colo., approved by the Board this date in a separate action.) Upon acquisition of Bank ($7 million deposits), Applicant would increase its shares of State-wide deposits by 0.2 percent.

Bank is the smallest of three banks in Grand Junction, and is the third largest of five banks in Mesa County, the relevant market, with about 10 percent of market deposits. The largest and second largest banks in the market control 43 percent and 37 percent, respectively, of market deposits. Applicant's closest subsidiary to Bank is located in Denver, about 250 miles east, and it does not appear that existing competition would be eliminated, nor potential competition foreclosed, by consummation of the proposal. To the extent that affiliation with Applicant would enable Bank to improve its ability to compete with the larger banks in its market, competition would be increased in Mesa County.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not have significant adverse effects on competition in any relevant area. The banking factors, as they relate to Applicant and its subsidiaries, are consistent with approval; as they relate to Bank, they weigh in favor of approval since Applicant plans to raise additional capital for Bank. Affiliation with Applicant would enable Bank to develop programs to attract new industry to the area and to accommodate the needs of the community through larger lending limits and specialized loan services. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

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

By order of the Board of Governors,[1] October 29, 1970.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[F.R. Doc. 70-14808; Filed, Nov. 3, 1970; 8:46 a.m.]

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 70-14803, Federal Deposit Insurance Corporation, *supra*.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

SEWELL COAL CO., ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.[3]) have been accepted for consideration as follows:

(1) ICP Docket No. 10265, Sewell Coal Co., No. 1 Mine, USBM ID No. 46 01478 0, Nettie, Nicholas County, W. Va., Section ID No. 001 (2 Right off 2 South Mains), Section ID No. 002 (Main North), Section ID No. 003 (3 Left off Southeast Mains).

(2) ICP Docket No. 10263, Sewell Coal Co., No. 4 Mine, USBM ID No. 46 01477 0, Nettie, Nicholas County, W.Va., Section

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City. Dissenting Statement of Governors Robertson, Maisel, and Brimmer filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Daane, and Sherrill. Voting against this action: Governors Robertson, Maisel, and Brimmer.

[1] Voting for this action: Chairman Burns and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson and Daane.

ID No. 001 (6 Left off Main Southwest), Section ID No. 003 (5 Left off Main Southwest), Section ID No. 004 (7 Left off Main Southwest), Section ID No. 005 (2 Left off 5 West), Section ID No. 006 (Main Southwest Headings).

(3) ICP Docket No. 10425, Clinchfield Coal Co., Moss No. 2 Mine, USBM ID No. 44 00281 0, Dante, Russell County, Va., Section ID No. 001 (3 Lt. 3 South), Section ID No. 002 (4 Lt. 3 South), Section ID No. 003 (5 Lt. 3 South), Section ID No. 004 (7 Lt. 3 North), Section ID No. 005 (7 Rt. 3 North), Section ID No. 008 (8 Lt. 3 North).

(4) ICP Docket No. 10429, Clinchfield Coal Co., Smith Gap Mine, USBM ID No. 44 00270 0, Dante, Russell County, Va., Section ID No. 002 (2 Rt. 1 South).

(5) ICP Docket No. 10757, Bethlehem Mines Corp., Mine No. 111 U.G. Mine, USBM ID No. 46 01323 0, Charleston, Kanawha County, W. Va., Section ID No. 001 (South East Mains), Section ID No. 002 (North East Mains).

(6) ICP Docket No. 10159, Consolidation Coal Co., Matthews Mine, USBM ID No. 40 00520 0, Middlesboro, Bell, Ky., Section ID No. 001 (Left off 1 West off 1 North), Section ID No. 002 (Right off 1 West off 1 North), Section ID No. 003 (Left off 1 East off 2 North), Section ID No. 004 (Left off 1 West off 2 North), Section ID No. 005 (1 West off 2 North), Section ID No. 006 (Left off 1 East off 1 North), Section ID No. 007 (3 North), Section ID No. 008 (1 West off 3 North).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR, Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

OCTOBER 30, 1970.

[F.R. Doc. 70-14800; Filed, Nov. 3, 1970; 8:46 a.m.]

BETHLEHEM MINES CORP., AND KAISER STEEL CORP.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.^{3}) have been accepted for consideration as follows:

(1) ICP Docket No. 10754, Bethlehem Mines Corp., Mine No. 116 U.G. Mine, USBM ID No. 46 01496 0, Kayford, Raleigh County, W. Va., Section ID No. 003 (2d West Mains).

(2) ICP Docket No. 11231, Kaiser Steel Corp., York Canyon No. 1 Mine, USBM ID No. 29 00095 0, Raton, Colfax County, N. Mex., Section ID No. 009 (1st East Section), Section ID No. 006 (1st North Section), Section ID No. 004 (1st Left Section), Section ID No. 007 (2d North Section), Section ID No. 003 (4th Right Section).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742 et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR, Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

OCTOBER 30, 1970.

[F.R. Doc. 70-14801; Filed, Nov. 3, 1970; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-3477]

ARMCO STEEL CORP.

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

OCTOBER 28, 1970.

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

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

Armco Steel Corp., $2.10 cumulative convertible preferred stock, no par value, File No. 7-3477.

Upon receipt of a request, on or before November 12, 1970, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 70-14794; Filed, Nov. 3, 1970; 8:45 a.m.]

[Files Nos. 7-3473—7-3481]

ALLEGHENY POWER SYSTEM, INC., ET AL.

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

OCTOBER 28, 1970.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

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

	File No.
Allegheny Power System, Inc.	7-3473
American General Insurance Co.	7-3474
American Research & Development Corp	7-3475
American Smelting & Refining Co.	7-3476
Armstrong Cork Co.	7-3478
Becton, Dickinson & Co.	7-3479
Belco Petroleum Corp.	7-3480
British Petroleum Co., Ltd. (American Shares) ordinary par £1	7-3481

Upon receipt of a request, on or before November 12, 1970, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained

in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-14795; Filed, Nov. 3, 1970; 8:45 a.m.]

[Files Nos. 7-3482—7-3489]

CAROLINA POWER & LIGHT CO., ET AL.

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

OCTOBER 28, 1970.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

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

	File No.
Carolina Power & Light Co	7-3482
Carter-Wallace, Inc	7-3483
Champion Spark Plug Co	7-3484
Chase Manhattan Corp	7-3485
The Coca-Cola Co	7-3486
Combustion Engineering, Inc	7-3487
Crown Cork & Seal Co., Inc	7-3488
Walt Disney Productions	7-3489

Upon receipt of a request, on or before November 12, 1970, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-14796; Filed, Nov. 3, 1970; 8:45 a.m.]

[Files Nos. 7-3490—7-3493]

DOME MINES, LTD., ET AL.

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

OCTOBER 28, 1970.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

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

	File No.
Dome Mines Ltd	7-3490
Duke Power Co	7-3491
Engelhard Minerals & Chemicals Corp	7-3492
Fedders Corp	7-3493

Upon receipt of a request, on or before November 12, 1970, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-14797; Filed, Nov. 3, 1970; 8:45 a.m.]

GENERAL AMERICAN TRANSPORTATION CORP.

Notice of Application and Opportunity for Hearing

OCTOBER 27, 1970.

Notice is hereby given that General American Transportation Corp. (Company) has filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (Act) for a finding by the Commission that the trusteeship of First National City Bank (FNCB) under General American Transportion Corp. Equipment Trust Agreements, covering Series 48, 52, 55, and 61 (three of which related to private placements) and the trusteeship of FNCB under a proposed new Equipment Trust Agreement covering General American Transportation Corp. Equipment Trust, Series 67, which is proposed to be qualified under the Act is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify FNCB from acting as trustee under the existing Equipment Trust Agreements and under the Equipment Trust Agreement to be qualified.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall within 90 days after ascertaining that it has such a conflicting interest, either eliminate such conflicting interest, or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities, of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of said indentures.

The Company alleges that:

1. The Company intends to file with the Commission a registration statement covering a proposed equipment trust to be designated as General American Transportation Corp.'s Equipment Trust, Series 67 (Series 67 Trust) under which approximately $60 million principal amount of certificates are expected to be issued pursuant to an Equipment Trust Agreement (Series 67 Indenture) to be qualified under the Act.

2. The Company desires to appoint FNCB, a corporation organized as a national banking association under the laws of the United States of America, to act as trustee under the Series 67 Indenture.

3. FNCB is presently acting as trustee under General American Transportation Corp. Equipment Trusts, Series 45, 52, 55, and 61, which are four of the Company's 19 presently existing equipment trusts. Of the amount issued under the present FNCB Trusteeships, $30,814,750 are outstanding.

4. Each of the series of Equipment Trust Certificates issued under the FNCB Trusteeships (i.e. Series 48, 52, 55, and 61) is and the Series 67 certificates will

be, secured by a separate lot of identified railroad cars, so that should the trustee have occasion to proceed against the security under one of these trusts, such action would not affect the security, or the use of any security, under the other trusts. Thus, the existence of the other trusteeships should in no way inhibit or discourage the trustee's actions.

5. The Company is not in default under any of its equipment trust obligations.

The Company waives notice of hearing, hearing on the issues raised by this application and all rights to specify procedures under Rule 8(b) of the Commission's rules of practice.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is a public document on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than November 12, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities & Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-14798; Filed, Nov. 3, 1970; 8:45 a.m.]

[70-4935]

QUINNEHTUK CO., AND NORTHEAST UTILITIES

Notice of Proposed Sale of Generating Station

OCTOBER 28, 1970.

