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# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

### PART 213—EXCEPTED SERVICE

#### Executive Office of the President

Section 213.3303 is amended to show that one position of Secretary to the Associate Director, Office of Management and Budget is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (h) of § 213.3303 as set out below.

**§ 213.3303 Executive Office of the President.**

* * * * *

(h) *Office of Management and Budget.* * * *

(2) One Secretary to the Associate Director.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

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

[F.R. Doc. 70-9614; Filed, July 24, 1970; 8:48 a.m.]

### PART 213—EXCEPTED SERVICE

#### Department of the Treasury

Section 213.3305 is amended to show that the position of Law Enforcement Coordinator, Office of the Assistant Secretary (Enforcement and Operations), having been abolished, is no longer in Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (20) of paragraph (a) of § 213.3305 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

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

[F.R. Doc. 70-9618; Filed, July 24, 1970; 8:49 a.m.]

### PART 213—EXCEPTED SERVICE

#### Department of Labor

Section 213.3315 is amended to show that the position of Confidential Assistant to the Assistant Secretary for Manpower, having been abolished, is no longer in Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (13) of paragraph (a) of § 213.3315 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

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

[F.R. Doc. 70-9616; Filed, July 24, 1970; 8:49 a.m.]

### PART 213—EXCEPTED SERVICE

#### Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Special Assistant to the Deputy Assistant Secretary for Population Affairs is excepted under Schedule C in lieu of one position of Special Assistant to the Assistant Secretary for Health and Scientific Affairs which has been abolished. Effective on publication in the FEDERAL REGISTER, subparagraph (4) is amended and subparagraph (7) is added to paragraph (h) of § 213.3316 as set out below.

**§ 213.3316 Department of Health, Education, and Welfare.**

* * * * *

(h) *Office of the Assistant Secretary for Health and Scientific Affairs.* * * *

(4) Two Special Assistants to the Assistant Secretary.

* * * * *

(7) One Special Assistant to the Deputy Assistant Secretary for Population Affairs.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

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

[F.R. Doc. 70-9615; Filed, July 24, 1970; 8:48 a.m.]

### PART 213—EXCEPTED SERVICE

#### Small Business Administration

Section 213.3332 is amended to show that one additional position of Special Assistant to the Associate Administrator for Investment is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (h) of § 213.3332 is amended as set out below.

**§ 213.3332 Small Business Administration.**

* * * * *

(h) Two Special Assistants to the Associate Administrator for Investment.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

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

[F.R. Doc. 70-9617; Filed, July 24, 1970; 8:49 a.m.]

### PART 213—EXCEPTED SERVICE

#### Department of Transportation

Section 213.3394 is amended to show that one position of Special Assistant to the Director, National Highway Safety Bureau, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (5) is added to paragraph (d) of § 213.3394 as set out below.

**§ 213.3394 Department of Transportation.**

* * * * *

(d) *Federal Highway Administration.* * * *

(5) One Special Assistant to the Director, National Highway Safety Bureau.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

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

[F.R. Doc. 70-9619; Filed, July 24, 1970; 8:49 a.m.]

## Title 7—AGRICULTURE

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

[Lemon Reg. 437]

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

#### Limitation of Handling

**§ 910.737 Lemon Regulation 437.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon

other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 22, 1970.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 26, 1970, through August 1, 1970, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 292,950 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: July 22, 1970.

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

[F.R. Doc. 70-9663; Filed, July 24, 1970; 8:51 a.m.]

## PART 948—IRISH POTATOES GROWN IN COLORADO

### General Cull Regulation

*Findings.* (a) Pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948) regulating the handling of Irish potatoes grown in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby found that the restatement of the General Cull Regulation with a redesignated section number, as hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and unnecessary to give prelimenary notice, engage in public rule making procedure, and postpone the effective date of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) this regulation has been in effect since 1949; (2) it was restated and reissued November 24, 1961 (26 F.R. 11236) and it will continue in effect regardless of the changes herein stated; (3) it is being reissued with a new section number so that it may be published in the Code of Federal Regulations (7 CFR Part 948), to be issued as a basis for import regulations during periods specified in § 980.1 *Import regulations, Irish potatoes* (7 CFR Part 980) in the absence of more restrictive regulations for potatoes grown in areas No. 2 and No. 3 of Colorado.

Section 948.301 is hereby redesignated § 948.126 and is amended to read as follows:

**§ 948.126 General cull regulation.**

(a) No handler shall handle potatoes grown in the State of Colorado which do not meet the requirements of U.S. No. 2 or better grade, or are less than 1½ inches in diameter.

(b) This General Cull Regulation shall remain in effect until suspended or modified pursuant to § 948.20(a)(2).

(c) The term U.S. No. 2 grade has the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540 to 51.1556 of this title), or amendments thereto or modifications thereof.

(d) Applicability to imports: Pursuant to section 608e–1 of the act and § 980.1 *Import regulations; Irish potatoes* (Part 980 of this chapter), in the absence of more restrictive regulations in effect for potatoes grown in Areas Nos. 2 and 3 in Colorado, this cull regulation shall be used in a basis for import regulations for the red skinned, round type and for other round type potatoes, during the periods specified and as designated in said § 980.1 of this chapter.

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

Dated: July 22, 1970, to become effective August 1, 1970.

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

[F.R. Doc. 70-9643; Filed, July 24, 1970; 8:51 a.m.]

## Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

## PART 1446—PEANUTS

### Subpart—1970 Crop Peanut Warehouse Storage Loans and Sheller Purchases

The General Regulations Governing 1967 and Subsequent Crop Peanut Warehouse Storage Loans and Sheller Purchases (32 F.R. 9950) and any amendments thereto (hereinafter called the General Regulations), which contain terms and conditions under which CCC will make warehouse storage loans on and sheller purchases of peanuts, are supplemented by revising §§ 1446.40–1446.44 and 1446.50–1446.52 to read as follows, effective as to the 1970 crop of peanuts. The material previously appearing in these sections remains in full force and effect as to the crops to which it was applicable.

WAREHOUSE STORAGE LOANS



SHELLER PURCHASES



AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended; 15 U.S.C. 714 b and c. Interpret or apply secs. 101, 401, 63 Stat. 1051, as amended, 7 U.S.C. 1441, 1421.

WAREHOUSE STORAGE LOANS

**§ 1446.40 Associations through which producers may obtain price support.**

Eligible producers may obtain price support by means of warehouse storage loans on eligible 1970 crop farmers stock peanuts through, in the southeastern area, GFA Peanut Association, Camilla, Ga.; southwestern area, Southwestern Peanut Growers Association, Gorman, Tex.; and Virginia-Carolina area, Peanut Growers Cooperative Marketing Association, Franklin, Va.

**§ 1446.41 Applicability.**

The support prices specified in this section apply to 1970 crop farmers stock peanuts in bulk or in bags, net weight basis, eligible for price support advances under the General Regulations.

**§ 1446.42 National average price.**

The national average support price for 1970 crop peanuts is $255 per ton.

**§ 1446.43 Average support prices by type.**

The support prices by type per average grade ton of 1970 crop peanuts are:

| Types: | *Dollars per ton* |
|---|---|
| Virginia | $264.93 |
| Runner | 245.23 |
| Southeast Spanish | 256.77 |
| Southwest Spanish | 252.45 |
| Valencia, in the southwest area suitable for cleaning and roasting | 264.93 |

The price for all Valencia type peanuts in the southeast and Virginia-Carolina areas and those in the southwest area which are not suitable for cleaning and roasting will be the same as for Spanish type peanuts in the same area.

**§ 1446.44 Calculation of support prices.**

The support price per ton for 1970 crop peanuts of a particular type and quality shall be calculated on the basis of the following rates, premiums, and discounts (with no value being assigned to damaged kernels), except that the minimum support value for any lot of eligible peanuts of any type shall be 4 cents per pound of kernels in the lot:

(a) *Kernel value per net ton excluding loose shelled kernels.* (1) Price for each percent of sound mature and sound split kernels shall be:

| Type: | *Dollars per ton* |
|---|---|
| Virginia | $3.672 |
| Runner | 3.600 |
| Southeast Spanish | 3.641 |
| Southwest Spanish | 3.624 |
| Valencia: | |
| Southwest area—suitable for cleaning and roasting | 4.047 |
| Southwest area—not suitable for cleaning and roasting | 3.624 |
| Areas other than southwest | 3.641 |

(2) Price for each percent of other kernels:

| | |
|---|---|
| All types | $1.40 |

(3) Premium for each 1 percent extra large kernels in Virginia type peanuts shall be 45 cents, except that no premium shall be applicable to any lot of such peanuts containing more than 7 percent damaged kernels.

(b) *Value of loose shelled kernels per pound.*

| | |
|---|---|
| All types | $0.07 |

(c) *Damaged kernel discount.* For all types of peanuts, the discount per ton for damaged kernels shall be as follows:

| Peanuts containing damaged kernels of— | *Discount* |
|---|---|
| 1 percent | None |
| 2 percent | $3.40 |
| 3 percent | 7.00 |
| 4 percent | 11.00 |
| 5 percent | 25.00 |
| 6 percent | 40.00 |
| 7 percent | 60.00 |
| 8–9 percent | 80.00 |
| 10 percent and over | 100.00 |

(d) *Sound split kernel discount.* For all types fo peanuts, the discount per ton for sound split kernels shall be as follows:

| Peanuts containing sound split kernels of— | *Discount* |
|---|---|
| 1 through 4 percent | None |
| 5 percent | $1.00 |
| 6 percent | 1.60 |

Plus 80 cents for each percent of sound split kernels in excess of 6 percent.

(e) *Foreign material discount.* The discount for each full 1 percent foreign material in excess of 4 percent and not over 10 percent shall be $1 per ton.

(f) *Price adjustment for peanuts sampled with other than a pneumatic sampler.* The support price for Virginia type peanuts sampled with other than a pneumatic sampler shall be reduced by $0.0025 per pound net weight including loose shelled kernels.

(g) *Mixed type discount.* Individual lots of farmers stock peanuts containing mixtures of two or more types in which there is less than 90 percent of any one type will be supported at a rate which is $10 per ton less than the support price applicable to the type in the mixture having the lowest support price.

(h) *Location adjustments to support prices.* Farmer stock peanuts delivered to the association for price support advances in the States specified, where peanuts are not customarily shelled or crushed, shall be discounted as follows:

(1) Arizona, $25 per ton.
(2) Arkansas, $10 per ton.
(3) California, $33 per ton.
(4) Louisiana, $7 per ton.
(5) Mississippi, $20 per ton.
(6) Missouri, $10 per ton.
(7) Tennessee, $25 per ton.

(i) *Virginia type peanuts.* Virginia type peanuts, to receive peanut price support as Virginia type, must contain 40 percent or more "fancy" size peanuts, as determined by a presizer with the rollers set at $^{33}/_{64}$-inch space. Virginia type peanuts so determined to contain less than 40 percent "fancy" size peanuts will be supported (but not classed) as though they were Runner type.

SHELLER PURCHASES

**§ 1446.50 Eligible sheller—filing time.**

To be eligible to sell 1970 crop peanuts to CCC under this subpart, the sheller shall file with the association not later than February 28, 1971, or such later date as may be approved by CCC, the notice of participation required under § 1446.11(a) of the General Regulations.

**§ 1446.51 Period of offering.**

Unless a later date is approved in writing by CCC, written offers to sell 1970 crop peanuts to CCC, on the form prescribed by CCC, may be filed with the association from time of harvest through:

(a) July 31, 1971, for shelled peanuts not U.S. grade described in § 1446.52(c), and for farmers stock peanuts described in § 1446.52(d).

(b) October 31, 1971, for U.S. grade shelled peanuts described in § 1446.52 (b).

**§ 1446.52 CCC purchases of eligible peanuts and prices.**

(a) *Basis of purchase.* Except as otherwise provided in § 1446.13 of the General Regulations, CCC will purchase from eligible shellers 1970 crop peanuts which meet the specifications contained in this section. The peanuts will be purchased on the basis of the net weight determined at the time of delivery and the prices specified in paragraphs (b), (c), and (d) of this section. CCC will also pay a carrying charge for farmers stock and U.S. grade shelled peanuts which are delivered to CCC after November 1970 in the southeastern area, and December 1970 in the southwestern and Virginia-Carolina areas. The carrying charge will commence on December 1, 1970, in the southeastern area, and January 1, 1971, in the southwestern and Virginia-Carolina areas, and will accrue at the rate of (1) $1.40 per ton net weight per calendar month or fraction thereof for U.S. grade shelled peanuts, but shall not exceed a total of $7 per ton net weight, and (2) $1 per ton net weight per calendar month or fraction thereof for farmers stock peanuts but shall not exceed a total of $5 per ton net weight.

(b) *U.S. grade shelled peanuts.* (1) U.S. No. 1 (all types)—19.40 cents per pound.

(2) U.S. Extra Large Virginia—23.10 cents per pound.

(3) U.S. Medium Virginia—20.70 cents per pound.

(4) U.S. Splits (all types)—18.90 cents per pound.

U.S. grade shelled peanuts shall meet the U.S. standards for such peanuts, except that they shall not contain more than 1.25 percent damaged or unshelled kernels other than minor defects and not more than 2 percent total damaged or unshelled and minor defects.

(c) *Shelled peanuts—not U.S. grade.* (1) No. 1 size; i.e., ride U.S. No. 1 screens—18.40 cents per pound.

(2) Large whole kernels which will not pass through screens with the following size openings—17.60 cents per pound:

| | |
|---|---|
| Virginia | $^{14}/_{64}$ x 1" slot. |
| Runner | $^{14}/_{64}$ x $^{3}/_{4}$" slot. |
| Spanish | $^{13}/_{64}$ x $^{3}/_{4}$" slot. |

(3) Large split kernels (i.e., separated halves) which will not pass through screens with the following size openings—18.10 cents per pound:

| | |
|---|---|
| Virginia | $^{17}/_{64}$" round. |
| Runner | $^{17}/_{64}$" round. |
| Spanish | $^{16}/_{64}$" round. |

(4) Small whole kernels which will not pass through screens with the following size openings—11.00 cents per pound:

| | |
|---|---|
| Virginia | $^{12}/_{64}$ x 1" slot. |
| Runner | $^{12}/_{64}$ x $^{3}/_{4}$" slot. |
| Spanish | $^{11}/_{64}$ x $^{3}/_{4}$" slot. |

(5) In addition to the other prices specified in this paragraph (c), CCC shall pay the sheller for "fall through" not exceeding 3 percent at the rate of 6.00 cents per pound. "Fall through" means all kernels or portions thereof which will pass through screens with the following size openings:

| | Whole kernels | Splits and portions |
|---|---|---|
| Virginia | $^{12}/_{64}$" x 1" slot | $^{17}/_{64}$" round. |
| Runner | $^{13}/_{64}$" x $^{3}/_{4}$" slot | $^{17}/_{64}$" round. |
| Spanish and Valencia | $^{11}/_{64}$" x $^{3}/_{4}$" slot | $^{16}/_{64}$" round. |

(6) Quality conditions: Any lot of shelled peanuts of the sizes described in subparagraphs (1) through (4) of this paragraph (c) shall not contain more than (i) 4 percent damaged or unshelled kernels other than minor defects, (ii) 8 percent total damaged or unshelled and minor defects, (iii) 9 percent moisture in the southeastern and southwestern areas, or 10 percent moisture in the Virginia-Carolina area, (iv) 6 percent "fall through", as defind in subparagraph (5) of this paragraph (c) (but CCC will not

pay for any "fall through" in excess of 3 percent), and (v) 2 percent foreign material. The peanuts in any bag(s) in any lot of such peanuts shall also meet the quality conditions set forth above in this subparagraph (6). If a sheller offers to CCC any lot of such peanuts which contains peanuts of different sizes (i.e., No. 1 size, large whole, small whole, or large split kernels) bagged separately, the sheller (*a*) shall mark or tag each bag in the lot to show the size of the peanuts therein, and (*b*) shall stack the bags of each size of peanuts separately to make them readily available for sampling.

(7) The prices specified for shelled peanuts described in this paragraph (c) shall be discounted (i) for damaged and unshelled kernels and minor defects at the rates prescribed in the table appearing at the end of this subpart, (ii) for foreign material at the rate of one-tenth of 1 cent per pound for each full one-tenth of 1 percent by which the foreign material is in excess of 1 percent, and (iii) for aflatoxin, in lots containing more than 30 parts per billion, at the rate of 1.25 cents per net pound. The sheller shall cause a representative sample of each lot of peanuts to be drawn by an inspector and sent for aflatoxin assay to a CCC-approved laboratory. The sheller may at his option cause two additional samples from the lot to be drawn at the same time and in the same manner as the first sample. The assay results of the first sample shall be final, except that if such results show the lot to contain more than 30 parts per billion of aflatoxin and the sheller has exercised his option to have the two additional samples drawn, the sheller may send the additional samples to be assayed, in which event results of the three assays shall be averaged to determine the aflatoxin content. The sheller shall pay the laboratory for such assay(s); however, CCC will reimburse the sheller for the cost of the assay of one sample only on each lot of peanuts delivered to and accepted by CCC.

(d) *Farmers stock peanuts.* Farmers stock support price, outweight-outgrade basis, plus $6 per net ton.

DISCOUNT SCHEDULE FOR 1970 CROP SHELLED PEANUTS
(Cents per pound deduction)

| Percent damage of unshelled | Percent minor defects | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 0-1.4 | 1.5-1.9 | 2.0-2.4 | 2.5-2.9 | 3.0-3.4 | 3.5-3.9 | 4.0-4.4 | 4.5-4.9 | 5.0-5.4 | 5.5-5.9 | 6.0-6.4 | 6.5-8.0 |
| 0-1.0 | | 0.05 | 0.11 | 0.17 | 0.23 | 0.29 | 0.36 | 0.43 | 0.51 | 0.60 | 0.69 | 1.00 |
| 1.1 | 0.04 | .09 | .15 | .21 | .27 | .33 | .40 | .47 | .55 | .64 | .73 | 1.04 |
| 1.2 | .08 | .13 | .19 | .25 | .31 | .37 | .44 | .51 | .59 | .68 | .77 | 1.08 |
| 1.3 | .12 | .17 | .23 | .29 | .35 | .41 | .48 | .55 | .63 | .72 | .81 | 1.12 |
| 1.4 | .16 | .21 | .27 | .33 | .39 | .45 | .52 | .59 | .67 | .76 | .85 | 1.16 |
| 1.5 | .20 | .25 | .31 | .37 | .43 | .49 | .56 | .63 | .71 | .80 | .89 | 1.20 |
| 1.6 | .24 | .29 | .35 | .41 | .47 | .53 | .60 | .67 | .75 | .84 | .93 | |
| 1.7 | .28 | .33 | .39 | .45 | .51 | .57 | .64 | .71 | .79 | .88 | .97 | |
| 1.8 | .32 | .37 | .43 | .49 | .55 | .61 | .68 | .75 | .83 | .92 | 1.01 | |
| 1.9 | .36 | .41 | .47 | .53 | .59 | .65 | .72 | .79 | .87 | .96 | 1.05 | |
| 2.0 | .40 | .45 | .51 | .57 | .63 | .69 | .76 | .83 | .91 | 1.00 | 1.09 | |
| 2.1 | .46 | .51 | .57 | .63 | .69 | .75 | .82 | .89 | .97 | 1.06 | | |
| 2.2 | .53 | .58 | .64 | .70 | .76 | .82 | .89 | .96 | 1.04 | 1.13 | | |
| 2.3 | .61 | .66 | .72 | .78 | .84 | .90 | .97 | 1.04 | 1.12 | 1.21 | | |
| 2.4 | .70 | .75 | .81 | .87 | .93 | .99 | 1.06 | 1.13 | 1.21 | 1.30 | | |
| 2.5 | .80 | .85 | .91 | .97 | 1.03 | 1.09 | 1.16 | 1.23 | 1.31 | 1.40 | | |
| 2.6 | .90 | .95 | 1.01 | 1.07 | 1.13 | 1.19 | 1.26 | 1.33 | 1.41 | | | |
| 2.7 | 1.00 | 1.05 | 1.11 | 1.17 | 1.23 | 1.29 | 1.36 | 1.43 | 1.51 | | | |
| 2.8 | 1.10 | 1.15 | 1.21 | 1.27 | 1.33 | 1.39 | 1.46 | 1.53 | 1.61 | | | |
| 2.9 | 1.20 | 1.25 | 1.31 | 1.37 | 1.43 | 1.49 | 1.56 | 1.63 | 1.71 | | | |
| 3.0 | 1.30 | 1.35 | 1.41 | 1.47 | 1.53 | 1.59 | 1.66 | 1.73 | 1.81 | | | |
| 3.1 | 1.40 | 1.45 | 1.51 | 1.57 | 1.63 | 1.69 | 1.76 | 1.83 | | | | |
| 3.2 | 1.50 | 1.55 | 1.61 | 1.67 | 1.73 | 1.79 | 1.86 | 1.93 | | | | |
| 3.3 | 1.60 | 1.65 | 1.71 | 1.77 | 1.83 | 1.89 | 1.96 | 2.03 | | | | |
| 3.4 | 1.70 | 1.75 | 1.81 | 1.87 | 1.93 | 1.99 | 2.06 | 2.13 | | | | |
| 3.5 | 1.80 | 1.85 | 1.91 | 1.97 | 2.03 | 2.09 | 2.16 | 2.23 | | | | |
| 3.6 | 1.90 | 1.95 | 2.01 | 2.07 | 2.13 | 2.19 | 2.26 | | | | | |
| 3.7 | 2.00 | 2.05 | 2.11 | 2.17 | 2.23 | 2.29 | 2.36 | | | | | |
| 3.8 | 2.10 | 2.15 | 2.21 | 2.27 | 2.33 | 2.39 | 2.46 | | | | | |
| 3.9 | 2.20 | 2.25 | 2.31 | 2.37 | 2.43 | 2.49 | 2.56 | | | | | |
| 4.0 | 2.30 | 2.35 | 2.41 | 2.47 | 2.53 | 2.59 | 2.66 | | | | | |

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 20, 1970.

KENNETH E. FRICK,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F.R. Doc. 70-9547; Filed, July 24, 1970; 8:45 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

## PART 17—MEDICAL

### Eligibility for Class II Dental Treatment Without Rating Action

In § 17.123a, paragraph (a) is amended and paragraph (d) is added so that the amended and added material reads as follows:

**§ 17.123a Eligibility for Class II dental treatment without rating action.**

When an application has been made for Class II dental treatment under § 17.123(b), the applicant may be deemed eligible and dental treatment authorized on a one-time completion basis without rating action if:

(a) The examination to determine the need for dental care has been accomplished within 14 months after date of discharge or release unless delayed through no fault of the veteran, and

* * * * *

(d) Individuals whose entire tour of duty consisted of active or inactive duty for training shall not be eligible for treatment under this section.

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: July 20, 1970.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
*Acting Deputy Administrator.*

[F.R. Doc. 70-9621; Filed, July 24, 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

## 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:

In § 76.2, in paragraph (e)(9) relating to the State of North Carolina, subdivision (ii) relating to Gates, Perquimans, and Chowan Counties is amended to read:

(9) *North Carolina.* * * *

(ii) The adjacent portions of Gates, Perquimans, and Chowan Counties bounded by a line beginning at the junction of Secondary Roads 1002 and 1428 in Gates County; thence, following Secondary Road 1002 in a southwesterly direction to Secondary Road 1413; thence, following Secondary Road 1413 in a southeasterly direction to Secondary Road 1204; thence, following Secondary Road 1204 in a southeasterly direction to Secondary Road 1001; thence, following Secondary Road 1001 in a generally southerly direction to Secondary Road 1214; thence, following Secondary Road 1214 in a southeasterly direction to Secondary Road 1223; thence, following Secondary Road 1223 in a generally northeasterly direction to Secondary Road 1224; thence, following Secondary Road 1224 in a southeasterly direction to Secondary Road 1225; thence, following Secondary Road 1225 in a southwesterly direction to Secondary Road 1226; thence, following Secondary Road 1226 in a generally southerly direction to U.S. Highway 17; thence, following U.S. Highway 17 in a generally southwesterly direction to Secondary Road 1302; thence, following Secondary Road 1302 in a generally southwesterly direction to Secondary Road 1301; thence, following Secondary Road 1301 in a southeasterly

direction to Secondary Road 1363; thence, following Secondary Road 1363 in a southwesterly direction to the Perquimans River; thence, following the north bank of the Perquimans River in a generally northwesterly direction to Secondary Road 1300; thence, following Secondary Road 1300 in a northeasterly direction to U.S. Highway Business 17; thence, following U.S. Highway Business 17 in a generally southwesterly direction to Secondary Road 1110; thence, following Secondary Road 1110 in a generally northwesterly direction to the Norfolk Southern Railway; thence, following the Norfolk Southern Railway in a southwesterly direction to Secondary Road 1101; thence, following Secondary Road 1101 in a northwesterly direction to the Perquimans-Chowan County line; thence, following the Perquimans-Chowan County line in a northwesterly direction to Secondary Road 1312 in Chowan County; thence, following Secondary Road 1312 in Chowan County in a northwesterly direction to Secondary Road 1002; thence, following Secondary Road 1002 in a westerly direction to Secondary Road 1303; thence, following Secondary Road 1303 in a northwesterly direction to Secondary Road 1304; thence, following Secondary Road 1304 in a northwesterly direction to North Carolina Highway 32; thence, following North Carolina Highway 32 in a northeasterly direction to Secondary Road 1233; thence, following Secondary Road 1233 in a northwesterly direction to Secondary Road 1232; thence, following Secondary Road 1232 in a northwesterly direction to Secondary Road 1102; thence, following Secondary Road 1102 in a northerly direction to Secondary Road 1100; thence, following Secondary Road 1100 in a northwesterly direction to Secondary Road 1104; thence, following Secondary Road 1104 in a northeasterly direction to North Carolina Highway 37; thence, following North Carolina Highway 37 in a southeasterly direction to Secondary Road 1410; thence, following Secondary Road 1410 in a northeasterly direction to Secondary Road 1428; thence, following Secondary Road 1428 in a generally southeasterly direction to its junction with Secondary Road 1002 in Gates County.

2. In § 76.2, paragraph (e)(10) relating to the State of Pennsylvania is amended to read:

(10) *Pennsylvania.* (i) That portion of Berks County bounded by a line beginning at the junction of State Highway 73 and State Highway Legislative Route 06027; thence, following State Highway Legislative Route 06027 in a southeasterly direction to State Highway 562; thence, following State Highway 562 in a generally easterly direction to State Highway Legislative Route 06034; thence, following State Highway Legislative Route 06034 in a northeasterly direction to State Highway 73; thence, following State Highway 73 in a generally southwesterly direction to its junction with State Highway Legislative Route 06027.

(ii) That portion of Lancaster County bounded by a line beginning at the junction of State Highway 272 and State Highway Legislative Route 36016; thence, following State Highway 272 in a generally southeasterly direction to Township Road 490; thence, following Township Road 490 in a generally northwesterly direction to Township Road 389; thence, following Township Road 389 in a southwesterly direction to State Highway Legislative Route 36016; thence following State Highway Legislative Route 36016 in a genreally southwesterly direction to its junction with State Highway 272.

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

(13) *Texas.* * * *

(xiii) That portion of Liberty County bounded by a line beginning at the junction of Farm-to-Market Road 223 and the Liberty-San Jacinto County line; thence, following the Liberty-San Jacinto County line in a southwesterly direction to the Liberty-Montgomery County line; thence, following the Liberty-Montgomery County line in a southeasterly direction to Farm-to-Market Road 105; thence, following Farm-to-Market Road 105 in a generally northeasterly direction to Farm-to-Market Road 223; thence, following Farm-to-Market Road 223 in a generally northwesterly direction to its junction with the Liberty-San Jacinto County line.

(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 Perquimans County, N.C.; a portion of Berks County, Pa.; and a portion of Liberty County, Tex., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Parts 76, as amended, will apply to the quarantined areas designated herein.

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

Done at Washington, D.C., this 21st day of July 1970.

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

[F.R. Doc. 70-9588; Filed, July 24, 1970; 8:46 a.m.]

# Title 14—AERONAUTICS AND SPACE

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

[Docket No. 10382; Amdt. 39-1015]

## PART 39—AIRWORTHINESS DIRECTIVES

### Dowty Rotol Propellers

There has been a report of failure of an operating link and seizure of two other links due to cadmium plating on the mating surfaces of the operating link and eyebolt fork on Dowty Rotol propellers. This could result in severe vibration or separation of the propeller. Since this condition is likely to exist or develop in other propellers of the same manufacture, an airworthiness directive is being issued to require inspection of the blade pitch change operating link and eyebolt fork assembly for seizure and for cadmium plating on the mating surfaces between the link and fork and the holes through the link and fork, replacement of seized or cracked parts, and removal of cadmium plating from the prohibited areas on these propellers.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

DOWTY ROTOL. Applies to all Dowty Rotol propellers, installed on but not necessarily limited to the following airplanes: Fairchild Series F-27 and F H-227, Armstrong Whitworth AW 650, Grumman G-159, Viscount 700 and 810 series, Nihon YS-11, and Convair 240, 340, 440 turbopropeller conversions.

Compliance is required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

(a) Inspect the blade pitch change operating link and eyebolt fork assembly for—

(1) Seizure (the link and eyebolt fork are seized if the link cannot be moved by hand); and

(2) Cadmium plating on the mating surfaces between the operating link and eyebolt fork and the holes through the eyebolt fork and the operating link.

(b) If the link and eyebolt fork are not seized and have not been cadmium plated, they may remain in service.

(c) If the link and eyebolt fork are not seized but cadmium plating is found in the prohibited areas, remove the plating by means of wet or dry silicon carbide paper, fine or medium grade, and conduct a magnetic crack test. If no cracks are found, the assembly may remain in service until the next propeller overhaul for air carrier airplanes and airplanes under a continuous maintenance program or for 3,300 hours' time in service after the effective date of this AD for all other airplanes. At the next propeller overhaul for air carrier airplanes and airplanes under a continuous maintennce program, or within 3,300 hours' time in

service after the effective date of this AD for all other airplanes, heat treat the links and eyebolt forks found to have been cadmium plated in order to remove embrittlement in accordance with Dowty Rotol Service Bulletin No. 61–754, dated June 12, 1970, or later ARB-approved issue or an FAA-approved equivalent.

(d) If the link and eyebolt fork are seized, remove the link and eyebolt fork from service and replace them with an assembly having a part number approved for that model propeller that has not been cadmium plated in the prohibited areas.

(e) If the link or eyebolt fork are found to be cracked during the inspection in paragraph (c), remove the cracked part from service and replace it with a part having a part number approved for that model propeller that has not been cadmium plated.

(f) The inspection required by paragraph (a) need not be performed and the propeller may remain in service if—

(1) The operator can show that no cadmium plating exists in the prohibited areas of that propeller; or

(2) It is a new propeller that has never been overhauled.

This amendment becomes effective July 25, 1970.

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

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

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

[F.R. Doc. 70–9716; Filed, July 24, 1970; 8:51 a.m.]

# Title 12—BANKS AND BANKING

## Chapter II—Federal Reserve System

### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

### PART 226—TRUTH IN LENDING

### Exemption of Certain State Regulated Transactions

1. Effective August 1, 1970, Supplement III to Regulation Z (§ 226.12—Supplement) is amended by adding paragraph (e) as follows:

(e) *Connecticut.* Except as provided in § 226.12(c), all classes of credit transactions within the State of Connecticut are hereby granted an exemption from the requirements of chapter 2 of the Truth in Lending Act effective August 1, 1970, with the following exceptions:

(1) Transactions in which a federally chartered institution is a creditor;

(2) Consumer credit sales of insurance by an insurer;

(3) Transactions under common carrier tariffs in which the charges for the services involved, the charge for delayed payment and any discount allowed for early payment are regulated by a subdivision or agency of the United States or the State of Connecticut.

2a. The purpose of this amendment is to exempt certain credit transactions in the State of Connecticut from the requirements of chapter 2 of the Truth in Lending Act (title I of the Consumer Credit Protection Act (15 U.S.C. 1601ff)).

b. Pursuant to the provisions of 12 CFR 226.12 (Supplement II to Part 226 (Regulation Z)), the State of Connecticut applied to the Board for an exemption from the Truth in Lending Act; notice of receipt of the application was published in the FEDERAL REGISTER of February 6, 1970 (35 F.R. 2893). The Board granted this exemption after consideration of all relevant material, including communications from interested persons. The effective date of the exemption was deferred for less than the 30-day period referred to in section 553(d) of title 5, United States Code. The Board found that the amendment essentially involves no change in a substantive rule and deferral of the date beyond that adopted by the Board would serve no useful purpose.

By order of the Board of Governors, July 20, 1970.

[SEAL] KENNETH A. KENYON,
*Deputy Secretary.*

[F.R. Doc. 70–9640; Filed, July 24, 1970; 8:51 a.m.]

# Title 36—PARKS, FORESTS, AND MEMORIALS

## Chapter I—National Park Service, Department of the Interior

### PART 6—MISCELLANEOUS FEES

### Great Smoky Mountains National Park, N.C. and Tenn.; Permits for Commercial Passenger-Carrying Motor Vehicles

Pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), and 245 DM (27 F.R. 6395, as amended), § 6.3(b) of Title 36 of the Code of Federal Regulations is hereby revoked.