Notice is hereby given that Northeast Utilities (Northeast), 176 Cumberland Avenue, Hartford, Conn. 06109, a registered holding company, and its subsidiary company, The Quinnehtuk Co. (Quinnehtuk), have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 12(d) and 12(f) of the Act and Rule 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Quinnehtuk owns a hydroelectric generating plant (the Station) on the Chicopee River in the city of Chicopee, Mass., with a nameplate rating of 1,440 kilowatts. Presently, Quinnehtuk leases the Station to Western Massachusetts Electric Co. (WMECO), another electric utility subsidiary of Northeast, under an Indenture pursuant to the terms of which WMECO pays to Quinnehtuk an annual rental of $6,000. WMECO also pays all taxes, insurance, operating, maintenance, and repair costs for the Station. The current lease term expires on August 31, 1972; however, it is proposed that WMECO and Quinnehtuk mutually will terminate the lease upon the consummation of the proposed transaction.

Northeast and Quinnehtuk propose to sell the Station by a public invitation for bids on November 16, 1970, with an opening date for bids on December 1, 1970, and a closing date for transfer of title to the Station on December 29, 1970. Quinnehtuk will reserve the right to reject all bids. The original book cost of plant in service of the Station is $344,222. As of June 30, 1970, $184,106 had been recorded in the reserves for depreciation, and the depreciated book value of the Station was $160,116. The Station is a run-of-river plant which in 1969 had a net annual output of 6,130 megawatt hours. The average annual output for the years 1967–69 was 6,599 megawatt hours.

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at $9,000, including legal fees of $5,000 and charges of the system service company, at cost, of $3,500. It is further stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 13, 1970, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 70-14799; Filed, Nov. 3, 1970; 8:45 a.m.]

TARIFF COMMISSION

[AA1921-65]

FERRITE CORES FROM JAPAN

Notice of Investigation and Hearing

Having received advice from the Treasury Department on October 28, 1970, that ferrite cores (of the type used in consumer electronic products) from Japan are being, and are likely to be, sold at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., on December 8, 1970. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: October 30, 1970.

By order of the Commission:

[SEAL] KENNETH R. MASON, *Secretary.*

[F.R. Doc. 70-14820; Filed, Nov. 3, 1970; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 30, 1970.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42071—*Chlorine to Port St. Joe, Fla.* Filed by O. W. South, Jr., agent, (No. A6203), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Evans

City, Ala., to Port St. Joe, Fla. Grounds for relief—Market competition.

Tariff—Supplement 2 to Southern Freight Association, agent, tariff ICC S-938.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[P.R. Doc. 70-14829; Filed, Nov. 3, 1970; 8:48 a.m.]

[Notice 183]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 29, 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 (6) copies.

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

MOTOR CARRIERS OF PROPERTY

No. MC 62601 (Sub-No. 1 TA), filed October 26, 1970. Applicant: ALBERT RING, ANDREW RING, RONALD RING, AND BERNARD RING, a partnership, doing business as FRANK RICHARD RING, Post Office Box 96, Neola, Iowa 51559. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used telephones and communication equipment* (loose, uncrated), from points in Michigan, Illinois, Georgia, Texas, California, Ohio, and Missouri to plantsite and storage facilities of Allied Communications Equipment Supply, at or near Council Bluffs, Iowa, and Neola, Iowa, for 180 days. Supporting shipper: Allied Communications Equipment Supply, Post Office Box 395, Council Bluffs, Iowa 51501. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 114969 (Sub-No. 40 TA), filed October 26, 1970. Applicant: PROPANE TRANSPORT, INC., Post Office Box 232, 1734 State Route 131, Milford, Ohio, 45150. Applicant's representatives: James R. Stiverson and E. H. Van Deusen, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied natural gas*, in bulk, in cryogenic tank vehicles, from Erlanger, Ky., to points in Adams, Auglaize, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Fairfield, Fayette, Franklin, Greene, Hamilton, Highland, Hocking, Jackson, Lawrence, Logan, Madison, Mercer, Miami, Montgomery, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Union, Vinton, and Warren Counties, Ohio, for 180 days. Supporting shipper: The Union Light, Heat and Power Co., Seventh and Scott Streets, Covington, Ky. 41011. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 115311 (Sub-No. 115 TA), filed October 26, 1970. Applicant: J & M TRANSPORTATION CO. INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, lumber and flooring*, from the plantsite of Birmingham Forest Products, Inc., at Cordova, Ala., to points in Florida, Georgia, Louisiana, Mississippi, South Carolina, and Tennessee, for 150 days. Supporting shipper: U.S. Plywood-Champion Papers, Inc., Knightsbridge Drive, Hamilton, Ohio. 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 116763 (Sub-No. 177 TA), filed October 26, 1970. Applicant: CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla. 33823. Applicant's representative: H. M. Richters, North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouse facilities of the J. M. Smucker Co., located at Berne and Winchester, Ind., to points in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, North Carolina, North Dakota, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Vermont, and Wisconsin, for 180 days. Supporting shipper: The J. M. Smucker Co., Post Office Box 280, Orrville, Ohio 44667. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 117883 (Sub-No. 142 TA), filed October 26, 1970. Applicant: SUBLER TRANSFER, INC., East 791 Main Street, Post Office Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler, 791 East Main Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities utilized by The J. M. Smucker Co. located at Berne and Winchester, Ind., to points in Connecticut, Delaware, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: The J. M. Smucker Co., Orrville, Ohio 44467. Send protects to: Emil P. Schwab, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 119641 (Sub-No. 95 TA), filed October 27, 1970. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Post Office Box 471, Fowler, Ind. 47944. Applicant's representative: Leo A. Maciolek (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, tractors, and parts therefor*, from New Orleans, La., to points in Colorado, Kansas, Missouri, and Oklahoma, for 150 days. Restriction: The above authority is restricted to traffic having a prior movement by water. Supporting shipper: Deere & Co., 400-19th Street, Moline, Ill. 61265. Send protests to: District Supervisor J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 119934 (Sub-No. 168 TA), filed October 27, 1970. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: J. F. Crouch (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soya flour*, in bulk, in tank vehicles, from Champaign, Ill., to Remington, Ind., for 180 days. Supporting shipper: Griffith Laboratories, 1415 West 37th Street, Chicago, Ill. 60609. Send protests to: James W. Habermehl, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 124078 (Sub-No. 459 TA), filed October 27, 1970. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Andalusia, Ala., to points in Georgia and Florida, for 180 days. Supporting shipper: Lone Star Cement Corp., 1 Greenwich Plaza, Greenwich, Conn. 06803 (Edwin P. Wintle, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 125951 (Sub-No. 14 TA), filed October 26, 1970. Applicant: SILVEY & COMPANY, South Omaha Bridge Road,

Council Bluffs, Iowa 51501. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, dealt in by J. L. Brandeis & Sons, Inc., from points in Alabama, Connecticut, Delaware, Georgia, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Ohio to Omaha, Nebr. (restricted to traffic moving under continuing contract with J. L. Brandeis & Sons, Inc., and destined to the distribution warehouse owned by said company at Omaha, Nebr.), for 180 days. Supporting shipper: J. L. Brandeis & Sons, Inc., Omaha, Nebr. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 127187 (Sub-No. 8 TA), filed October 27, 1970. Applicant: FLOYD DUENOW, 215 East Cherry, Fergus Falls, Minn. 56537. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dried molasses*, from the plantsite of Industrial Molasses Corp. at Rudd, Iowa, to points in Minnesota, Wisconsin, North Dakota, and South Dakota, for 180 days. Supporting shipper: Industrial Molasses Corp., 7100 France Avenue South, Minneapolis, Minn. 55435. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, N. Dak. 58102.

No. MC 128941 (Sub-No. 2 TA), filed October 27, 1970. Applicant: KATHLEEN ROBINS, doing business as ROBINS TRANSFER COMPANY, Post Office Box 239, Lawrenceburg, Tenn. 38464. Applicant's representative: John P. Carlton, 325 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in Franklin, Limestone, and Morgan Counties, Ala., to points in Maury County, Tenn., for 180 days. Supporting shippers: Mount Pleasant Lumber & Coal Co., Mount Pleasant, Tenn.; Lovell's Masonry Contractor, 104 Andrews Street, Columbia, Tenn. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 133646 (Sub-No. 6 TA), filed October 26, 1970. Applicant: YELLOWSTONE MOLASSES SERVICE, INC., Post Office Box 404, Billings, Mont. 59103. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in specialized tank vehicles, between Torrington, Wyo., Hereford, Tex., and Delta, Colo., for 180 days. Supporting shipper: Holly Sugar Corp., Post Office Box 1052, Colorado Springs, Colo. 80901. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 251, U.S.P.O. Building, Billings, Mont. 59101.

No. MC 134932 (Sub-No. 1 TA), filed October 26, 1970. Applicant: W. D. LARIMER COMPANY, INC., Rural Route No. 1, Post Office Box 443, Elkhart, Ind. 46514. Applicant's representative: William D. Larimer (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Baked goods*, for the account of Salerno-Megowen Biscuit Co., from Niles, Ill., to points in Michigan, Ohio, Indiana, and Pennsylvania, for 180 days. Supporting shipper: Salerno-Megowen Biscuit Co., 7777 North Caldwell Avenue, Chicago, Ill. 60648. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 135010 TA, filed October 26, 1970. Applicant: BELL TRANSFER AND STORAGE COMPANY, INC., 117 West First Street, Big Spring, Tex. 79720. Applicant's representative: Phillip Robinson, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Big Spring, Tex., and points in Howard, Ector, Glasscock, Midland, Martin, Andrews, Gaines, Dawson, Borden, Scurry, Mitchell, and Sterling Counties, Tex., restricted to shipments having a prior or subsequent movement beyond Texas in specially designed containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shipper: Floyd A. Henderson, Deputy Base Procurement Officer, Department of The Air Force Headquarters, 3560th Pilot Training Wing (ATC), Webb Air Force Base, Tex. 79720. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 918 Tyler Street, Amarillo, Tex. 79101.

No. MC 135020 TA, filed October 27, 1970. Applicant: J. B. REEVES, doing business as REEVES TRUCKING COMPANY, 1575 Line Street, Decatur, Ga. 30032. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toys, department store merchandise, radios, and television equipment* (a) from the plantsite and warehouse of Paradise & Co., Fulton County, Ga., to points in Alabama, Florida, Georgia, Louisiana, South Carolina, and Tennessee; and (b) from points in New Jersey, New York, Pennsylvania, Ohio, Illinois, Kentucky, West Virginia, and Massachusetts to the plantsite of Paradise & Co., restricted to service for the account of Paradise & Co., for 180 days. Supporting shipper: Paradise & Co., 4970 Fulton Industrial Boulevard SW., Atlanta, Ga. 30336. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

MOTOR CARRIERS OF PASSENGERS

No. MC 135011 TA, filed October 26, 1970. Applicant: DONALD J. HORN AND LARRY WILSON, doing business as H & W ENTERPRISES, Route No. 2, Mitchell, Nebr. 69357. Applicant's representative: Olsson & Olsson, Scottsbluff, Nebr. 69361. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip educational, sightseeing, and recreational tours, from Scottsbluff, Nebr., to points and places in Colorado, Nebraska, South Dakota, and Wyoming, for 150 days. Supported by: There are approximately 20 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof, which may be examined at the field office named below. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[F.R. Doc. 70-14830; Filed, Nov. 3, 1970; 8:48 a.m.]

[Notice 184]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 30, 1970.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 16334 (Sub-No. 8 TA), filed October 26, 1970. Applicant: ARNOLD E. DEBRICK, doing business as DEBRICK TRUCK LINE, R.F.D. 2, Paola, Kans. 66071. Applicant's representative: Erle W. Francis, Suite 719, Capitol Federal Building, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides and offal*, from points within 3 miles of Mankato, Kans., to Sioux City, Iowa, for 150 days. NOTE: Applicant does not intend to tack the authority herein applied for to other authority held by it, or to interline with other carriers. Supporting shippers: Tri State Hide Co., Sioux City, Iowa 51107; Tri State Tallow Co., Inc., Stock Yards Station, Sioux City, Iowa 51107. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

No. MC 49387 (Sub-No. 37 TA), filed October 27, 1970. Applicant: ORSCHELN BROS. TRUCK LINES, INC., Highway 24 East, Box 658, Moberly, Mo. 65270. Applicant's representative: George A. Vitt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, from Macon, Mo., to National Stockyards, East St. Louis, Ill., and Festus, Mo., in consolidated movements, for 180 days. Supporting shipper: Swift & Co., National Stock Yards (St. Clair County), Ill. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 56679 (Sub-No. 45 TA), filed October 27, 1970. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight) (1) between Athens, Ga., and Elberton, Ga., over Georgia Highway 72, serving all intermediate points; (2) between Elberton, Ga., and Greenville, S.C., from Elberton over Georgia Highway 82 to the Georgia-South Carolina State line, thence over South Carolina Highway 184 to Iva, S.C., thence over South Carolina Highway 81 to junction U.S. Highway 29, thence over U.S. Highway 29 to Greenville, S.C., for 180 days. Supporting shippers: Rhoda Lee, Inc., New York, N.Y., Charles Ruff Hardware, Elberton, Ga., House of Pfaff, Inc., Elberton, Ga., Bicknell Manufacturing Co., Elberton, Ga., Comer Manufacturing Co., Inc., Comer, Ga., Elberton Hardware & Supply Corp., Elberton, Ga. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street, Atlanta, Ga. 30309.

No. MC 76025 (Sub-No. 25 TA), filed October 27, 1970. Applicant: OVERLAND EXPRESS, INC., 651 First Street, Southwest, Post Office Box 2667, New Brighton, Minn. 55112. Applicant's representative: James F. Sexton (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, and other commodities distributed by dairies* (except commodities in bulk), from Chicago, Ill., and points in Chicago, Ill., commercial zone, as defined by the Commission, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for the account of Land O'Lake, Inc., for 180 days. Supporting shipper: Land O'Lake Creameries, Inc., Minneapolis, Minn. Send protests to: District Supervisor, A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 78451 (Sub-No. 4 TA), filed October 27, 1970. Applicant: CHARLES F. RUST, doing business as RUST MOVING & STORAGE SERVICE, 32 Damon Road, Northampton, Mass. 01060. Applicant's representative: William L. Mobley, 1694 Main Street, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in Franklin, Hampden, and Hampshire Counties, Mass., 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, for 180 days. Supporting shipper: Department of the Air Force, Headquarters 99th Bombardment Wing (SAC), Westover Air Force Base, Mass. 01022. Send protests to: District Supervisor, Joseph W. Balin, Bureau of Operations, Interstate Commerce Commission, 338 Federal Building and U.S. Courthouse, 436 Dwight Street, Springfield, Mass. 01103.

No. MC 96881 (Sub-No. 9 TA) (Correction), filed October 14, 1970, published FEDERAL REGISTER, issue of October 24, 1970, corrected in part, and republished as corrected, this issue. Applicant: ORVILLE M. FINE, doing business as FINE TRUCK COMPANY, 1211 South Ninth Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, Post Office Box 43, Fort Smith, Ark. 72901. NOTE: The purpose of this republication is to include the number of days (180) which was inadvertently omitted from previous publication. The rest of the notice remains as previously published.

No. MC 97357 (Sub-No. 34 TA) (Correction), filed October 20, 1970, published in the FEDERAL REGISTER issue of October 27, 1970, corrected in part and republished as corrected this issue. Applicant: ALLYN TRANSPORTATION COMPANY, 14011 South Central Avenue, Los Angeles, Calif. 90059. Applicant's representative: Russell & Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. NOTE: The purpose of this partial republication is to show Pima County, Ariz., in lieu of Pima County, Ark., as previously published in error. The rest of the application remains the same.

No. MC 106623 (Sub-No. 12 TA), filed October 27, 1970. Applicant: SOUTHWEST OILFIELD TRANSPORTATION, CO., 602 Service Street, Post Office Box 7427, 77008, Houston, Tex. 77009, Applicant's representative: Ben M. Rencoret (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Scrap metal*, from Austin, Tex., and San Antonio, Tex., to Corpus Christi, Freeport, Houston, and Galveston, Tex. (for export), for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Atlas Steel Corp., Rosal 363, Santiago, Chile. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 107295 (Sub-No. 457 TA) (Correction), filed October 13, 1970, published in the FEDERAL REGISTER issue of October 23, 1970, corrected in part, and republished as corrected this issue. Applicant: PRE-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). NOTE: The purpose of this partial republication is to add the State of Indiana to the destination points proposed to be served, which was inadvertently omitted from previous publication. The rest of the application remains the same.

No. MC 107295 (Sub-No. 465 TA), filed October 27, 1970. Applicant: PRE-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: *Plumbing fixtures, accessories, equipment, and supplies*, from Ferguson, Ky., to points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Crane Co., 300 Park Avenue, New York, N.Y. 10022. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325

West Adams Street, Springfield, Ill. 62704.

No. MC 111401 (Sub-No. 311 TA), filed October 27, 1970. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, from Tulsa, Okla., to Little Rock, Ark., Paducah, Ky., Alton, Carbondale, Champaign, Decatur, Galesburg, Mount Vernon, Peoria, and Quincy, Ill., Jefferson City, Joplin, St. Louis, and Springfield, Mo., Jackson, Tenn., Amarillo, Dallas, El Paso, Fort Worth, Houston, and San Antonio, Tex., for 180 days. Supporting shipper: Sun Chemical Corp., J. Bolzak, Director of Traffic, 750 Third Avenue, New York, N.Y. 10017. 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 113024 (Sub-No. 101 TA), filed October 27, 1970. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery 2, South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the distribution of baby goods, from Chicago, Ill., to Newark, Ohio, under a continuing contract or contracts with International Playtex Corp., Post Office Box 631, Dover, Del. 19901, for 180 days. Supporting shipper: J. M. Harrison, Manager, Traffic and Transportation, International Playtex Corp., Post Office Box 631, Dover, Del. 19901. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2806 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

No. MC 113828 (Sub-No. 180 TA), filed October 27, 1970. Applicant: O'BOYLE TANK LINES, INCORPORATED, 5320 Marinelli Drive, Industrial Park, Box 30006, Rockville, Md. 20852, Washington, D.C. 20014. Applicant's representative: John F. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Norfolk, Va., to points in Georgia, Pennsylvania, South Carolina, and points in Maryland west of the Chesapeake Bay, Indiana, Ohio, West Virginia, Kentucky, Alabama, Tennessee, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, and District of Columbia, for 180 days. Supporting shipper: Lone Star Lafarge Co., Post Office Box 1938, 977 Norfolk Square, Norfolk, Va. 23501. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 115331 (Sub-No. 291 TA) (Correction), filed October 15, 1970, published in the FEDERAL REGISTER issue of October 23, 1970, corrected in part, and republished as corrected, this issue. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, Mo. 63131. NOTE: The purpose of this partial republication is to add the State of Indiana to the destination points proposed to be served, which was inadvertently omitted from previous publication. The rest of the application remains the same.

No. MC 116073 (Sub-No. 142 TA), filed October 27, 1970. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, 1825 Main Avenue, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, Post Office Box 919, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Decatur, Ala., to points in Arkansas, Georgia, Kentucky, Tennessee, and Mississippi, for 180 days. Supporting shipper: Skyline Corp., 2520 Bypass Road, Elkhart, Ind. 46514. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, N. Dak. 58102.