The purpose of this revocation is to eliminate the requirement of permits for the operation of commercial passenger-carrying vehicles within the park, which requirement has been determined as unnecessary.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. However, since this amendment will relax restrictions on the public, comment thereon and a delayed effective date are deemed to be unnecessary and not in the public interest. This revocation will thus take effect upon its publication in the FEDERAL REGISTER.

(5 U.S.C. 553)

Paragraph (b) of § 6.3 is hereby revoked.

§ 6.3 **Commercial passenger-carrying motor vehicles.**

* * * * *

(b) [Revoked]

* * * * *

GEORGE B. HARTZOG, Jr.,
*Director,*
*National Park Service.*

[F.R. Doc. 70–9579; Filed, July 24, 1970; 8:46 a.m.]

# Title 22—FOREIGN RELATIONS

## Chapter I—Department of State

### SUBCHAPTER G—INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE

[Departmental Reg. 108.624]

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

### Per Diem Allowance

Section 61.4, paragraph (c) is amended to read as follows:

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

* * * * *

(c) *Per diem allowance.* Per diem allowance not to exceed $22 in lieu of subsistence expenses while participating in the program in the United States, its territories or possessions and while traveling within or between the United States, its territories or possessions.

* * * * *

(Sec. 4, 63 Stat. 111, as amended, 75 Stat. 527–538; 22 U.S.C. 2658, 2451 note)

For the Secretary of State.

WILLIAM B. MACOMBER, Jr.,
*Deputy Under Secretary*
*for Administration.*

JULY 16, 1970.

[F.R. Doc. 70–9584; Filed, July 24, 1970; 8:46 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 121—FOOD ADDITIVES

### Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

### SUBCHAPTER C—DRUGS

### PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

### Combination Drug

The Commissioner of Food and Drugs has evaluated a new animal drug application (41–178V) filed by The Upjohn Co., Kalamazoo, Mich. 49001, proposing

the safe and effective use in chicken feed of a combination drug containing amprolium, ethopabate, 3-nitro-4-hydroxyphenylarsonic acid, and lincomycin for specified conditions. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517, and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135e are amended as follows:

1. Section 121.210(c) is amended by adding to table 1 a new item 2.10, as follows:

§ 121.210 Amprolium.

* * * * *

(c) * * *

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED

| Principal ingredient | Grams per ton | Combined with— | Grams per ton | Limitations | Indications for use |
|---|---|---|---|---|---|
| * * * | * * * | * * * | * * * | * * * | * * * |
| 2.9 * * * | | | | | |
| 2.10 Amprolium | 113.5 (0.0125%) | Ethopabate + 3-Nitro-4-hydroxyphenylarsonic acid + Lincomycin | 3.6 (0.0004%) 45.4 (0.005%) 2-4 | For floor-raised broiler chickens; not for laying chickens; as lincomycin hydrochloride monohydrate; withdraw 5 days before slaughter; as sole source of amprolium and organic arsenic. | For increase in rate of weight gain; improved feed efficiency and pigmentation; as an aid in the prevention of coccidiosis in floor-raised broiler chickens. |
| * * * | * * * | * * * | * * * | * * * | * * * |

2. Section 121.262(c) is amended by adding to table 1 a new item 1.16, as follows:

§ 121.262 3-Nitro-4-hydroxyphenylarsonic acid.

* * * * * * *

(c) * * *

TABLE 1—3-NITRO-4-HYDROXYPHENYLARSONIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

| Principal ingredient | Grams per ton | Combined with— | Grams per ton | Limitations | Indications for use |
|---|---|---|---|---|---|
| * * * | * * * | * * * | * * * | * * * | * * * |
| 1.15 * * * | | | | | |
| 1.16 3-Nitro-4-hydroxyphenylarsonic acid. | 45.4 (0.005%) | Amprolium + Ethopabate + Lincomycin | 113.5 (0.0125%) 3.6 (0.0004%) 2-4 | For floor-raised broiler chickens; not for laying chickens; as lincomycin hydrochloride monohydrate; withdraw 5 days before slaughter; as sole source of amprolium and organic arsenic. | For increase in rate of weight gain; improved feed efficiency and pigmentation; as an aid in the prevention of coccidiosis in floor-raised broiler chickens. |
| * * * | * * * | * * * | * * * | * * * | * * * |

3. Section 135e.49 is amended by revising paragraph (e), as follows:

§ 135e.49 Lincomycin.

* * * * *

(e) *Conditions of use.* (1) Principal uses of Lincomycin:

| | Grams per ton | Limitations | Indications for use |
|---|---|---|---|
| Lincomycin. | 2-4 | For floor-raised broilers; as lincomycin hydrochloride monohydrate. | For increase in rate of weight gain and improved feed efficiency for floor-raised broilers. |

(2) Lincomycin may also be used in combination with amprolium, ethopabate, and 3-nitro-4-hydroxyphenylarsonic acid in accordance with §§ 121.210 and 121.262 of this chapter.

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. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: July 15, 1970.

SAM D. FINE,
*Acting Associate Commissioner for Compliance.*

[F.R. Doc. 70-9577; Filed, July 24, 1970; 8:45 a.m.]

## PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

### Dimethyl Sulfoxide Solution Veterinary

The Commissioner of Food and Drugs has evaluated the new animal drug application (32-168V) filed by Syntex Laboratories, Inc., 701 Welch Road, Palo Alto, Calif. 94304, proposing the safe and effective use of dimethyl sulfoxide as a topical treatment for horses as specified below. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), a new Part 135a consisting at this time of one section is added to Title 21, as follows:

**§ 135a.2 Dimethyl sulfoxide solution veterinary.**

(a) *Specifications.* Dimethyl sulfoxide veterinary contains 90 percent of dimethyl sulfoxide and 10 percent of water.

(b) *Sponsor.* Syntex Laboratories, Inc., 701 Welch Road, Palo Alto, Calif. 94304.

(c) *Conditions of use.* (1) It is used or intended for use for the treatment of horses as a topical application to reduce acute swelling due to trauma. Administer two or three times daily in an amount not to exceed 100 cubic centimeters per day. Total duration of treatment should not exceed 30 days.

(2) Not for use in horses intended for breeding purposes or that are to be slaughtered for food. Other topical medications should only be used when the dimethyl sulfoxide-treated area is thoroughly dry. Do not administer by any other route. Restricted to use by or on the order of a licensed veterinarian.

*Effective date.* This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: July 13, 1970.

CHARLES C. EDWARDS,
*Commissioner of Food and Drugs.*

[F.R. Doc. 70-9578; Filed, July 24, 1970; 8:45 a.m.]

# Title 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 17581; FCC 70-771]

## PART 89—PUBLIC SAFETY RADIO SERVICES

### Eligibility of Medical Associations in Special Emergency Radio Service

*Report and order.* In the matter of amendment of § 89.507 of the Commission's rules to make medical associations eligible for authorizations in the Special Emergency Radio Service.

*Preliminary considerations.* 1. On July 10, 1967, the Commission issued a notice of proposed rule making in the above-entitled matter. The notice was published in the FEDERAL REGISTER on July 14, 1967 (32 F.R. 10375). Comments were requested by August 14, 1967, and reply comments by August 24, 1967. The date for filing comments was later extended to August 28, 1967, and for filing reply comments to September 18, 1967. Order (FCC 67-961), released August 15, 1967; and Order (Mimeo No. 5844), released September 12, 1967.

2. In the notice we proposed to amend § 89.507 of our rules to make local medical societies or associations, those chartered by national, state or regional organizations, eligible for licenses in the Special Emergency Radio Service, Subpart P of Part 89 of the rules. The proposed amendment of the rules was supported by the American Medical Association (AMA); medical societies in California, Kentucky, Oklahoma, Texas, and Wisconsin; the Arizona Hospital Association; and individual practitioners. It was opposed by the National Association of Radiotelephone Systems (NARS); the Allied Telephone Companies Association (Allied); the American Telephone and Telegraph Company (A.T. & T.); and a number of common carriers licensed in the Domestic Public Land Mobile Radio Service. The comments of the interested parties have been considered carefully and for the reasons given below the amendment to the rules has been adopted substantially as proposed.[1]

*Background considerations.* 3. Our decision in this proceeding rests on a number of factors which may be understood better by brief reference to the historical development of the Public Safety Radio Services, particularly as they have come to include physicians as licensees.

4. As early as 1938, Part 10 of our rules provided channels for what were then called the "Emergency Radio Services." These included police, fire, and forestry stations, as well as "Special Emergency Stations," the forerunner of what is now termed, "Special Emergency Radio Service." At that time, however, physicians, as such, were not eligible as licensees.[2]

5. In 1948-1949, we revised Part 10 (now Part 89) and added Subpart J (now Subpart P) to include physicians as eligibles. However, such eligibility was restricted to doctors practicing in rural areas where other communications facilities (common carriers) were not available. In re General Mobile Radio Services, et al., Report and Order, Dockets Nos. 8658, 8965, 8972-8974, 9001, 9018, 9046-9047, adopted April 27, 1949, 13 FCC 1190 (1949).[3]

6. By rule making conducted in 1952-53, the limitation as to availability of common carrier service was deleted, but the requirement as to the rural character of the physician's practice was retained. In re Amendment of Subpart J, Rules Governing Public Safety Radio Services, Report and Order, Docket No. 10174, adopted February 13, 1953, 10 F.R. 1087, February 25, 1953. Then, in 1960, we expanded the eligibility standard to include urban as well as rural area practitioners, noting at that time that among physicians some form of cooperative sharing would be required, but not specifying the form such sharing was to take. In re Amendment of Part 10 of the Commission's Rules to Establish a Medical Radio Emergency Service, Second Report and Order, Docket No. 13273, adopted October 20, 1960, 25 F.R. 10350, October 28, 1960.[4] As a matter of fact, in accordance with existing rules, some cooperative sharing systems have been established by groups of physicians, where one of them (rather than a medical society) is the licensee and all use the system and share its cost.

7. These rule changes evolved over a period of time and were the consequence of our recognition of innovations in needs in this service. Since 1960, we have gained additional experience in this area of regulation and find it now appropriate to consider possible modification of § 89.507 of the rules to provide for eligibility of medical societies. The issue in this proceeding, thus, is a narrow one, that is, whether medical societies, in addition to individual physicians, should be permitted to be the licensees and to operate cooperative radio systems which serve their members. We now turn to a discussion of the specific matters advanced in support of, and opposition to, the proposed amendment.

*Economic considerations.* 8. One of the principal arguments in opposition is based on economic considerations. The carriers are concerned, because they believe the competition from stations operated by medical societies will have a substantial adverse economic impact on their present business, perhaps preventing, in certain cases, their continued existence.

9. In this connection, NARS conducted a survey of all of its member-carriers to determine the number of doctors subscribing to one-way paging services provided by them. Responding member-carriers indicated that approximately one-half of their one-way paging customers are doctors.[5] Chalfont Communications, Fresno Mobile Radio, Inc., and Cook's Telephone Answering and Radio, Inc., west coast radio common carriers, and Forester Answering Service, Dallas, Tex., reported in their comments that about one-third to one-half of their one-way paging customers are physicians.[6] Potentially, then, all of these subscribers could be lost to medical society licensees. But based on facts established in the record in this proceeding, it would be conjecture to say that this necessarily will be so, for we do not know that all medical societies will establish their own facilities, or if some do, where they will be located, or if located in the same area as carriers, that the carriers will be hurt seriously in the long run.

10. To illustrate the latter point, we note that in Lexington, Ky., Portland, Oreg., and Phoenix, Ariz., local medical societies have been operating paging facilities serving a substantial number of their members. Yet, radio common carriers also operate in these same cities, and no evidence has been offered, nor do we have any indication, that these carriers have been seriously injured, so that they will not be able to continue to offer their services to the public.[7]

11. We believe it should be understood, too, that even if the proposed amendment were not adopted, competition from cooperation systems would not be eliminated. Cooperative systems can now be, and are, authorized to individual physicians to serve one or all doctors in a particular area. Thus, while licensing medical societies might make sharing more attractive, especially from an administrative point of view, and result in increased cooperative use of stations, it would not create a new genus of competition for common carrier, one-way paging business. We would also observe that the Commission's allocation of frequencies for common carriers and for private systems is premised on the basic philosophy that potential radio users, subject to certain limitations, should have the freedom to choose between meeting their needs through private facilities or taking service from carriers. This principle is applicable here and constitutes a further ground for adoption of the proposed rule.

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[1] Twenty-one comments and seven reply comments were timely filed. These are listed at Appendix B, which is filed as part of the original document. All timely comments and replies have been considered. Our decision in this case was deferred, however, because of the relationship between the subject of this rule making and our overall review of the policies which we believe should govern the shared use of land mobile radio facilities. This review has now progressed to the point where a decision in this case can be reached. Accordingly, we are issuing our report and order in this matter at this time.

[2] See rules and regulations, Federal Communications Commission, Title 47, Telecommunications, Chapter 1, Part 10, Rules Governing Emergency Radio Services, effective Oct. 13, 1938, revised to Oct. 16, 1944.

[3] At that time, the rule was designated as § 10.451.

[4] Section 10.543, involved in the rule making in Docket No. 13273, was eventually redesignated as § 89.507, the amendment of which we are specifically considering in this proceeding.

[5] Responses to the NARS's questionnaire were received from 150 member-carriers. As of 1966, there were 428 licensed miscellaneous common carriers and these operated 838 systems, with one or more located in each of the 50 States. See 33d Annual Report, Federal Communications Commission, Fiscal Year 1967, at page 213.

[6] Other carriers indicated in their comments that they provide one-way paging service to doctors, but did not specify the relative number served.

[7] The Commission's records show the miscellaneous common carrier at Phoenix, Ariz., to be General Communications Service, Inc., licensed with multiple channel facilities. At Portland, Oreg., the licensees are: Autofone Co.; Mobile Communications Service; and Harry Tarbell, doing business as Pacific Union; and at Lexington, Ky., the licensee is Guy P. McSweeney and Richard L. Plessinger, doing business as Bluegrass Radiotelephone.

12. We recognize that the carriers have argued that the expected competition from what they term "pseudo carriers" would, in their view, be unfair. They say, while they are regulated, the "pseudo carriers" are not; that the processing time for their applications is longer and other administrative requirements are more burdensome than for private systems; and that they must serve all members of the public, while medical societies would be permitted to select their subscribers.

13. With regard to those contentions, we are constrained to mention that radio carriers are assigned exclusive channels, but private systems are not. Cooperative stations, like individual licensees, must share allocated frequencies with all other eligibles in the Special Emergency Radio Service, including hospitals, ambulance operators, rescue organizations, and veterinarians, to mention some. Additionally, medical society licensees would be permitted to transmit messages only for member physicians, those otherwise eligible for licenses in their own name, and then only such messages as relate to the safety of life or the urgent medical duties of users. This is to be contrasted to the permissible mode of operation of public systems in which the entire community (businesses, individuals, governmental entities) are potential customers of the carriers, with no limitation on the type of messages that may be transmitted. Finally, cooperative systems are required to charge no more than the pro rata share of the costs of providing the service, while there is no similar restriction on the common carriers. In this context, then, we do not find such competition as may result to be "unfair," as urged by the carriers.

14. In summary, therefore, we conclude that no evidence has been presented to demonstrate that licensing medical societies will result in ruinous or unfair competition to public carriers. To the contrary, it appears that common carrier systems can and do coexist in areas where medical societies have operated as licensees. Moreover, there are several instances in which stations are shared by groups of physicians, much in the manner in contemplation here, without the economic consequences attributed, by the carriers, to such modes of operation. For these reasons the arguments of the carriers, based on economic considerations, do not persuade us that the public interest would be served by rejection of the proposed amendment.

*Legal considerations.* 15. The carriers have also argued extensively that medical societies operating radio systems to transmit the messages of their members would be common carriers, and that the Commission may not authorize such facilities except under the provisions of title II of the Communications Act of 1934, as amended, 47 U.S.C. 201 et seq., and the rules promulgated by the Commission to regulate radio carriers. We do not find these arguments persuasive.

16. The Commission has long made a distinction between common carrier radio services and cooperative use of private radio facilities,[8] and, specifically, cooperative use of private systems in the Public Safety Radio Services has been permitted for many years.[9] See Aeronautical Radio, Inc. v. American Telephone and Telegraph Co., 4 FCC 155 (1937); In the Matter of Allocation of Frequencies in the Bands Above 890 Mc., Report and Order, Docket No. 11866, adopted July 29, 1959, 27 FCC 359; and Cooperative Sharing of Operational Fixed Stations, Report and Order, Docket No. 16218, adopted July 13, 1966, 4 FCC 2d 406.

17. Unlike carriers, private systems may be shared only by those who themselves could be licensees of the same facilities, here only physicians; the messages that may be transmitted are limited to those relating to the safety of life and the "eligibility" activity, here urgent messages relating to the medical duties of physicians; and the licensee of the facilities may charge no more than the pro rata cost for providing the service. Thus, while the miscellaneous common carriers we license are authorized to establish a business venture and provide service for hire to members of the public as a whole, licensees of private systems are merely authorized to share specialized radio facilities for which all are individually eligible, with each contributing no more than his share to the costs of operation. We think it clear that this type of service is not common carrier service within the meaning of section 3(h) of the Communications Act of 1934, as amended, and that we have ample authority to make it available where we find the public interest would be served and the larger and more effective use of radio facilities would be encouraged. See Communications Act of 1934, as amended, at sections 1 and 303 (g) and authorities cited, supra, at paragraph 16. Therefore, we reject this argument.

*Other considerations and conclusion.* 18. The carriers develop a number of other points in support of their views. They say the Commission cannot effectively enforce the limitations placed on profits, messages to be transmitted, or persons to be served, and urge, in lieu of adopting the proposed rule, that we now find additional means of strengthening our current regulations governing cooperative use of radio facilities.

19. As to these arguments, we believe our rules are clear and uncomplicated and that they can be understood and followed without difficulty. Moreover, it is reasonable to presume that our licensees will obey them and conduct their operations in accordance with our requirements. Furthermore, we have, contemporaneously, instituted rule making looking toward possible strengthening of our regulatory measures governing sharing, generally.

20. In addition, the carriers argue that there is no need to extend eligibility to medical societies, because, in their opinion, the carriers are better able to provide efficient and effective means of communications for physicians. Further, they claim that the best interests of the physicians themselves would not be served by adoption of the amendment, because the foreseeable result, in their view, will be to deprive doctors of a free choice between public facilities and those furnished by medical societies.

21. The medical societies and commenting physicians do not share these views. They believe that stations licensed to local medical societies would be more efficient, because they could be operated on a full-time basis (24 hours a day, 7 days a week) for the collective benefit of all of the members of local associations, thereby eliminating the need for multiple stations licensed to individual practitioners. Also, they point out that the service to be provided and messages to be handled are specialized in nature, designed specifically to meet the unique communications requirements of physicians and the public they serve; that these messages could be processed at central dispatching points and there coordinated with telephone answering and the other medical services provided in many communities by the local medical societies; that the staffs of medical society licensees would be in a better position to locate particular physicians when called, or, in the event they cannot be reached or are out of the area, to indicate alternate courses of action in emergency situations. Further, they contend that the opportunities for establishing communications systems in sparsely populated regions of the country would be enhanced.

22. Weighing these several supporting and opposing arguments we are persuaded that efficiency in use of spectrum space we have made available for use by the medical profession would be promoted by adopting the proposed rule; for no new allocations are involved and relatively few channels would be needed to serve the multiple requirements of the memberships of local medical societies. Also, there is merit in the plan to use these stations on a coordinated basis with telephone answering services now operated by medical societies and to dispatch messages from central points where society records are readily available to assist in locating a physician when called or in indicating alternate courses of medical action in emergencies. In addition, the proposal gives promise of fostering the opportunities for establishing the needed communications service in remote, rural regions. Lastly, as suggested by the proponents of the

[8] Generally, all stations authorized in the Safety and Special Radio Services are flatly prohibited from rendering communications common carrier service. See, as examples, §§ 89.7, 91.2, 93.2, and 95.87 of the rules.

[9] To illustrate, see Part 10, Rules Governing Emergency Radio Services 47 CFR 10.231 (d) (1940). This provision authorized licensees in the "Emergency Radio Service" to share facilities and to accept contributions to capital and operating expenses from others who, under the then existing rules, were eligible for stations of their own. In this rule making, we propose to carry forward these same basic limitations and distinctions, modified, of course, to reflect our cumulative experience in this type of licensing.

amendment, the revision would permit the establishment of parallel systems for emergency communications which would be in existence and available for use in times or local disasters or national crises. In balance, these factors outweigh those advanced by the carriers in opposition to the rule making and provide sound bases in the public interest for adoption of the amendment.

23. In summary, we have carefully considered the economic, legal and other contentions of the common carriers in support of their position and find in them no matters which convince us that the public interest would be served by not adopting the amendment. To the contrary, we think the record establishes that efficiency in spectrum use would be promoted; and that adoption of the proposed rule would make possible better medical service to the public. In this connection, we think it important that we are not here providing for a new service; rather, the proposal is merely to expand eligibility in an established service to make greater sharing of frequencies already allocated possible. In this way, the proposal gives recognition to the natural evolution of cooperative sharing by physicians in the Special Emergency Radio Service. On the basis of the foregoing considerations, we conclude that the public interest would be served by approval of the proposed rule change.[10]

*Accordingly, it is ordered,* Effective August 28, 1970, that Part 89 of the rules is amended as shown in Appendix A below. Authority for adopting the amendment is found in sections (4) (i) and 303 of the Communications Act of 1934, as amended.

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

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

Adopted: July 15, 1970.

Released: July 22, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[11]

[SEAL] BEN F. WAPLE, *Secretary.*

APPENDIX A

In Part 89 of Chapter I of Title 47 of the Code of Federal Regulations, § 89.507 is revised to read as follows:

**§ 89.507 Physicians and veterinarians.**

(a) *Eligibility.* The following are eligible for authorizations in the Special Emergency Radio Service under this category:

(1) An individual physician or a school of medicine;

(2) An association of physicians in a locality (such as a county, city, or metropolitan area) which is chartered by a national, State, or regional association of physicians; and

(3) A veterinarian or a school of veterinary medicine.

(b) *Eligibility showing.* The initial application of persons eligible for licenses under paragraph (a) of this section shall be accompanied by a statement in sufficient detail to permit a ready determination of the applicant's eligibility: *Provided, however,* That an association of physicians shall be subject fully to the provisions of § 89.13 governing the cooperative use of radio stations in the mobile service.

(c) *Class and number of stations available.* Each physician, veterinarian, school of medicine, or school of veterinary medicine, normally, may be authorized to operate not more than one base station and two mobile units. Additional base stations or mobile units will be authorized only in exceptional circumstances when the applicant can show a specific need therefor: *Provided, however,* That the limitations of this paragraph (c) shall not be applicable to authorizations granted to an association of physicians.

(d) *Permissible communications.* Except for test transmissions as permitted by § 89.151, stations authorized under his section may be used as follows:

(1) Stations licensed to physicians, schools of medicine, veterinarians, or to school of veterinary medicine may be used only for the transmission of messages pertaining to the safety of life or property and urgent messages relating to the medical duties of the licensee.

(2) Stations authorized to associations of physicians may be used only for the transmission of messages pertaining to safety of life and property and urgent messages relating to the medical duties of those members of the association who would be eligible for authorization under paragraph (a) of this section.

[F.R. Doc. 70-9625; Filed, July 24, 1970; 8:49 a.m.]

[10] It should be understood that such arrangements are to be fully subject to present provisions of § 89.13 of the rules, and that, in the event this section is modified as a result of the rule making in our proposal in Docket No. 18921, they are to conform to such new requirements as are adopted as a result of that proceeding.

[11] Commissioners Bartley and Cox dissenting; Commissioner Johnson concurring in the result.

# Title 50—WILDLIFE AND FISHERIES

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

## PART 10—MIGRATORY BIRDS

### Open Seasons, Bag Limits, Possession, and Use of Feathers of Certain Migratory Game Birds

The Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703 et seq.), authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published in the FEDERAL REGISTER of May 27, 1970 (35 F.R. 8285–8286), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations. These amendments would revise the basic regulations and would specify open seasons, certain closed seasons, shooting hours, and bag and possession limits for migratory game birds for the 1970–71 hunting seasons.

Interested persons were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240, within 30 days following the date of publication of the notice.

Numerous comments and suggestions regarding the proposed changes to the basic regulations were submitted to the Bureau by both public and private organizations and individuals. After thorough study and consideration of all such relevant matter as was presented, the Director has decided that the proposed amendments to §§ 10.2 and 10.3 will not be adopted at this time. It is felt that further deliberation will produce fairer and clearer regulations on the subjects of baiting and the use of live decoys.

Since the proposed amendments to §§ 10.9, 10.10, and 10.13 received primarily favorable comments, they are hereby adopted as proposed subject to the following changes:

1. Paragraph (a) of § 10.9 is changed by inserting after the words "migratory game birds" a comma and then the words "tagged or not tagged,".

2. In paragraph (a) of § 10.9, the comma preceding the words "or (2)" is changed to a semicolon.

3. In paragraph (a) of § 10.9, the word "and" preceding "(4)" is changed to "or".

The amendments to §§ 10.9, 10.10 and 10.13 are effective August 31, 1970.

After analysis of migratory game bird survey data obtained through investigations conducted by the Bureau of Sport Fisheries and Wildlife and by State game departments, and from other sources, the several State game departments were informed concerning the shooting hours, season lengths, and daily bag and possession limits proposed to be prescribed for the 1970–71 seasons on rails, mourning and white-winged doves, band-tailed pigeons, woodcock, and common snipe (Wilson's), on waterfowl, coots, and little brown cranes in Alaska. The State game departments were invited to submit recommendations for hunting seasons which complied with the shooting hours, daily bag and possession limits, and season lengths specified in the frameworks of opening and closing dates published by this Department.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of

migratory game birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it is determined that certain other sections of Part 10 shall be amended as set forth below.

The taking of the designated species of migratory game birds is presently prohibited. The amendments to be made to §§ 10.41, 10.46, 10.51, and 10.53 will permit taking of the designated species within specified periods of time beginning as early as September 1, as had been the case in past years. Therefore, since these amendments benefit the public by relieving existing restrictions, they shall become effective upon publication in the FEDERAL REGISTER.

Section 10.9 is amended to read:

**§ 10.9 Restrictions applicable to possession, tagging, and recordkeeping requirements.**

(a) No person may possess or transport more than the daily bag limit or aggregate daily limit, whichever applies, of migratory game birds, tagged or not tagged at or between the place where taken and either (1) his automobile or principal means of land transportation; or (2) his personal abode or temporary or transient place of lodging; or (3) a commercial preservation facility; or (4) a post office or common carrier facility, whichever one he arrives at first.

(b) No person shall put or leave any migratory game birds at any place (other than at his personal abode), or in the custody of another person for picking, cleaning, processing, shipping, transportation, or storage (including temporary storage), unless such birds have a tag attached, signed by the hunter, stating his address, the total number and kinds of birds, and the date such birds were killed. Migratory game birds being transported in any vehicle as the personal baggage of the possessor shall not be considered as being in storage or temporary storage.

(c) No person may receive or have in custody any migratory game birds belonging to another person unless such birds are tagged as required under paragraph (b) of this section.

(d) Any commercial preservation facility receiving, possessing, or having in custody any migratory game birds shall maintain accurate records showing the numbers and kinds of such birds, the dates received and disposed of, and the names and addresses of the persons from whom such birds were received and to whom such birds were delivered. Any person authorized to enforce this part may enter such facilities at all reasonable hours and inspect the records and the premises where operations are being carried on. The records required to be maintained shall be retained by the person or persons responsible for their preparation and maintenance for a period of 1 year following the close of the open season on migratory game birds prescribed for the State in which such commercial preservation facility is located.

Section 10.10 is revised to read:

**§ 10.10 Termination of possession by hunters.**

Subject to all other requirements of this part, the possesion of birds legally taken by any hunter shall be deemed to have ceased when such birds have been delivered by him to another person as a gift; or have been delivered by him to a post office, a common carrier, or a commercial cold-storage or locker plant for transportation by the postal service or a common carrier to some person other than the hunter.

Section 10.13 is revised to read:

**§ 10.13 Commercial use of feathers.**

Any person without a permit, may possess, dispose of, and transport for the making of fishing flies, bed pillows, and mattresses, and for similar commercial uses, but not for millinery or ornamental uses, feathers of wild ducks and wild geese lawfully killed by hunting pursuant to this part, or seized and condemned by Federal or State game authorities.

Section 10.41 is amended to read as follows:

**§ 10.41 Seasons and limits on doves and wild pigeons.**

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species of doves and wild pigeons designated in this section are prescribed between the dates of September 1, 1970, and January 15, 1971, as follows:

(a) *Mourning doves—Eastern Management Unit.*

| | |
|---|---|
| Daily bag limit | 18 |
| Possession limit | 36 |

Shooting hours: 12 noon until sunset.
Check State regulations for additional restrictions.

| Seasons in: | |
|---|---|
| Alabama [1] | Sept. 21–Nov. 9. |
| | Dec. 19–Jan. 7. |
| Connecticut | Closed season. |
| Delaware | Sept. 15–Nov. 13. |
| District of Columbia | Closed season. |
| Florida | Oct. 3–Nov. 1. |
| | Nov. 14–Nov. 29. |
| | Dec. 19–Jan. 11. |
| Georgia | Sept. 5–Sept. 26. |
| | Oct. 21–Nov. 7. |
| | Dec. 17–Jan. 15. |
| Illinois | Sept. 1–Nov. 9. |
| Indiana | Closed season. |
| Kentucky | Sept. 1–Oct. 31. |
| | Dec. 1–Dec. 9. |
| Louisiana | Sept. 5–Sept. 20. |
| | Oct. 17–Nov. 22. |
| | Dec. 19–Jan. 4. |
| Maine | Closed season. |
| Maryland | Sept. 12–Nov. 5. |
| | Dec. 19–Jan. 2. |
| Massachusetts | Closed season. |
| Michigan | Do. |
| Mississippi | Sept. 5–Sept. 27. |
| | Nov. 7–Nov. 29. |
| | Dec. 23–Jan. 15. |
| New Hampshire | Closed season. |
| New Jersey | Do. |
| New York | Do. |
| North Carolina | Sept. 2–Oct. 10. |
| | Dec. 16–Jan. 15. |
| Ohio | Closed season. |
| Pennsylvania [1] | Sept. 1–Nov. 9. |
| Rhode Island | Sept. 8–Oct. 16. |
| | Oct. 24–Nov. 23. |
| South Carolina | Sept. 5–Oct. 3. |
| | Nov. 23–Jan. 2. |
| Tennessee | Sept. 1–Sept. 30. |
| | Oct. 12–Nov. 10. |
| | Dec. 23–Jan. 1. |
| Vermont | Closed season. |
| Virginia | Sept. 5–Oct. 31. |
| | Dec. 21–Jan. 2. |
| West Virginia [1] | Sept. 1–Sept. 30. |
| | Oct. 10–Oct. 27. |
| | Dec. 25–Jan. 15. |
| Wisconsin | Closed season. |

[1] In Alabama, the daily bag and possession limit is 18. In Pennsylvania and West Virginia, the daily bag limit is 12 and the possession limit is 24.

(b) *Mourning doves—Central Management Unit.*

| | |
|---|---|
| Daily bag limit | 10 |
| Possession limit | 20 |

Shooting hours: One-half hour before sunrise until sunset.
Check State regulations for additional restrictions.

| Seasons in: | |
|---|---|
| Arkansas | Sept. 1–Oct. 5. |
| | Dec. 1–Dec. 25. |
| Colorado | Sept. 1–Oct. 30. |
| Iowa | Closed season. |
| Kansas | Sept. 1–Oct. 30. |
| Minnesota | Closed season. |
| Missouri | Sept. 1–Oct. 30. |
| Montana | Closed season. |
| Nebraska | Do. |
| New Mexico [1] | Sept. 1–Sept. 30. |
| | Nov. 28–Dec. 27. |
| North Dakota | Closed season. |
| Oklahoma | Sept. 1–Oct. 30. |
| South Dakota [5] | Sept. 1–Sept. 14. |
| Texas: [2] | |
| Northern area [3] | Sept. 1–Oct. 30. |
| Southern area [4] | Sept. 26–Nov. 24. |
| Wyoming | Closed season. |

[1] In New Mexico, the daily bag limit is 10 and the possession limit is 20 white-winged and mourning doves, singly or in the aggregate of both kinds.

[2] In Texas, shooting hours are from 12 noon until sunset on all days in all counties.

[3] Counties of Val Verde, Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby and all counties north and west thereof.

[4] In the counties of Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy season ends Nov. 20; mourning doves may also be hunted in these counties Sept. 5–6 and Sept. 12–13.

[5] In South Dakota, shooting hours are from sunrise until sunset.