No. MC 120601 (Sub-No. 2 TA), filed October 26, 1970. Applicant: JOHN V. TYLER AND R. G. CARLSON, a partnership, doing business as TYLER BROS. DRAYAGE CO., 75 Columbus Square, San Francisco, Calif. 94103. Applicant's representative: Edward J. Hegarty, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, namely; (1) personal effects when packed in boxes, barracks bags, Army trunk lockers, Navy cruise boxes or foot lockers; and (2) property when packed in boxes and used or to be used in a dwelling when a part of the equipment or supply of such dwelling but excluding furniture (other than baby cribs, crib mattresses, and play pens), refrigerators, freezers, clothes washing machines, clothes drying machines, musical intruments (other than portable), radio receiving sets (other than portable), television sets (other than portable), phonographs (other than portable), sound recording sets (other than portable), or any combination of radio receiving sets, television sets, phonographs, and sound recording sets (other than portable), from Travis Air Force Base at Fairfield, Calif., to Richmond, Calif., for 150 days. Restriction: The operations authorized herein are subject to the following conditions. Said operations are restricted to the transportation of traffic having an immediate prior movement by air on a Government bill of lading beyond the point authorized. Supporting shipper: Asiatic Forwarders, Inc., 335 Valencia Street, San Francisco, Calif. 94103. Send protests to: District Supervisor Claud W. Reeves, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 124708 (Sub-No. 29 TA), filed October 27, 1970. Applicant: MEAT PACKERS EXPRESS, INC., 222 South 72 Street, Suite 320, First Westside Bank Building, Omaha, Nebr. 68114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Denison and Iowa Falls, Iowa, to points in Pennsylvania, Connecticut, Maryland, the District of Columbia, New Jersey, New York, Ohio and Massachusetts, for 180 days. Supporting shipper: Farmland Foods, Inc., Pork Division, Post Office Box 403, Denison, Iowa 51442 (James L. West, Traffic Manager). Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 126835 (Sub-No. 24 TA), filed October 26, 1970. Applicant: CASKET DISTRIBUTORS, INC. (Rural Route No. 2, Mailing Address), West Harrison, Ind. 45030. Applicant's representative: Jack B. Josselson, Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, casket displays, funeral supplies, and crated caskets*, in mixed loads with uncrated caskets, from points in Calhoun County, Ala., to points in Texas, Oklahoma, Louisiana, and Florida, and *returned shipments* of above commodities, from above destinations to Calhoun County, Ala., for 180 days. Supporting shipper: Wallace Matal Products, Inc., South Eighth and O Streets, Richmond, Ind. 47347. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 128675 (Sub-No. 2 TA), filed October 27, 1970. Applicant: EDWARD T. WALSH, doing business as WALSH CARRIAGE, 4 Mygatt Street, Binghamton, N.Y. 13905. Applicant's representative: Donald C. Carmiem, Suite 500, O'Neil Building, Binghamton, N.Y. 13901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned food products*, from Johnson City and Binghamton, N.Y., to points in the United States east of Mississippi River, Iowa, Missouri, Minnesota, Louisiana, and Texas, and *frozen meats*, in boxes, *rejected or returned canned food products, foodstuffs, not frozen* (except in bulk) used in the manufacture of food products, *carton labels and empty cans*, from above-described destinations, to Johnson City, N.Y., and Binghamton, N.Y., for 150 days. Supporting shipper: Specialty Foods Corp., Post Office Box 71,

Brown Street, Johnson City, N.Y. 13790. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard, West Syracuse, N.Y. 13202.

No. MC 134953 (Sub-No. 1 TA), filed October 27, 1970. Applicant: W. A. JEAN, Route 1, Box 98, Buckeye, Ariz. 85326. Applicant's representative: Donald E. Fernaays, 4114A North 20th Street, Phoenix, Ariz. 85016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Styrofoam cups and plastic lids*, from Chandler, Ariz., to points in California, Washington, Oregon; Salt Lake City, Utah; Dallas, Fort Worth, Houston, Lubbock, and El Paso, Tex.; Denver, Pueblo, and Colorado Springs, Colo.; Kansas City and St. Louis, Mo.; Chicago, Ill.; Canton and Massillon, Ohio; and Oklahoma City, Okla., for 180 days. Supporting shipper: Baron Container Corp., 400 West Allison Street, Post Office Box 820, Chandler, Ariz. 85224. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 135021 TA, filed October 27, 1970. Applicant: TEXAS OVERLAND TRUCKING EXPRESS, INC., 962 East Daggett Street, Fort Worth, Tex. 76104. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size or weight, require the use of special equipment; and (2) *self-propelled articles*, each weighing 15,000 pounds or more (restricted to commodities which are transported on trailers) as follows: (1) Between points in Texas, New Mexico, Oklahoma, Arkansas, and Louisiana; and (2) between points in Texas, New Mexico, Oklahoma, Arkansas, and Louisiana, on the one hand, and, on the other, points in the United States (except Texas, New Mexico, Oklahoma, Arkansas, Louisiana, and Hawaii). Restriction: (1) Restricted to the handling of traffic moving on Government bill's of lading or on commercial bills of lading endorsed to show that such bills of lading are to be exchanged for Government bills of lading at destination, or on commercial bills of lading endorsed with the following legend: transportation hereunder is for the Government, and the actual transportation costs to be paid to the carrier by the shipper or receiver is to be reimbursed by the Government; (2) and restricted to the transportation of traffic under subcontract with the Small Business Administration pursuant to section 8a (15 U.S.C. § 637(a)) of the Aid to Small Business Act, for 180 days. Supporting shipper: Small Business Administration, 1309 Main Street, Dallas, Tex. 75202. Send protests to: Billy R. Reid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 135018 TA, filed October 26, 1970. Applicant: A 'n' D Corp., 11077 East Rush Street, South El Monte, Calif. 91733. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pool and patio accessories, and advertising and promotional equipment, materials and supplies used in connection therewith*, from the plantsite and warehouse facilities of Aquaslide 'n' Dive Corp. at South El Monte, Calif., to points in the United States (except Alaska and Hawaii); (2) *damaged, defective, exchanged, rejected, returned, stored, surplus, and unclaimed pool and patio accessories manufactured by Aquaslide 'n' Dive Corp., and advertising and promotional equipment, materials, and supplies used in connection therewith*, between points in the United States (except Alaska and Hawaii). Restriction: Restricted to the transportation of such shipments from and/or to any of the following locations: (a) Warehouses and places of business of Aquaslide 'n' Dive Corp.; (b) places of business of customers of Aquaslide 'n' Dive Corp.; and (c) terminals of for hire carriers; (3) commodities shown below when transported to the places of business of (i) Aquaslide 'n' Dive Corp.; and/or (ii) that firm's processors; located in Los Angeles and Orange Counties, Calif.: (a) *Aluminum, bolts, hardware and nuts*, from points in the United States; (b) *chair shells*, from points in Wisconsin;

(c) *Steel*, from Illinois, Indiana, and Pennsylvania; (d) *stainless steel*, from points in Connecticut and New Jersey; (e) *fiberglass*, from points in Ohio and Tennessee; (f) *lumber and plywood*, from points in Idaho, Oregon, and Washington; (g) *packaging materials*, from points in Oregon and Washington; (h) *Adhesive used in the fabrication of fiberglass*, from points in Delaware and New Jersey; (i) *polyethylene tubing*, from points in Pennsylvania; and (j) *pool and patio accessories advertising and promotional equipment, materials, and supplies; and methel ethyl keytone (M.E.K.)*, from points in Texas; and (4) *damaged, defective, rejected, returned, and unclaimed pool and patio accessories manufactured by Aquaslide 'n' Dive Corp.*, from points in the United States (except Alaska and Hawaii), to the plantsite and warehouse facilities of Aquaslide 'n' Dive Corp. located at South El Monte, Calif., for 180 days. Supporting shipper: Aquaslide 'n' Dive Corp., 11077 East Rush Street, South El Monte, Calif. 91733. Send protests to: John E. Nance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

MOTOR CARRIER OF PASSENGERS

No. MC 135019 TA, filed October 27, 1970. Applicant: PARK TRANSIT, INC., 521 Camden Street, Parkersburg, W. Va. 26101. Applicant's representative: George P. Sovick, 1115 Virginia Street East, Charleston, W. Va. 25301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and baggage of passengers in the same vehicle on special or charter operations or both;* (1) between points in Jackson, Pleasants, Ritchie, Tyler, Wetzel, Wirt, and Wood Counties, W. Va., Athens, Meigs, Monroe, and Washington Counties, Ohio, on the one hand, and, on the other, points throughout the United States excluding Alaska, and Hawaii; (2) between points in Jackson, Pleasants, Ritchie, Tyler, Wetzel, Wirt, and Wood Counties, W. Va.; Athens, Meigs, Monroe, and Washington Counties, Ohio, for 180 days. Supported by: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-14831; Filed, Nov. 3, 1970; 8:48 a.m.]

[Notice 609]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 30, 1970.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72465. By application filed October 29, 1970, BRAUNSTEIN EXPRESS CO., INC., 124 West 36th Street, New York, N.Y. 10018, seeks temporary authority to lease the operating rights of KEYSTONE EXPRESS CORP., 1500 Bassett Avenue, Bronx, N.Y. 10461, under section 210a(b). The transfer to BRAUNSTEIN EXPRESS CO., INC., of the operating rights of KEYSTONE EXPRESS CORP., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-14832; Filed, Nov. 3, 1970; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

OCTOBER 30, 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 § 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. A 52238, filed October 9, 1970. Applicant: TED PETERS TRUCKING CO., INC., Post Office Box F, Gustine, Calif. 95322. Applicant's representative: Frank Loughran, 100 Bush Street, San Francisco, Calif. 94104. Applicant seeks an amendment to its existing certificate so as to eliminate commodity restrictions. The removal of these restrictions would authorize Applicant to transport: (a) *Fruit pies, frozen*, as described in Item No. 40580, *meat pies, frozen*, as described in Item No. 40570, *dough, frozen*, as described in Item No. 39780, and *cream pies, cakes, cookie rolls, frozen*, as described in Item No. 39990 of *Western Classification* No. 77, J. P. Hackler, Tariff Publishing Officer, in straight or mixed shipments, on the effective date thereof, and (b) *Fresh frozen fruit and fresh frozen berries*, from, to and between: (a) All points on or within 20 miles of: (1) U.S. Highway 40 between San Francisco and Roseville, (2) U.S. Highway 99 between Sacramento and Redlands, (3) U.S. Highway 50 between San Francisco and Stockton, (4) State Highway 4 between its intersection with U.S. Highway 40, near Pinole, and Stockton, (5) State Highway 33 between its intersection with U.S. Highway 50, near Tracy, and Maricopa, (6) U.S. Highways 101 and 101A between Santa Rosa and San Ysidro, (7) U.S. Highway 99E between Chico and Roseville, (8) State Highway 48 between Ignacio and Vallejo, (9) U.S. Highway 395 between Riverside and San Diego, (10) State Highway 152 between Gilroy and Califa and (11) State Highway 17 between Oakland and San Jose, (b) all points in Los Angeles Basin Territory, as described below, locally and between all such points, on the one hand, and points on routes (a)(1) through (a)(11) above, on the other hand. Exceptions: No local service shall be rendered between points and places in San Francisco-East Bay Cartage Zone, as described below, on the one hand, and points in Marin, Sonoma, or Napa Counties north of San Rafael, on the other hand.

Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately 2 miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the city of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately 1 mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the city of San Jacinto; easterly, southerly, and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the city of Hemet; southerly, westerly, and northerly along said corporate boundary to the right-of-way of The Atchison, Topeka & Santa Fe Railway Co.; southwesterly along said right-of-way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning.

LIMITS OF SAN FRANCISCO-EAST BAY CARTAGE ZONE

San Francisco-East Bay Cartage Zone includes that area embraced by the following boundary: Beginning at the point where the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard and Lynnewood Drive to South Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point 1 mile west of Highway U.S. 101; thence southeasterly along an imaginary line 1 mile west of and paralleling Highway U.S. 101 (El Camino Real) to its intersection with the southerly boundary line of the city of San Mateo; thence northeasterly, northwesterly, northerly and easterly along said southerly boundary to Bayshore Highway (U.S. 101 Bypass); thence leaving said boundary line and continuing easterly along the projection of last said course to its intersection with Belmont (or Angelo) Creek; thence northeasterly along Belmont (or Angelo) Creek to Seal Creek; thence westerly and northerly to a point 1 mile south of Toll Bridge Road; thence easterly along an imaginery line 1 mile southerly and paralleling Toll Bridge Road to San Mateo Bridge and Mount Eden Road to its intersection with State Sign Route 17; thence continuing easterly and northeasterly along an imaginary line 1 mile south and southeasterly of and paralleling Mount Eden Road and Jackson Road to its intersection with an imaginary line 1 mile easterly of and paralleling State Sign Route 9; thence northerly along said imaginary line 1 mile easterly of and paralleling State Sign Route 9 to its intersection with B Street, Hayward; thence easterly and northerly along B Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to William Street; thence westerly along William Street and 168th Avenue to Foothill Boulevard; northwesterly along Foothill Boulevard to the southerly boundary line of the city of Oakland.

Thence easterly and northerly along the Oakland boundary line to its intersection with Alameda-Contra Costa County boundary line; thence northwesterly along last said line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point 1 mile northeasterly of San Pablo Avenue (Highway U.S. 40); thence northwesterly along an imaginary line 1 mile easterly of and paralleling San Pablo Avenue (Highway U.S. 40) to its intersection with County Road 20 (Contra Costa County) thence westerly along County Road No. 20 to Broadway Avenue (also known as Balboa Road); thence northerly along Broadway Avenue (also known as Balboa Road) to Highway U.S. 40; thence northerly along U.S. Highway 40 to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Co. right-of-way and continuing westerly along the prolongation of

Morton Avenue to the shore line of San Pablo Bay; thence southerly and westerly along the shore line and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line from Point San Pablo to the San Francisco Waterfront at the foot of Market Street; thence westerly along said waterfront and shore line to the Pacific Ocean; thence southerly along the shore line of the Pacific Ocean to the point of beginning.

The foregoing description includes the following points or portions thereof: Alameda, Alameda Pier, Albany, Baden, Bay Farm Island, Bayshore, Berkeley, Bernal Brisbane, Broadway, Burlingame, Camp Knight, Castro Valley, Colma, Dale City, East Oakland, El Cerrito, Elkton, Elmhurst, Emeryville, Ferry Point, Fruitvale, Government Island, Hayward, Lawndale, Limita Park, Melrose, Millbrae, Mills Field, Mount Eden, Oakland, Oakland Municipal Airport, Oakland Pier, Ocean View, Piedmont, Point Castro, Point Fleming, Point Isabel, Point Molate, Point Orient, Point Potrero, Point Richmond, Point San Pablo, Richmond, Russell City, San Burno, San Francisco, San Francisco International Airport, San Leandro, San Lorenzo, San Mateo, San Pablo, South San Francisco, Stege, Tanforan, Treasure Island, Union Park, Visitacion, Westlake, Winehaven, Yerba Buena Island. Both intrastate and interstate authority sought.

HEARING: Time and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-14833; Filed, Nov. 3, 1970; 8:49 a.m.]

[Notice 26]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 30, 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 CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 564) (Cancels Deviation Nos. 319 and 485), GREYHOUND LINES, INC. (Eastern Division) 1400 West Third Street, Cleveland, Ohio 44113, filed October 20, 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 junction Pennsylvania Highway 291 and Sellers Road near Philadelphia, Pa., over Sellers Road to junction U.S. Highway 13, thence over U.S. Highway 13 to junction Interstate Highway 95, thence over Interstate Highway 95 via Chester, Pa., Wilmington, Del., and Baltimore, Md., to junction of the Harbor Tunnel Thruway, thence over the Harbor Tunnel Thruway to junction of the Baltimore-Washington Expressway, with the following access routes: (1) From junction U.S. Highway 222 and U.S. Highway 40 near Perryville, Md., over U.S. Highway 222 to junction Interstate Highway 95; (2) from Aberdeen, Md., over Maryland Highway 22 to junction Interstate Highway 95; and (3) from junction Maryland Highway 43 (White Marsh Boulevard) and U.S. Highway 40, over Maryland Highway 43 to junction Interstate Highway 95, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) Fom Philadelphia, Pa., over Pennsylvania Highway 291 to Chester, Pa.; (2) from Philadelphia, Pa., over unnumbered highway to Darby, Pa., thence over U.S. Highway 13 to the Maryland-Virginia line at a point approximately one-half mile south of Beaver Dam, Md.; (3) from State Road, Del., over U.S. Highway 40 to Aberdeen, Md., thence over Maryland Highway 7 to Baltimore, Md., thence over U.S. Highway 1 to Washington, D.C.; (4) from Aberdeen, Md., over U.S. Highway 40 to Baltimore, Md.; and (5) from Baltimore, Md., over city streets to the Baltimore-Washington Expressway, thence over the Baltimore-Washington Expressway to Washington, D.C., and return over the same routes.

No. MC 1515 (Deviation No. 565) (Cancels Deviation No. 499), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed October 20, 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 junction Interstate Highway 65 and U.S. Highway 62, northeast of Elizabethtown, Ky., over Interstate Highway 65 to junction Tennessee Highway 25, thence over Tennessee Highway 25 to junction U.S. Highway 31W, with the following access routes: (1) From Elizabethtown, Ky., over U.S. Highway 62 to junction Interstate Highway 65; (2) from Elizabethtown, Ky., over U.S. Highway 31W to junction Interstate Highway 65; (3) from Horse Cave, Ky., over unnumbered highway to junction Interstate Highway 65; (4) from Cave City, Ky., over unnumbered highway to junction Interstate Highway 65; (5) from junction of access highway and U.S. Highway 31W northeast of Bowling Green, Ky., over access highway to junction Interstate Highway 65; and (6) from Bowling Green, Ky., over U.S. Highway 231 to junction Interstate Highway 65, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follow: (1) From Huntington, W. Va., over U.S. Highway 60 to Louisville, Ky., thence over U.S. Highway 31W via West Point, Ky., to Tip Top, Ky.; (2) from Tip Top, Ky., over U.S. Highway 31W to Goodletsville, Tenn.; and (3) from Elizabethtown, Ky., over the toll road extending through Sheperdsville and Lebanon Junction, Ky., to be designated as the Kentucky Turnpike, to Louisville, Ky.; and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[F.R. Doc. 70-14834; Filed, Nov. 3, 1970; 8:49 a.m.]

[Notice 35]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 30, 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 45158 (Deviation No. 4), KILLION MOTOR EXPRESS, INC., 2305 Ralph Avenue, Louisville, Ky. 40216, filed October 15, 1970, amended October 22, 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 Salem, Ill., south over Illinois Highway 37 to Mount Vernon, Ill., thence over U.S. Highway 460 to Evansville, Ind., thence over U.S. Highway 41 to junction Indiana Highway 57, thence over Indiana Highway 57 to Washington, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Louisville, Ky., over U.S. Highway 150 to Vincennes, Ind., thence over U.S. Highway 50 to St. Louis, Mo., and return over the same route.

No. MC 45158 (Deviation No. 5), KILLION MOTOR EXPRESS, INC., 2305 Ralph Avenue, Louisville, Ky. 40216, filed October 16, 1970, amended October 23, 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 Salem, Ill., south over Illinois Highway 37 to Mount Vernon, Ill., thence over U.S. Highway 460 to Louisville, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Louisville, Ky., over U.S. Highway 150 to Vincennes, Ind., thence over U.S. Highway 50 to St. Louis, Mo., and return over the same route.