(c) *Mourning doves—Western Management Unit.*

| | |
|---|---|
| Daily bag limit | 10 |
| Possession limit | 20 |

Shooting hours: One-half hour before sunrise until sunset.
Check State regulations for additional restrictions.

| Seasons in: | |
|---|---|
| Arizona | Sept. 1–Sept. 20. |
| | Dec. 12–Jan. 10. |

Seasons in—Continued

| | |
|---|---|
| California [1] | Sept. 1–Sept. 30. Nov. 28–Dec. 13. |
| Idaho | Sept. 1–Sept. 20. |
| Nevada [1] | Sept. 1–Oct. 20. |
| Oregon | Sept. 1–Sept. 30. |
| Utah | Do. |
| Washington | Do. |

[1] In those counties of California and Nevada having an open season on white-winged doves, the daily bag limit is 10 and the possession limit is 20 mourning and white-winged doves, singly or in the aggregate of both kinds.

NOTICE: Hawaii: Subject to the applicable provisions of the preceding sections of this part, mourning doves may be taken in accordance with the State regulations.

(d) *White-winged doves.*

Daily bag and possession limits (see footnote [2])

Shooting hours: One-half hour before sunrise until sunset.

Check State regulations for additional restrictions.

Seasons in:

| | |
|---|---|
| Arizona | Sept. 1–Sept. 20. Dec. 12–Jan. 10. |
| California: | |
| Counties of Imperial, Riverside, and San Bernardino. | Sept. 1–Sept. 30. Nov. 28–Dec. 13. |
| Remainder of State. | Closed season. |
| Nevada: | |
| Counties of Clark and Nye. | Sept. 1–Oct. 20. |
| Remainder of State. | Closed season. |
| New Mexico | Sept. 1–Sept. 30. Nov. 28–Dec. 27. |
| Texas: [1] | |
| Counties of Brewster, Brooks, Cameron, Culberson, Dimmit, El Paso, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Kenedy, Kinney, LaSalle, Maverick, Presidio, Starr, Terrell, Val Verde, Webb, Willacy, and Zapata. | Sept. 5 and 6. Sept. 12 and 13. |
| Remainder of State. | Closed season. |

[1] In Texas, shooting hours are from 12 noon until sunset.

[2] In Arizona, the daily bag and possession limit is 10 white-winged doves. In California, Nevada, and New Mexico, the daily bag limit is 10 and the possession limit is 20 white-winged and mourning doves, singly or in the aggregate of both kinds. In Texas, the daily bag limit is 10 and the possession limit is 20 white-winged doves.

(e) *Band-tailed pigeons.*

Daily bag and possession limit [1] 8

Shooting hours: One-half hour before sunrise until sunset.

Check State regulations for additional restrictions.

Seasons in:

| | |
|---|---|
| Arizona [2] | Oct. 17–Oct. 25. |
| California: | |
| Counties of Butte, Del Norte, Glen, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity. | Oct. 3–Nov. 1. |
| Remainder of State | Dec. 12–Jan. 10. |
| Colorado [2] | Sept. 12–Sept. 20. |
| New Mexico [2] | Oct. 17–Oct. 25. |
| Oregon | Sept. 1–Sept. 30. |
| Utah [2] | Sept. 12–Sept. 20. |
| Washington | Sept. 1–Sept. 30. |

[1] In Arizona, Colorado, New Mexico, and Utah the daily bag limit is 5 and possession limit of 10.

[2] Every hunter must have been issued and carry on his person while hunting band-tailed pigeons a properly validated special band-tailed pigeon hunting permit issued by the game department of each respective State for the open season in that State. Such a special band-tailed pigeon hunting permit will be issued upon application to the State game department of the State in which hunting is to be done. Permits issued by any State will be valid in that State only. This season shall be open only in the area described, delineated, and designated as such by the States of Arizona, Colorado, New Mexico, and Utah in their respective hunting regulations.

Section 10.46 is amended to read as follows:

**§ 10.46 Seasons and limits on rails, woodcock, and common snipe (Wilson's).**

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed between the dates of September 1, 1970, and February 15, 1971, as follows:

(a) *Atlantic Flyway States.*

| | Rails (Sora and Virginia) | Woodcock | Common snipe (Wilson's) |
|---|---|---|---|
| Daily bag limit | [1] 25 | 5 | 8 |
| Possession limit | [1] 25 | 10 | 16 |

Shooting hours: [2] One-half hour before sunrise until sunset on all species.
Check State regulations for additional restrictions.

Seasons in:

| | | | |
|---|---|---|---|
| Connecticut [3] | Sept. 1–Nov. 9 | Oct. 17–Dec. 19 | Oct. 17–Dec. 19. |
| Delaware [3] | Sept. 1–Nov. 9 | Nov. 20–Jan. 23 | Nov. 20–Jan. 23. |
| District of Columbia | Closed season | Closed season | Closed season. |
| Florida [4] | Sept. 5–Nov. 13 | Nov. 21–Jan. 24 | See footnote 9. |
| Georgia [4] | Sept. 12–Nov. 20 | Nov. 20–Jan. 23 | Dec. 11–Feb. 13. |
| Maine | Sept. 1–Nov. 9 | Oct. 1–Nov. 30 | Oct. 1–Nov. 30. |
| Maryland [3] | Sept. 1–Nov. 9 | Oct. 9–Dec. 12 | Oct. 9–Dec. 12. |
| Massachusetts | Sept. 12–Nov. 20 | Oct. 10–Nov. 30 | Sept. 12–Nov. 15. |
| New Hampshire | Closed season | Oct. 1–Dec. 1 | Oct. 1–Dec. 1. |
| New Jersey [3 5] | Sept. 1–Nov. 9 | Oct. 3–Dec. 5 | See footnote 9. |
| New York [2 3 5 7] | Sept. 1–Nov. 9 | Sept. 21–Nov. 24 | Sept. 21–Nov. 24. |
| North Carolina [4] | Sept. 1–Nov. 9 | Dec. 11–Feb. 13 | Nov. 14–Jan. 16. |
| Pennsylvania | Sept. 1–Nov. 9 | Oct. 17–Dec. 19 | Sept. 14–Nov. 17. |
| Rhode Island [3] | Sept. 8–Nov. 16 | {Oct. 24–Dec. 4 / Dec. 14–Jan. 5} | Sept. 8–Nov. 11. |
| South Carolina [4] | Sept. 12–Nov. 20 | Dec. 13–Feb. 15 | Dec. 13–Feb. 15. |
| Vermont | Sept. 26–Dec. 4 | Sept. 26–Nov. 29 | Sept. 26–Nov. 29. |
| Virginia [4] | Sept. 10–Nov. 18 | Nov. 16–Jan. 19 | Nov. 16–Jan. 19. |
| West Virginia | Sept. 19–Nov. 27 | {Sept. 19–Sept. 26 / Oct. 10–Dec. 5} | Sept. 19–Sept. 26. Oct. 10–Dec. 5. |

[1] Applies singly or in the aggregate of the two species.
[2] In New Jersey and New York, shooting hours on woodcock are sunrise to sunset.
[3] In the States of Connecticut, Delaware, Maryland, New Jersey, New York, and Rhode Island, the daily bag limit on king and clapper rails is 7 and the possession limit is 14 singly or in the aggregate of these two species.
[4] In the States of Florida, Georgia, North Carolina, South Carolina, and Virginia, the daily bag limit on king and clapper rails is 15 and the possession limit is 30 singly or in the aggregate of these two species.
[5] The season on woodcock in the State of New Jersey will be closed on November 6 and will reopen on November 7 at 9 a.m.
[6] The season on rails in the Long Island area (Long Island and that part of Westchester County lying south of the Hutchinson River Parkway) is Sept. 14–Nov. 9.
[7] The season for woodcock in the Southern Zone is Oct. 1–Nov. 24.
[8] The season for common snipe (Wilson's) in the Southern Zone is Oct. 1–Nov. 24.
[9] The season for snipe will open and run concurrently with the open season for ducks: *Provided*, That the open season shall not extend beyond the last day of the duck season or 65 consecutive days, whichever is the shorter period.

(b) *Mississippi Flyway States.*

| | Rails (Sora and Virginia) | Woodcock | Common snipe (Wilson's) |
|---|---|---|---|
| Daily bag limit | [1] 25 | 5 | 8 |
| Possession limit | [1] 25 | 10 | 16 |

Shooting hours: One-half hour before sunrise until sunset on all species.
Check State regulations for additional restrictions.

Seasons in:

| | | | |
|---|---|---|---|
| Alabama [2] | Nov. 7–Jan. 15 | Dec. 12–Feb. 15 | Dec. 13–Feb. 15. |
| Arkansas | Sept. 1–Nov. 9 | Dec. 1–Feb. 3 | Dec. 1–Feb. 3. |
| Illinois [6] | Closed season | Oct. 1–Dec. 4 | See footnote 6. |
| Indiana | Sept. 1–Nov. 9 | Sept. 19–Nov. 22 | Sept. 19–Nov. 22. |
| Iowa | Closed season | Closed season | See footnote 6. |
| Kentucky | Nov. 19–Jan. 15 | Nov. 19–Jan. 22 | Nov. 19–Jan. 22. |
| Louisiana [2] | Oct. 31–Jan. 8 | Nov. 26–Nov. 29 | Dec. 12–Feb. 14. |
| Michigan: [4] | | | |
| 5 Special areas | Sept. 15–Sept. 30 | | Sept. 15–Sept. 30. |
| Remainder of State | See footnote 5 | | See footnote 6. |
| Zones 1 and 2 | | Sept. 15–Nov. 14 | |
| Zone 3 | | Oct. 20–Nov. 14 | |
| Minnesota | Sept. 5–Nov. 13 | Sept. 5–Nov. 8 | Sept. 5–Nov. 8. |
| Mississippi [3] | Oct. 31–Jan. 8 | Dec. 12–Feb. 14 | Dec. 12–Feb. 14. |
| Missouri | Sept. 1–Nov. 9 | Oct. 1–Dec. 4 | Oct. 1–Dec. 4. |

See footnotes at end of table.

| | Rails (Sora and Virginia) | Woodcock | Common snipe (Wilson's) |
|---|---|---|---|
| Season's in—Continued | | | |
| Ohio | Sept. 1–Nov. 9 | Sept. 18–Nov. 21 | Sept. 18–Nov. 21. |
| Tennessee | See footnote 5 | Nov. 26–Jan. 29 | See footnote 6. |
| Wisconsin | See footnote 5 | Sept. 12–Nov. 15 | See footnote 6. |

[1] Applies singly or in the aggregate of the two species.
[2] In the State of Alabama:
a. The daily bag limit on king and clapper rails is 15 and the possession limit is 15 singly or in the aggregate of these two species.
b. The daily bag limit on woodcock is 5 and the possession limit is 5.
c. The daily bag limit on snipe is 8 and the possession limit is 8.
[3] In the States of Louisiana and Mississippi, the daily bag limit on king and clapper rails is 15 and the possession limit is 30 singly or in the aggregate of these two species.
[4] Shooting hours are sunrise to sunset e.s.t. from Sept. 15–Sept. 30.
[5] The season on rail will open and run concurrently with the duck season: *Provided*, That the open season shall not extend beyond the last day of the duck season or 70 consecutive days, whichever is the shorter period.
[6] The season on snipe will open and run concurrently with the duck season: *Provided*, That the open season shall not extend beyond the last day of the duck season or 65 consecutive days, whichever is the shorter period.

(c) *Central Flyway States.*

| | Rails (Sora and Virginia) | Woodcock | Common snipe (Wilson's) |
|---|---|---|---|
| Daily bag limit | [1] 25 | 5 | 8 |
| Possession limit | [1] 25 | 10 | 16 |

Shooting hours: One-half hour before sunrise until sunset on all species.
Check State regulations for additional restrictions.

| | | | |
|---|---|---|---|
| Seasons in: | | | |
| Colorado | Sept. 1–Nov. 9 | Closed season | Sept. 1–Nov. 4. |
| Kansas | Sept. 1–Nov. 9 | Oct. 17–Dec. 20 | Sept. 19–Nov. 22. |
| Montana | Closed season | Closed season | See footnote 2. |
| Nebraska | Sept. 1–Nov. 9 | Closed season | Sept. 15–Nov. 18. |
| New Mexico | Closed season | Closed season | Closed season. |
| North Dakota | Closed season | Closed season | Sept. 12–Nov. 15. |
| Oklahoma | Sept. 1–Nov. 9 | Nov. 21–Jan. 14 | Nov. 21–Jan. 14. |
| South Dakota [4] | Closed season | Closed season | Sept. 1–Oct. 31. |
| Texas [3] | Sept. 1–Nov. 9 | Nov. 21–Jan. 24 | Nov. 21–Jan. 24. |
| Wyoming [4] | Oct. 3–Dec. 6 | Closed season | Oct. 3–Dec. 6. |

[1] Applies singly or in the aggregate of the two species.
[2] The season on snipe in the Pacific Flyway may open and run concurrently with the duck season: *Provided*, That the open season shall not extend beyond the last day of the duck season or 65 consecutive days, whichever is the shorter period. The season on snipe is closed in the Central Flyway.
[3] In the State of Texas, the daily bag limit on king and clapper rails is 15 and the possession limit is 30 singly or in the aggregate of those two species.
[4] The season on rails is closed in the Pacific Flyway.
[5] Shooting hours for snipe are from sunrise until sunset.

Section 10.51 is amended to read as follows:

**§ 10.51 Migratory game bird hunting seasons in Alaska.**

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed between the dates of September 1, 1970, and January 26, 1971, as follows:

| | Ducks | Geese | Coots | Brant | Common snipe (Wilson's) | Little Brown cranes |
|---|---|---|---|---|---|---|
| Daily bag limit | [1] 6 | [2] 6 | 15 | 4 | 8 | 2 |
| Possession limit | [1] 18 | [2] 12 | 15 | 8 | 16 | 4 |

Shooting hours: One-half hour before sunrise to sunset.
Check State regulations for additional restrictions.

| | | | |
|---|---|---|---|
| Season dates in: | | | |
| Pribilof, Kodiak (Game Management Unit 8), Aleutian Islands except Unimak Island. | Oct. 14–Jan. 26 | Sept. 1–Oct. 31 | Sept. 1–Oct. 15. |
| Remainder of Alaska and Unimak Island. | Sept. 1–Dec. 4 | Sept. 1–Oct. 31 | Sept. 1–Oct. 15. |

[1] In addition to the basic daily bag and possession limits, a daily bag limit of 15 and a possession limit of 30 is permitted singly or in the aggregate of the following species: Scoter, eider, old-squaw, harlequin, and American and red-breasted mergansers.
[2] The daily bag and possession limits may not include more than 4 daily and 8 in possession of white-fronted and Canada geese, singly or in the aggregate. In addition to the daily bag and possession limits on other geese, the daily bag limit is 6 and the possession limit is 12 on Emperor geese.

Section 10.53 is amended to read as follows:

**§ 10.53 Seasons and limits on waterfowl, coots, gallinule, and common snipe (Wilson's).**

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) (1) An open season for taking scoter, eider, and old-squaw ducks is prescribed during the period between September 25, 1970, and January 10, 1971, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in the States of Maine, Massachusetts, Rhode Island, New Hampshire, and Connecticut; and in those coastal waters of New York State lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of New York lying south of Long Island; the States of New Jersey, Virginia, North Carolina, South Carolina, and Georgia, may upon their election, have such special season in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least one (1) mile of open water from any shore, island, and emergent vegetation; and the State of Maryland may, at its election, have such special season in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation: *Provided*, That any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

(2) The daily bag limit is seven and the possession limit is 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily bag limit of seven and a possession limit of 14 scoter, eider, and old-squaw ducks, singly or in the aggregate of these species.

(3) Shooting hours are from one-half hour before sunrise until sunset.

(4) Notwithstanding the provisions of § 10.3, the shooting of crippled waterfowl from a motorboat under power will be permitted in the States of Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, and

Maryland in those areas described, delineated, and designated in their respective hunting regulations as being open to sea duck hunting.

(b) Seasons and limits on teal: Subject to the applicable provisions of the preceding sections of this part, an open hunting season of not more than 9 consecutive days, between September 1, 1970, and September 30, 1970, for teal ducks (blue-winged, green-winged, and cinnamon teal) is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the following States:

| | |
|---|---|
| Daily bag limit | 4 |
| Possession limit | 8 |
| Shooting hours: Sunrise to sunset daily. | |
| Seasons in: | |
| Atlantic Flyway States: | |
| Maine [1] | Sept. 11–19. |
| Mississippi Flyway States: | |
| Alabama | Sept. 22–30. |
| Arkansas | Do. |
| Illinois | Sept. 19–27. |
| Indiana [2] | Sept. 12–20. |
| Louisiana | Sept. 19–27. |
| Mississippi | Do. |
| Missouri | Sept. 12–20. |
| Ohio | Sept. 18–26. |
| Tennessee | Sept. 19–27. |
| Central Flyway States: | |
| Colorado [3] | Sept. 5–13. |
| Kansas [4] | Do. |
| Montana | Sept. 19–27. |
| Nebraska | Sept. 12–20. |
| New Mexico | Sept. 19–27. |
| Oklahoma | Sept. 12–20. |
| Texas | Do. |

[1] The season is restricted to the tidal waters of Merrymeeting Bay as defined in State Fish and Game Laws. Each person must have been issued and carry on his person while hunting a properly validated teal hunting permit issued by the State.

[2] In those counties on eastern daylight saving time, shooting hours begin at 8 a.m. In all other counties, shooting hours begin at 7 a.m.

The Kankakee Fish and Wildlife Area is closed to hunting by State regulations during this teal season.

[3] Colorado: Jackson County and that portion of the State lying east of State Highway 71, U.S. Highway 350, and Interstate Highway 25.

[4] Kansas: The entire State except the Marais des Cygnes Waterfowl Management Area in Linn County and the Neosho Waterfowl Management Area in Neosho County.

(c) Gallinule:

| | |
|---|---|
| Daily bag limit | 15 |
| Possession limit | 30 |
| Shooting hours: One-half hour before sunrise to sunset. | |
| Check State regulations for additional restrictions. | |
| Seasons in: | |
| Atlantic Flyway: | |
| Connecticut | Sept. 1–Nov. 9. |
| Delaware | Do. |
| Florida | Sept. 5–Nov. 13. |
| Georgia | See footnote 1. |
| Maine | Closed season. |
| Maryland | Sept. 1–Nov. 9. |
| Massachusetts | See footnote. 1. |
| New Hampshire | Closed season. |
| New Jersey | Sept. 1–Nov. 9. |
| New York [2] | Do. |
| North Carolina | Do. |
| Pennsylvania | Do. |
| Rhode Island | Sept. 8–Nov. 16. |
| South Carolina | Sept. 12–Nov. 20. |
| Vermont | Sept. 26–Dec. 4. |
| Virginia | See footnote 1. |
| West Virginia | Sept. 19–Nov. 27. |
| Seasons in—Continued | |
| Mississippi Flyway: | |
| Alabama | Nov. 7–Jan. 15. |
| Arkansas | Do. |
| Illinois | Closed season. |
| Indiana | Sept. 1–Nov. 9. |
| Iowa | Closed season. |
| Kentucky | Nov. 19–Jan. 15. |
| Louisiana | Sept. 5–Nov. 13. |
| Michigan | See footnote 1. |
| Minnesota | Do. |
| Mississippi | Oct. 31–Jan. 8. |
| Missouri | See footnote 1. |
| Ohio | Sept. 1–Nov. 9. |
| Tennessee | See footnote 1. |
| Wisconsin | Do. |
| Central Flyway: | |
| Colorado | Closed season. |
| Kansas | Sept. 1–Nov. 9. |
| Montana | Closed season. |
| Nebraska | See footnote 1. |
| New Mexico | Do. |
| North Dakota | Closed season. |
| Oklahoma | Sept. 1–Nov. 9. |
| South Dakota | Closed season. |
| Texas | Sept. 1–Nov. 9. |
| Wyoming | Closed season. |
| Pacific Flyway | See footnote 1. |

[1] Some States establish their gallinule season at the time they select their duck season in August. Consult Regulatory Announcement 86 and State regulations for information concerning the gallinule season if the dates are not published in this table.

[2] In the Long Island area (Long Island and that part of Westchester County, lying south of the Hutchinson River Parkway), the season on gallinule is Sept. 14–Nov. 9.

(d) Horicon Zone:

(1) In Wisconsin, during the 1970–71 waterfowl season, the kill of Canada geese will be limited to not more than 35,000 birds; 20,000 of which may be taken in the area designated as the Horicon Zone and 15,000 in the remainder of the State.

(2) The Horicon Zone includes portions of Columbia, Dodge, Fon du Lac, Green Lake, Marquette, Waushara, Washington, and Winnebago Counties, bounded on the north by State Highway 21, on the east by U.S. Highway 45 from Oshkosh to Fond du Lac and then State Highways 175 and 83, on the south by State Highway 60, and on the west by State Highway 73.

CANADA GEESE

| | Horicon zone | Remainder of State |
|---|---|---|
| Daily bag limit | 1 | 1 |
| Possession limit | 1 | 2 |
| Season | Oct. 17–Nov. 1 | To be selected. |
| Shooting hours: One-half hour before sunrise until sunset daily. | | |

(3) Seasons and tag validity: In the Horicon Zone, the hunting periods and numbers of valid permits and tags issued in each period will be as follows:

| Period No. | Valid dates (inclusive) | Number of permits and tags issued | Days valid |
|---|---|---|---|
| 1 | Oct. 17–Oct. 30 | 14,250 | 14 |
| 2 | Oct. 19–Nov. 1 | 14,250 | 14 |

In the remainder of Wisconsin, excluding the Horicon Zone, permits will be valid for the full length of the Canada goose season.

(i) (a) Each person must have been issued in his name and must carry on his person while hunting Canada geese in Wisconsin a valid State hunting license, Migratory Bird Hunting Stamp, and a valid Canada goose permit and report card, to hunt Canada geese in Wisconsin during the 1970 season. Hunters less than 16 years of age are not required to have a Migratory Bird Hunting Stamp.

(b) In addition, each person must have been issued in his name and must carry on his person while hunting Canada geese in the Horicon Zone, a Canada goose tag serially numbered to correspond to their Canada Goose Permit and report card. The required permits and tags are nontransferable.

(ii) (a) In the Horicon Zone to be valid, the permit must remain attached to the report card until a Canada goose is reduced to possession. Immediately after a Canada goose is killed and reduced to possession in the Horicon Zone, the tag must be affixed and securely locked around either leg of the Canada goose.

(b) The goose may not be carried by hand or transported in any manner without the tag being attached. The tag must remain on the goose until it reaches the abode of the permit holder. The tag is not valid for reuse.

(iii) (a) It is mandatory that each person hunting in the Horicon Zone, report on tag use or nonuse, using the report card provided within 12 hours after a Canada goose is killed or the close of the period, whichever occurs first.

(b) Outside the Horicon Zone, each permit holder must report the number of Canada geese he killed using the report card provided. The report must be placed in the mail within 12 hours following the close of the period for which the permit was valid.

(4) Application procedure:

(i) Applications will be made available to the public about the last week of August and must be mailed no later than September 12, 1970. All applications postmarked after September 12, 1970, will be disqualified, excepting applications from persons in the military service on duty outside the State during the regular application period. Such persons may apply anytime after September 13, 1970. Such applications must be accompanied by a notarized statement attesting such duty. Applications will be disqualified because of incompleteness, illegibility, tardiness in receipt, or duplication. A duplicate application will disqualify all applications by an individual.

(ii) In the Horicon Zone, each successful applicant will receive one permit, tag, and report card. In the event that the number of applicants exceeds the number of permits and tags available, successful applicants will be randomly selected by electronic data processing (EDP) equipment. Nonresident applicants will not be discriminated against. If two or more persons wish to hunt together in the Horicon Zone, each must fill out an application form and submit them together in an envelope marked "Group Application." Group applications

will be considered in the selection as one application.

(iii) In the remainder of Wisconsin, outside the Horicon Zone, a permit and report card will be issued to each applicant. Applicants unsuccessful in receiving a permit, tag, and report card valid for the Horicon Zone will receive a permit and report card valid in the remainder of the State. Individual applicants may receive a permit, tag, and report card valid in the Horicon Zone or a permit and report card valid in the remainder of the State, but may not receive them for both zones.

(iv) Tags and permits will be issued in the name of individuals, and will be nontransferable. Applications must be signed by the person(s) requesting tags and permits.

(v) Application forms will be available from county clerks, State hunting and fishing license depots, and from Wisconsin conservation department offices in Spooner, Woodruff, Black River Falls, Oshkosh, and Madison.

JOHN S. GOTTSCHALK,
*Director, Bureau of Sport Fisheries and Wildlife.*

JULY 21, 1970.

[F.R. Doc. 70-9553; Filed, July 24, 1970; 8:45 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[ 19 CFR Parts 4, 19, 111 ]

### SECURITY OF CARGO IN UNLADING AREAS

### Permit To Unlade; Notice of Extension of Time for Submission of Data, Views, or Arguments

JULY 23, 1970.

A notice of the proposed amendment of the regulations to prescribe security measures for the protection of cargo in unlading areas was published in the FEDERAL REGISTER of June 26, 1970 (35 F.R. 10463). Thirty days from the date of publication of the notice were given for the submission of data, views, or arguments pertinent to the proposed amendments.

A number of requests have been received for extension of the time for the submission of comments. Therefore, the period for the submission of data, views, or arguments is extended to August 24, 1970.

[SEAL] ROBERT V. MCINTYRE,
*Acting Commissioner of Customs.*

[F.R. Doc. 70-9690; Filed, July 24, 1970; 8:51 a.m.]

## DEPARTMENT OF JUSTICE

### Bureau of Narcotics and Dangerous Drugs

[ 26 CFR Part 151 ]

### REGULATORY TAXES ON NARCOTIC DRUGS

### Administering and Dispensing Requirements; Extension of Time for Filing Comments

On June 11, 1970, a notice was published in the FEDERAL REGISTER (35 F.R. 9015) proposing that § 151.411 of Part 151 of Title 26 of the Code of Federal Regulations be amended to clarify the conditions under which narcotic drugs may be administered or dispensed in the course of narcotic addict rehabilitation programs. The notice provided for the filing of comments within 30 days after publication in the FEDERAL REGISTER.

The Bureau of Narcotics and Dangerous Drugs has received a request for an extension of time for the filing of such comments. After conferring with the Commissioner of the Food and Drug Administration, it has been concluded that good reason is present for the extension of time to comment. Therefore, the time for filing comments on the proposed regulation is extended for an additional 30 days. A similar extension of time is being afforded by the Food and Drug Administation concerning this matter, and is published in this issue of the FEDERAL REGISTER.

This notice is being issued under the same authority as that cited in the original notice, and any comments should be filed at the same location as listed in the original notice.

Dated: July 17, 1970.

JOHN E. INGERSOLL,
*Director, Bureau of Narcotics and Dangerous Drugs.*

[F.R. Doc. 70-9589; Filed, July 24, 1970; 8:46 a.m.]

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

[ 7 CFR Part 948 ]

[Area 2]

### IRISH POTATOES GROWN IN COLORADO

### Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Area Committee for Area No. 2 established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948).

This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 948.264 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area Committee for Area No. 2 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending June 30, 1971, will amount to $12,492.50.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be $0.0025 per hundredweight of potatoes grown in Area No. 2 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1971, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

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

Dated: July 22, 1970.

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

[F.R. Doc. 70-9644; Filed, July 24, 1970; 8:51 a.m.]

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[ 7 CFR Part 948 ]

[Area 3]

### IRISH POTATOES GROWN IN COLORADO

### Fiscal Period and Expenses and Rate of Assessment

Notice is hereby given of a proposal to change the fiscal period for Area No. 3 which began June 1, 1970, to extend it through June 30, 1971, and to change subsequent fiscal periods to begin July 1 each year and to end June 30 of the following year, the same as for Areas No. 1 and No. 2.

Consideration also is being given to the approval of the expenses and rate of assessment, hereinafter set forth. These proposals were recommended by the Area Committee for Area No. 3 established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948).

This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

1. Amend § 948.103 to read as follows:

§ 948.103 Fiscal period.

The fiscal periods for all three areas shall begin July 1 and end June 30 of the following year, both dates inclusive.

2. Add § 948.263 to read as follows:

§ 948.263 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 3 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending June 30, 1971, will amount to $5,810.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be $0.0075 per hundredweight of potatoes grown in Area No. 3 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1971, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

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

Dated: July 22, 1970.

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

[F.R. Doc. 70–9645; Filed, July 24, 1970; 8:51 a.m.]

## [ 7 CFR Parts 1001–1004, 1015, 1016 ]

[Docket No. AO–14–A47–R02, etc.]

## MILK IN MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE AND CERTAIN OTHER MARKETING AREAS

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

| 7 CFR part | Marketing area | Docket No. |
|---|---|---|
| 1001 | Massachusetts-Rhode Island-New Hampshire. | AO–14–A47–R02. |
| 1002 | New York-New Jersey | AO–71–A60. |
| 1003 | Washington, D.C. | AO–293–A23–R03. |
| 1004 | Delaware Valley | AO–160–A43–R03. |
| 1015 | Connecticut | AO–305–A26. |
| 1016 | Upper Chesapeake Bay | AO–312–A20–R03. |

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Massachusetts-Rhode Island-New Hampshire, New York-New Jersey, Washington, D.C., Delaware Valley, Connecticut and Upper Chesapeake Bay marketing areas which was issued July 7, 1970, 35 F.R. 11129, is hereby extended to August 25, 1970.

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

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

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

[F.R. Doc. 70–9586; Filed, July 24, 1970; 8:46 a.m.]

## [ 7 CFR Part 1138 ]

[Docket No. AO 335–A16]

## MILK IN RIO GRANDE VALLEY MARKETING AREA

### Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Rio Grande Valley Marketing Area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and opportunity to file exceptions thereto are issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

*Preliminary statement.* The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Albuquerque, N. Mex., on June 9, 1970, pursuant to notice thereof which was issued May 25, 1970 (35 F.R. 8448).

The material issues on the record of the hearing relate to:

1. Whether credits for certain Class II dispositions of producer milk should be continued after August 1970.

2. An appropriate limit to the amount that the Class I price may be reduced by location adjustments in computing obligations of regulated handlers with respect to receipts of unregulated milk or obligations of partially regulated handlers.

3. Appropriate application of the order in a circumstance where Class I milk is moved from a pool plant or an other order plant to a nonpool plant that in turn is an unregulated supply plant source of Class I milk at a pool plant.

*Findings and conclusions.* The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Credits for certain Class II uses.* The credits for certain Class II uses, including skim milk dumped or used for livestock feed and for skim milk moved to manufacturing plants outside the marketing area, should be discontinued.

Credits accorded handlers for specified Class II dispositions have been in effect since April 1966 pursuant to several temporary amendments. Primarily the problem arose from an excess of milk supply delivered in the marketing area from local and outside sources, in total, and a lack of manufacturing facilities in the area sufficient to utilize the excess. The credit provisions have made allowance for the cost of moving the excess milk from the marketing area to manufacturing plants outside the area.

A further provision has resulted in no charge to Rio Grande handlers for skim milk dumped or disposed of as livestock feed. From a producer standpoint, the latter has provided an alternative to moving some excess milk out of the marketing area but producers obtain only partial utilization for their milk. The cream separated is utilized primarily for the ice cream processing operations at pool plants. The Class II credits at the full value of the skim milk have applied to such dispositions of skim milk.

With respect to milk moved out of the marketing area for Class II use, the order has provided that "milk or skim milk transferred or diverted as Class II milk to a nonpool plant located outside the marketing area from a pool plant or from farms located within the marketing area" is subject to a credit to the handler of the per hundredweight value of the skim milk less 40 cents. In effect, the net obligation of the handler on such disposition has been 40 cents per hundredweight for the skim milk so moved.

A further provision for a credit on skim milk used to produce condensed milk has never been used.

The credit provisions currently in effect have an expiration date of August 31, 1970. The temporary extension to such date was based on a hearing held June 24, 1969.

In the hearing of June 9, 1970, it was proposed by the cooperative which has handled most of the milk in such dispositions that skim milk dumped continue to be allowed the same credit and that skim milk moved out of the marketing area be credited with a transportation factor of 1.5 cents per 10 miles off the Class II price. Both credits would apply through August 1971. The cooperative pointed out that during 1969 the special

provisions were used to transfer or divert out of the marketing area 24 million pounds of producer milk. Most of such disposition has been handled through the cooperative's pool plant at El Paso, Tex., from which it has been shipped to a manufacturing plant of the cooperative at Muenster, Tex., a distance of 625 miles. This plant is the closest manufacturing plant which has capacity to accommodate the volume of shipments involved.

During 1969, an additional 11 million pounds of skim milk were dumped pursuant to the credit provisions. Minor quantities were used for livestock feed.

All Class I distributing plants served by producer milk supplies are located in the marketing area. As previously stated, an important part of the problem in prior periods has been that substantial supplies were being shipped into the marketing area from distant sources outside, while at the same time large volumes of milk excess to handlers' fluid needs were being moved out of the marketing area to nonpool manufacturing plants.

The major part of the necessary market supply is produced within the marketing area. There are substantial additional quantities which have been regularly received from sources in Arizona, Colorado, Oklahoma, and Utah. During 1969, in-area production totaled 292 million pounds and milk receipts from outside sources totaled 67 million pounds. At the same time, however, more than 35 million pounds of milk and skim milk were disposed of either by transfer or diversion out of the marketing area for manufacturing, or as skim milk dumped.