No. MC 52953 (Deviation No. 14), ET & WNC TRANSPORTATION COMPANY, 132 Legion Street, Johnson City, Tenn. 37601, filed October 19, 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 Greenville, S.C., over Interstate Highway 85 to junction Interstate Highway 285, near Atlanta, Ga., thence north over Interstate Highway 285 to junction U.S. Highway 278, thence over U.S. Highway 278 to Cullman, Ala., thence over U.S. Highway 31 to Decatur, Ala., 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 Florence, Ala., over U.S. Highway 72 via Huntsville, Ala., to junction U.S. Highway 64 near South Pittsburg, Tenn.; (2) 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.; (3) from Savannah, Tenn., over U.S. Highway 64 to Chattanooga, Tenn.; (4) from Chattanooga, Tenn., over U.S. Highway 11 to Knoxville, Tenn., thence over U.S. Highway 11W (also over U.S. Highway 11E) to Bristol, Va., thence over U.S. Highway 19 to junction U.S. Highway 19E, thence over U.S. Highway 19E via Hampton, Tenn., to junction North Carolina Highway 194, thence over North Carolina Highway 194 to Vilas, N.C., thence over U.S. Highway 421 to Greensboro, N.C., thence over U.S. Highway 70 to Raleigh, N.C. (also from Chattanooga to Hampton, Tenn., as specified above, thence over Tennessee Highway 67 to Mountain City, Tenn., thence over U.S. Highway 421 to Vilas, N.C., thence to Raleigh as specified above);

(5) From Knoxville, Tenn., over U.S. Highway 70 to Newport, Tenn., thence over Tennessee Highway 35 to Greenville, Tenn., thence over Tennessee Highway 70 to the Tennessee-North Carolina State line, thence over North Carolina Highway 208 to junction U.S. Highway 70, thence over U.S. Highway 70 to Asheville, N.C. (also from Newport over U.S. Highway 70 to Asheville), thence over U.S. Highway 74 to Charlotte, N.C., thence over U.S. Highway 29 via Concord, N.C., to junction Alternate U.S. Highway 29, thence over Alternate U.S. Highway 29 to junction U.S. Highway 29 near China Grove, N.C., thence over U.S. Highway 29 to Greensboro, N.C.; (6) from Kingsport, Tenn., over U.S. Highway 23 to Asheville, N.C., thence over U.S. Highway 25 to Greenville, S.C., thence over U.S. Highway 276 to Laurens, S.C.; (7) from Cleveland, Tenn., over U.S. Highway 64 to Ranger, N.C., thence over U.S. Highway 19 to Blairsville, Ga., thence over U.S. Highway 76 to Westminister, S.C.; and (8) from Greenville, S.C., over U.S. Highway 123 to Westminister, S.C., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[F.R. Doc. 70-14835; Filed, Nov. 3, 1970; 8:49 a.m.]

[Notice 99]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 30, 1970.

The following publications are governed by the new special rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 128621 (Sub-No. 1) (Republication), filed April 28, 1970, published in the FEDERAL REGISTER issue of May 28, 1970, and republished this issue. Applicant: F. B. Y. HAULAGE CORP., 4500 Second Avenue, Brooklyn, N.Y. 11232. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. The modified procedure has been followed in this proceeding and an order of the Commission, Operating Rights Board, dated September 30, 1970, and served October 23, 1970, finds: that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of wine, in bulk, between points in that portion of the New York, N.Y., commercial zone, as defined in *Commercial Zones and Terminal Areas*, 111 M.C.C. 123, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Act (the "exempt zone") on the one hand, and, on the other, Farmingdale, N.Y., under a continuing contract with Banfi Products Corp. of New York, N.Y., will be consistent with the public interest and the national transportation policy. Because it is possible that other persons who have 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 permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 68980 (Sub-No. 15), filed October 9, 1970. Applicant: CHECKER EXPRESS CO., a corporation, 6301 South 13th Street, Milwaukee, Wis. 55321. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except dangerous explosives, goods of unusual value, commodities requiring special equipment, commodities in bulk, in tank vehicles, and those injurious or contaminating to other lading). Regular routes: (1) (a) From junction U.S. Highway 66 and U.S. Highway 136 to Chicago, Ill., over U.S. Highway 66; (b) from Boody, Ill., and the Illinois-Wisconsin State line, over Illinois Highway 47; (c) from Mattoon, Ill., to Illinois-Wisconsin State line over U.S. Highway 45; (d) from Westfield, Ill., to Chicago, Ill., from Westfield, Ill., over Illinois Highway 49 to junction Illinois Highway 49 and U.S. Highway 54, thence over U.S. Highway 54 to Chicago, and return over the same route; (e) from Paris, Ill., to Chicago, Ill., over Illinois Highway 1; and (f) from the Intersection of U.S. Highway 54 and the De Witt-Logan County line to Chicago, Ill., over U.S. Highway 54, serving all points in the following described areas as intermediate and off-route points in connection with aforesaid described

routes: (i) Macon, Moultrie, Coles, Edgar, Piatt, Champaign, Vermilion, De Witt, McLean, Ford, and Douglas Counties, Ill., and that part of Livingston and Iroquois Counties, Ill., on and south of U.S. Highway 24, and (ii) Cook, Lake, McHenry, De Kalb, Kane, Du Page, Kendall, Grundy, Will, and Kankakee Counties, Ill., restricted to traffic moving between Area (i) described above, on the one hand, and, on the other, Area (ii) described above. (2) Irregular routes: Between points in Macon, Moultrie, Coles, Edgar, Piatt, Champaign, Vermilion, De Witt, McLean, Ford, and Douglas Counties, Ill., and that part of Livingston and Iroquois Counties, Ill., on and south of U.S. Highway 24. NOTE: Applicant states that the requested authority can be tacked at points in the Illinois portion of the Chicago commercial zone. This application is a matter directly related to MC-F-10986 published in the FEDERAL REGISTER issue of October 21, 1970. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 71902 (Sub-No. 72), filed October 9, 1970. Applicant: UNITED TRANSPORTS, INC., Post Office Box 18547, Oklahoma City, Okla. 73118. Applicant's representative: Harold G. Hernly, 711 14th Street, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New motor vehicles, vehicle cabs and bodies, and automobile show equipment and paraphernalia*, when transported with display vehicles, in initial movements, in truckaway and driveaway service; (a) from the site of the General Motors Corp. plant in Wyandotte County, Kans., to points in Alabama, Arizona, California, Kentucky, Mississippi, Nevada, and Tennessee; (b) from the site of the General Motors Corp. plant in Wyandotte County, Kans., to points in Idaho, Oregon, and Washington; (c) from points in Wyandotte County, Kans., to points in Arkansas, Colorado, Illinois, Iowa, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Utah, and Wyoming; (2) *new motor vehicles, vehicle cabs and bodies, and automobile show equipment and paraphernalia*, when transported with display vehicles in secondary movements, in truckaway and driveaway service, between points in Arkansas, Colorado, Illinois, Iowa, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Utah, Wyoming, and Kansas; (3) *motor vehicles*, in initial movements, in driveaway and truckaway service, *vehicle cabs and bodies, and automobile show equipment and paraphernalia;* (a) from points in Wyandotte County, Kans., to points in North Dakota, Wisconsin, and Indiana; (b) from Arlington, Tex., to points in Texas, Louisiana, Oklahoma, New Mexico, Arizona, Utah, Colorado, Kansas, Arkansas, Wyoming, Nebraska, and Missouri, and to Memphis, Tenn.; and (4) *new motor vehicles, vehicle cabs and bodies, and automobile show equipment*, when transported with display vehicles, in initial movements, in truckaway service; from the plantsite of General Motors Corp. at Arlington, Tex., to points in Alabama, Kentucky, Mississippi and those in Tennessee (except Memphis). NOTE: Applicant states the authority sought herein was issued to Woods Industries, Inc., and its predecessors in permit No. MC-106553 as a contract carrier. By this application United Transports, Inc., seeks a corresponding certificate as a common carrier which if authorized may be conditioned that the Woods Industries, Inc., coincidentally request in writing the cancellation of its permit No. MC-106553. Applicant further states the secondary authority sought herein would be tacked with the secondary authority of applicant in its Sub 35, between Arizona and New Mexico at points in New Mexico to provide through secondary service between points in Arizona and points in Arkansas, Colorado, Illinois, Iowa, Louisiana, Minnesota, Montana, Nebraska, South Dakota, Utah, and Wyoming. The secondary authority sought only applies to new motor vehicles whereas the secondary authority of applicant is not restricted to new motor vehicles. The instant application is a matter directly related to MC-F-10983, published in the FEDERAL REGISTER issue of October 21, 1970. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Oklahoma City, Okla.