Important changes in the market in recent months have minimized the basic problem which had necessitated substantial movements of milk from the market to nonpool plants outside the marketing area. The proponent cooperative, which now provides most of the milk supply in the marketing area, and two cooperatives furnishing most of the milk supplies brought in from outside sources, have arranged for systematic scheduling of their milk deliveries so that shipments from sources outside the market plus milk produced in the marketing area will approximate handlers' needs at all times. The principal outside sources during earlier periods have been producer members of cooperatives in the Central Arizona and Western Colorado Federal order markets. These sources are now included in the cooperatives' plan for scheduling shipments.

Another significant change in the market structure is the increase in proponent cooperative's membership among marketing area producers. This is the result of the consolidation of most of the membership of the New Mexico Milk Producers Association with that of Associated Milk Producers, Inc.

It was estimated that the arrangement among the three cooperatives will enable regular scheduling of delivery of approximately 90 percent of the producer milk supply on the market. This would be very nearly all of the in-area production not part of the own farm production of handlers, and all but a small fraction of the milk originating outside the marketing area.

The rational scheduling of shipments from outside the market should resolve the problem the credits were intended to deal with. The excess, if any, of supplies made available in the marketing area in relation to handlers' needs arises not because of excessive milk production in the area but because shipments in from outside have been greater than would be needed with full utilization by handlers of milk produced within the area. In most months production within the marketing area provides little margin over total handler Class I disposition. In 1969, marketing area production on a monthly basis averaged 24,330,295 pounds compared to handlers' Class I utilization of 22,843,718 pounds. This production-sales relationship is similar to that of other recent years, there having been no significant change in level of marketing area production or handlers' Class I sales.

Class II operations of pool plants in the marketing area also represent an outlet for local production not used in Class I. Cottage cheese produced in pool plants is a regular use of about 2.7 million pounds of milk monthly and thus is a logical outlet for both the skim milk and butterfat of producer milk. Handlers' Class II milk in cottage cheese and plant shrinkage, together about three million pounds per month, has in all but one month of the January 1969–April 1970 period been as much as marketing area production remaining after subtracting handlers' Class I sales.

In the one month, June 1969, cottage cheese use and shrinkage was 3.3 million pounds compared to 4.5 million pounds of production over Class I use. There is, however, a seasonal increase at this time in handlers' other principal Class II use, ice cream made in pool plants, which utilized milk products equivalent to 2.6 million pounds during the month of fluid milk constitutents. It is thus possible that all but minor quantities of marketing area production could be used in handlers' pool plants in the marketing area, even in the months of heaviest production in the area.

From this it is apparent that marketing area production is usually less than handlers' requirements for all uses. Plants in the marketing area thus depend in part on supplies from outside the area to supplement in-area production as evidenced also by the fact that volume of out-of-area supplies in all but a few months has substantially exceeded quantities shipped out or dumped under the credit provisions. In 1969, out-of-area supplies of producer and other order milk averaged 5.6 million pounds monthly compared with 3 million pounds monthly disposed of under the credit provisions. Proponent cooperative also stated that there would be a continuing need for part of the previously associated supplies from sources outside the marketing area. It was estimated that 2 million pounds or more monthly from out-of-area sources will be required to serve the market adequately.

Proponent cooperative, in asking for continuation of the Class II credits, did not contend, in fact, that substantial quantities would be moved out of the market as in previous years. Rather, it was indicated that under the new arrangements there likely would be little need for this kind of movement. Continuance of the credits was requested primarily as provision against the contingency that new supplies might be added to the market by parties not participating in the plan of the cooperatives to schedule shipments according to market needs.

The above indicated conditions which were peculiar to this market in earlier periods constituted the basis for the special provisions to aid in the orderly disposal of milk excess to handlers' needs in the marketing area. From 1966, until recently, such excess milk presented a difficult problem. During this period the burden of handling such milk fell principally on proponent cooperative, as one among several cooperatives in the market, which at that time represented a much smaller segment of the producers and the total milk supply than it now does. The separate nature of the supply operations of the several cooperatives caused an artificial "surplus" in the market to be moved out when actually in-area production was well related to market needs.

The result of this market situation was a reduction in returns to producers for a substantial volume of Class II milk to a level below the value of reserve milk under normal conditions. This, in effect, was recognized in the special order provisions which were made effective.

Now, however, the means are available to cooperatives to eliminate the problem of excess milk supplies in the marketing area, due to consolidation of membership and the scheduling of supplies. The extra expense which reduced the returns of the milk in Class II, both on shipments into the area and at the same time for shipments from the marketing area to distant plants, can be reduced to a minimum. The quantities of milk from outside which are no longer needed regularly in the market can remain largely in other Federal order marketing areas subject to normal pricing for reserve milk in those markets.

Since the marketing area production normally is deficit in relation to handlers' total needs, adjustment of volumes shipped in should enable full utilization of local supplies. The means to achieve more efficient handling of milk supplies have been developed. The improved handling practices will be best supported by the pricing of reserve milk under the minimum pricing provisions of the order at its full value. The proposal to continue the credits on a contingency basis therefore is not adopted.

2. *Location adjustments applicable to nonpool milk.* A money obligation is due from a pool plant operator with respect to fluid milk products received from an unregulated supply plant if such receipts are allocated to Class I utilization. The handlers' payment is determined by charging him at the uniform price

pursuant to § 1138.70(e) and crediting him at the uniform price pursuant to § 1138.84(b)(2). These prices used are adjusted to the location of the unregulated plant from which the fluid milk products are received, except that the adjustment to the uniform price is limited so that the price is not less than the Class II price.

The adjustment to the Class I price for location of the nonpool plant should be similarly limited. If the nonpool plant from which the milk is received is at a great distance, the location adjustment could reduce the Class I price to less than the Class II price. In these circumstances the computation would indicate a payment out of the producer-settlement fund to the handler, tending to subsidize the receipt of unregulated milk. This would be contrary to the intent of the payment required on the receipts of unregulated milk. The purpose of the payment is to protect the classified pricing plan by providing reasonable price parity between fully regulated milk and milk not so regulated.

The same type of computation occurs in arriving at the obligation of a partially regulated distributing plant pursuant to § 1138.62(b)(5). In this provision the obligation of the partially regulated distributing plant is based on the Class I price at the location of the plant less the value of the milk at the uniform price at such location. The uniform price adjustment for location may not be less than the Class II price. The Class I price, similarly, after adjustment for location should be not less than the Class II price.

3. *Accounting for regulated milk received from a nonpool plant.* There should be no obligation required of a pool plant operator for milk received from an unregulated supply plant if the milk is identified by specific assignment to milk previously priced as Class I under this order or another order. This exception to the regular charge at the Class I price less the uniform price is necessary to prevent a double charge on milk originating from a pool plant or from other order plants where it has been fully priced as Class I milk.

Similarly, in the case of a partially regulated distributing plant, it should be made clear that no charge applies to Class I transfers to a pool plant if such transfer is assigned to milk previously priced under this order or another order before receipt at the partially regulated distributing plant.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Recommended marketing agreement and order amending the order.* The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Rio Grande Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

## PART 1138—MILK IN THE RIO GRANDE VALLEY MARKETING AREA

1. Section 1138.44(d)(3)(iii) is revised as follows:

**§ 1138.44 Transfers.**

* * * * *

(d) * * *

(3) * * *

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph (exclusive of transfers of fluid milk products to pool plants and other order plants) shall be assigned first to the receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant, and all remaining Class I utilization (including transfers of fluid milk products to pool plants and other order plants) shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

* * * * *

**§ 1138.46 [Amended]**

2. Section 1138.46 *Allocation of skim milk and butterfat classified* is amended as follows:

a. Paragraph (a)(1) is revised as follows:

(1) Subtract from the total pounds of skim milk classified:

(i) From Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under this or any other Federal milk order is classified and priced as Class I and is not used as an offset on any other payment obligation under this or any other order;

(ii) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1138.41(b)(7);

b. Paragraph (a)(3)(iv) is revised as follows:

(iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to subparagraph (1)(i) of this paragraph; and

c. In paragraph (a)(4) subdivision (i) and the introductory text of subdivision (ii) are revised as follows:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraphs (1)(i) and (3)(iv) of this paragraph, for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to subparagraphs (1)(i) and (3)(iv) of this paragraph and subdivision (i) of this subparagraph which are in excess of the pounds of skim milk determined as follows:

d. Paragraph (a)(6) is revised to read as follows:

(6) Add to the remaining pounds of skim milk in Class II the pounds subtracted pursuant to subparagraph (1)(ii) of this paragraph.

e. Paragraph (a)(7)(i) is revised as follows:

(i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraphs (1)(i), (3)(iv), and (4)(i) or (ii) of this paragraph;

§ 1138.55 [Deleted]

3. Section 1138.55 *Credit for specified Class II uses* is deleted in its entirety.

§ 1138.62 [Amended]

4. Section 1138.62 *Obligations of handler operating a partially regulated distributing plant* is amended as follows:

a. Paragraph (a)(1)(i) is revised as follows:

(i) The obligation that would have been computed pursuant to § 1138.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or an other order plant and transfers from such nonpool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. No obligation shall apply to Class I milk transferred to a pool plant or to an other order plant if such Class I utilization is assigned to receipts at the partially regulated distributing plant from pool plants and other order plants where such milk was classified and priced as Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1138.70(e) and a credit in the amount specified in § 1138.84(b)(2) with respect to receipts from an unregulated supply plant (except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price) unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph; and

b. Paragraph (b)(2) and (5) are revised as follows:

(2) Deduct the respective amounts of skim milk and butterfat received at the plant:

(i) As Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

* * * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price) subtract its value at the uniform price applicable at such location (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price) less the value of such skim milk at the Class II price.

§ 1138.70 [Amended]

5. Section 1138.70 *Computation of the net pool obligation of each handler* is amended as follows:

a. Paragraph (e) is revised as follows:

(e) With respect to skim milk and butterfat subtracted from Class I pursuant to § 1138.46(a)(7) and the corresponding step of § 1138.46(b) (excluding skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order), add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, but in no event shall such adjustment result in a Class I price lower than the Class II price.

b. Delete paragraph (f).

6. Section 1138.88 is revised as follows:

§ 1138.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 16th day after the end of the month 5 cents per hundredweight or such leser amount as the Secretary may prescribe, with respect to (a) producer milk including such handler's own production, (b) other source milk allocated to Class I pursuant to § 1138.46 (a)(2)(i), (3), and (7) and the corresponding steps of § 1138.46(b), except other source milk on which no handler obligation applies pursuant to § 1138.70 (e) and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk specified in § 1138.62 (b)(2): *Provided*, That if such handler elects pursuant to § 1138.36 to use two accounting periods in any month the applicable rate of assessment for such handler shall be the rate set forth above multipled by two or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

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

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

[F.R. Doc. 70-9646; Filed, July 24, 1970; 8:51 a.m.]

## [ 9 CFR Part 328 ]

## MEAT FOOD PRODUCTS

### Definitions and Standards of Composition and Labeling of Meat Patties and Mixes; Extension of Time for Filing Comments

On June 17, 1970, there was published in the FEDERAL REGISTER (35 F.R. 9931) a notice of proposed amendments of Part 328 of the Federal Meat Inspection Regulations (9 CFR Part 328) under the Federal Meat Inspection Act (21 U.S.C. Supp. V, 601 et seq.), to provide definitions and standards of composition and labeling of meat patties and mixes. The notice provided a period of 30 days following its publication in the FEDERAL REGISTER for interested parties to submit written data, views or arguments concerning the proposed amendments.

A number of petitions have been received for an extension of the period of time provided for the submission of comments on the proposed amendments. These petitions stated that knowledge of the FEDERAL REGISTER notice was not available to the petitioners for as much as 2 weeks after it was published because of distances and delays in delivery or for various other reasons. It is also contended by the petitioners that 30 days is insufficient time for the conduct of the reviews and conferences that will be required for the proper consideration of the proposals and the development and submission of suitable written responses.

These circumstances are deemed adequate justification for an extension of the time for filing comments. Therefore, notice is hereby given that any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours in a manner convenient to public business (7 CFR 1.27 (b)). Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on July 21, 1970.

G. R. GRANGE,
*Acting Administrator.*

[F.R. Doc. 70-9587; Filed, July 24, 1970; 8:46 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

[ 21 CFR Part 130 ]

## METHADONE

### Conditions for Investigational Use for Maintenance Programs for Narcotic Addicts; Extension of Time for Filing Comments

The notice published in the FEDERAL REGISTER of June 11, 1970 (35 F.R. 9014), proposing establishment of § 130.44 *Conditions for investigational use of methadone for maintenance programs for narcotic addicts*, provided for the filing of comments within 30 days after said date.

The Commissioner of Food and Drugs has received a request for an extension of such time. Having conferred with the Director, Bureau of Narcotics and Dangerous Drugs, and having found good reason for such extension, the Commissioner hereby extends the time for filing comments on the subject proposal to August 10, 1970.

A similar extension of time for filing comments on the guidelines of the Bureau of Narcotics and Dangerous Drugs, Department of Justice, is published in this issue of the FEDERAL REGISTER.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052–53, as amended, 1055; 21 U.S.C. 355, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 16, 1970.

SAM D. FINE,
*Acting Associate Commissioner for Compliance.*

[F.R. Doc. 70-9590; Filed, July 24, 1970; 8:46 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Parts 89, 91, 93, 95 ]

[Docket No. 18921; FCC 70-773]

## PRIVATE LAND MOBILE RADIO SERVICES

### Cooperative Use and Multiple Licensing of Stations

In the matter of amendment of Parts 89, 91, 93, and 95 of the Commission's rules to adopt new practices and procedures for cooperative use and multiple licensing of stations in the Private Land Mobile Radio Services, Docket No. 18921; amendment of Parts 89 (Subpart P), 91, 93, and 95 of the Commission's rules relating to sharing practices in the Safety and Special Radio Services, RM–1197; amendment of §§ 89.13, 91.6, and 95.87 of the Commission's rules to limit cooperative use and multiple licensing practices in the Safety and Special Radio Services and request for general inquiry into sharing practices in the private land mobile services, RM–1218; amendment of Part 91 of the Commission's rules to prohibit operation of jointly licensed radio stations by telephone answering services, RM–1330.

1. The Commission has before it for consideration petitions filed by Chalfont Communications (Chalfont) (RM–1197), the National Association of Radiotelephone Systems (NARS) (RM–1218), and jointly by American Radio-Telephone Service, Inc., Caprock Radio Dispatch, Fresno Mobile Radio, Inc., Radiofone, and Rogers Radio Communications Services, Inc. (referred to herein collectively as "American Radio"), (RM–1330). Petitioners ask that we institute rule making to limit substantially "cooperative use" and "multiple licensing" of stations in the Safety and Special Services. Their requests deal essentially with the same subject matter and are supported, basically, by the same arguments. Consequently, we have consolidated them for consideration. Also, they are variously supported and opposed by other parties, and their views are embraced in our overall review of this subject, but not separately identified.

I. *Background statement.* 2. Starting in 1929, with the cooperatively used radio system formed by Aeronautical Radio, Inc. (ARINC), licensees in the various Saftey and Special Radio Services have been permitted to share private communications facilities. This sharing has been authorized in three basic forms, either as a cooperative arrangement, where, with limitations, a station licensed to one eligible in a given service is used by other eligibles in the same service; or, in certain cases, a nonprofit corporation or association is the licensee of the facilities used to provide service to persons engaged in eligible activities; or, in more recent years, by multiple licensing, in which the same transmitting equipment is licensed to, and used by, more than one person, each of whom, again, is eligible in the same service.

3. Over the past few years, a number of miscellaneous common carriers, authorized under Part 21 of the rules, such as petitioners, have complained about the growth of some of these systems in the private land mobile services, arguing that not only are they unlawful (in contravention of title II of the Communications Act and of certain rules and regulations of the Commission), but also that, in practice, they provide the public with services similar to, and competitive with, those available from communications common carriers, yet under none of the restrictions and limitations, and with none of the obligations, applicable to regulated carriers. Because of this, they claim, the unregulated "carriers" (what they call "pseudo carriers") are able to compete "unfairly" and "destructively" with them, concluding, for these reasons, that these objectionable operations should either be abolished or so limited that they will no longer be competitive with services offered through regular carrier enterprises. The present rule-making petitions formally request substantially the same relief and advance the same basic arguments.

4. The chief concern of these miscellaneous common carriers is with sharing in the "mobile service." Principally, they object to "cooperative use" of one-way paging systems by physicians in the Special Emergency Radio Service and to the practice of "multiple licensing" of "community repeaters" to eligibles in the Business Radio Service. This being so, we will discuss in some detail the nature of these arrangements.

II. *The nature of cooperatives and multiple licensing arrangements.* 5. We have said the chief complaint of the carriers centers around cooperatives among physicians in the Special Emergency Radio Service and multiple licensing of community repeaters in the Business Radio Service. Before dealing with the specific relief petitioners request, it will be helpful to briefly describe how these sharing arrangements are carried out in practice.

6. As to cooperatives, a physician, usually a member of the local medical society, applies for a station in the Special Emergency Radio Service. Under the rules (§ 89.13) he may share (cooperatively use) this facility with other physicians who are individually eligible for licensing in this same service.

7. Generally, but not necessarily, the system is used for one-way paging. In it, the base station transmitter is either installed at, or controlled from, the offices of the telephone answering service used by the doctor-participants. This is almost always the case, for the entire purpose of "paging" is to permit patients to contact their physicians at times when the physicians are not available at their offices and cannot be reached elsewhere directly by telephone.

8. In practice, the patient, or someone for or on his behalf, dials the designated number of the answering service handling the physician's calls. The answering service then contacts the physician by one-way radio signaling when he cannot be reached directly by telephone. This brings another essential element of the system into focus, dispatching. There must be some prior designated person to act as the "dispatcher," and, usually, as we have said, this is done by the doctors' answering service.

9. This describes, basically, "cooperative use" of radio facilities by physicians in the Special Emergency Radio Service as presently authorized. The carriers object to it, particularly where the third party entity offering the answering service, not a carrier, agrees to provide a "packaged" service, that is, rental as well as dispatching of the required radio equipment (base station transmitter and one-way paging receivers) at fixed rates for each user. This is of singular concern, for physicians, as a class, have, in the past, been a good source of business for the carriers.

10. The other form of sharing of greatest concern to the carriers, "multiple licensing," arises most often out of arrangements made by equipment

manufacturers for the collective or joint use of what are known as "community repeaters." The practice has been in existence from about 1951, but it was not employed extensively until after the Business Radio Service was established in 1958. It is used there primarily in the 460–470 MHz band where paired frequencies, necessary for this mode of operation, are available.

11. In this arrangement, the "community repeater" or, as designated under our rules, "mobile relay station," is situated at a desirable site in the area to be served. In most instances, the repeater is controlled separately by each person licensed to use it from stations installed on his premises. Less often, the control station (radio), or control point (wireline), as the case may be, is located elsewhere, at times at the offices of the licensee's answering service.

12. Individually assigned "tone" signals are employed to activate the repeater, so that the communications of each licensee, to and from his respective mobile units, are heard only by the licensee, or his dispatcher, and his employees in his radio equipped vehicles. With "tone," the number of persons that can be accommodated over a repeater varies. Sometimes it is as high as 16; but most often it is in the 5 to 10 range, depending on the number of mobile units and the message loads of the individuals sharing the system.

13. In the vast majority of cases, the repeater is not owned by the licensees; rather, they lease it from an equipment supplier. Each licensee using the repeater is charged a fixed monthly rate as his share for its use. They can also lease control station equipment and mobile units from most manufacturers, and, additionally, arrange for service with these companies for all or any part of their radio system.

14. Some carriers object to these arrangements, because they see that, through them, persons are provided types of services which are similar to those available from themselves. Thus, although carriers do not "rent" their base station facilities, as such, they include in their tariffs a charge for its use and they do "rent" and often service "mobile units" and other equipment used by their customers. Other carriers (for example, the petitioners in RM–1330) have no great objection to this method of sharing, just as long as telephone answering enterprises do not provide a "packaged" communications service, i.e., dispatching and equipment leasing at scheduled charges.

15. In summary, then, the carriers complain chiefly about two forms of sharing, namely, "cooperative use" of radio stations by physicians in the Special Emergency Radio Service and "multiple licensing" of "community repeaters" to eligibles in the Business Radio Service. The three rule-making petitions, those in RM–1197, RM–1218, and RM–1330, are directed to one or both of these forms of sharing. With this background, we turn now to the specific prayers for relief advanced in each of the referenced petitions and to our decision on these matters.

III. *Matters relating to the requests for rule making in RM–1197, RM–1218, and RM–1330.* 16. The National Association of Radiotelephone Systems (NARS) (RM–1218), representing a number of miscellaneous common carriers, urges the Commission to adopt a basic rule, to be applied in the Business, Citizens and Special Emergency Radio Services, prohibiting cooperatives and multiple licensing of facilities which serve in excess of two participating members, where the systems would operate in any "area" served by a "licensed" miscellaneous common carrier. NARS proposes this rule for immediate adoption in the three services mentioned, but also asks the Commission to institute a formal inquiry to look into this subject, generally.[1]

17. In addition to the foregoing matters, the rule it seeks would require all applications for cooperative use or multiple licensing of facilities to be clearly designated as such and to be accompanied by a detailed showing as to: (1) The persons and equipment involved in the arrangements; (2) the costs and charges to be made for use of the equipment and for any services to be rendered in connection with its operation; and (3) the plan the participants have for sharing costs and for maintaining control over associated transmitters.

18. NARS would also require licensee-participants to maintain records, showing in detail the cost-sharing, nonprofit character of their operation, and to submit annual reports covering related fiscal affairs. All documents and records pertaining to the arrangements would be available for inspection by the Commission and by the public at all times and be subject to regular review by the staff. Additionally, proposals of this type would be listed in the Commission's "Public Notices" and interested parties would be afforded an opportunity to protest.

19. Chalfont Communications (Chalfont) (RH–1197) would adopt rules in the Industrial, Land Transportation, and Citizens Radio Services, and in the Special Emergency Radio Service, which would, in effect, abolish "cooperative use" of radio stations, but would, under severely restricted conditions, permit "multiple licensing," allowing it where:

(1) Each member of the group enters into written agreements with all other members sharing the facility, and such agreements are filed with, and approved by, the Commission prior to the commencement of operation.

(2) The group submits, in addition, written statements from third persons who are to supply goods or services: (a) Detailing what goods and services are to be supplied; (b) warranting the charge to the group will not be changed, regardless of the number of persons to share; (c) agreeing to make all relevant records available for public inspection; (d) stating that no "management services" will be supplied by the third party; and (e) acknowledging, on the part of the third party, that it has no authority to add users to the group, or to assume any of the duties or responsibilities of the group, or of members of the group, as licensees of the Commission.

20. Also, like NARS, Chalfont asks that public notice be given of all such applications, the ones it would permit, and that interested persons be afforded an opportunity to protest. As an added point, it suggests adoption of a measure similar to that sought by American Radio, described below, to restrict the conditions under which licensees would be allowed to take service from telephone answering concerns.

21. American Radio, together with the joint petitioners, identified above, would amend the rules governing the Industrial Radio Services (Part 91) to prohibit multiple (joint) licensing of any communication facility which is used by, or in conjunction with, a telephone answering service to dispatch radio messages to more than one subscriber.

22. To summarize, then, NARS' major objective (RM–1218) is immediate adoption of restrictive measures in the Business, Citizens, and Special Emergency Radio Services to prohibit cooperative and multiple licensing of stations involving more than two participating members in all areas served by miscellaneous common carriers. Chalfont's primary goal (RM–1197) is to abolish cooperative use of stations in the Special Emergency, Industrial, Land Transportation, and Citizens Radio Services and to permit "multiple licensing" only under limited conditions. American Radio (RM–1330) is more specific. It would have us adopt measures to preclude persons conducting telephone answering businesses from dispatching for more than one person using multiple licensed transmitters.

IV. *Opinion.* 23. As observed, the basic relief asked by petitioners and their supporting arguments are, essentially, the same. They say that cooperative and multiple licensing arrangements, as they are authorized and carried out in actual practice, function unlawfully as common carriers and are competitively "unfair" and "destructive;" and to the extent they are allowed, if at all, they should be closely regulated, i.e., subject, first, to public notice and protest procedures, then to prior approval by the Commission, and, finally, to continuous supervision through: (1) Review of all changes in such arrangements; (2) inspection of related records and documents (which, they say, should be made available for public inspection); and by (3) examination of "annual reports" covering the fiscal affairs of the licensees relating to sharing.

24. At the outset, we agree that adoption of some further regulatory measures to clarify the types of sharing arrangements we will permit and to give assurance that they are conducted in accordance with our policies is indicated; and we propose rules to accomplish these purposes. Thus, where costs are shared,

[1] We see no need for the formal inquiry NARS suggests, particularly in light of the action we take herein, and that request will not be granted.

the tentative provisions include, among others, ones for prior approval of agreements, recordkeeping, and annual reports. In multiple licensing, cost sharing among the participants themselves will not be permitted (i.e., no consideration, direct or indirect, may be paid by any participant to any other participant for, or in connection with, the use of jointly licensed facilities); consequently, we will not require records to be maintained or submission of annual reports. Nevertheless, we will still be in a position to exercise close supervision over all such systems, because each person desiring to so participate must first apply to us for licensing in the service in which the system operates. In addition, applications for cooperative or joint use of facilities, together with all associated material and data, will be held available for public inspection in the Commission's offices. These measures, we believe, meet substantially the points raised by the petitioners on these subjects, and, to this degree, the relief they ask is being granted.

25. We will not, however, expand applicable protest procedures (i.e., those provided under section 309 of the Communications Act, as implemented at § 1.962 of our rules) to our licensing of the private systems of communication which we are discussing. Our rules define the types of sharing we will allow and the conditions under which they will be permitted; and these decisions, we think it clear, are ones best formulated through rule making, not on a case-by-case basis. Furthermore, the procedures sought by the carriers would have an adverse effect on our ability to process the large volume of land mobile applications received daily. This disruptive effect, in our opinion, would not be offset by any benefits which might conceivably be gained by adopting the procedures suggested by the carriers. Consequently, we will deny the relief petitioners ask in this regard.

26. We mention the carriers' argument that joint licensing and cooperatives lead to the establishment of systems of communications that are competitively "unfair" and "destructive," but we find no case where such competition has resulted in the failure of any carrier; nor do petitioners show that it has adversely affected the common carrier services as a whole. To the contrary, the public communications industry has, from year to year, grown, not only in the number of miscellaneous carriers authorized, but also in the type and variety of services they offer, and this has taken place in times of expanded sharing of private facilities. Further, through the regulatory scheme we have adopted in Part 21 of our rules, these carriers are able to, and do, offer varied and sophisticated equipment and types of service not feasible in private communications systems. Through these means, we feel assured, they can and do make available quality service unobtainable over private systems and thereby are in a position, through technical, economic and other means, to compete effectively with the kinds of facilities licensees of private systems can provide for themselves.

27. The petitioners also argue their rates are controlled, but those of the "unregulated" carriers are not. Thus, they say, the "unregulated" carrier ("private" system licensee) can compete on "unfair" terms, because they can adjust their charges up or down, without restriction, and undercut the established rates of the carrier. Further, petitioners contend, "private" systems serve only the profitable customer, while the carrier is required to make its facilities available to all requesting them. These practices, petitioners conclude, work hardships on the carriers, making it difficult for them to operate in a proper manner.

28. We would observe that our experience has been that the provision of service to licensees over private systems, though more desirable to them for other reasons, is not necessarily less expensive. The costs seems to parallel what the carriers charge, at least in the cases coming to our attention. This experience would indicate that such undercutting, although theoretically possible, does not actually occur to any appreciable extent. Significantly, in those specific instances where the carriers have complained they have lost subscribers to private systems for this reason, the counter-allegation has been made by some of their former customers that the decision to discontinue service was not grounded essentially on any cost differential, rather because of some basic dissatisfaction with the services of the carrier in other respects.

29. But apart from these considerations, our regulation of the rates of the miscellaneous carriers is, in our opinion, neither burdensome nor onerous. It is true that they must file a schedule of charges with us and that, where unreasonable, adjustments might be ordered. But our related procedures do not, to our knowledge, result in undue hardship for the carriers or place them in an unfavorable competitive situation with regard to eligibles in the Safety and Special Services who desire to establish their own means of communication. In any event, such controls as do exist are a consequence of the nature of the carrier entity, being a form of monopoly. In such cases, where competition is not a limiting factor, the public must be accorded some measure of assurance that it is not being charged excessively for the services it receives. In private systems, authorized by us, similar regulation is not needed, because the channels are not normally assigned on an exclusive basis and no consideration may be paid to a licensee for the use of his facility by others, save in the form of contributions to the costs of operation and capital expenses which, with restrictions, may be made by other eligibles sharing the use of the system. In sum, our view is that such requirements as have been imposed on carriers arise out of the nature of such entities, are not unduly burdensome, and are, in our opinion, more than offset by the advantages the carriers enjoy as protected enterprises.

30. Besides, our policy in the Safety and Special Radio Services has been to make available to the eligible users alternate means of communications, that is, to provide an election for interested and qualified persons to choose between private and public systems. We think this policy is advanced through our licensing of stations on a cooperative or joint basis, as these methods enhance the opportunities of individuals to pursue authorized activities and enterprises, in the public interest, through the use of radio. Accordingly, we would not be disposed to pursue a course of action which would frustrate these public advantages by foreclosing joint and cooperative use of stations in the mobile service, unless sufficient reasons existed for doing so.

31. We mention petitioners' arguments as to the legality of these sharing arrangements, and, with respect to these, we have concluded, as we did in a related proceeding, first, that we have ample authority under title III of the Communications Act to permit cooperatives and other forms of joint usage of private radio facilities, where it is found the public interest would be served or the larger and more effective use of radio would be encouraged. Cooperative Sharing of Operational Fixed Stations Report and Order (FCC 66-640), Docket No. 16218, 4 FCC 2d 406, at page 417. Over the years, as we have indicated, our experience has been that sharing among licensees of authorized facilities does promote the public interest and does result in the larger and more effective use of radio. Generally, then, we do not accept the proposition that we lack the authority to license the cooperative or joint use of stations in the mobile service.

32. Further, we do not believe, as a general matter, that the joint usage of a radio facility by a group of eligible persons for transmitting their own communications constitutes common carrier service, as such, as the petitioners imply. This is our view regardless of whether the arrangement is one among a group of doctors sharing the use and costs of a base station; or one involving joint use of a "community repeater" by several Business licensees; or one where a base station licensee allows other eligibles to send their messages over his base station facilities and share the costs. This has been the Commission's position for several decades, and nothing has been offered by the petitioners to persuade us that the course of action we have followed in such instances has been, or is, erroneous as a matter of law.

33. Similarly, we believe no "common carrier" service is involved when equipment suppliers rent or lease a radio facility (the physical means for the transmission of messages by radio), such as a "community repeater," to a group of our licensees for joint use. The practice of "renting" or "leasing" physical equipment, sites, and other elements of systems of communication, rather than outright sale or ownership by licensees, is prevalent not only in the private mobile radio services, but also in the common

carrier and broadcast services as well, and it has never been seriously contended by anyone that equipment suppliers thus engaged are rendering a communications, let alone a common carrier communications, service. They do not become communications common carriers, in our view, simply because they rent some facilities to a group for joint usage.

34. Nor do we believe that a telephone answering service entrepreneur who dispatches messages for a group of licensees over individual or shared facilities is engaged in common carrier operations. The practice of using telephone answering services to dispatch messages is also common in both the private and common carrier services. In these situations, it has been our view that the third party dispatchers are merely agents of the licensee, rather than communications carriers, and we find nothing in the arguments advanced by the carriers that persuades us that they should be considered otherwise.

35. These practices, in short, are not unlawful and are often necessary and desirable, if radio facilities we have authorized are to be used effectively, in the public interest. To illustrate, a group of doctors may share facilities as eligibles in the Special Emergency Radio Service. They often use independent telephone answering concerns in the arrangement and either purchase or lease the necessary equipment from the manufacturer or other person. The alternative would be to compel the base station licensee and participants to purchase the equipment outright and answer their own telephones, else forego use of private facilities. Such restrictive measures might well preclude the use of shared private paging systems at least among some doctors. We do not view this result as one in the public interest. We see our responsibilities otherwise. We think it important to encourage the development of this use of radio, since the public is the ultimate beneficiary of such systems, for it is the public which has the requirement to reach the physician. Thus, it is to the advantage of the public that such means of communication exist, and, consequently, that we should not make them difficult, expensive, or impossible to establish.

36. Like considerations apply to multiple licensing arrangements. For example, this practice, as we have mentioned, is employed most frequently in the Business Radio Service in the 460–470 MHz range where paired frequencies are available. There, small business concerns have found efficient and economical means of communication in the use of "community repeaters." They share a single transmitter, the site, and the associated antenna and tower. If the public interest were not served thereby, we could prohibit this, but one result would be to deny to many of these licensees effective means of communications which they use in the conduct of their affairs. Some of these establishments, unquestionably, could afford separate facilities, but we see no advantage in causing them to construct individual stations, where the needs of many can be served well by a single installation. Further, such facilities can be maintained better, at less cost, and this feature gives us added assurance that our technical requirements, designed to promote efficient use of the spectrum, will be better observed. Therefore, arrangements of this type are to be allowed to continue, but with new limitations.

37. Nonetheless, as we have intimated, we are concerned about arrangements between licensees of jointly or cooperatively used systems and third parties wherein "packaged" communications services are provided with all major equipment and associated maintenance, as well as telephone answering and message dispatching, being made available, all at fixed rates. The carriers, we note, object particularly to these arrangements, for, as we have said, the "packaged" services are similar to and, in some cases, competitive with the types of services they offer their subscribers. But our concern is not premised on their theory that such arrangements are illegal common carrier operations; [2] rather, we find these situations objectionable because persons, not responsible to us, are placed in a position to exercise a degree of control over facilities we have authorized which we feel is incompatible with the regulatory scheme adopted by us in establishing the private radio services. This result is not in harmony with the public interest and, accordingly, we seek to correct it through the adoption of the new measures proposed in this rule making.

38. In keeping with these considerations, the major new rule which we would adopt is designed to break the "package", i.e., to prohibit dispatching by any person (other than the licensee) who furnishes or supplies, directly or indirectly, any of the equipment used in the arrangement. Thus, third parties providing telephone answering service to the licensee may not sell, rent, or lease, or otherwise provide any of the equipment used in the shared system. A licensee may acquire such equipment from third parties, but not from anyone engaging in dispatching for the licensee. In this way, we seek to assure that the licensee will always have at least a proprietary interest in the equipment (as an owner or lessee) used in the system which will not be subsumed in any relationship he may have with persons he may hire to dispatch. The result, we feel, will be to enhance, in the hands of the licensee, the ability to exercise that degree of control of the facilities entrusted to him that is consistent with his status as licensee and also with our scheme of regulation for the private services, in general.

39. Of lesser, but still substantial importance, are other new rules we include in this notice. Thus, in multiple licensing, we plan to limit the joint use of facilities to situations where no consideration is paid by any participant (licensee) to any other participant (licensee) for or in connection with any of the equipment or for any services used or rendered in connection with such operation. Our intent is to establish an absolute prohibition against any payments of any kind flowing between participants to such arrangements. If costs are to be shared, then the sharing must take the form of a cooperative and the parties must comply with the more rigorous provisions governing that method of licensing. Once more, our objective is the same, the maintenance of the integrity of the private systems of communication, with the ultimate control of authorized stations firmly in the hands of the licensees.

40. Also in multiple licensing situations, we have made it mandatory for each licensee to have unlimited and unconditioned access to all shared transmitting equipment for inspection and maintenance and for such other purposes as are consistent with his responsibilities as licensee. Our intention is to preclude any kind of arrangement that does not afford the licensee the right of entry to premises where equipment may be situated and like access to the equipment itself. Further, joint licensees must agree to be jointly and severally responsible for the proper operation and use of the equipment being shared; and we will not approve any such arrangement unless it is further agreed by all concerned that no person may be added to any given system without the consent of all persons then sharing it. These measures, too, go to strengthen the degree of control we feel licensees should have over facilities consistent with their responsibilities as licensees.

[2] For example; the common carriers are usually assigned exclusive radio channels and they are provided protection against interference. This is not so in the private service. Further, carriers must serve all members of the public (generally) and there are no restrictions as to the type of messages that may be transmitted by them for their customers; whereas, systems licensed in the private services may only be used by those who are eligible and who have been authorized by the Commission to do so, and then only for the types of messages permitted under our rules. Additionally, the carrier is the licensee and has the ultimate legal control of the radio facilities, but the third parties we have described, in contrast, have no legal control over the facilities; rather, they operate them solely at the sufferance of our licensees. Finally, the frequencies assigned for private systems of communications are allocated not for public communications, per se, but in furtherance of some specific activity or enterprise as a tool or a means for enabling those activities or enterprises to be better carried out in the public interest, and our rules applicable to the private services are fashioned to achieve this purpose. Therefore, as long as systems licensed in the private services are used and controlled by the licensees for the purposes for which they were intended, it is our view that the facilities do not, as a matter of law, lose their private character, regardless of the equipment and dispatching arrangements employed by our licensees. But, it does not follow, because of this, that all such arrangements are without fault, and we recognize there may be some systems in which, in some instances, the features of the two types may tend to intermingle, so that the distinction between them may become one of degree. This point we develop in the text, following.

41. Identical provisions to the ones just described would not be appropriate in cooperatives, because, there, one person serves as the licensee and assumes for other eligibles the duties and responsibilities they would have if they were separately licensed. Thus, for example, there was no need for users to be held jointly and severally responsible for the system shared. But there was a need, we felt, for the designated licensee to be in a position to control the operation of the base station facility, because he is the one to whom we must look to see that the station is properly used. Therefore, measures to accomplish this are proposed. Also, we are broadening our policy and permitting in cooperatives, separate licensing of control stations and the authorization of control points to persons sharing base station facilities. This is not allowed under present practice, but it appears appropriate under our new procedures to enable qualified persons to freely elect between cooperative and joint licensing arrangements.

42. Our other proposals, we believe, are self-explanatory. We mention briefly that we are adopting a new term, "system designator," which is nothing more than a letter-number symbol to be employed by us to identify a particular piece of equipment being used by two or more licensees (joint or multiple licensing situations); and that we are taking this occasion to bring general uniformity to our rules governing the shared use of stations in the mobile service and to eliminate, or appropriately modify, some of our prior provisions.

43. In the latter regard, we will require nonprofit corporations and associations, eligible as licensees in several of the land mobile services, to comply with the provisions of our rules governing the cooperative use of facilities. Additionally, we have included a separate provision in Parts 91 and 93 to cover situations where a licensee installs mobile units licensed to himself in vehicles of persons furnishing him a facility or service directly related to the activities which constitute the basis for his eligibility in the service in which he is authorized. This is not a cooperative or a joint licensing situation and we wish to clarify that. The new provisions also eliminate the need for present §§ 91.6(d), 93.3, 93.357(b), and 93.506 of the rules, and those sections are modified or dropped, as indicated below.

44. While these new policies would preclude some of the arrangements we have previously allowed, we do not feel the impact will be such as to materially disrupt existing operations. However, to assure that this will not be the case, we propose a period of 1 year following the effective date of the new rules, if adopted, within which licensees may bring themselves into compliance. Additionally, applications now on file or those that may be subsequently filed proposing cooperative or joint (i.e., multiple licensed) use of facilities under arrangements whereby third parties would provide a "packaged" service, that is, both dispatching and equipment rental, would be held without action until the proceeding we are initiating is concluded. In this connection, we ask the cooperation of all applicants proposing the shared use of facilities to clearly identify them as such and to expressly indicate that they plan such mode of operation.

45. With these objectives in mind, then, and subject to the conditions and limitations last mentioned, we are initiating this rule making to consider the adoption of the rules set out in the Appendix to this notice.

46. *Accordingly, it is ordered,* That, to the extent indicated in the foregoing opinion, the petitions for rule making filed in RM–1197, RM–1218, and RM–1330 are granted, and in all other respects, denied.

47. Notice is hereby given of rule making to amend Parts 89, 91, 93, and 95 of the Commission's rules, and to adopt new rules, in accordance with the proposals set forth below.

48. The proposed amendments and additions to the rules are issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act, as amended.

49. Pursuant to procedures set out in § 1.45 of the Commission's rules, interested parties may file comments on or before August 28, 1970, and reply comments on or before September 14, 1970. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

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

Adopted: July 15, 1970.

Released: July 22, 1970.

FEDERAL COMMUNICATIONS COMMISSION,[a]

[SEAL] BEN F. WAPLE,
*Secretary.*

Parts 89, 91, 93, and 95 of the Commission's rules are amended as set forth below.

1. Section 89.13 is revised to read as follows:

**§ 89.13 Cooperative use of radio stations in the mobile radio service.**

(a) Cooperative use of radio stations in the mobile radio service may be made by two or more persons under the following terms and conditions.

(1) All persons sharing shall be eligible for licensing in the same radio service.

(2) The frequency or frequencies upon which the radio equipment is to be operated shall be frequencies available for assignment, on an individual basis, to each of the participants.

(3) Facilities may be shared either without charge or on a nonprofit, cost-sharing basis. When costs are shared, the licensee shall maintain records showing the costs of the operation, the charges made to, and payments received from, each participant, including any contribution by any user to capital costs or equipment. Such records are to be kept on a current basis and be available for inspection by the Commission upon request.

(4) Dispatch service to members of the group shall not be provided by any third person (not the licensee) who also furnishes or has furnished, through sale, lease arrangements, or otherwise, any of the radio equipment used in the shared system.

(5) Persons receiving service from the base station licensee may be separately licensed for one or more associated control stations or mobile stations, or both, or may be authorized by the licensee to operate such facilities (mobile stations or control stations) licensed to himself (the base station licensee); or a control point authorized to that licensee; or a dispatch point: *Provided, however,* The base station licensee shall maintain under his direct and immediate control a means, which can be used in appropriate circumstances in carrying out his licensee responsibilities to the Commission, of isolating and deactivating, or disconnecting from the system, any such mobile station, control station or control or dispatch point, or should that not be feasible, deactivating the base station transmitter.

(b) The basic arrangement for the cooperative use of the facilities shall be submitted in writing and approved by the Commission prior to commencement of operation. Persons shall be added to those previously authorized to share only in conformity with the provisions of paragraph (d) of this section.

(c) Applications for the cooperative use of radio stations shall be accompanied by the following information and data.

(1) A copy of the agreement between the participants setting out the basic arrangement for the cooperative use of the facilities.

(2) A list of the persons who are to participate in the shared use of the station(s), together with sufficient information as to each to show that each is eligible to do so.

(3) An agreement between the licensee and the participants under which all of the users verify and acknowledge that the licensee has the exclusive right to control all of the radio facilities licensed to him, and that he is to be afforded such access to all such radio facilities, wherever situated, as will permit him to fully discharge his duties and responsibilities as a licensee of the Commission.

(4) Where the facilities are to be shared on a cost-sharing, nonprofit basis, an agreement which sets forth the method for determining the costs of the operation and of allocating these costs among the users on a pro rata basis. If no cost sharing is involved, a statement to that effect.

[a] Commissioner Johnson concurring in the result.

(5) The name of any person employed to perform dispatch services for the group or of any of those participating in it; the name(s) of the person(s) supplying, through sale, lease arrangements, or otherwise, any of the equipment used in the system; and the relationship, if any, between any person identified as dispatching and those supplying any of the equipment. If no such relationship exists, then the applicant shall so state.

(d) Where the basic arrangement has been approved at a prior date and the licensee applies to add a person or persons not previously identified in the license application, the licensee shall file a notification with the Commission 30 days prior to the use of the facilities by any such person of the intention to provide service. Such notification shall give:

(1) The name and description of the licensee.

(2) The call sign of the station or stations being shared.

(3) The radio service in which the station or stations are licensed.

(4) The name(s) of prospective participant(s) in the cooperative use of the station(s), and a description of each participant in sufficient detail to show eligibility to use the frequency or frequencies being used in the shared system.

(5) An acknowledgement that such persons have agreed to be bound by all of the operative provisions of the agreement for sharing previously filed and approved by the Commission.

The licensee may institute service described in this notification 30 days after filing the same, unless the Commission, during that period, notifies the licensee that the information supplied is inadequate or that the proposed service is not authorized under the regulations in this part. Upon being so advised, the licensee shall have the right to amend or to file another notification to remedy the inadequacy or defect and to institute service 30 days thereafter or at such earlier date as the Commission may set upon finding the inadequacy or defect has been remedied.

(e) An annual report of operations for the prior calendar year shall be filed by the licensee on or before the 31st of March of the year following. This report shall include:

(1) A list of all persons who have received service during all, or any part of, the period covered by the report; a statement as to which ones have ceased to take service and the date when this occurred; and the names of those who, as of December 31st of the year of the report, planned to continue to share the facilities during the year next following.

(2) The name of any person employed to perform dispatch services for the group or for any participating in it; the name(s) of the person(s) supplying, through sale, lease arrangements, or otherwise, any of the equipment used in the system; and the relationship, if any, between any person identified as dispatching and those supplying any of the equipment. If no such relationship exists, then the licensee shall so state.

(3) Where facilities have been shared without charge, the report shall so state, and no other information as to costs incurred, or charges made, need be supplied. Where costs have been shared, then the report shall include the following information:

(i) The total capital costs allocated for the 1-year period covered by the report.

(ii) The total operating expenses for this same period.

(iii) The total charges made to all users for this period.

(iv) The total amount paid by all persons using the system during this period.

(v) The amount charged to, and paid by, each user and the basis of the charges made, i.e., whether costs were proroated on the basis of equipment used, time on the air, message units processed, mobile units authorized, or under some other method. Such information shall be given in such manner as will enable the Commission to determine that the amounts paid by each user bear a reasonable relation to the use made of the shared facilities by that user in relation to the use of the shared system by the other participants.

(vi) The total rebate, if any, paid to all users and the amount of such rebate distributed to each user for this same period.

§ 89.16 [Redesignated]

2. Present § 89.15 is redesignated as § 89.16 and a new § 89.15 is added to read as follows:

**§ 89.15 Multiple licensing of radio transmitting equipment in the mobile radio service.**

(a) Two or more persons eligible for licensing in the same radio service may be separately authorized to share the use of the same transmitting equipment under the terms and conditions set forth in this section.

(1) The frequency upon which the radio equipment is to be operated shall be available for assignment, on an individual basis, to each of the participants.

(2) No consideration shall be paid, either directly or indirectly, by any participant to any other participant for, or in connection with, the use of the jointly licensed facilities; and no participant shall furnish to any other participant, with or without charge, any equipment or service, or facility of any kind, for use in connection with said system.

(3) Dispatch service shall not be provided by any person who furnishes any of the radio equipment, through sale, lease arrangements, or otherwise, used in the jointly licensed facilities.

(4) All participants in the sharing arrangement shall be jointly and severally responsible for the proper operation and use of the equipment shared.

(5) No person shall participate in any sharing arrangement without having first obtained the consent of all persons then using the system.

(6) Each licensee shall have unlimited and unconditional access to all shared transmitting equipment for inspection and maintenance and for such other purposes as are consistent with his status as licensee.

(b) Applications involving the multiple licensing of transmitting equipment shall be accompanied by the following data and information.

(1) A list of persons who are to share the facilities. When the shared use of particular facilities is first authorized, the Commission will assign a system designator. Thereafter, applicants shall use the system designator in applying to be added to any group sharing existing facilities.

(2) A copy of the agreement whereby each participant agrees to be jointly and severally responsible for the proper operation and use of the equipment, as required at paragraph (a)(4) of this section, and a copy of the document in which all persons mutually consent to the use of the system by each person participating as required at paragraph (a)(5) of this section.

(3) The name of any person employed to perform dispatching services for the group or for any person participating in it; the name(s) of the person(s) supplying, through sale, lease arrangements, or otherwise, any of the radio equipment used jointly in the system; and the relationship, if any, between any person identified as dispatching and those supplying any of the equipment. If no such relationship exists, then the applicant shall so state.

(c) Whenever any person ceases to participate in any arrangement for the joint use of facilities, he shall, within 10 days of that date, submit his license or licenses for cancellation.

§ 91.6 [Deleted]

3. Section 91.6 is deleted in its entirety.

§ 91.10 [Redesignated]

4. Present § 91.9 is redesignated as § 91.10 and a new § 91.9 is added to read as follows:

**§ 91.9 Cooperative use of radio stations in the mobile radio service.**

(a) Cooperative use of radio stations in the mobile service may be made by two or more persons under the following terms and conditions.

(1) All persons sharing shall be eligible for licensing in the same radio service.

(2) The frequency or frequencies upon which the radio equipment is to be operated shall be ones available for assignment, on an individual basis, to each of the participants.

(3) Facilities may be shared either without charge or on a nonprofit, cost-sharing basis. When costs are shared, the licensee shall maintain records showing the costs of the operation, the charges made to, and payments received from, each participant, including any contribution by any user to capital costs or equipment. Such records are to be kept on a current basis and be available for inspection by the Commission upon request.

(4) Dispatch service to members of the group shall not be provided by any third person (not the licensee) who also furnishes or has furnished, through sale, lease arrangements, or otherwise, any of the radio equipment used in the shared system.

(5) Persons receiving service from the base station licensee may be separately licensed for one or more associated control stations or mobile stations, or both, or may be authorized by the licensee to operate such facilities (mobile stations or control stations) licensed to himself (the base station licensee); or a control point authorized to that licensee; or a dispatch point: *Provided, however,* The base station licensee shall maintain under his direct and immediate control a means, which can be used in appropriate circumstances in carrying out his licensee responsibilities to the Commission, of isolating and deactivating, or disconnecting from the system, any such mobile station, control station or control or dispatch point, or should that not be feasible, deactivating the base station transmitter.

(b) The basic arrangement for the cooperative use of the facilities shall be submitted in writing and approved by the Commission prior to commencement of operation. Persons shall be added to those previously authorized to share only in conformity with the provisions of paragraph (d) of this section.

(c) Applications for the cooperative use of radio stations shall be accompanied by the following information and data.

(1) A copy of the agreement between the participants setting out the basic arrangement for the cooperative use of the facilities.

(2) A list of the persons who are to participate in the shared use of the station(s), together with sufficient information as to each to show that each is eligible to do so.

(3) An agreement between the licensee and the participants under which all of the users verify and acknowledge that the licensee has the exclusive right to control all of the radio facilities licensed to him, and that he is to be afforded such access to all such radio facilities, wherever situated, as will permit him to fully discharge his duties and responsibilities as a licensee of the Commission.

(4) Where the facilities are to be shared on a cost-sharing, nonprofit basis, an agreement which sets forth the method for determining the costs of the operation and of allocating these costs among the users on a pro rata basis. If no cost sharing is involved, a statement to that effect.

(5) The name of any person employed to perform dispatch services for the group or of any of those participating in it; the name(s) of the person(s) supplying, through sale, lease arrangements, or otherwise, any of the equipment used in the system; and the relationship, if any, between any person identified as dispatching and those supplying any of the equipment. If no such relationship exists, then the applicant shall so state.

(d) Where the basic arrangement has been approved at a prior date and the licensee applies to add a person or persons not previously identified in the license application, the licensee shall file a notification with the Commission 30 days prior to the use of the facilities by any such person of the intention to provide service. Such notification shall give:

(1) The name and description of the licensee.

(2) The call sign of the station or stations being shared.

(3) The radio service in which the station or stations are licensed.

(4) The name(s) of prospective participant(s) in the cooperative use of the station(s), and a description of each participant in sufficient detail to show eligibility to use the frequency or frequencies being used in the shared system.

(5) An acknowledgment that such persons have agreed to be bound by all of the operative provisions of the agreement for sharing previously filed and approved by the Commission.

The licensee may institute service described in this notification 30 days after filing the same, unless the Commission, during that period, notifies the licensee that the information supplied is inadequate or that the proposed service is not authorized under the regulations in this part. Upon being so advised, the licensee shall have the right to amend or to file another notification to remedy the inadequacy or defect and to institute service 30 days thereafter or at such earlier date as the Commission may set upon finding the inadequacy or defect has been remedied.

(e) An annual report of operations for the prior calendar year shall be filed by the licensee on or before the 31st of March of the year following. This report shall include:

(1) A list of all persons who have received service during all, or any part of, the period covered by the report; a statement as to which ones have ceased to take service and the date when this occurred; and the names of those who, as of December 31st of the year of the report, planned to continue to share the facilities during the year next following.

(2) The name of any person employed to perform dispatch services for the group or for any participating in it; the name(s) of the person(s) supplying, through sale, lease arrangements, or otherwise, any of the equipment used in the system; and the relationship, if any, between any person identified as dispatching and those supplying any of the equipment. If no such relationship exists, then the licensee shall so state.

(3) Where facilities have been shared without charge, the report shall so state, and no other information as to costs incurred, or charges made, need be supplied. Where costs have been shared, then the report shall include the following information:

(i) The total capital costs allocated for the 1 year period covered by the report.

(ii) The total operating expenses for this same period.

(iii) The total charges made to all users for this period.

(iv) The total amount paid by all persons using the system during this period.

(v) The amount charged to, and paid by, each user and the basis of the charges made, i.e., whether costs were prorated on the basis of equipment used, time on the air, message units processed, mobile units authorized, or under some other method. Such information shall be given in such manner as will enable the Commission to determine that the amounts paid by each user bear a reasonable relation to the use made of the shared facilities by that user in relation to the use of the shared system by the other participants.

(vi) The total rebate, if any, paid to all users and the amount of such rebate distributed to each user for this same period.

5. New §§ 91.11 and 91.12 are added to read as follows:

**§ 91.11 Multiple licensing of radio transmitting equipment in the mobile radio service.**

(a) Two or more persons eligible for licensing in the same radio service may be separately authorized to share the use of the same transmitting equipment under the terms and conditions set forth in this section.

(1) The frequency upon which the radio equipment is to be operated shall be available for assignment, on an individual basis, to each of the participants.

(2) No consideration shall be paid, either directly or indirectly, by any participant to any other participant for, or in connection with, the use of the jointly licensed facilities; and no participant shall furnish to any other participant, with or without charge, any equipment or service, or facility of any kind, for use in connection with said system.

(3) Dispatch service shall not be provided by any person who furnishes any of the radio equipment, through sale, lease arrangements, or otherwise, used in the jointly licensed facilities.

(4) All participants in the sharing arrangement shall be jointly and severally responsible for the proper operation and use of the equipment shared.

(5) No person shall participate in any sharing arrangement without having first obtained the consent of all persons then using the system.

(6) Each licensee shall have unlimited and unconditional access to all shared transmitting equipment for inspection and maintenance and for such other purposes as are consistent with his status as licensee.

(b) Applications for the joint use of transmitting equipment shall be accompanied by the following data and information.

(1) A list of persons who are to share the facilities. When the shared use of particular facilities is first authorized, the Commission will assign a system designator. Thereafter, applicants shall use the system designator in applying to be added to any group sharing existing facilities.

(2) A copy of the agreement whereby each participant agrees to be jointly and severally responsible for the proper operation and use of the equipment, as required at paragraph (a)(14) of this section, and a copy of the document in which all persons mutually consent to the use of the system by each person participating, as required at paragraph (a)(5) of this section.

(3) The name of any person employed to perform dispatching services for the group or for any person participating in it; the name(s) of the person(s) supplying, through sale, lease arrangements, or otherwise, any of the radio equipment used jointly in the system; and the relationship, if any, between any person identified as dispatching and those supplying any of the equipment. If no such relationship exists, then the applicant shall so state.

(c) Whenever any person ceases to participate in any arrangement for the joint use of facilities, he shall, within ten days of that date, submit his license or licenses for cancellation.

**§ 91.12 Mobile units of licensee installed in vehicles of persons furnishing licensee facilities or services under contract.**

(a) A licensee may install mobile units licensed to himself in vehicles owned or operated by persons furnishing to the licensee a facility or service directly related to the activities of the licensee which constitute the basis for his eligibility in the service in which he is authorized, provided:

(1) The facilities or services are furnished pursuant to the terms of a written contract and the mobile units are installed in the vehicles of the contractor for the term of that contract, only.

(2) No charge, either direct or indirect, is made by the licensee to, or consideration paid by, the contractor for the use of the radio equipment.

(3) The licensee maintains control, consistent with his responsibilities as licensee, over the operation and use of the mobile units.

(b) Where mobile units of the licensee are installed in vehicles of third party contractors, in accordance with the provisions of this paragraph, the licensee and the contractor furnishing facilities or services to the licensee shall enter into a written agreement which shall provide:

(1) That the arrangement is one solely for the convenience of the licensee, and that no consideration is to be paid or received for the use of the equipment.

(2) That the licensee shall, at all times, be afforded such access to, and control of, the mobile units as will enable him to carry out his responsibilities as licensee.

(3) That the units shall be used exclusively for, and in connection with, those activities of the licensee which form the basis for his eligibility in the particular service in which he is licensed, and shall be operated subject to his orders and instructions.

(c) A copy of the agreement required at paragraph (b) of this section shall be kept with the station records and, upon request, be furnished to the Commission.

6. In § 91.251, paragraph (e) is amended to read as follows:

**§ 91.251 Eligibility.**

* * * * *

(e) A nonprofit corporation or association organized for the purpose of furnishing a radio communication service to persons who are actually engaged in one or more of the activities set forth in paragraphs (a), (b), and (c) of this section: *Provided, however,* The provisions of § 91.9 in the mobile service, and § 91.10, in the fixed service, shall apply.

7. In § 91.301, paragraph (c) is amended to read as follows:

**§ 91.301 Eligibility.**

* * * * *

(c) A nonprofit corporation or association organized for the purpose of furnishing a radio communication service to persons who are actually engaged in one or more of the activities set forth in paragraph (a) of this section: *Provided, however,* The provisions of § 91.9 in the mobile service, and § 91.10, in the fixed service, shall apply.

8. In § 91.351, paragraph (d) is amended to read as follows:

**§ 91.351 Eligibility.**

* * * * *

(d) A nonprofit corporation or association organized for the purpose of furnishing a radio communication service to persons who are actually engaged in one or more of the activities set forth in paragraph (a) or (b) of this section: *Provided, however,* The provisions of § 91.9 in the mobile service, and § 91.10, in the fixed service shall apply.

9. In § 91.401, paragraph (c) is amended to read as follows:

**§ 91.401 Eligibility.**

* * * * *

(c) A nonprofit corporation or association organized for the purpose of furnishing a radio communication service to persons who are actually engaged in one or more of the activities set forth in paragraph (a) of this section: *Provided,* The provisions of § 91.9, in the mobile service, and § 91.10, in the fixed service, shall apply.

10. In § 91.451, paragraph (c) is amended to read as follows:

**§ 91.451 Eligibility.**

* * * * *

(c) A nonprofit corporation or association organized for the purpose of furnishing a radiocommunication service to persons who are actually engaged in one or more of the activities set forth in paragraph (a) of this section: *Provided, however,* The provisions of § 91.9, in the mobile service, and § 91.10, in the fixed service, shall apply.

**§ 93.3 [Deleted]**

11. Section 93.3 is deleted in its entirety.

**§ 93.11 [Redesignated]**

12. Present § 93.4 is redesignated as § 93.11.

13. A new § 93.10 is added to read as follows:

**§ 93.10 Cooperative use of radio stations in the mobile radio service.**

(a) Cooperative use of radio stations in the mobile service may be made by two or more persons under the following terms and conditions.

(1) All persons sharing shall be eligible for licensing in the same radio service.

(2) The frequency or frequencies upon which the radio equipment is to be operated shall be ones available for assignment, on an individual basis, to each of the participants.

(3) Facilities may be shared either without charge or on a nonprofit, cost-sharing basis. When costs are shared, the licensee shall maintain records showing the costs of the operation, the charges made to, and payments received from, each participant, including any contribution by any user to capital costs or equipment. Such records are to be kept on a current basis and be available for inspection by the Commission upon request.

(4) Dispatch service to members of the group shall not be provided by any third person (not the licensee) who also furnishes or has furnished, through sale, lease arrangements, or otherwise, any of the radio equipment used in the shared system.

(5) Persons receiving service from the base station licensee may be separately licensed for one or more associated control stations or mobile stations, or both, or may be authorized by the licensee to operate such facilities (mobile stations or control stations) licensed to himself (the base station licensee); or a control point authorized to that licensee; or a dispatch point: *Provided, however,* The base station licensee shall maintain under his direct and immediate control a means, which can be used in appropriate circumstances in carrying out his licensee responsibilities to the Commission, of isolating and deactivating, or disconnecting from the system, any such mobile station, control station or control or dispatch point, or should that not be feasible, deactivating the base station transmitter.

(b) The basic arrangement for the cooperative use of the facilities shall be submitted in writing and approved by the Commission prior to commencement of operation. Persons shall be added to those previously authorized to share only in conformity with the provisions of paragraph (d) of this section.

(c) Applications for the cooperative use of radio stations shall be accompanied by the following information and data .

(1) A copy of the agreement between the participants setting out the basic arrangement for the cooperative use of the facilities.

(2) A list of the persons who are to participate in the shared use of the station(s), together with sufficient information as to each to show that each is eligible to do so.

(3) An agreement between the licensee and the participants under which all of the users verify and acknowledge that the licensee has the exclusive right to control all of the radio facilities licensed to him, and that he is to be afforded such access to all such radio facilities, wherever situated, as will permit him to fully discharge his duties and responsibilities as a licensee of the Commission.

(4) Where the facilities are to be shared on a cost-sharing, nonprofit basis, an agreement which sets forth the method for determining the costs of the operation and of allocating these costs among the users on a pro rata basis. If no cost sharing is involved, a statement to that effect.

(5) The name of any person employed to perform dispatch services for the group or of any of those participating in it; the name(s) of the person(s) supplying, through sale, lease arrangements, or otherwise, any of the equipment used in the system; and the relationship, if any, between any person identified as dispatching and those supplying any of the equipment. If no such relationship exists, then the applicant shall so state.

(d) Where the basic arrangement has been approved at a prior date and the licensee applies to add a person or persons not previously identified in the license application, the licensee shall file a notification with the Commission 30 days prior to the use of the facilities by any such person of the intention to provide service. Such notification shall give:

(1) The name and description of the licensee.

(2) The call sign of the station or stations being shared.

(3) The radio service in which the station or stations are licensed.

(4) The name(s) of prospective participant(s) in the cooperative use of the station(s), and a description of each participant in sufficient detail to show eligibility to use the frequency or frequencies being used in the shared system.

(5) An acknowledgement that such persons have agreed to be bound by all of the operative provisions of the agreement for sharing previously filed and approved by the Commission.

The licensee may institute service described in this notification 30 days after filing the same, unless the Commission, during that period, notifies the licensee that the information supplied is inadequate or that the proposed service is not authorized under the regulations in this part. Upon being so advised, the licensee shall have the right to amend or to file another notification to remedy the inadequacy or defect and to institute service 30 days thereafter or at such earlier date as the Commission may set upon finding the inadequacy or defect has been remedied.

(e) An annual report of operations for the prior calendar year shall be filed by the licensee on or before the 31st of March of the year following. This report shall include:

(1) A list of all persons who have received service during all, or any part of, the period covered by the report; a statement as to which ones have ceased to take service and the date when this occurred; and the names of those who, as of December 31st of the year of the report, planned to continue to share the facilities during the year next following.

(2) The name of any person employed to perform dispatch services for the group or for any participating in it; the name(s) of the person(s) supplying, through sale, lease arrangements, or otherwise, any of the equipment used in the system; and the relationship, if any, between any person identified as dispatching and those supplying any of the equipment. If no such relationship exists, then the licensee shall so state.

(3) Where facilities have been shared without charge, the report shall so state, and no other information as to costs incurred, or charges made, need be supplied. Where costs have been shared, then the report shall include the following information.

(i) The total capital costs allocated for the 1 year period covered by the report.

(ii) The total operating expenses for this same period.

(iii) The total charges made to all users for this period.

(iv) The total amount paid by all persons using the system during this period.

(v) The amount charged to, and paid by, each user and the basis of the charges made, i.e., whether costs were prorated on the basis of equipment used, time on the air, message units processed, mobile units authorized, or under some other method. Such information shall be given in such manner as will enable the Commission to determine that the amounts paid by each user bear a reasonable relation to the use made of the shared facilities by that user in relation to the use of the shared system by the other participants.

(vi) The total rebate, if any, paid to all users and the amount of such rebate distributed to each user for this same period.

14. New §§ 93.12 and 93.13 are added to read as follows:

**§ 93.12 Multiple licensing of radio transmitting equipment in the mobile radio service.**

(a) Two or more persons eligible for licensing in the same radio service may be separately authorized to share the use of the same transmitting equipment under the terms and conditions set forth in this section.

(1) The frequency upon which the radio equipment is to be operated shall be available for assignment, on an individual basis, to each of the participants.

(2) No consideration shall be paid, either directly or indirectly, by any participant to any other participant for, or in connection with, the use of the jointly licensed facilities; and no participant shall furnish to any other participant, with or without charge, any equipment or service, or facility of any kind, for use in connection with said system.

(3) Dispatch service shall not be provided by any person who furnishes any of the radio equipment, through sale, lease arrangements, or otherwise, used in the jointly licensed facilities.

(4) All participants in the sharing arrangement shall be jointly and severally responsible for the proper operation and use of the equipment shared.

(5) No person shall participate in any sharing arrangement without having first obtained the consent of all persons then using the system.

(6) Each licensee shall have unlimited and unconditional access to all shared transmitting equipment for inspection and maintenance and for such other purposes as are consistent with his status as licensee.

(b) Applications for the joint use of transmitting equipment shall be accompanied by the following data and information.

(1) A list of persons who are to share the facilities. When the shared use of particular facilities is first authorized, the Commission will assign a system designator. Thereafter, applicants shall use the system designator in applying to be added to any group sharing existing facilities.