No. MC 97451 (Sub-No. 2), filed October 16, 1970. Applicant: ALL INDUSTRIAL CARTAGE COMPANY, a corporation, 1945 West 112th Street, Cleveland, Ohio 44102. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods and commodities in bulk), between Cleveland, Ohio, on the one hand, and, on the other, points in Ohio. NOTE: This application is a matter directly related to MC-F-10965, published in the FEDERAL REGISTER issue of October 7, 1970. The instant application seeks to convert the certificate of registration of All Industrial Cartage Co., MC 97451 (Sub-No. 1) into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS UNDER SECTIONS 5(a) 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-9780. (Amended Application) (FRANK PETERLIN—Control—BULK MOTOR TRANSPORT, INC.), published in the June 21, 1967, issue of the FEDERAL REGISTER on page 8841. By amended application filed October 26, 1970, amendment to merge pursuant to order of Division 3, acting as an Appellate Division, dated January 26 and served February 3, 1970. Operating rights sought to be merged: *Flour*, in bulk, in tank-type vehicles, as a *common carrier*, over irregular routes, from St. Louis, Mo., Chicago, Ill., Detroit, Mich., and certain specified points in Ohio, to points in Illinois, Indiana, Ohio, and the Lower Peninsula of Michigan; *flour*, in bulk, between points in Kansas, Missouri, and Oklahoma, between points in Minnesota, on the one hand, and, on the other, points in Iowa and Missouri, between points in Illinois, between points in Wisconsin, from points in Missouri, to points in Illinois and Wisconsin (except from St. Louis, Mo., to points in Illinois), between points in Georgia, Kentucky, North Carolina, Ohio, Pennsylvania, South Carolina, and West Virginia, between points in Georgia, Kentucky, North Carolina, Ohio, Pennsylvania, South Carolina, and West Virginia, on the one hand, and, on the other, points in Virginia except that no service is authorized from points in Virginia, to certain specified points in Pennsylvania; between points in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Maine, with restrictions; between points in Illinois, Indiana, Ohio, and the Lower Peninsula of Michigan, between points in Tennessee, on the one hand, and, on the other, points in Georgia, South Carolina, and North Carolina, from Quincy, Mich., to points in Iowa, Nebraska, Missouri, and Oklahoma, from Chester, Ill., to points in Iowa, Missouri, Oklahoma, and Tennessee, from Davenport and Des Moines, Iowa, to points in that part of Illinois on and north of U.S. Highway 136, and to that part of Wisconsin on and south of U.S. Highway 16, from Camp Hill Pa., and Clifton, N.J., to Baltimore and Cumberland, Md., and Washington, D.C.; *commodities in bulk* (except flour and liquids), restricted to shipments having an immediately prior movement by rail; between points in Arkansas, Illinois, Iowa, Kansas, Missouri, and Oklahoma; *salt*, in bulk, in tank or hopper vehicles, from Hutchinson, Kans., to Kansas City and St. Joseph, Mo.; and *flour*, in bulk, in tank or hopper-type vehicles, from Buffalo, N.Y., to Cleveland, Ohio. NOTE: Petition to merge operations is filed concurrently herewith.

No. MC-F-10030. (Second Supplement) (RYDER TRUCK LINES, INC.—Control—MERCHANTS FREIGHT SYSTEM, INC.), published in the February 7, 1968, issue of the FEDERAL REGISTER on page 2680. Supplemental application filed October 16, 1970, *INTERNATIONAL UTILITIES OF THE U.S., INC.*, 3219 Philadelphia Pike, Claymont, Del. 19703, seeks to be substituted in lieu of *INTERNATIONAL UTILITIES CORPORATION*, 200 University Avenue, Toronto 1, Canada, as controlling applicant RYDER TRUCK LINES, INC.

No. MC-F-10890. (Amendment) (CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE—Pooling Agreement—GARRETT

FREIGHTLINES, INC., and T. R. HENNINGSEN, doing business as HENNINGSEN FREIGHT LINES. This agreement amended to include BOSTWICK TRUCK LINE and that in addition to points on U.S. Highway 91 as previously noted included in the pooling arrangement are also included Barretts Landing, Mont.

No. MC-F-10902. (Correction) (ST. JOHNSBURY TRUCKING COMPANY, INC. — Purchase — INTERSTATE TRANSFER, INC.), published in July 29, 1970 issue of the FEDERAL REGISTER on page 12170. This notice is to show transferee seeks to purchase the *entire* authority of transferor in lieu of a *portion* and to include authority inadvertently omitted in MC 30967, *General commodities*, except those of unusual value, live-stock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over regular route, between Boston, Mass., and Rockport, Mass., serving all intermediate points, and the off-route points of Hamilton, Wenham, Danvers, Peabody, Swampscott, and Lynnfield, Mass., and those within 12 miles of Boston.

No. MC-F-10945. (Correction) (WESTERN GILLETTE, INC. — Purchase (Portion)—DEATON, INC.), published in the September 23, 1970, issue of the FEDERAL REGISTER, on pages 14816-17, should be amended to show (1) that the routes sought to be acquired by WESTERN GILLETTE, INC., also includes authority to serve intermediate and off-route points within 65 miles of Birmingham; (2) that the regular route authority to be acquired including the authority indicated in (1) would be restricted to traffic moving to or through Memphis, Tenn.; and (3) that WESTERN GILLETTE, INC., also holds authority to operate in Iowa and Ohio.

No. MC-F-10976. (Correction) (ONEIDA MOTOR FREIGHT, INC.—Purchase (Portion)—SOMCO FREIGHT LINES, INC.), (FRANK G. MASINI, Receiver), published in the October 14, 1970, issue of the FEDERAL REGISTER on page 16125. This correction to show *as a common carrier, over irregular routes, between specified counties in New Jersey, on the one hand, and, on the other*, in lieu of as a common carrier over irregular routes, between certain specified points in New Jersey and its commercial zone, on the one hand, and, on the other.

No. MC-F-11001. Authority sought for control by FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, Post Office Box 7645, Nashville, Tenn. 37209, of MAYBELLE TRANSPORT COMPANY, 1820 South Main Street, Post Office Box 849, Lexington, N.C. 27292, and for acquisition by FLEET MANAGEMENT COMPANY, and in turn by J. G. PAGE, JR. and CALVIN HOUGHLAND, also of Nashville, Tenn. 37209, of control of MAYBELLE TRANSPORT COMPANY, through the acquisition by FLEET TRANSPORT COMPANY, INC. Applicants' attorney: R. J. Reynolds, Jr., 604-09 Healey Building, Atlanta, Ga. 30303. Operating rights sought to be controlled: *Paper and paper products*, as a *contract carrier*, over irregular routes, between the plantsite of Owens-Illinois Glass Co., Paper Products Division, near Spencer, N.C., on the one hand, and, on the other, points in Georgia, South Carolina, Virginia, and that part of Tennessee on and east of a line beginning at Bristol, Tenn., on the Tennessee-Virginia State line and extending along U.S. Highway 11W to Knoxville, Tenn., and thence along U.S. Highway 11 to the Tennessee-Georgia State line, between the plantsite of the Albermarle Paper Co. at Lexington, N.C., on the one hand, and, on the other, points in Virginia, with restrictions: *ceramic products, and materials* used in the manufacture, installation, repair, and maintenance of ceramic products, from Lexington, N.C., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Jersey, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia;

Ceramic products, from Trenton, N.J.; Daisy, Tenn.; Lafayette, Ga.; and Biglerville, Pa.; to Lexington, N.C.; *materials* used in the manufacture, installation, repair, and maintenance of ceramic products, from Jacksonville and Edgar, Fla.; Atlanta, Cartersville, and Savannah, Ga.; Andrews, Clover, and Charleston, S.C.; Mayfield, Ky.; Dillwyn and Norfolk, Va.; York, Pa.; and Paris and Nashville, Tenn.; to Lexington, N.C.; with restrictions, also holds authority to operate as a *common carrier, asphalt and road oils*, in bulk, in tank vehicles, from points within 3 miles of Salisbury, N.C., to points in Greenville, Spartanburg, York, Cherokee, and Pickens Counties, S.C., from Fayetteville and Salisbury, N.C., to points in that part of Virginia on and south of a line beginning at the Virginia-West Virginia State line and extending east along U.S. Highway 33 to Richmond, Va., thence along U.S. Highway 60 to the Atlantic Ocean; *liquid corn products and blends of liquid corn products and liquid sugar*, in tank vehicles, in bulk, from points in North Carolina, to points in Alabama, Florida, Georgia, Kentucky, Maryland, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; *liquid sugar and blends of liquid sugar and corn syrup*, in bulk, in tank vehicles, from Charlotte and Lexington, N.C., to points in South Carolina, Georgia, that part of Tennessee on and east of a line beginning at Bristol, Tenn.-Va., and extending along U.S. Highway 11W to Knoxville, and thence along U.S. Highway 11 to Chattanooga, and that part of Virginia on and west of Virginia Highway 16; *corn syrup*, in bulk, in tank vehicles, from Greenville, S.C., to points in Georgia, North Carolina, and that part of Tennessee on and east of a line beginning at the Virginia-Tennessee State line and extending along U.S. Highway 11W to Knoxville, Tenn., and thence along U.S. Highway 11 to the Tennessee-Georgia State line, including Knoxville, Tenn., from Greeneville, Tenn., to points in Alabama, Georgia, North Carolina, South Carolina, and Virginia, with restrictions;

Corn syrup, in bulk, in tank vehicles, from Atlanta, Ga., to points in North Carolina; *paint, lacquers, lacquer sealer, enamels, varnishes, stains, thinner, and finishing materials used in the manufacture of furniture*, in bulk, in tank vehicles, from Grand Rapids, Mich., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; *liquid and invert sugar*, in bulk, in tank vehicles, from Port Wentworth, Ga., to Lexington, N.C., from Charlotte, N.C., to points in that part of Kentucky on, south, and east of a line beginning at the Kentucky-West Virginia State line and extending along U.S. Highway 60 to Versailles, Ky., thence along U.S. Highway 62 to Elizabethtown, Ky., thence along U.S. Highway 31W to the Kentucky-Tennessee State line, and that part of Tennessee on and east of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 31W to Nashville, Tenn., and thence along U.S. Highway 31 to the Tennessee-Alabama State line; *dry cement*, from Harleyville, S.C., and certain specified points in Tennessee to points in North Carolina; *liquid and invert sugar, and blends of liquid sugar and corn syrup*, in bulk, in tank vehicles, from Richmond, Va., to points in Maryland, North Carolina, Pennsylvania, South Carolina, Tennessee, West Virginia, and the District of Columbia; *corn syrup and blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from Augusta, Ga., to points in North Carolina and South Carolina, points in that part of Tennessee on and east of U.S. Highway 11W from the Tennessee-Virginia State line to and including Knoxville, Tenn., and on and east of U.S. Highway 11 from Knoxville to the Tennessee-Georgia State line, and points in that part of Virginia on and south of U.S. Highway 60;