(2) A copy of the agreement whereby each participant agrees to be jointly and severally responsible for the proper operation and use of the equipment, as required at paragraph (a)(4) of this section, and a copy of the document in which all persons mutually consent to the use of the system by each person participating, as required at paragraph (a)(5) of this section.

(3) The name of any person employed to perform dispatching services for the group or for any person participating in it; the name(s) of the person(s) supplying, through sale, lease arrangements, or otherwise, any of the radio equipment used jointly in the system; and the relationship, if any, between any person identified as dispatching and those supplying any of the equipment. If no such relationship exists, then the applicant shall so state.

(c) Whenever any person ceases to participate in any arrangement for the joint use of facilities, he shall, within 10 days of that date, submit his license or licenses for cancellation.

**§ 93.13 Mobile units of licensee installed in vehicles of persons furnishing licensee facilities or services under contract.**

(a) A licensee may install mobile units licensed to himself in vehicles owned or operated by persons furnishing to the licensee a facility or service directly related to the activities of the licensee which constitute the basis for his eligibility in the service in which he is authorized: *Provided:*

(1) The facilities or services are furnished pursuant to the terms of a written contract and the mobile units are installed in the vehicles of the contractor for the term of that contract, only.

(2) No charge, either direct or indirect, is made by the licensee to, or consideration paid by, the contractor for the use of the radio equipment.

(3) The licensee maintains control, consistent with his responsibilities as licensee, over the operation and use of the mobile units.

(b) Where mobile units of the licensee are installed in vehicles of third party contractors, in accordance with the provisions of this paragraph, the licensee and the contractor furnishing facilities or services to the licensee shall enter into a written agreement which shall provide:

(1) That the arrangement is one solely for the convenience of the licensee, and that no consideration is to be paid or received for the use of the equipment.

(2) That the licensee shall, at all times, be afforded such access to, and control of, the mobile units as will enable him to carry out his responsibilities as licensee.

(3) That the units shall be used exclusively for, and in connection with, those activities of the licensee which form the basis for his eligibility in the particular service in which he is licensed, and shall be operated subject to his orders and instructions.

(c) A copy of the agreement required at paragraph (b) of this section shall be kept with the station records and, upon request, be furnished to the Commission.

15. In § 93.251, paragraphs (a) (6) and (b) are amended to read as follows:

**§ 93.251 Eligibility for license.**

(a) * * *

(6) A nonprofit corporation or association organized for the purpose of furnishing a radiocommunication service on a cost-sharing basis to persons all of whom are actually engaged in activities set forth in subparagraphs (1) through (4) of this paragraph: *Provided,* That the frequency on which such operation is proposed is available for assignment for use by base stations or mobile stations in connection with all such transportation activities: *Provided, further,* That the provisions of § 93.10, in the mobile service, and § 93.11, in the fixed service, shall apply.

(b) For the purpose of establishing eligibility in this service, each applicant shall submit a statement in sufficient detail to clearly establish the extent and type of transportation activity in which engaged, describing the area or points served, and identifying the authorization under which such service is rendered (as for example, a valid certificate of public convenience or an equivalent document issued by a Federal, State, territorial, or local regulatory body) or stating that there is no requirement for such authorization in the area in which he operates.

16. In § 93.351(a), subparagraph (3) is amended to read as follows:

**§ 93.351 Eligibility.**

(a) * * *

(3) A nonprofit corporation or association organized for the purpose of furnishing a radiocommunication service solely to railroad common carriers who are actually engaged in the activity set forth under subparagraph (1) of this paragraph: *Provided, however,* That the provisions of § 93.10, in the mobile service, and § 93.11, in the fixed service, shall apply.

* * * * *

17. In § 93.357, paragraph (b) is deleted and the word "[Reserved]" inserted to read:

**§ 93.357 Scope of service.**

* * * * *

(b) [Reserved]

* * * * *

18. In § 93.401(a), subparagraph (2) is amended to read as follows:

**§ 93.401 Eligibility.**

(a) * * *

(2) A nonprofit corporation or association organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged in the activity set forth under subparagraph (1) of this paragraph: *Provided, however,* That the provisions of § 93.10, in the mobile service, and § 93.11, in the fixed service, shall apply.

* * * * *

19. In § 93.501(a), subparagraph (3) is amended to read as follows:

**§ 93.501 Eligibility.**

(a) * * *

(3) A nonprofit corporation or association organized for the purpose of furnishing a radiocommunication service solely to persons who are actually engaged in the activities set forth in either subparagraph (1) or (2) of this paragraph: *Provided, however,* That the provisions of § 93.10, in the mobile service, and § 93.11, in the fixed service, shall apply.

* * * * *

**§ 93.506 [Deleted]**

20. Section 93.506 is deleted.

21. In § 95.87(b) (7), subdivision (ii) is deleted and the word "[Reserved]" inserted to read:

**§ 95.87 Operation by, or on behalf of, persons other than the licensee.**

* * * * *

(b) * * *

(7) * * *

(ii) [Reserved]

* * * * *

22. A new § 95.88 is added to read as follows:

**§ 95.88 Cooperative use of radio stations by licensees of Class A stations.**

(a) Cooperative use of Class A stations, authorized in this service, may be made by two or more persons under the following terms and conditions.

(1) All persons sharing shall be eligible for licensing in the Citizens Radio Service.

(2) Facilities may be shared either without charge or on a nonprofit, cost-sharing basis. When costs are shared, the licensee shall maintain records showing the costs of the operation, the charges made to, and payments received from, each participant, including any contribution by any user to capital costs or equipment. Such records are to be kept on a current basis and be available for inspection by the Commission upon request.

(3) Dispatch service may be provided by a third person, including a telephone answering service, provided such third person shall not furnish, through sale, lease arrangements, or otherwise, any of the radio equipment used in the shared system.

(4) Persons receiving service from the base station licensee may be separately licensed for one or more associated fixed stations used to control the base station, or mobile stations, or both, or may be authorized by the licensee to operate such facilities (fixed or mobile stations) licensed to himself (the base station licensee) or a control point authorized to that licensee; or a dispatch point: *Provided, however,* The base station licensee shall maintain under his direct and immediate control a means, which can be used in appropriate circumstances in carrying out his licensee responsibilities to the Commission, of isolating and deactivating, or disconnecting from the system, any such mobile station, control station or control or dispatch point, or should that not be feasible, deactivating the base station transmitter.

(b) Approval of the basic arrangement for the cooperative use of the facilities shall be obtained prior to commencement of operation. Users in addition to those previously authorized may not be added without prior approval.

(c) Applications for the cooperative use of radio stations shall be accompanied by the following data.

(1) A copy of the agreement between the participants setting out the basic arrangement for the cooperative use of the facilities.

(2) A list of the persons who are to participate (users) in the shared use of the station(s), together with a statement of their eligibility.

(3) An agreement between the licensee and the users verifying and acknowledging that the licensee has the exclusive control of all the radio facilities licensed to him, and that he has access to all such radio facilities, wherever situated, necessary to permit him to fully discharge his duties and responsibilities as a licensee of the Commission.

(4) If the facilities are to be shared on a cost-sharing, nonprofit basis, an agreement which sets forth the method for determining the costs of the operation and of allocating these costs among the users on a pro rata basis. If no cost sharing is involved, a statement to that effect.

(5) The name of any person employed to perform dispatch services for the group or of any of those participating in it; the name(s) of the person(s) supplying, through sale, lease arrangements, or otherwise, any of the equipment used in the system; and the relationship, if any, between any person identified as dispatching and those supplying any of the equipment. If no such

relationship exists, then the applicant shall so state.

(d) If the basic arrangement has been approved and the licensee applies to add additional users, the licensee shall furnish the following data to the Commission 30 days prior to the use of the facilities by any such person:

(1) The name of the licensee.

(2) The call sign of the station or stations being shared.

(3) The name(s) of prospective participant(s) in the cooperative use of the station(s), and a statement of their eligibility.

(4) A statement that such persons have agreed to be bound by all of the operative provisions of the agreement for sharing previously filed and approved by the Commission.

The licensee may institute service described in this notification 30 days after filing the same, unless the Commission, during that period, notifies the licensee that the information supplied is inadequate or that the proposed service is not authorized under the regulations in this part. Upon being so advised, the licensee shall have the right to amend or to file another notification to remedy the inadequacy or defect and to institute service 30 days thereafter or at such earlier date as the Commission may set upon finding the inadequacy or defect has been remedied.

(e) An annual report of operations for the prior calendar year shall be filed by the licensee on or before the 31st of March of the year following. This report shall include:

(1) A list of all persons who have received service during all, or any part of, the period covered by the report; a statement as to which ones have ceased to take service and the date when this occurred; and the names of those who, as of December 31st of the year of the report, planned to continue to share the facilities during the year next following.

(2) The name of any person employed to perform dispatch services for the group or for any participating in it; the name(s) of the person(s) supplying, through sale, lease arrangements, or otherwise, any of the equipment used in the system; and the relationship, if any, between any person identified as dispatching and those supplying any of the equipment. If no such relationship exists, then the licensee shall so state.

(3) If facilities have been shared without charge, the report shall so state, and no other information as to costs incurred, or charges made, need be supplied. If costs have been shared, then the report shall include the following information:

(i) The total capital costs allocated for the 1 year period covered by the report.

(ii) The total operating expenses for this same period.

(iii) The total charges made to all users for this period.

(iv) The total amount paid by all persons using the system during this period.

(v) The amount charged to, and paid by, each user and the basis of the charges made, i.e., whether costs were prorated on the basis of equipment used, time on the air, message units processed, mobile units authorized, or under some other method. Such information shall be given in such manner as will enable the Commission to determine that the amounts paid by each user bear a reasonable relation to the use made of the shared facilities by that user in relation to the use of the shared system by the other participants.

(vi) The total rebate, if any, paid to all users and the amount of such rebate distributed to each user for this same period.

NOTE: The provisions of this section apply only to Class A stations and do not modify, limit or restrict present licensing policies applicable to Class D stations in the Citizens Radio Service.

23. Present § 95.89 is redesignated as § 95.90 and in paragraph (a). the introductory text and subparagraph (4) of the newly designated section are amended to read as follows:

**§ 95.90 Telephone answering services.**

(a) Notwithstanding the provisions of § 95.37, a licensee may install a transmitting unit of his station on the premises of a telephone answering service. The same transmitter may not be operated under the authorization of more than one licensee, or otherwise shared, except as provided in §§ 95.88 and 95.89. In cases coming under the provisions of this section, the licensee must enter into a written agreement with the answering service. This agreement must be kept with the licensee's station records and must provide, as a minimum, that:

* * * * *

(4) The unit so furnished shall be used only for the transmission of communications of the licensee to other units belonging to the licensee's station, except as provided in § 95.88 and § 95.89.

* * * * *

24. A new § 95.89 is added to read as follows:

**§ 95.89 Multiple licensing of radio transmitting equipment to licensees of Class A stations.**

(a) Two or more persons eligible in this service and licensed for Class A station operation may be separately authorized to share the use of the same transmitting equipment under the terms and conditions set forth in this section.

(1) No consideration shall be paid, either directly or indirectly, by any participant to any other participant for, or in connection with, the use of the jointly licensed facilities; and no participant shall furnish to any other participant, with or without charge, any equipment or service, or facility of any kind, for use in connection with said system.

(2) Dispatch service may be provided by a third person, including a telephone answering service; provided, however, that such third person shall not furnish, through sale, lease arrangements, or otherwise, any of the radio equipment used in the jointly licensed facilities.

(3) All participants in the sharing arrangement shall be jointly and severally responsible for the proper operation and use of the equipment shared.

(4) No person shall participate in any sharing arrangement without having first obtained the consent of all persons then using the system.

(5) Each licensee shall have unlimited and unconditional access to all shared transmitting equipment for inspection and maintenance and for such other purposes as are consistent with his status as licensee.

(b) Applications for the joint use of transmitting equipment shall be accompanied by the following data and information.

(1) A list of persons who are to share the facilities. When the shared use of particular facilities is first authorized, the Commission will assign a system designator. Thereafter, applicants shall use the system designator in applying to be added to any group sharing existing facilities.

(2) A copy of the agreement whereby each participant agrees to be jointly and severally responsible for the proper operation and use of the equipment, as required at paragraph (a)(3) of this section copy of the document in which all persons mutually consent to the use of the system by each person participating, as required at paragraph (a)(4) of this section.

(3) The name of any person employed to perform dispatching services for the group or for any person participating in it; the name(s) of the person(s) supplying, through sale, lease arrangements, or otherwise, any of the radio equipment used jointly in the system; and the relationship, if any, between any person identified as dispatching and those supplying any of the equipment. If no such relationship exists, then the applicant shall so state.

(c) Whenever any person ceases to participate in any arrangement for the joint use of facilities, he shall, within 10 days of that date, submit his license or licenses for cancellation.

NOTE: The provisions of this section apply only to Class A stations and do not modify, limit or restrict present licensing policies applicable to Class D stations in the Citizens Radio Service.

[F.R. Doc. 70-9626; Filed, July 24, 1970; 8:49 a.m.]

# FEDERAL POWER COMMISSION

**[ 18 CFR Parts 1, 161 ]**

[Docket No. R-388]

## PROCEDURE IN MATTERS ON REFERENCE FROM COURT; REJECTION OF RATE SCHEDULES OR CONTRACTS CONTAINING PROVISIONS INHIBITING GOOD FAITH PRESENTATIONS

### Notice of Extension of Time

JULY 17, 1970.

On July 10, 1970, the Independent Natural Gas Association of America filed a request for an extension of time

to and including August 19, 1970, within which to file comments in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including August 3, 1970, within which any interested person may submit data, views, comments and suggestions in writing to the notice of proposed rule making issued on June 18, 1970, in the above-designated matter (35 F.R. 10379).

GORDON M. GRANT,
*Secretary.*

[F.R. Doc. 70-9572; Filed, July 24, 1970; 8:45 a.m.]

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## [ 18 CFR Part 2 ]

[Docket No. R-389A]

## INITIAL RATES FOR FUTURE SALES OF NATURAL GAS FOR ALL AREAS

### First Schedule of Oral Presentations

JULY 23, 1970.

Pursuant to paragraph 7 in Docket No. R-389 issued June 17, 1970 (35 F.R. 10152), requests for oral hearings in Midland, Tex., in lieu of written submittals were received by this Office from the following parties whose requests are granted at the date and time specified herein. Supplemental requests to be heard in Midland pursuant to paragraph 7 in Docket No. R-389A issued July 17, 1970 (35 F.R. 11638), will be considered on July 24, 1970, and the supplemental list promulgated.

The public hearing in Midland will be held at the Midland High School Auditorium.

Any applicant for oral hearing whose name does not appear on this schedule or on a supplemental schedule shall deem his request denied and is invited to file a written submittal pursuant to paragraph 10.

*July 29:*

10:00 Honorable George Bush, M.C.
10:15 Honorable Preston Smith, Governor of Texas.
10:30 Honorable Crawford Martin, Attorney General of Texas.
10:45 Honorable Jim Langdon, Chairman, Railroad Commission of Texas.
11:00 Tom Sealy, Esquire, For Permian Basin Petroleum Association.
11:15 Tom Sealy, Esquire, For BEA Oil Producers.
11:30 Tom Sealy, Esquire, For Hanley Co., Adobe Oil Co., Sams Oil Co.
11:45 Tom Sealy, Esquire, For Deane H. Stoltz, Leede Zoller; Major, Giebel and Forster.
12:00 L. Dan Jones, Esquire, For Independent Producers Association of America.
12:15 Recess.
1:15 William J. Murray, Jr., For Texas Independent Producers and Royalty Owners Association.
1:30 Raymond A. Lynch, Esquire, For Chambers and Kennedy, Murphy H. Baxter, Chriss R. Inman.
2:00 H. J. Rucker, Esquire, For Imperial-American Management Co., George T. Abell, Estate of Elizabeth R. Sharp, Jack N. Blair.
2:15 Richard S. Brooks, Esquire, For David Fasken.
2:30 Ellis Evans, For Ellis Evans et al. Interests.
2:45 Tom Culbertson.
3:00 Paul G. White, For Western Oil Fields, Inc.

GORDON M. GRANT,
*Secretary.*

[F.R. Doc 70-9700; Filed, July 24, 1970; 8:51 a.m.]

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# INTERSTATE COMMERCE COMMISSION

## [ 49 CFR Ch. X ]

[Ex Parte No. 266]

## INVESTIGATION INTO THE STATUS OF FREIGHT FORWARDERS

### Notice of Proposed Rule Making

*Correction*

In F.R. Doc. 70-8568 appearing at page 10959 in the issue for Wednesday, July 8, 1970, the reference to "Appendix II" in the 12th line of the second full paragraph in the middle column on page 10960 should read "Appendix III".

# Notices

## DEPARTMENT OF THE TREASURY

### Fiscal Service

[Dept. Circ. 570, 1970 Rev., Supp. No. 1]

### AMERICAN ECONOMY INSURANCE CO.

### Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of $1,049,000.00 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated

American Economy Insurance Company

Indianapolis, Indiana

Indiana

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: July 22, 1970.

[SEAL] JOHN K. CARLOCK,
*Fiscal Assistant Secretary.*

[F.R. Doc. 70-9641; Filed, July 24, 1970; 8:51 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[New Mexico 9868]

### NEW MEXICO

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

JULY 17, 1970.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and the regulations in 43 CFR Parts 2400 and 2460, the public lands within the areas described below are hereby classified for multiple-use management. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. sec. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The record showing comments received following publication of a notice of proposed classification (35 F.R. 5130) and other information is on file and can be examined in the Albuquerque District Office, Bureau of Land Management, 1304 Fourth Street NW., Albuquerque, N. Mex. The public lands affected by this classification are located within the following described areas and are shown on a map designated Malpais Planning Unit (1–12) on file in the Albuquerque District Office and in the Land Office, Bureau of Land Management, U.S. Post Office and Federal Building, Santa Fe, N. Mex.

NEW MEXICO PRINCIPAL MERIDIAN

T. 7 N., R. 9 W.,
Sec. 3, lot 18;
Sec. 4, lots 15, 16, 19, 20, 21, 22, and 25;
Sec. 5, lots 2, 3, 4, SW¼NE¼, S½NW¼, SW¼, W½SE¼, SE¼SE¼, and those portions of lot 1, SE¼NE¼, and NE¼SE¼ which lie west of Acoma Trust lands;
Sec. 6, lot 2, NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 7, lots 2, 3, 4, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 8, N½NE¼ and NE¼NW¼;
Sec. 9, N½NE¼, SW¼NE¼, NW¼, N½SW¼, SW¼SW¼, and those portions of SE¼NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼ which lie west of Acoma Trust lands;
Sec. 10, lots 5 and 6;
Sec. 17, N½NW¼, SW¼NW¼ and those portions of NE¼, SE¼NW¼, and SW¼ which lie west of Acoma Trust lands;
Sec. 18, lots 5 to 15, inclusive, lots 18, 20, 23, 25 and 26.

T. 8 N., R. 9 W.,
Sec. 3, lot 4, SW¼NW¼, W½SW¼ and those portions of lot 3, SE¼NW¼, and E½SW¼ which lie west of Acoma Trust lands;
Sec. 4, lots 5 to 14, inclusive;
Secs. 5 and 6;
Sec. 7, lots 1, 4, E½, NE¼NW¼ and SE¼SW¼;
Sec. 8;
Sec. 9, N½;
Sec. 18, lots 9, 13, 14, 17, 18, 20, 23, 25, 27, 28, and 29;
Sec. 19, NE¼NW¼ and those portions of lots 1, 2, 3, N½NE¼ and SE¼NW¼ which lie west of Acoma Trust lands;
Sec. 29, those portions of SW¼NW¼, SW¼, and SW¼SE¼ which lie west of Acoma Trust lands;
Sec. 30, lots 6, 8, 10, 12, 13, 14, 15, 16, and lots 18 to 25, inclusive;
Sec. 31;
Sec. 32, those portions of SW¼NE¼ and SW¼SE¼ which lie west of Acoma Trust lands.

T. 9 N., R. 9 W.,
Sec. 8, W½;
Secs. 10 and 18;
Sec. 20, W½;
Sec. 26, lots 1, 2, 3, 4, W½E½, and W½;
Sec. 28, E½E½;
Secs. 30 and 34.

T. 7 N., R. 10 W.,
Secs. 1 and 3;
Sec. 4, lots 5 and 6;
Sec. 10, N½N½, SE¼NE¼, SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 11;
Sec. 12, S½S½;
Sec. 13, N½ and those portions of N½S½ and SW¼SW¼ which lie west of Acoma Trust lands;
Sec. 14, lots 1, 3, 15, NE¼, NE¼NW¼, and those portions of lot 7, W½NW¼, and SE¼NW¼ which lie west of Acoma Trust lands.

T. 8 N., R. 10 W.,
Secs. 1, 3, 4, and 5;
Sec. 6, lots 6, 7, E½SW¼, and SE¼;
Secs. 7 to 11, inclusive;
Sec. 12, N½NE¼, SW¼NE¼, W½, and SE¼;
Sec. 13, NW¼NE¼ and those portions of E½E½ and W½SE¼ which lie west of Acoma Trust lands;
Secs. 14, 15 and 17 to 22, inclusive;
Sec. 23, W½E½ and W½;
Sec. 24, lots 1 and 2;
Sec. 26, NW¼NE¼, NW¼, and W½SW¼;
Secs. 27 to 31, inclusive and 33;
Sec. 34, N½, NE¼SW¼, W½SW¼, and SE¼SE¼;
Sec. 35, S½NE¼, NW¼NW¼, S½SW¼, and SE¼.

T. 9 N., R. 10 W.,
Secs. 4, 6, 8, 12, 14, 18, 20, 24, 26, 28, 30, and 34.

T. 8 N., R. 11 W.,
Sec. 1, lots 1, 2, 3, 4, and S½N½;
Secs. 3 and 5;
Sec. 6, lots 1, 2, 3, 4, 7, SE¼SW¼, and S½SE¼;
Sec. 9;
Sec. 10, S½;
Secs. 12, 14, 18, 20, 22, 24, 26, 28, 30, and 34.

T. 8 N., R. 12 W.,
Secs. 4, 5, and 6;
Sec. 7, lots 1, 2, 3, and 4;
Secs. 8, 10, 12, and 14;
Sec. 15, SW¼;
Secs. 18, 20, 22, 24, 26, and 28;
Sec. 30, lot 4, E½, SE¼NW¼, and E½SW¼;
Sec. 34.

T. 6 N., R. 13 W.,
Secs. 1, 3 to 15, inclusive, 19 to 31, inclusive, 33, 34, and 35.

T. 7 N., R. 13 W.,
Secs. 1, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 23, 24, 25, 27, 28, 29, 31, and 33;
Sec. 30, lots 3, 4, E½, and E½SW¼;
Secs. 34 and 35.

T. 8 N., R. 13 W.,
Secs. 1, 3, and 11;
Sec. 12, N½, N½S½, SW¼SW¼, and SE¼SE¼;
Secs. 13 and 20;
Sec. 22, S½NE¼, NW¼, and S½;
Sec. 24, NE¼, S½NW¼, and S½;
Sec. 25;
Sec. 26, E½NE¼, W½NW¼, and S½;
Secs. 29, 30, 31, and 33.

The areas described aggregate approximately 105,140.51 acres.

3. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2461.3. For a period of 30 days interested parties may submit comments to the Secretary of the Interior, LLM, Washington, D.C. 20240.

W. J. ANDERSON,
*State Director.*

[F.R. Doc. 70-9620; Filed, July 24, 1970; 8:49 a.m.]

# DEPARTMENT OF AGRICULTURE

## Commodity Credit Corporation

[Amdt. 1]

## SALES OF CERTAIN COMMODITIES

### Monthly Sales List (Fiscal Year Ending June 30, 1971)

Section 6, Credit Eligibility List, of the CCC Monthly Sales List for the fiscal year ending June 30, 1971, published in 35 F.R. 10922, is revised to read as follows:

6. *Credit eligibility list.* Commodities eligible for financing under the CCC Export Sales Program include barley, bulgur, cattle (beef and dairy breeding), corn, cornmeal, cotton (upland and extra long staple), cottonseed meal, cottonseed oil, dairy products, flaxseed, grain sorghum, lard, lemons, linseed oil, oats, raisins, rice (milled and brown), rye, soybean oil, tallow, tobacco, wheat, wheat flour and selected planting seeds for limited financing to meet special program requirements. These commodities are subject to certain area limitations. Commodities purchased from CCC may be financed for export as private stocks under the GSM-4 Regulations.

Signed at Washington, D.C., on July 21, 1970.

CARROLL G. BRUNTHAVER,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F.R. Doc. 70-9642; Filed, July 24, 1970; 8:51 a.m.]

# DEPARTMENT OF COMMERCE

## Business and Defense Services Administration

## BOSTON UNIVERSITY

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

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

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

Docket No. 70-00427-33-46500. Applicant: Boston University, School of Medicine, 78 East Concord Street, Boston, Mass. 02118. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The primary use of this article will be in virus cancer research. A project concerning the pathogenesis of viral leukemia is being studied. In order to study the relation of viral replication to tumor proliferation, the relation of mature virions will be studied in serial section in ultrathin tissue sections.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured at the time the order for the foreign article was prepared (Oct. 10, 1969).

Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument available at the time the order for the foreign article was prepared was the Model MT-2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 had a guaranteed minimum thickness capability of 100 angstroms.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated May 6, 1970, that the minimum thickness capability of less than 100 angstroms is pertinent to the applicant's research studies. We, therefore, find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-9592; Filed, July 24, 1970; 8:47 a.m.]

## CHILDREN'S HOSPITAL MEDICAL CENTER

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

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

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

Docket No. 70-00366-33-46040. Applicant: Children's Hospital Medical Center, 300 Longwood Avenue, Boston, Mass. 02115. Article: Electron microscope, Model 300. Manufacturer: Philips Electronic Instruments, The Netherlands.

Intended use of article: The article will be used primarily in research programs concerned with mental retardation, including pathology and cellular anatomy. Selected graduate and postdoctoral students will be trained in the applications of electron microscopy to the study of human diseases. The investigation and training will include research at the tissue cellular and macromolecular level.

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

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

Reasons: The foreign article provides a continuous magnification from 220 to 500,000 magnifications, without changing the pole-piece. The most closely comparable domestic instrument is the Model EMU-4B which was formerly manufactured by the Radio Corp. of America (RCA), and which is presently being supplied by the Forgflo Corp. (Forgflo). The Model EMU-4B, with its standard pole-piece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 400 magnifications or less. But, the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4B that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification pole-piece should be used. Changing the pole-piece on the Model EMU-4B requires a break in the vacuum of the column.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 24, 1970, that the applicant requires the capability of taking high-quality micrographs at low magnifications in order to achieve the purposes for which the foreign article is intended to be used.

HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment.

Therefore, the capability of moving from 220 to 500,000 magnifications without changing pole-pieces, while at the

same time providing high-quality micrographs at low magnifications, is considered to be a pertinent characteristic.

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

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

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

[F.R. Doc. 70–9593; Filed, July 24, 1970; 8:47 a.m.]

## CORNELL UNIVERSITY

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

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

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

Docket No. 70–00567–91–46500. Applicant: Cornell University, Ithaca, N.Y. 14850. Article: Ultramicrotome, Model "OM U2" Manufacturer: C. Reichert Optische Werke A.G., Austria.

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

A. Ultrastructural studies on differentiating and mature sieve elements in ferns and cycads.

B. Ultrastructural investigations of sieve tube elements in tobacco, linden, and willow before and after the penetration of aphid stylets.

C. Ultrastructural studies on fungi.

D. Ultrastructural studies on the fate of chloroplasts during spore germination in the filamentous alga *Zygnema*.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured at the time the foreign article was ordered June 20, 1969.

Reasons: The foreign article has a guaranteed minimum thickness capability of at least 50 angstroms. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2 had a guaranteed minimum thickness capability of 100 angstroms. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 18, 1970, that the minimum thickness capability of less than 100 angstroms is pertinent to the applicant's research studies. We, therefore, find that the Sorvall Model MT–2 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70–9594; Filed, July 24, 1970; 8:47 a.m.]

## INSTITUTE FOR MEDICAL RESEARCH

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

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

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

Docket No. 70–00550–33–46040. Applicant: Institute for Medical Research, Copewood Street, Camden, N.J. 08103. Article: Electron microscope, Model JEM–100B. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan.

Intended use of article: The article will be used to determine the fine structure of viruses for identification purposes. The applicant is studying a virus in mouse milk that transmits mammary cancer from mother to daughter. This virus will be tested by inoculating young mice with it and observing the development of tumors. A similar-looking virus particle in human milk has been found, but aside from its morphology, there has been no identification of the particle.

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

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

Reasons: The foreign article has a specified resolving capability of 3 angstroms. The most closely comparable domestic instrument is the Model EMU–4B electron microscope which was formerly manufactured by the Radio Corp. of America (RCA), and which is presently being supplied by the Forgflo Corp. (Forgflo). The Model EMU–4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstroms units, the better the resolving capability.)

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 10, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used.

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

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

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

[F.R. Doc. 70–9595; Filed, July 24, 1970; 8:47 a.m.]

## JOHNS-MANVILLE FUND, INC.

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

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

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

Docket No. 70–00600–96–46040. Applicant: Johns-Manville Fund, Inc., 22 East 40th Street, New York, N.Y. 10016. Article: Electron microscope, Model HU–11E. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for a number of investigations in progress in the Environmental Sciences Laboratory. These projects include a determination of the level of fibrous particulate contamination in ambient air in and around places where asbestos insulation is being applied; and a study involving the effects that altered mineral microparticulates have on biological systems. These studies concern two distinctly different materials, the mineral inorganic phase and the biologically affected system.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended

to be used, is being manufactured in the United States.

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

We are advised by the National Bureau of Standards (NBS) in its memorandum dated June 16, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used.

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

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

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

[F.R. Doc. 70–9596; Filed, July 24, 1970; 8:47 a.m.]

## LINDENHURST PUBLIC SCHOOLS, N.Y.

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

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

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

Docket No. 70–00584–16–61800. Applicant: Lindenhurst Public Schools, 141 School Street, Lindenhurst, N.Y. 11757. Article: Planetarium, Model Apollo, and auxiliary projectors. Manufacturer: Goto Optical Co., Japan.

Intended use of article: The article will be used by Grades 1 through 12 for instruction in courses on the moon, planets, and stars; causes of weather, earth-space relationship; matter and energy; navigation; and physics. Both students and teachers will operate the article, which works manually or automatically.

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

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

Reasons: The applicant requires for its purposes an apparatus that could be used with domes of approximately 10 feet in diameter; is easily movable from one classroom to another, and from one school to another; can be automatically as well as manually controlled; provides a minimum of 750 stars and automatic phasing of the Moon; and has facilities for automatically pointing to any given planet or star.

(1) The Spitz Model A4 planetarium has a density of 1,345 stars, but specifies a 30-foot dome. The Spitz Model A4 is primarily designed for fixed installation in museums and similar places for viewing by large groups. The Spitz Model A4, therefore, does not provide the characteristic of mobility which is considered to be pertinent to the purposes for which the foreign article is intended to be used.

(2) The Nova Model III planetarium provides 750 stars and can be equipped for use with domes of 10 feet in diameter. The Nova Model III is also capable of being operated both automatically and manually. However, it is not designed for portability. Moreover, the Model III does not provide any means for automatically pointing to and identifying any particular stars or planets.

(3) The Observa Dome Model A–24 planetarium is a sophisticated fixed installation which provides 1,200 stars, but lacks portability as well as the facility for automatically pointing out a given star or planet.

We are advised by the National Bureau of Standards (NBS) in its memorandum dated June 2, 1970, that the automatic pointer cited above is pertinent to the purposes for which the foreign article is intended to be used.

For the foregoing reasons, we find that neither the Spitz Model A4, the Nova Model III, nor the Observa Dome Model A–24 is of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70–9597; Filed, July 24, 1970; 8:47 a.m.]

## MASSACHUSETTS GENERAL HOSPITAL

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

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

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

Docket No. 70–00579–33–43780. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Total hip joint replacements (6). Manufacturer: Protek Ltd., Switzerland.

Intended use of article: The article will be used for a study and scientific assessment of hip reconstructions, using total hip replacement in contrast to previously existing modes of reconstructive hip surgery.

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

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

Reasons: The article is a combination of the Charnley apparatus which combines a metal femoral head prosthesis with a head diameter of 32 millimeters and a high-density polyethylene acetabulum which accepts only this sized head, and the Mueller apparatus which has a larger femoral head size and an acetabular component made of metal but with three polyethylene bearing points in the cup.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 18, 1970, that the combination of characteristics described above is pertinent to the purposes for which the article is intended to be used. HEW further advises that it knows of no equivalent prosthesis which is being manufactured in the United States which provides this combination of characteristics.

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

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

[F.R. Doc. 70–9598; Filed, July 24, 1970; 8:47 a.m.]

## MIAMI UNIVERSITY

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

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

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

Docket No. 70–00413–33–46040. Applicant: Miami University, Oxford, Ohio 45056. Article: Electron microscope, Model HU–125E–1. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: Applicant intends to conduct experiments in light and interference microscopy, using specially prepared thin sections, in conjunction with electron microscopic studies of Golgi morphology, enzyme cytochemistry and ultrastructural cytochemistry. The article will also be used in a course entitled "Electron Microscopy" to teach routine fixation and embedment, preparation of grids for electron microscopy, negative staining of preparations, phase contrast electron microscopy, electron microscope radioautography, electron microscopy cytochemistry, and special problems in electron microscopy, including electron diffraction.

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

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

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

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 24, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used.

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

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

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

[F.R. Doc. 70–9599; Filed, July 24, 1970; 8:47 a.m.]

## NORTH CAROLINA STATE UNIVERSITY

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

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

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

Docket No. 70–00482–33–46500. Applicant: North Carolina State University, Post Office Box 5935, Raleigh, N.C. 27607. Article: Ultramicrotome, Model LKB 4800, with ultratome table. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: Faculty and graduate students of the Department of Zoology, School of Agriculture and Life Sciences will use the article in preparation of thin sections for electron microscopy associated with basic scientific research. A major use is for sectioning material for studies of mitochondrial biogenesis in trypanosomatids. Serial sections of uniform thickness are essential to this research.

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

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

Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstorms. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2 had a guaranteed minimum thickness capability of 100 angstroms.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated May 22, 1970, that the minimum thickness capability of less than 100 angstroms is pertinent to the applicant's research studies.

We, therefore, find that the Sorvall Model MT–2 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70–9600; Filed, July 24, 1970; 8:47 a.m.]

## ROCKEFELLER UNIVERSITY ET AL.

### Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

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

A copy of the record pertaining to this consolidated decision is available for public review during ordinary business hours of the Department of Commerce at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 602.5(e) of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice [of denial without prejudice to resubmission], inform the Administrator whether it intends to resubmit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Administrator in writing prior to the expiration of the 90-day period. * * * If the applicant fails within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of the paragraph (d) of this section.

The meaning of the section is that should an applicant either fail to notify the Administrator of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice

have the effect of a final decision denying their respective applications.

Section 602.5(e) further provides:

* * * the Administrator shall submit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Administrator.

Docket No. 67-00002-01-10520. Applicant: Rockefeller University, York Avenue at 66th Street, New York, N.Y. 10021. Article: Gas-liquid chromatograph. Date of denial without prejudice to resubmission: March 8, 1967.

Docket No. 67-00046-30-16600. Applicant: Charles F. Kettering Research Lab., 150 E. S. College Street, Yellow Springs, Ohio 45387. Article: Cryomagnet. Date of denial without prejudice to resubmission: April 26, 1967.

Docket No. 67-00104-60-77030. Applicant: U.S. Department of Agriculture, 600 East Mermaid Lane, Philadelphia, Pa. 19118. Article: NMR spectrometer, JNM-C-60H. Date of denial without prejudice to resubmission: October 9, 1967.

Docket No. 67-00114-33-46500. Applicant: Albert Einstein College of Medicine, Eastchester Road and Morris Park Avenue, Bronx, N.Y. 10461. Article: Ultramicrotome, Model "OmU2". Date of denial without prejudice to resubmission: June 16, 1967.

Docket No. 67-00155-33-73610. Applicant: University of Houston, Houston, Tex. 77004. Article: Burkard recording volumetric spore trap. Date of denial without prejudice to resubmission: December 14, 1967.

Docket No. 68-00005-01-77040. Applicant: North Dakota State University, 1301 12th Avenue North, Fargo, N. Dak. 58102. Article: Mass spectrometer, Model RMU-6E. Date of denial without prejudice to resubmission: July 10, 1967.

Docket No. 68-00008-33-46500. Applicant: U.S. Public Health Service, National Center for Urban Industrial Health, 5555 Ridge Avenue, Cincinnati, Ohio 45213. Article: Reichert ultramicrotome, Model "OmU2". Date of denial without prejudice to resubmission: October 13, 1967.

Docket No. 68-00038-33-61300. Applicant: University of California, East End of Hearst Avenue, Berkeley, Calif. 94720. Article: Lang Levy micro automatic pipettes. Date of denial without prejudice to resubmission: August 7, 1967.

Docket No. 68-00050-33-46040. Applicant: University of Illinois, 833 South Wood Street, Chicago, Ill. 60612. Article: Electron microscope, Model HS-7S. Date of denial without prejudice to resubmission: August 7, 1967.

Docket No. 68-00052-33-79600. Applicant: University of Hawaii, 1993 East-West Road, Honolulu, Hawaii 96822. Article: Electronic stimulator, Models MSE-3 and MZ-3. Date of denial without prejudice to resubmission: September 12, 1967.

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

[F.R. Doc. 70-9591; Filed, July 24, 1970; 8:47 a.m.]

## SAINT ALOYSIUS HIGH SCHOOL, VICKSBURG, MISS.

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

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

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

Docket No. 70-00419-16-61800. Applicant: St. Aloysius High School, 2003 Clay Street, Vicksburg, Miss. 39180. Article: Planetariums and auxiliary projectors, Model Apollo. Manufacturer: Goto Optical Co., Japan.

Intended use of article: The article will be used for instruction in such courses as astronomy, navigation and weather for different grade levels and will be operated by both students and teachers.

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

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

Reasons: The applicant requires for its purposes an apparatus that could be used with domes of approximately 10 feet in diameter; is easily movable from one classroom to another, and from one school to another; can be automatically as well as manually controlled; provides a minimum of 750 stars and automatic phasing of the Moon; and has facilities for automatically pointing to any given planet or star.

(1) The Spitz Model A4 planetarium has a density of 1,345 stars, but specifies a 30-foot dome. The Spitz Model A4 is primarily designed for fixed installation in museums and similar places for viewing by large groups. The Spitz Model A4, therefore, does not provide the characteristic of mobility which is considered to be pertinent to the purposes for which the foreign article is intended to be used.

(2) The Nova Model III planetarium provides 750 stars and can be equipped for use with domes of 10 feet in diameter. The Nova Model III is also capable of being operated both automatically and manually. However, it is not designed for portability. Moreover, the Model III does not provide any means for automatically pointing to and identifying any particular stars or planets.

(3) The Observa Dome Model A-24 planetarium is a sophisticated fixed installation which provides 1,200 stars, but lacks portability as well as the facility for automatically pointing out a given star or planet.

We are advised by the National Bureau of Standards (NBS) in its memorandum dated May 28, 1970, that the automatic pointer cited above is pertinent to the purposes for which the foreign article is intended to be used.

For the foregoing reasons, we find that neither the Spitz Model A4, the Nova Model III, nor the Observa Dome Model A-24 is of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70-9603; Filed, July 24, 1970; 8:47 a.m.]

## SCIENCE CENTER OF PINELLAS COUNTY, INC., FLA.

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

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

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

Docket No. 70-00341-16-61800. Applicant: Science Center of Pinellas County, Inc., 7701 22d Avenue North, St. Petersburg, Fla. 33710. Article: Planetariums and auxiliary projectors, Apollo Model. Manufacturer: Goto Optical Co., Japan.

Intended use of article: The article will be operated manually or automatically and will be used for instruction in Grades 1 through 12 in astronomy, weather, navigation, and related courses as outlined by the applicant. Students as well as teachers will operate the article.

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

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

Reasons: The applicant requires for its purposes an apparatus that could be used with domes of approximately 10 feet in diameter; is easily movable from one classroom to another, and from one school to another; can be automatically as well as manually controlled; provides a minimum of 750 stars and automatic phasing of the Moon; and has facilities for automatically pointing to any given planet or star.

(1) The Spitz Model A4 planetarium has a density of 1,345 stars, but specifies a 30-foot dome. The Spitz Model A4 is primarily designed for fixed installation in museums and similar places for viewing by large groups. The Spitz Model A4, therefore, does not provide the characteristic of mobility which is considered to be pertinent to the purposes for which the foreign article is intended to be used.

(2) The Nova Model III planetarium provides 750 stars and can be equipped for use with domes of 10 feet in diameter. The Nova Model III is also capable of being operated both automatically and manually. However, it is not designed for portability. Moreover, the Model III does not provide any means for automatically pointing to and identifying any particular stars or planets.

(3) The Observa Dome Model A–24 planetarium is a sophisticated fixed installation which provides 1,200 stars, but lacks portability as well as the facility for automatically pointing out a given star or planet.

We are advised by the National Bureau of Standards (NBS) in its memorandum dated May 28, 1970, that the automatic pointer cited above is pertinent to the purposes for which the foreign article is intended to be used.

For the foregoing reasons, we find that neither the Spitz Model A4, the Nova Model III, nor the Observa Dome Model A–24 is of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70–9601; Filed, July 24, 1970; 8:47 a.m.]

## SKIDMORE COLLEGE

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

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

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

Docket No. 70–00608–33–46500. Applicant: Skidmore College, 31 Union Avenue, Saratoga Springs, N.Y. 12866. Article: Ultramicrotome, Model OmU2. Manufacturer: C. Reichert Optische Werke A.G., Austria.

Intended use of article: The article will be used for both research and educational purposes. The materials to be studied are biological specimens, primarily species of sulfur oxidizing bacteria (Thiobacilli) in order to establish the structure-function relationship. The courses in which the article will be used are Biology 371 and Biology 74 "Fine Structure Studies of Bacteria," and Biology 314 "Microbial Physiology."

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured at the time the foreign article was ordered May 25, 1968.

Reasons: The foreign article has a guaranteed minimum thickness capability of at least 50 angstroms. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2 had a guaranteed minimum thickness capability of 100 angstroms.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 24, 1970, that the minimum thickness capability of less than 100 angstroms is pertinent to the applicant's research studies.

We, therefore, find that the Sorvall Model MT–2 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70–9602; Filed, July 24, 1970; 8:47 a.m.]

## SLOAN-KETTERING INSTITUTE FOR CANCER RESEARCH

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

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

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

Docket No. 70–00391–33–46040, Applicant: Sloan-Kettering Institute for Cancer Research, 410 East 68th Street, New York, N.Y. 10021. Article: Electron microscope, Model Elmiskop 101, Manufacturer: Siemens, A.G., West Germany.

Intended use of article: The article will be used in cancer research, including the fine structure of cancer cells and the direct visualization of viruses. One study concerns whether or not smaller structures are preserved in the organization of cells and viruses. New techniques for fixation, new resins for embedding, and their application to the study of such viruses as murine leukemia and the herpes group will be developed. Other studies of macromolecules and enzyme molecules are planned.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant placed the order for the foreign article (Apr. 11, 1968).

Reasons: The foreign article has a specified resolving capability of 5 angstroms. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model EMU–4 electron microscope which was formerly manufactured by the Radio Corp. of America (RCA), and which is presently being supplied by the Forgflo Corp. (Forgflo). The Model EMU–4 has a specified resolving capability of 8 angstroms. (The lower the numerical rating in terms of angstroms units, the better the resolving capability.)

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated May 18, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used.

We, therefore, find that the Model EMU–4 was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70–9604; Filed, July 24, 1970; 8:48 a.m.]

## TEXAS A. & M. UNIVERSITY

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

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

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

Docket No. 70–00596–33–46500. Applicant: Texas A. & M. University, College of Veterinary Medicine, Department of Veterinary Pathology, College Station, Tex. 77843. Article: Ultramicrotome, Model OmU2. Manufacturer: C. Reichert Optische Werke A.G., Austria.

Intended use of article: The article will be used for serial sectioning tissue in uniform thickness for research concerning the developmental pathogenesis of cytoplasmic membranous inclusions in neurons from experimental and spontaneous cerebrospinal lipodystrophies.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured at the time the foreign article was ordered April 8, 1969.

Reasons: The foreign article has a guaranteed minimum thickness capability of at least 50 angstroms. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2 had a guaranteed minimum thickness capability of 100 angstroms.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 24, 1970, that the minimum thickness capability of less than 100 angstroms is pertinent to the applicant's research studies.

We, therefore, find that the Sorvall Model MT–2 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70–9605; Filed, July 24, 1970; 8:48 a.m.]

## UNIVERSITY OF CALIFORNIA ET AL.

### Notice of Applications for Duty-Free Entry of Scientific Articles

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

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

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

Docket No. 70–00822–33–46040. Applicant: University of California at Davis, School of Medicine, Department of Pathology, Davis, Calif. 95616. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used to study the general ultrastructure of normal and abnormal specimens of human mammary tissue. Considerable emphasis will be placed on relatively low magnification medium resolution microscopy of the mammary tissue in order to determine the pathological, physiological, and morphological characteristics. Application received by Commissioner of Customs: June 18, 1970.

Docket No. 70–00824–65–90000. Applicant: Battelle Memorial Institute, Pacific Northwest Laboratories, Post Office Box 999, Richland, Wash. 99352. Article: Rotating anode X-ray generator, Model RV–3V. Manufacturer: Rigaku-Denki Co., Ltd., Japan. Intended use of article: The article will be used for research concerning dust-size material, fine particle characterization and X-ray identification of very small samples. Application received by Commissioner of Customs: June 19, 1970.

Docket No. 70–00823–33–46500. Applicant: U.S. Department of Agriculture, Forest Service, 359 Main Road, Delaware, Ohio. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscope examination. The primary uses are for woody tissues in order to determine the specific relationship between the various structures. Application received by Commissioner of Customs: June 18, 1970.

Docket No. 70–00825–33–46040. Applicant: Boston Biomedical Research Institute, 20 Staniford Street, Boston, Mass. 02114. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article will be used to study such tissues as the cornea and retina of the eye, muscle proteins, collagen and mocopolysaccharides in normal and regenerating connective tissue, and nerves. Postdoctoral research fellows as well as trainees will be taught to operate and maintain an electron microscope in preparation for a multidisciplinary approach to biomedical studies on aging and disease. Application received by Commissioner of Customs: June 19, 1970.

Docket No. 70–00826–33–43780. Applicant: Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: Total hip joint replacements, 16 each. Manufacturer: Protek Ltd., Switzerland. Intended use of article: The article will be used for a study and scientific assessment of hip reconstructions, using total hip replacement in contrast to previously existing modes of reconstructive hip surgery. Application received by Commissioner of Customs: June 19, 1970.

Docket No. 70–00827–33–46040. Applicant: St. Luke's Episcopal Hospital, 6720 Bertner Avenue, Houston, Tex. 77025. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used for investigations of the ultrastructural pathology of the transplanted human heart after rejection; the ultrastructure of the nephron in kidney specimens taken by biopsy; immunohematological disorders by observations of bone marrow aspirates; and of virus infected human tissue taken by biopsy or at autopsy. Application received by Commissioner of Customs: June 22, 1970.

Docket No. 70–00828–33–46040. Applicant: North Carolina State University, Electron Microscope Facility, Institute of Biological Sciences, Gardner Hall, Room 1222, Raleigh, N.C. 27607. Article: Electron microscope, Model HS–8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for the training of undergraduate and graduate students and faculty personnel in the techniques and applications of electron microscopy. Courses in General Biology, Cell Biology, and Topics in Biological Ultrastructure will use the electron microscope for teaching. Application received by Commissioner of Customs: June 23, 1970.

Docket No. 70–00829–33–46500. Applicant: Medical College of Georgia, 1459 Gwinnett Street, Augusta, Ga. 30902. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used for research concerning the regeneration of capillary basement membrane; the ultrastructural and histochemical character of protein;

the observation of highly vascularized muscular tissue; and to evaluate tissue specimens produced in ultrathin sections for electron microscopy and electron histochemical studies. Application received by Commissioner of Customs: June 24, 1970.

Docket No. 70–00830–73–29800. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Film editing machine. Manufacturer: KEM Electronic Mechanic GMBH, West Germany. Intended use of article: The article will be used to edit the U.S. film program for the U.N. 4th Atoms for Peace Conference. This requires editing in English, French, Russian, and Spanish. Application received by Commissioner of Customs: June 24, 1970.

Docket No. 70–00832–33–46500. Applicant: The University of North Carolina, Department of Botany, Chapel Hill, N.C. 27514. Article: Ultramicrotome, Model Om U2. Manufacturer: C. Reichert Optische, Werke A.G., Austria. Intended use of article: The article will be used to prepare extremely thin sections of algal viruses and cellulosic microfibrils. Serial sections of approximately 50 angstroms each will be made through the virus particle in order to determine its three-dimensional configuration in relation to its attachment to the algal cell well. Application received by Commissioner of Customs: June 25, 1970.

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

[F.R. Doc. 70–9606; Filed, July 24, 1970; 8:48 a.m.]

## UNIVERSITY OF ILLINOIS

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

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

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

Docket No. 70–00303–33–46040. Applicant: University of Illinois at Chicago Circle, Purchasing Division, Post Office Box 4348, Chicago, Ill. 60680. Article: Electron microscope, Model HS–8–2.

Intended use of article: The article will be used in courses in biological ultrastructure and instrumentation in cell and tissue study for advanced undergraduate and graduate students. Research projects under study concern the cytology of the Vitellogenic stages of cogenesis in Drosophila melanogaster and the ultrastructure of salivary glands in primitive insects.

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

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

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4B electron microscope which was formerly being manufactured by the Radio Corp. of America (RCA), and which is currently being supplied by the Forgflo Corp. (Forgflo). The Model EMU–4B electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated May 26, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes.

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

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

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

[F.R. Doc. 70–9607; Filed, July 24, 1970; 8:48 a.m.]

## UNIVERSITY OF MASSACHUSETTS

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

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

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

Docket No. 70–00533–99–46040. Applicant: University of Massachusetts/Boston, Biology Department, 100 Arlington Street, Boston, Mass. 02116. Article: Electron microscope, Model JEM–50B. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan.

Intended use of article: The article will be used for the training of students in the senior course in Cell Structure and Function (Bio 371–373), to elucidate the chemical basis of life, energy transformation, biosynthesis, the molecular basis of inheritance, control mechanisms in cell function, the specialization of cells and their integration in tissues. The cytology section of the course serves to relate cell ultrastructure to known function of tissues. Students will learn the techniques for handling tissue to prepare it for electron microscopy and will then be taught the techniques, use and function of the electron microscope.

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

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

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a simple, portable, low resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4B electron microscope which was formerly being manufactured by the Radio Corp. of America (RCA), and which is currently being supplied by the Forgflo Corp. (Forgflo). The Model EMU–4B electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 5, 1970, that the simplicity of design, portability, and ease of operation of the foreign article is pertinent to the applicant's educational purposes.

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

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

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

[F.R. Doc. 70–9608; Filed, July 24, 1970; 8:48 a.m.]

## UNIVERSITY OF MISSOURI

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

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

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

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

Docket No. 70–00543–33–46500. Applicant: University of Missouri-Columbia, Purchasing Department, General Services Building, Columbia, Mo. 65201. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to study the ultrastructural characteristics of Herring bodies, their appearance and disappearance and their connection with neurosecretory axons; the ultrastructural characteristics of transected neurosecretory neurons; and to study the relationship between dense lamellar bodies, tubular formations, neurofilaments, and neurosecretory granules in neurosecretory axons.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured at the time the foreign article was ordered (June 17, 1969).

Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2 had a guaranteed minimum thickness capability of 100 angstroms.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 3, 1970, that the minimum thickness capability of less than 100 angstroms is pertinent to the applicant's research studies.

We, therefore, find that the Sorvall Model MT–2 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70–9609; Filed, July 24, 1970; 8:48 a.m.]

## UNIVERSITY OF ROCHESTER

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

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

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

Docket No. 70–00588–33–46500. Applicant: University of Rochester, School of Medicine and Dentistry, 260 Crittenden Boulevard, Rochester, N.Y. 14620. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used in basic and clinical research projects concerning the ultrastructure of clinical renal biopsies, experimental hypokalemic nephropathy and smooth muscle ultrastructure. The use of serial sections of constant thickness is essential in these studies.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured at the time the foreign article was ordered April 3, 1969.

Reasons: The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2 had a guaranteed minimum thickness capability of 100 angstroms.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 18, 1970, that the minimum thickness capability of less than 100 angstroms is pertinent to the applicant's research studies.

We, therefore, find that the Sorvall Model MT–2 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

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

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

[F.R. Doc. 70–9611; Filed, July 24, 1970; 8:48 a.m.]

## UNIVERSITY OF UTAH ET AL.

### Notice of Applications for Duty-Free Entry of Scientific Articles

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

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

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

Docket No. 70–00833–33–46500. Applicant: University of Utah, Purchasing Department, Building 40; Salt Lake City, Utah 84112. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscope examination. The primary uses are for studies on the ultrastructure of chromosomes of eukaryotic cells in order to make the highest possible resolution studies of the interrelations of the various chromosomal and synaptinemal complex elements in cells in the pachytene stage of meiosis. Application received by Commissioner of Customs: June 25, 1970.

Docket No. 70–00834–33–19095. Applicant: Yale University, Bureau of Purchases, 20 Ashmun Street, New Haven, Conn. 06520. Article: Microdensitometer, Model Mark IIICS. Manufacturer: Joyce, Loebl & Co., United Kingdom. Intended use of article: The article will be used for research on nucleic acids, proteins and viruses. The hydrodynamic properties (i.e. sedimentation velocity, buoyant density and diffusion constant), electrophoretic mobility and molecular weights will be investigated. Multiple experiments will be conducted utilizing analytical ultracentrifugation of DNA and RNA and analytical gel electrophoresis of RNA and proteins. Application received by Commissioner of Customs: June 29, 1970.

Docket No. 70–00835–00–72000. Applicant: The University of Wisconsin, Rheology Research Center, Engineering Research Building, 1500 Johnson Drive, Madison, Wis. 53706. Article: 60-speed gearbox, 3-phase synchronous motor and

base (Weissenberg Rheogoniometer accessories). Manufacturer: Farol Research Engineers, United Kingdom. Intended use of article: The article will be used for normal stress measurements on polymer solutions. Application received by Commissioner of Customs: June 29, 1970.

Docket No. 70-00836-00-46040. Applicant: Georgia Institute of Technology, 225 North Avenue NW., Atlanta, Ga. 30322. Article: Specimen airlock. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article is an accessory for an existing Elmiskop IA electron microscope. Application received by Commissioner of Customs: June 29, 1970.

Docket No. 70-00837-00-11000. Applicant: U.S. Department of the Interior, Bureau of Sport Fisheries and Wildlife, Patuxent Wildlife Research Center, Laurel, Md. 20810. Article: Mass Marker, Model LKB 9010. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article is an accessory for an existing gas chromatograph-mass spectrometer. Application received by Commissioner of Customs: June 30, 1970.

Docket No. 70-00838-00-46040. Applicant: University of California at Davis, College of Engineering, Department of Electrical Engineering, Davis, Calif. 95616. Article: Accessories for an electron microscope. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The accessories will be used for an existing JEM-7A electron microscope. Application received by Commissioner of Customs: June 30, 1970.

Docket No. 70-00839-16-61800. Applicant: Anthony-Harper Unified School District 361, 801 West Main, Anthony, Kans. 67003. Article: Planetarium, Model Apollo, and auxiliary projectors. Manufacturer: Goto Optical, Co., Japan. Intended use of article: The article will be used for instruction in Grades 1 through 12 and may be operated manually or automatically. The subjects include the Moon, planets, and stars; causes of weather; the solar system, navigation; astronomy; and physical science. Application received by Commissioner of Customs: June 30, 1970.

Docket No. 70-00840-33-46500. Applicant: The University of Michigan, Department of Physiology, 7737 Medical Science Building, Ann Arbor, Mich. 48104. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used for research projects concerning the study of the morphological correlates of the biochemical and physiological alterations occurring when the gastric mucosa is damaged by such agents as aspirin and alcohol and the study of the morphological correlate of altered function of the cerbral cortex simulating epilepsy. Application received by Commissioner of Customs: June 30, 1970.

Docket No. 70-00841-33-46500. Applicant: University of Minnesota, Minneapolis, Minn. 55455. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used for electron microscopic investigations of polymer tumorigenesis in mice, which previously revealed that the tumors arise from cell clones firmly attached on the implant surface, the enveloping capsule, and the developing neoplasm. Application received by Commissioner of Customs: June 30, 1970.

Docket No. 71-00001-63-46500. Applicant: Cornell University, Department of Vegetable Crops, Plant Science Building, Ithaca, N.Y. 14850. Article: Ultramicrotome, Model LKB 8800. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to prepare ultrathin sections of interspecific hybrid (*L. esculentum* x *L. peruvanium*) tomato embryos. This hybrid exhibits a high degree of incompatibility, a scientific phenomena of great interest and significance in both the animal and plant kingdom. Through electron microscopy, fine structure of embryo development and the sequence of $F_1$ hybrid organelle development and degeneration will be studied. Application received by Commissioner of Customs: July 1, 1970.

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

[F.R. Doc. 70-9610; Filed, July 24, 1970; 8:48 a.m.]

## VETERANS ADMINISTRATION HOSPITAL, KANSAS CITY, MO.

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

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

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

Docket No. 70-00319-33-46040. Applicant: Veterans Administration Hospital, 4801 Linwood Boulevard, Kansas City, Mo. 64128. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used for basic research on the structure and function of macromolecular aggregates. Specific research programs include electron microscope studies of quatenary structure of oligomeric dehydrogenases; studies of the size and substructure of individual subunits of enzymes; studies of ordered aggregates of dehydrogenase oligomers; and studies of the glycoproteins of hela cell membranes, both attached and separated from the cell membranes.

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

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

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

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 24, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used.

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

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

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

[F.R. Doc. 70-9612; Filed, July 24, 1970; 8:48 a.m.]

## Office of the Secretary

[Dept. Organization Order 45-1, Amdt. 2]

## ECONOMIC DEVELOPMENT ADMINISTRATION

### Organization and Functions

This material amends the material appearing at 34 F.R. 6703 of April 19, 1969, and 34 F.R. 14775 of September 25, 1969.

Department Organization Order 45-1 of March 17, 1969, is hereby further amended as follows:

1. Section 12 *Economic Development Regional Offices* is amended to read:

.01 The Economic Development Regional Offices, headed by Regional Directors, are as follows:

| Name | Located at | Serves |
|---|---|---|
| Atlantic | Philadelphia, Pa. | Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands, and District of Columbia. |
| Mideastern | Huntington, W. Va. | Kentucky, North Carolina, Ohio, Virginia, and West Virginia. |
| Southeastern | Huntsville, Ala. | Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee. |
| North-Central | Duluth, Minn. | Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. |
| Southwestern | Austin, Tex. | Arizona, Arkansas, Colorado, Kansas, Louisiana, New Mexico, Nevada, Oklahoma, Texas, Utah, and Wyoming. |
| Western | Seattle, Wash. | Alaska, American Samoa, California, Guam, Hawaii, Idaho, Montana, Oregon, and Washington. |

.02 Each Regional Director is responsible within the limits of his delegated authority for the programs of the Administration in his region and, in this connection, shall:

a. Coordinate with local communities in economic planning and in development of Overall Economic Development Programs (OEDP's) which are related to the needs of designated areas and districts serviced by the Regional Office;

b. Manage the Economic Development Administration's resources available for use for the economic development of designated areas and districts serviced by the Regional Office; and

c. Process applications for economic development assistance, monitor and service approved projects and, when appropriate, liquidate projects.

2. The organization chart of September 10, 1969, attached to Amendment 1 to DOO 45–1, is amended as follows:

a. Delete "Northeastern Area Office, Portland, Maine";

b. Change "Mid-Atlantic Area Office, Wilkes-Barre, Pa." to "Atlantic Regional Office, Philadelphia, Pa."; and

c. Change all other "Area" Offices to "Regional" Offices.

Effective date: July 13, 1970.

LARRY A. JOBE,
*Asisstant Secretary for Administration.*

[F.R. Doc. 70–9571; Filed, July 24, 1970; 8:45 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## STAUFFER CHEMICAL CO.

### Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 0F0978) has been filed by Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, proposing the establishment of a tolerance of 0.1 part per million for negligible residues of the insecticide *N*-(mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorodithioate and its oxygen analog *N*-(mercaptomethyl) phthalimide *S*-(*O,O*-dimethyl phosphorothioate) in or on the raw agricultural commodity potatoes.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure with a modification of the phosphorus-specific thermionic detector using a rubidium sulfate tip.

Dated: July 17, 1970.

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

[F.R. Doc. 70–9575; Filed, July 24, 1970; 8:45 a.m.]

## UNION CARBIDE CORP.

### Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 0B2565) has been filed by Union Carbide Corp., River Road, Bound Brook, N.J. 08805, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of ethylene-acrylic acid copolymers and/or their partial ammonium salts in the manufacture of paper and paperboard for use in contact with aqueous and fatty foods.

Dated: July 17, 1970.

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

[F.R. Doc. 70–9576; Filed, July 24, 1970; 8:45 a.m.]

## Office of the Secretary

## HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

### Statement of Organization, Functions, and Delegations of Authority

Part 5 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, Oct. 30, 1968), is hereby amended with regard to section 5–B Organization as follows:

After the section under "Division of Mental Health Service Programs (2449)," published in 33 F.R. 15959, October 30, 1968, delete the heading "Division of Special Mental Health Programs (2451)" and all the text from there through but not including the center head "Health Facilities Planning and Construction Service" and substitute the following:

*Division of Special Mental Health Programs (3J51).* (1) Plans and administers programs directed toward the solution of specialized mental health problems, such as family and child mental health, crime and delinquency, mental health and social change, and suicide prevention, including the research, training, service, and other aspects of such programs; (2) develops and utilizes various types of grants and contract mechanisms to carry out these programs; and (3) coordinates and integrates these programs with other pertinent components of the Institute.

*Division of Alcohol Abuse and Alcoholism (3J53).* (1) Plans and develops programs of research, training, community services, and public education for prevention and control of alcoholism; (2) conducts and supports research on the biological, environmental, and social causes of alcohol abuse and alcoholism; (3) supports the training of professional and para-professional personnel in alcoholism prevention and control; (4) supports the development of community facilities and services for alcoholics and other problem drinkers; (5) collaborates with other Federal agencies, national, State, and local organizations, and voluntary groups to facilitate and extend programs for the prevention of alcoholism and for the care, treatment, and rehabilitation of alcoholics; (6) coordinates and stimulates statistical and biometric programs necessary for epidemiologic and longitudinal studies of alcohol usage and alcoholism; and (7) stimulates the communication of appropriate information and educational material through the development of conferences, committees, and publication, and use of public media.

*Division of Narcotic Addiction and Drug Abuse (3J55).* (1) Plans and administers the Institute's programs in the field of narcotic addiction and drug abuse through such activities as (a) operation of clinical research centers, (b) conduct of research in narcotics and drug abuse, (c) support of research, training, service, and demonstration in narcotics and drug abuse through grants, contracts, and conferences, and (d) administration of the Institute's responsibilities for the rehabilitation of narcotic addicts under the Narcotic Addict Rehabilitation Act; and (2) as pertinent to clinical research efforts, provides patient care for narcotic addicts.

*Mental Health Intramural Research Program (3J61).* (1) Plans and administers a comprehensive long-term intramural research program of clinical and behavioral, biological, and special research dealing with causes, diagnosis, treatment, and prevention of mental disorders and the biological and psychosocial factors that determine human behavior and development; (2) provides a focus for national attention in the area of mental health research; (3) provides technical support to the three intramural divisions through the development and maintenance of electronic and mechanical instrumentation and equipment; and (4) assures that Institute intramural research activities located on

National Institutes of Health premises are operated in accordance with the general policies and practices applicable to the intramural research programs of the NIH components under a mutual agreement between the two organizations.

*Division of Clinical and Behavioral Research (3J6103).* Plans and conducts a coordinated program of clinical and behavioral research dealing with the causes, diagnosis, treatment, and prevention of mental disease.

*Division of Biological and Biochemical Research (3J6105).* Plans and conducts a coordinated program of biological and biochemical research dealing with the basic biological processes that determine both adaptive and maladaptive behavior.

*Division of Special Mental Health Research (3J6107).* (1) Plans and conducts a program of intramural research on special mental health problems such as psychopharmacology, neuropharmacology, memory, human behavior, and the biochemistry of learning; and (2) performs clinical evaluation and followup activities in connection with research patients.

*National Center for Mental Health Services, Training, and Research (3J71).* (1) Administers Saint Elizabeths Hospital as a model demonstration of the conversion of a large mental hospital into an active, modern, community-based mental health program including: (a) Operation, in collaboration with the District of Columbia Health Department, of a community mental health center for residents of designated areas of the District of Columbia; (b) operation of a training and education program to provide multidisciplinary clinical training and other types of training for professional and other personnel engaged or interested in mental health activities; and (c) planning, development, and conduct of clinical research for the purpose of obtaining a better understanding of the causes of mental disorders, and of the factors bearing upon their development, treatment, and prevention; and (2) provides administrative and logistical support to special institute research programs in areas such as crime and delinquency, alcoholism, and suicide which are located in the facilities of the hospital.

*Saint Elizabeths Hospital—Division of Clinical and Community Services (3J7103).* (1) Provides treatment, care, and rehabilitation services for patients; (2) operates a model comprehensive community mental health center; and (3) operates a security treatment facility.

*Seymour D. Vestermark Division of Intramural Training (3J7105).* Administers the Institute programs of intramural training including a mental health career development program for officers of the Commissioned Corps, psychiatric residency programs, nursing training, and other training for both Federal and non-Federal personnel in various mental health disciplines and related areas.