Liquid fertilizers, in bulk, in tank vehicles, from Hopewell, Va., to points in Georgia, North Carolina, and South Carolina; *sugar*, dry, in bulk, in vehicles designed for loading through top hatches, and discharging by gravity from Baltimore, Md., to points in North Carolina; *dry cement*, in bulk, from Salisbury, N.C., to points in Virginia, West Virginia, and South Carolina; *dry cement*, in bulk, in tank vehicles, from Salisbury, N.C., to points in North Carolina; *liquid sugar*, in bulk, in tank vehicles, from Lexington, N.C., to points in Virginia east of Virginia Highway 16; *cement and mortar*, in packages, from Selma, N.C., to points in North Carolina, South Carolina, and Virginia; *dry corn products*, in bulk, from Lexington, N. C., to points in North Carolina from Greer, S.C., and points within 5 miles thereof, to points in North Carolina, South Carolina, and Georgia, from Greer, S.C., to points in Tennessee; *salt*, in bulk, and *salt*, in packages, in mixed loads with salt, in bulk, from Spartanburg, S.C., to points in West Virginia, Virginia, Tennessee, North Carolina, South Carolina, and Georgia; *dry polyvinyl alcohol*, in bulk, from the

plantsite or facilities utilized by Texize Chemicals, Inc., at or near Greer, S.C., to points in Virginia, North Carolina, South Carolina, Georgia, Alabama, and Tennessee (except Kingsport); *dry polyvinyl alcohol*, in bulk, in tank vehicles, from Charleston and North Charleston, S.C., to points in Georgia, North Carolina, South Carolina, and Virginia; *cement*, from Statesville, N.C., to points in that part of South Carolina in and north of Aiken, Lexington, Calhoun, Florence, Marion, and Dillon Counties, S.C., and to those points in that part of Virginia in and west of Craig, Botetourt, Bedford, Campbell, Charlotte, and Halifax Counties, Va.;

Corn syrup and blends of corn syrup and liquid sugar, in bulk, from Atlanta, Ga., to points in Alabama, Florida, South Carolina, and Tennessee, from Collegedale, Tenn., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; *corn syrup*, in bulk, from Cullman, Ala., to points in Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; *blends of corn syrup and liquid sugar*, in bulk, from Atlanta, Ga., to points in North Carolina; *corn syrup*, from Birmingham, Ala., to Atlanta, Ga., and Nashville, Tenn., from Selma, Ala., to points in Georgia and Tennessee; *dry plastic materials*, in from Hopewell, Va., to points in North Carolina, South Carolina, Georgia, and Alabama; *salt*, in bulk, from Charlotte and Lexington, N.C., to points in North Carolina; *corn products and blends of corn products and sugar*, in bulk, from Greer, S.C., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia; *potato starch*, dry, in bulk, from Greer, S.C., to points in North Carolina; with restrictions. FLEET TRANSPORT COMPANY, INC., is authorized to operate as a *common carrier* in Georgia, Tennessee, Alabama, Florida, South Carolina, North Carolina, Louisiana, Arkansas, Oklahoma, Virginia, Delaware, Kentucky, Maryland, Ohio, Indiana, West Virginia, District of Columbia, Mississippi, New York, Illinois, Massachusetts, New Jersey, Texas, Michigan, and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11002. Authority sought for control and merger by GENERAL HIGHWAY EXPRESS, INC., Post Office Box 727, Sidney, Ohio 45365, of the operating rights and property of GAFFNEY MOTOR FREIGHT, INC., Post Office Box 647, Lancaster, Ohio 43130, and for acquisition by PAUL B. LONG, 140 Parkwood Boulevard, Sidney, Ohio 45365, of control of such rights and property through the transaction. Applicants' attorney: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be controlled and merged: *General commodities* except those of unusual value, classes A and B explosives, livestock, commodities in bulk, not including salt in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over regular routes, between Zanesville, Ohio, and Columbus, Ohio, serving all intermediate points, with restriction; *general commodities*, except those of unusual value, dangerous explosives, livestock, commodities in bulk, not including salt in bulk, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities requiring special equipment, and those injurious or contaminating to other lading, between Lancaster, Ohio, and Cincinnati, Ohio; between junction U.S. Highway 33 and relocated U.S. Highway 33 at a point northwest of Canal Winchester, Ohio, and the junction of relocated U.S. Highway 33 and U.S. Highway 33 at a point southeast of Carroll, Ohio; and under a certificate of registration, in Docket No. MC–106573 Sub-12, covering the transportation of property, as a common carrier, in interstate commerce, within the State of Ohio. GENERAL HIGHWAY EXPRESS, INC., is authorized to operate as a common carrier in Ohio, and under a certificate of registration within the State of Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11003. Authority sought for purchase by P & G MOTOR FREIGHT, INCORPORATED, 450 Burnham Street, South Windsor, Conn. 06074, of a portion of C. RICKARD AND SONS, INC., 20 Atlantic Street, Bridgeport, Conn. 06602, and for acquisition by JACK I. EDELBERG, 33 Seneca Avenue, Rockaway, N.J. 07866, of control of such rights through the purchase. Applicants' attorneys: Reubin Kaminsky, Post Office Box 17–056, 342 North Main Street, West Hartford, Conn. 06117; Thomas W. Murrett, also of West Hartford, Conn., and Vernon V. Baker, 1250 Connecticut Avenue, Washington, D.C. 20036. 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 Jersey except those points in the New York commercial zone. Vendee is authorized to operate as a *common carrier* in Connecticut, New Jersey, Massachusetts, and New York. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11004. Authority sought for control by AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040, of COLORADO CARTAGE COMPANY, INC., 5275 Quebec, Denver, Colo. 80022, and for acquisition by PUROLATOR, INC., 970 New Brunswick Avenue, Rahway, N.J. 07065, of control of COLORADO CARTAGE COMPANY, INC., through the acquisition by AMERICAN COURIER CORPORATION. Applicants' attorney: John M. Delany, 2 Nevada Drive, Lake Success, N.Y. 11040. Operating rights sought to be controlled: Under a certificate of registration in Docket No. MC 120872 Sub-2, covering the transportation of property as a *common carrier*, in interstate commerce, within the State of Colorado; *general commodities*, excepting, among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Denver, Colo., and Roggen, Colo., serving all intermediate points and certain specified off-route points in Colorado, between Denver, Colo., and Henderson, Colo., serving all intermediate points and certain specified off-route points in Colorado, between Denver, Colo., and Prospect Valley, Colo., serving all intermediate points and certain specified off-route points in Colorado; *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising matter* moving therewith, as a *common carrier*, over irregular routes, between Denver, Colo., on the one hand, and, on the other, Boulder and Golden, Colo. AMERICAN COURIER CORPORATION is authorized to operate as a *common carrier* in Connecticut, Massachusetts, Maine, New Hampshire, New Jersey, Pennsylvania, New York, Iowa, Illinois, Nebraska, Kentucky, Ohio, West Virginia, Rhode Island, Michigan, Indiana, Maryland, Virginia, Delaware, Wisconsin, Missouri, Minnesota, North Dakota, South Dakota, Kansas, North Carolina, Texas, Louisiana, Vermont, Alabama, Georgia, Arkansas, Mississippi, Oklahoma, Florida, South Carolina, California, and the District of Columbia; and as a *contract carrier* in New York, New Jersey, Connecticut, Pennsylvania, West Virginia, Ohio, Massachusetts, Delaware, Ohio, Virginia, Maryland, Rhode Island, Iowa, Missouri, Illinois, Indiana, Kentucky, Minnesota, Wisconsin, Maine, New Hampshire, Nebraska, Vermont, Michigan, North Dakota, South Dakota, North Carolina, Alabama, Georgia, Tennessee, South Carolina, Texas, Mississippi, Oklahoma, and Florida. Application has not been filed for temporary authority under section 210a(b). NOTE: MC 120872 Sub-7 is a matter directly related.

No. MC–F–11005. Authority sought for purchase by NORTHEASTERN TRUCKING COMPANY, 2508 Starita Street, Post Office Box 26276, Charlotte, N.C. 28213, of a portion of the operating rights of ELSWORTH LAMOTTE RABON, doing business as RABON TRANSFER, Route 2, Box 235, Chadbourn, N.C. 28431, and for acquisition by JOHN F. GUIGNARD, and WILLIAM H. GUIGNARD, both of Charlotte, N.C. 28213, of control of such rights through the purchase. Applicants' attorney: Charles Ephraim, 1250 Connecticut Avenue NW., Washington, D.C. 20036. 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 within 50 miles of Fairmont, N.C. Vendee is authorized to operate as a *common carrier* in Illinois, New York, New Jersey, Pennsylvania, North Carolina, South Carolina, Maryland, Virginia, Florida, Connecticut, Massachusetts, New Hampshire, Rhode Island, Tennessee, Kentucky, Louisiana, Alabama, Georgia, Ohio, Indiana, West Virginia, District of Columbia, Maine, Michigan, Minnesota, Mississippi, and Missouri. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[F.R. Doc. 70-14836; Filed, Nov. 3, 1970; 8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—NOVEMBER

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

3 CFR

PROCLAMATIONS:

	Page
4020	16903

5 CFR

213	16905

7 CFR

52	16906
215	16973
905	16909
1464	16910
1520	16911

9 CFR

76	16912–16918, 16973

12 CFR

226	16919
261	16973

13 CFR

PROPOSED RULES:

121	16939, 16940

14 CFR

PROPOSED RULES:

Ch. I	16980
39	16937

17 CFR

231	16919
249	16919

21 CFR

120	16974

PROPOSED RULES:

3	16937
120	16980
130	16937

32 CFR

62	16974

32A CFR

OIA (Ch. X):	
OI Reg. 1	16976

38 CFR

17	16920

41 CFR

3–1	16920
3–7	16922
3–11	16923
3–75	16924

42 CFR

81	16927, 16976, 16977

47 CFR

5	16926
73	16926, 16977

PROPOSED RULES:

73	16983

49 CFR

571	16927
1033	16931–16934
1056	16935

PROPOSED RULES:

179	16983
571	16937

50 CFR

12	16935