*Winfred Overholser Division of Clinical Research (3J7107).* Conducts research in the clinical sciences as related to mental illness in such areas as clinical neurology, personality assessment, sociology, and clinical behavior.

ELLIOT L. RICHARDSON,
*Secretary.*

JULY 21, 1970.

[F.R. Doc. 70-9628; Filed, July 24, 1970; 8:50 a.m.]

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## REGIONAL ADMINISTRATORS ET AL.

### Delegation of Authority

To the positions of Regional Administrator and Deputy Regional Administrator and to each of them and to the positions of Area Director and Deputy Area Director and to each of them, there is delegated, for the respective areas under their responsibility, the power and authority to perform within the jurisdiction of an FHA Insuring Office located in the city in which an Area Office is established (as that jurisdiction is now or may hereafter be prescribed) all the activities and functions for which authority has heretofore been delegated to the Field Office Director of that FHA Insuring Office or his subordinates. However, the authority vested in the respective Field Office Director or his subordinates by previous delegations and redelegations shall continue in full force and effect unless and until expressly modified or revoked.

*Effective date.* This delegation of authority shall be effective as of July 20, 1970.

GEORGE ROMNEY,
*Secretary of Housing and Urban Development.*

[F.R. Doc. 70-9624; Filed, July 24, 1970; 8:49 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Office of the Secretary

## RAILROAD WAYBILL DOCUMENTS AND RECORDS

### Memorandum of Agreement Between Department of Transportation and Interstate Commerce Commission

This memorandum of agreement contains the terms of an agreement between the Department of Transportation (DOT) and the Interstate Commerce Commission (ICC), pursuant to which ICC will make available railroad waybill documents and records to DOT and DOT will process information contained in these documents and records as part of its Comprehensive Freight Flow Data Program.

Pursuant to section 12 of the Interstate Commerce Act (49 U.S.C. sec. 12) ICC has by order (49 CFR Part 1244) required the submission of copies of railroad waybills (front only) and supplemental statements.

Pursuant to section 4(a) of the Department of Transportation Act (PL 89-670) the Secretary is authorized and directed to "* * * promote and undertake development, collection, and dissemination of technological, statistical, economic and other information relevant to domestic and international transportation * * *."

1. *ICC receipt of waybills and supplemental statements.* ICC will continue to receive copies of waybills and supplemental statements submitted by railroads under order (49 CFR Part 1244).

2. *Acceptability of automatic data processing records in lieu of supplemental statements and matching waybills.* (a) At the option of the railroads and DOT, ICC will accept in lieu of supplemental statements, automatic data processing records: *Provided,* That they contain all required waybill and supplemental information as specified in instructions to be issued by DOT.

(b) DOT will transmit to railroads subject to ICC Order (49 CFR Part 1244), instructions for submission of automatic data processing records to ICC in lieu of matching waybills and supplemental statements.

(c) DOT will take appropriate action to encourage railroads to submit automatic data processing records to ICC in lieu of matching waybills and supplemental statements.

3. *Transfer of documents and records to DOT.* ICC has transferred to DOT copies of waybills, related documents, supplemental statements and automatic data processing records received pursuant to Order (49 CFR Part 1244) since 1967. ICC will continue indefinitely to make available all documents received after March 4, 1970.

4. *Processing and disposal of documents and records by DOT.* (a) DOT will provide for processing of documents and records transferred to it under this agreement, and for publication and dissemination of derived information as part of its Comprehensive Freight Flow Data Program.

(b) If documents or records are found to be missing or to contain incorrect or incomplete information, DOT will communicate directly with the railroad concerned to obtain the missing documents, or the correct or complete information.

(c) DOT will dispose of documents and records transferred to it under this agreement in accordance with the ICC records disposal program.

5. *Furnishing of information to ICC.* DOT will furnish to ICC copies of the following:

(a) Automatic data processing files (including annual waybill master tapes) prepared by DOT from the information contained in documents or records transferred to it under this agreement, and related explanatory reports or other documents which explain DOT processing. Special requests may be subject to reimbursement if significant costs are involved.

(b) Information reports or studies prepared by DOT from information contained in documents and records transferred to its under this agreement.

6. *Disclosure of privileged information.* (a) DOT will insure that railroads and shippers are afforded the same privilege against disclosure of information contained in documents and records transferred to DOT under this agreement, as they would enjoy if the documents had remained with ICC.

(b) DOT will forward to ICC for determination, any request received by DOT for disclosure of information contained in documents or records transferred to it under this agreement. Information will not be released in response to such requests, except in accordance with express written permission from ICC and in accordance with any conditions which may be imposed by DOT.

7. *Enforcement of ICC order.* Upon its own information or upon advice from DOT of noncompliance on the part of a railroad subject to order (49 CFR Part 1244), the ICC will proceed in whatever manner it deems necessary to effect compliance to the end that the required quantity and quality of sample documents are received.

8. *Costs.* Since the cost of performance of each of the parties for the benefit of the other will be approximately equal, it is agreed that neither party will require that it be reimbursed by the other for such costs except as noted in paragraph 5(a).

9. *Termination of this agreement.* This agreement may be terminated by either party, by giving 90 days notice in writing to the other party.

10. *Publication of memorandum of agreement.* This memorandum of agreement will be published in the FEDERAL REGISTER upon execution by the parties.

Done at Washington, D.C., this 16th day of July 1970.

For the U.S. Department of Transportation.

[SEAL] JOHN A. VOLPE,
*Secretary.*

For the U.S. Interstate Commerce Commission.

[SEAL] GEORGE M. STAFFORD,
*Chairman.*

[SEAL] H. NEIL GARSON,
*Secretary.*

[F.R. Doc. 70-9634; Filed, July 24, 1970; 8:50 a.m.]

# ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-269, 50-270, 60-287]

## DUKE POWER CO.

### Notice of Availability of Environmental Information and Request for Comments From State and Local Agencies

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Duke Power Co. has submitted by letter (with enclosure) dated July 10, 1970, information for preparation of an Environmental Statement. A copy of the letter (with enclosure) is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and in the Office of the County Supervisor of Oconee County in South Carolina. This proceeding involves the application by Duke Power Co. for operating licenses for its Oconee Nuclear Station Units 1, 2, and 3 nuclear power reactors, located on its site in Oconee County, S.C. A notice of hearing on the application for provisional construction permits for Units 1, 2, and 3 was published in the FEDERAL REGISTER on July 27, 1967 (32 F.R. 10996).

The Commission hereby requests, within 60 days of publication of this notice in the FEDERAL REGISTER, from State and local agencies of any affected State (with respect to matters within their jurisdiction) which are authorized to develop and enforce environmental standards, comments on the environmental impact of the proposed operation of the Oconee Nuclear Station Units 1, 2, and 3 and on the information submitted for preparation of an Environmental Statement. If any such State or local agency fails to provide the Commission with comments within 60 days of publication of this notice in the FEDERAL REGISTER, it will be presumed that the agency has no comments to make.

Copies of Duke Power Co.'s letter dated July 10, 1970 (with enclosure), and the comments thereon of Federal agencies (whose comments have been separately requested by the Commission) will be supplied to affected State and local agencies upon request addressed to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 22d day of July 1970.

For the Atomic Energy Commission.

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

[F.R. Doc. 70-9649; Filed, July 24, 1970; 8:51 a.m.]

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[Docket No. PRM-40-12]

## NEFARNIN ASSOCIATES

### Notice of Denial of Petition for Reconsideration

*Correction*

In F.R. Doc. 70-8901 appearing at page 11275 in the issue for Tuesday, July 14, 1970, the first full paragraph in the third column on page 11275 should read as follows:

The statutory authority given the Commission by the Atomic Energy Act of 1954, as amended, to license and regulate certain radioactive material does not include authority to license or regulate naturally occuring radium, including radium used in luminous timepieces.

# CIVIL SERVICE COMMISSION

## TRAINING SPECIALIST (BOOKBINDING), LIBRARY OF CONGRESS

### Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on July 8, 1970, for the single position of Training Specialist (Bookbinding) GS-1712-12, Library of Congress, Washington, D.C. This finding is self-canceling when the position is filled.

Assuming other legal requirements are met, the appointee to this position may be paid for the expense of travel and transportation to first post of duty.

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

[F.R. Doc. 70-9613; Filed, July 24, 1970; 8:48 a.m.]

# FEDERAL MARITIME COMMISSION

## HOEGH LINES AND SEATRAIN LINES, INC.

### Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

Mr. Joseph Hodgson, Jr., General Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J. 07020.

Agreement No. 9879, between Hoegh Lines and Seatrain Lines, Inc., establishes a through billing arrangement for the movement of general cargo from ports in India and Pakistan to Mayaguez, Ponce, and San Juan, P.R., with transshipment at the ports of New York, Norfolk, or Baltimore in accordance with the terms and conditions set forth in the agreement.

Dated: July 22, 1970.

By order of the Federal Martime Commission.

FRANCIS C. HURNEY,
*Secretary.*

[F.R. Doc. 70-9627; Filed, July 24, 1970; 8:50 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G-8980 etc.]

## WESTMORE DRILLING CO., INC., ET AL.

### Findings and Order

JULY 14, 1970.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending orders issuing certificates, substituting respondent, making successors co-respondents, redesignating proceedings, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions, as supplemented and amended.

Applicants have filed related FPC gas rate schedules or supplements thereto and propose to initiate, add to, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that sales from areas for which area rates have been determined are authorized to be made at or below the applicable area base rates adjusted for quality of the gas, and under the conditions prescribed in the orders determining said rates.

Westmore Drilling Co., Inc. (Operator), et al., applicant in Docket No. G-8980, proposes to continue the sale of natural gas heretofore authorized in said docket to be made pursuant to D. W. Skinner (Operator) et al., FPC Gas Rate Schedule No. 1. There is a change in operator with no change in working interest. Skinner's rate schedule will be redesignated as that of applicant. The presently effective rate under Skinner's rate schedule is in effect subject to refund in Docket No. RI65-389.[1] A prior increased rate was collected by Skinner for a locked-in period subject to refund in Docket No. G-20208. Applicant has filed a motion to be substituted in lieu of Skinner as respondent in both proceedings. Therefore, applicant will be substituted as respondent; said proceedings will be redesignated accordingly; and applicant will be required to file agreements and undertakings to assure the refund of all amounts collected in excess of the amounts determined to be just and reasonable in said proceedings.

Occidental Petroleum Corp., applicant in Docket No. CI70-540, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI63-1025 to be made pursuant to Atlantic Richfield Co. FPC Gas Rate Schedule No. 474. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of applicant. The presently effective rate under Atlantic Richfield's rate schedule is in effect subject to refund in Docket No. RI67-79. Therefore, applicant will be made a co-respondent in said proceeding; said proceeding will be redesignated accordingly; and applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Clarke Oilfield Service, Inc., applicant in Dockets Nos. CI70-842 and CI70-924, proposes to continue in part sales of natural gas heretofore authorized in Dockets Nos. G-10148 and G-10757, respectively, to be made pursuant to Gulf Oil Corp. FPC Gas Rate Schedule No. 45 and Sun Oil Co. FPC Gas Rate Schedule No. 326, respectively. The instruments on file as said rate schedules will also be accepted for filing as rate schedules of applicants. The presently effective rate under Gulf's rate schedule is in effect subject to refund in Docket No. RI65-599 and the presently effective rate under Sun's rate schedule is in effect subject to refund in Docket No. RI68-444. Therefore, applicant will be made a co-respondent in each of said proceedings; said proceedings will be redesignated accordingly; and applicant will be required to file agreements and undertakings to assure the refunds of any amounts collected by it in excess of the amounts determined to be just and reasonable in said proceedings.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

[1] The Commission's notice issued Mar. 11, 1970, and published in the FEDERAL REGISTER on Mar. 20, 1970, 35 F.R. 4880, erroneously stated that the rate was 13 cents per Mcf at 14.65 p.s.i.a. effective subject to refund in Docket No. RI65-389. The correct rate is 14 cents per Mcf subject to refund in Docket No. RI65-389.

After due notice by publication in the FEDERAL REGISTER, no petitions to intervene, notices of intervention or protests to the granting of the applications have been filed.

At a hearing held on July 9, 1970, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificate convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CI70-843 should be canceled and that the application filed therein should be treated as an amendment to the application in Docket No. CI70-842.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered and conditioned.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Westmore Drilling Co., Inc. (Operator) et al., should be substituted in lieu of D. W. Skinner (Operator) et al., as respondent in the proceedings pending in Dockets Nos. G-20208 and RI65-389; that said proceedings should be redesignated accordingly; and

that Westmore should be required to file agreements and undertakings.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Occidental Petroleum Corp. should be made a co-respondent in the proceeding pending in Docket No. RI67–79, that said proceeding should be redesignated accordingly, and that Occidental should be required to file an agreement and undertaking.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Clarke Oilfield Service, Inc., should be made a co-respondent in the proceedings pending in Dockets Nos. RI65–599 and RI68–444; that said proceedings should be redesignated accordingly; and that Clarke Oilfield Service, Inc., should be required to file agreements and undertakings.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificates issued herein and the amended certificates are subject to the following conditions:

(a) The initial rates for sales authorized in Dockets Nos. CI67–818, CI67–954, CI67–994, CI67–1028, CI67–1030, CI67–1275, CI67–1454, CI68–92, CI68–106, CI68–228, CI70–866, and CI70–972 shall be the applicable area base rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality of gas, or the contract rates, whichever are lower. If the quality of the gas delivered by applicants deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rates, notices of changes in rates shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rates.

(b) Within 90 days from the date of initial delivery applicant in Docket No. CI70–972 shall file a rate schedule quality statement in the form prescribed in Opinion No. 468–A.

(c) The issuance of the certificate in Docket No. CI70–866 shall not be construed as constituting approval of the advance payment provisions of the contract (section 5 of Article IV), and such payments shall be subject to future orders of the Commission concerning the propriety of such payments.

(d) In the event that applicants in Dockets Nos. CI70–866 and CI70–972 under section 2 of Article II and section 1 of Article II, respectively, of the subject contracts exercise their options to process the gas, applicants shall submit to the Commission for acceptance, not less than 30 nor more than 90 days prior to the commencement of such processing, rate schedule supplements setting forth the terms and conditions of the contemplated actions.

(e) The initial rate for sales authorized in Dockets Nos. CI64–834, CI70–756, CI70–831 (Oklahoma "Other" area only), CI70–854, CI70–873, and CI70–996 shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement and subject to B.t.u. adjustment. In the event that the Commission amends its statement of general policy No. 61–1, by adjusting the boundary between the Oklahoma Panhandle area and the Oklahoma "Other" area, so as to increase the initial well head price for new gas, applicants thereupon may substitute the new rates reflecting the amounts of such increases and thereafter collect the new rates prospectively in lieu of the initial rate herein authorized in said dockets.

(f) The initial rate for sales authorized in Dockets Nos. CI70–738 and CI70–782 shall be 15 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement.

(g) The initial rate for sales authorized in Dockets Nos. CI70–831 (Oklahoma Panhandle area only), CI70–914, CI70–995, and CI70–999 shall be 17 cents per Mcf at 14.65 p.s.i.a. including tax reimbursement and subject to B.t.u. adjustment.

(h) In Dockets Nos. CI70–854 and CI70–914 the provisions contained in section 6(b) and section 1(e) of Article II, respectively, of the subject contracts providing for a rate increase to an applicable area rate or area settlement rate will only be applicable upon Commission approval of a just and reasonable rate or settlement rate in an applicable area rate proceeding.

(i) Applicants in Dockets Nos. CI70–756 and CI70–914 shall not require buyers to take-or-pay for an annual quantity of gas well gas during the first 2 contract years which is in excess of an average of 1 Mcf per day for each 3,650 Mcf of determined gas well gas reserves and a 1 Mcf per day for each 7,300 Mcf of determined gas reserves thereafter or the specified contract quantities, whichever are the lesser amounts.

(j) Applicants in Dockets Nos. CI70–866 and CI70–993 shall not require buyers to take-or-pay for an annual quantity of gas well gas which is in excess of an average of 1 Mcf per day for each 7,300 Mcf of determined gas well gas reserves or the specified contract quantities, whichever are the lesser amounts.

(k) The certificates issued in Dockets Nos. CI67–818, CI67–954, CI67–994, CI67–1028, CI67–1030, CI67–1275, CI67–1454, CI68–92, CI70–756, CI70–831, CI70–854, CI70–914, CI70–995, CI70–996, and CI70–999 are conditioned upon any determination which may be made in the proceeding pending in Docket No. R–338 with respect to the transportation of liquefiable hydrocarbons.

(E) Docket No. CI70–843 is canceled.

(F) The orders issuing certificates in Dockets Nos. CI63–234, CI64–834, and CI69–861 are amended by adding thereto or deleting therefrom authorization to sell natural gas as described in the tabulation herein.

(G) Sales from the acreage added in Docket No. CI69–861 shall be made at a rate subject to refund in Docket No. RI70–342.

(H) The orders issuing certificates in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or existing certificates are amended herein to authorize service from the subject acreage:

| *Amend to delete acreage* | *New certificate and/or amendment to add acreage* |
|---|---|
| G–4547 | CI69–861 |
| G–10148 | CI70–842 |
| G–10757 | CI70–924 |
| CI63–1025 | CI70–540 |
| CI67–332 | CI70–994 |
| CI68–495 | CI70–976 |

(I) The orders issuing certificates in Dockets Nos. CI62–839, CI62–983, CI63–1229, and CI68–1217[2] are amended to reflect the successors in interest as certificate holders.

(J) The authorization granted in Docket No. CI68–1217 shall be subject to

[2] Temporary certificate.

Opinion Nos. 546 and 546–A, and accompanying orders, and specifically including those relating to rate reductions, refunds, and filings required by those orders for sales made on or after May 1, 1969, and Jack E. Koch Oil Co., Inc. (Operator), et al., shall be subject thereto for sales made prior to May 1, 1969.

(K) The order issuing a certificate in Docket No. G–8980 is amended to reflect the change in operator as described in the tabulation herein.

(L) Westmore Drilling Co., Inc. (Operator), et al., is substituted in lieu of D. W. Skinner (Operator) et al., as respondent in the proceedings pending in Dockets Nos. G–20208 and RI65–389 and said proceedings are redesignated accordingly. Westmore shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(M) Within 30 days from the issuance of this order, Westmore Drilling Co., Inc. (Operator), et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings in Dockets Nos. G–20208 and RI65–389 to assure the refunds of all amounts collected, together with interest at the rate of 7 percent per annum, in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing. The agreements and undertakings shall remain in full force and effect until discharged by the Commission.

(N) Occidental Petroleum Corp. is made a co-respondent in the proceeding pending in Docket No. RI67–79 and said proceeding is redesignated accordingly. Occidental shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(O) Within 30 days from the issuance of this order, Occidental Petroleum Corp. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI67–79 to assure the refund of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing. The agreement and undertaking shall remain in full force and effect until discharged by the Commission.

(P) Clarke Oilfield Service, Inc., is made a co-respondent in the proceedings pending in Dockets Nos. RI65–599 and RI68–444 and said proceedings are redesignated accordingly. Clarke Oilfield Service, Inc., shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(Q) Within 30 days from the issuance of this order, Clarke Oilfield Service, Inc., shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings in Dockets Nos. RI65–599 and RI68–444 to assure the refunds of any amounts collected by it, together with interest at the rate of 7 percent per annum, in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing. The agreements and undertakings shall remain in full force and effect until discharged by the Commission.

(R) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as described in the tabulation herein.

By the Commission.

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

| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted | | |
|---|---|---|---|---|---|
| | | | Description and date of document | No. | Supp. |
| G–8980<br>E 12–22–69 [1] | Westmore Drilling Co., Inc. (Operator) et al. (successor to D. W. Skinner (Operator) et al.). | Cities Service Gas Co., Boggs Field, Barber County, Kans. | D. W. Skinner (Operator) et al., FPC GRS No. 1. | 6 | |
| | | | Supplement Nos. 1–2 | 6 | 1–2 |
| | | | Notice of succession 12–19–79.[2] | | |
| CI62–839<br>E 4–14–70 | A. W. Bailey (successor to Louie A. Condry). | Consolidated Gas Supply Corp., West Union District, Doddridge County, W. Va. | Louie A. Condry, FPC GRS No. 1. | 2 | |
| | | | Notice of succession 4–9–70. | | |
| | | | Letter agreement 11–7–69 [3] | 2 | 1 |
| | | | Assignment 1–23–70 [4] | 2 | 2 |
| | | | Effective date: 1–23–70 | | |
| CI62–983<br>E 4–24–70 | Dal-Ken Corp. (successor to Kelly, Butterworth & Lemann). | Consolidated Gas Supply Corp., Collins Settlement District, Lewis County, W. Va. | Kelly, Butterworth & Lemann, FPC GRS No. 8. | 7 | |
| | | | Supplement Nos. 1–2 | 7 | 1–2 |
| | | | Notice of succession 4–15–70. | | |
| | | | Assignment 3–4–69 [5] | 7 | 3 |
| | | | Assignment 9–18–69 [5a] | 7 | 4 |
| | | | Assignment 10–14–69 [5a] | 7 | 5 |
| | | | Effective date: 10–31–69 | | |
| CI63–234<br>D 3–14–69<br>D 6–4–69 | Mobil Oil Corp. (Operator) et al. | Arkansas Louisiana Gas Co., Red Oak Area, Le Flore, Latimer, and Haskell Counties, Okla. | Notice of partial cancellation 3–13–69.[6] | 333 | 38 |
| | | | Notice of partial cancellation 3–13–69.[6a] | 333 | 39 |
| | | | Notice of partial cancellation 5–29–69.[6b] [7] | 333 | 40 |
| CI63–1229<br>E 4–24–70 | Dal-Ken Corp. (successor to Kelly, Butterworth & Lemann). | Consolidated Gas Supply Corp., Grant and Union Districts, Harrison County, W. Va. | Kelley, Butterworth & Lemann, FPC GRS No. 1. | 6 | |
| | | | Supplement Nos. 1–11 | 6 | 1–11 |
| | | | Notice of succession 4–15–70. | | |
| | | | Assignment 3–4–69 [5] | 6 | 12 |
| | | | Assignment 9–18–69 [5a] | 6 | 13 |
| | | | Effective date: 10–31–69 | | |
| CI64–834<br>C 3–30–70<br>D 3–30–70 | Union Oil Co. of California.[8] | Natural Gas Pipeline Co. of America, Thomas Area, Dewey and Custer Counties, Okla. | Amendment 5–1–69 [8a] [9] | 82 | 2 |
| CI67–818<br>A 12–28–66<br>D 2–5–68<br>C 2–7–68 | Gulf Oil Corp. | Transwestern Pipeline Co., Gomez Field, Pecos County, Tex. | Contract 12–1–66 | 393 | |
| | | | Letter agreement 9–26–67 | 393 | 1 |
| | | | Supplemental agreement 1–25–68. | 393 | 2 |
| | | | Supplemental agreement 2–2–68. | 393 | 3 |
| | | | Supplemental agreement 5–1–70.[10] | 393 | 6 |
| CI67–954<br>A 2–1–67 [11]<br>C 4–11–68 [11a] | Perry R. Bass (Operator) et al. | Transwestern Pipeline Co., Hamon Field, Reeves County, and Halley Field, Winkler County, Tex. | Contract 11–10–66 | 17 | |
| | | | Letter agreement 7–10–67 | 17 | 1 |
| | | | Supplemental agreement 3–13–68. | 17 | 2 |
| | | | Letter agreement 3–13–68 | 17 | 3 |
| CI67–994<br>A 2–3–67 | Sun Oil Co. | Transwestern Pipeline Co., Hamon Field, Reeves County, Tex. | Contract 11–10–66 | 221 | |
| | | | Letter agreement 7–10–67 | 221 | 1 |
| CI67–1028<br>A 2–10–67 | Union Texas Petroleum, a division of Allied Chemical Corp. | do | Contract 11–10–66 | 95 | |
| CI67–1030<br>A 2–10–67 | do | do | Contract 11–10–66 | 96 | |
| CI67–1275<br>A 3–17–67<br>C 7–12–68 | Amerada Hess Corp. | Transwestern Pipeline Co., Gomez Field, Pecos County, Tex. | Contract 2–21–67 | 148 | |
| | | | Letter agreement 5–9–68 | 148 | 1 |
| CI67–1454<br>A 4–17–67<br>C 5–29–68 | Midwest Oil Corp. | do | Contract 3–3–67 | 49 | |
| | | | Letter agreement 5–9–68 | 49 | 1 |
| CI68–92<br>A 7–28–67 | Atlantic Richfield Co. | do | Contract 6–27–67 | 318 | |

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

See footnotes at end of table.

| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted: Description and date of document | No. | Supp. |
|---|---|---|---|---|---|
| CI68-106 A 7-31-67 as amended 9-18-67 [12] | Union Oil Co. of California. | El Paso Natural Gas Co., Brown Bassett Field, Crockett County, Tex. | Contract 7-11-67 | 178 | |
| | | | Supplemental aggreement 8-23-67. | 178 | 1 |
| CI68-228 A 8-31-67 C 2-9-68 C 1-19-70 | Hunt Oil Co. | do | Contract 8-18-67 | 65 | |
| | | | Supplemental aggreement 1-26-68. | 65 | 3 |
| | | | Supplemental agreement 12-26-69. | 65 | 5 |
| CI68-1217 E 4-17-70 [13] | Leslie Bowling (Operator) et al. (successor to Jack E. Koch Oil Co., Inc. (Operator) et al.). | United Gas Pipe Line Co., East Bel City Field, Calcasieu Parish, La. | Jack E. Koch Oil Co., Inc. (Operator) et al., FPC GRS No. 1. | 1 | |
| | | | Notice of succession (undated). | | |
| | | | Assignment 2-5-70 [13a] | 1 | 1 |
| | | | Effective date: 5-1-69 | | |
| F CI69-861 (G-4547) C 4-14-70 as amended 4-27-70 [14] | Jerome P. McHugh (Operator) et al. | El Paso Natural Gas Co., South Blanco Pictured Cliffs Field, San Juan County, N. Mex. | Letter agreement 3-25-70 [14a] | 5 | 5 |
| | | | Letter agreement 3-25-70,[9] [14a] | 5 | 6 |
| CI70-540 (CI63-1025) F 12-11-69 | Occidental Petroleum Corp. (successor to Atlantic Richfield Co.). | Arkansas Louisiana Gas Co., North Carter Field, Beckham County, Okla. | Contract 5-3-61 [15] | 17 | |
| | | | Agreement 3-8-62 | 17 | 1 |
| | | | Supplement 1-5-70 [15a] | 17 | 2 |
| | | | Letter agreement 1-5-70. [15b] | 17 | 3 |
| | | | Assignment 1-23-70 [9 15c] | 17 | 4 |
| CI70-738 A 2-16-70 | Berry and Steward, et al. | Arkansas Louisiana Gas Co., Shady Point Field, Le Flore County, Okla. | Contract 1-10-70 | 1 | |
| | | | Contract 2-1-67 | 1 | 1 |
| | | | Compliance 4-14-70 [9 16] | 1 | 2 |
| CI70-756 A 2-16-70 | Leben Drilling, Inc. | Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla. | Ratified agreement 11-20-69. | 5 | |
| | | | Contract 10-9-67 | 5 | 1 |
| | | | Compliance 4-7-70 [9 17] | 5 | 2 |
| CI70-782 A 3-2-70 | Cleary Petroleum Corp.[18] | Arkansas Louisiana Gas Co., Keota Area, Haskell County, Okla. | Contract 1-26-70 | 31 | |
| CI70-831 A 3-11-70 | Hill Oil & Gas Co. | Panhandle Eastern Pipe Line Co., Mocane Tonkawa and Mocane Chester Fields, Beaver County; Avard Field, Woods County; and Northeast Gage Field, Ellis County, Okla. | Contract 3-11-70 | 2 | |
| | | | Compliance 4-23-70 [9 19] | 2 | 1 |
| CI70-842 CI70-843 (G-10148) F 3-9-70 [20] | Clark Oilfield Service, Inc. (successor to Gulf Oil Corp.). | Cities Service Gas Co., Rhodes Gas Field, Barber County, Kans. | Contract 2-13-56 [20a] | 2 | |
| | | | Supplemental agreement 8-23-56. | 2 | 1 |
| | | | Assignment 1-1-70 [20b] | 2 | 2 |
| | | | Assignment 1-1-70 [20c] | 2 | 3 |
| | | | Assignment 2-11-70 [20d] | 2 | 4 |
| | | | Effective date: 1-1-70 | | |
| CI70-854 A 3-19-70 | Walter Duncan et al. | Arkansas Louisiana Gas Co., Northeast Hillsdale Field, Garfield County, Okla. | Contract 1-23-70 | 9 | |
| | | | Compliance 5-7-70 [9 21] | 9 | 1 |
| CI70-866 A 3-19-70 | Elk Oil Co.[22] | Northern Natural Gas Co., Kemnitz Field, Lea County, N. Mex. | Contract 3-6-70 | 1 | |
| CI70-867 A 3-23-70 | Houston Natural Gas Production Co. et al. | Consolidated Gas Supply Corp., Collins Settlement District, Lewis County, W. Va. | Contract 1-28-70 [9] | 25 | |
| CI70-873 A 3-26-70 | El Paso Oil & Gas Co. (Operator) et al. | Arkansas Louisiana Gas Co., Northeast Enid Field, Garfield County, Okla. | Contract 2-2-70 | 1 | |
| | | | Compliance 5-11-70 [9 23] | 1 | 1 |
| CI70-914 A 4-8-70 | J. M. Huber Corp. | Kansas-Nebraska Natural Gas Co., Inc., Northwest Tyrone Field, Texas County, Okla. | Ratified 11-25-69 | 87 | |
| | | | Contract 7-16-69 | 87 | 1 |
| | | | Compliance 5-11-70 [9 24] | 87 | 2 |

See footnotes at end of table.

| Docket No. and date filed | Applicant | Purchaser, field, and location | FPC rate schedule to be accepted: Description and date of document | No. | Supp. |
|---|---|---|---|---|---|
| CI70-292 (G-10757) F 4-6-70 | Clarke Oilfield Service, Inc. (successor to Sun Oil Co.). | Cities Service Gas Co., North Rhodes Gas Field, Barber County, Kans. | Agreement 7-5-56 [25] | 3 | |
| | | | Contract 4-1-55 | 3 | 1 |
| | | | Letter agreement 9-11-64 | 3 | 2 |
| | | | Letter agreement 7-16-69 | 3 | 3 |
| | | | Assignment 1-1-70 [25a] | 3 | 4 |
| | | | Assignment 2-11-70 [25b] | 3 | 5 |
| | | | Effective date: 1-1-70 | | |
| CI70-972 A 4-23-70 | The Superior Oil Co.[26] | Transwestern Pipeline Co., South Carlsbad Field, Eddy County, N. Mex. | Contract 3-31-70 [9] | 139 | |
| CI70-976 (CI68-495) F 4-23-70 | B. J. Brown (successor to Tenneco Oil Co.). | Arkansas Louisiana Gas Co., Mansfield Field, Logan County, Ark. | Contract 7-17-67 [27] | 6 | |
| | | | Contract 5-12-67 [27] | 6 | 1 |
| | | | Assignment 4-6-70 [27a] | 6 | 2 |
| | | | Effective date: 4-1-70 | | |
| CI70-993 A 5-4-70 | Robert J. Beams [28] (Operator) et al. | Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Vilas Field, Baca County, Colo. | Ratified 3-30-70 | 1 | |
| | | | Contract 10-30-67 [28a] | 1 | 1 |
| CI70-994 A 5-5-70 | Southwest Oil Industries, Inc. | Arkansas Louisiana Gas Co., Kinta Field, Sequoyah County, Okla. | Contract 12-1-69 | 31 | |
| | | | Contract 3-30-64 [29] | 31 | 1 |
| | | | Amendment 3-18-70 | 31 | 2 |
| CI70-994 (CI67-332) F 5-5-70 | Southwest Oil Industries, Inc. (successor to Continental Oil Co.). | Arkansas Louisiana Gas Co., acreage in Sequoyah County, Okla. | Contract 8-12-66 [30] | 32 | |
| | | | Assignment 11-21-69 [30a] | 32 | 1 |
| | | | Assignment 12-11-69 [30b] | 32 | 2 |
| CI70-995 A 5-6-70 [31] | Mobil Oil Corp. | Transwestern Pipeline Co., Guymon Field, Cimarron County, Okla. | Contract 4-16-70 [9] | 464 | |
| CI70-966 A 5-7-70 as amended 5-28-70 | G. M. Close [32] (Operator) et al. | Panhandle Eastern Pipe Line Co., Oakdale Pool, Woods County, Okla. | Contract 4-22-70 | 6 | |
| | | | Ratified 5-15-70 [9] | 6 | 1 |
| CI70-999 A 5-8-70 | Texaco, Inc.[33] | Panhandle Eastern Pipe Line Co., Northwest Midwell Field, Cimarron County, Okla. | Contract 4-10-70 [9] | 444 | |
| CI70-1000 A 5-11-70 | Paul Starr, agent for Gene Stalnaker Drilling Co. et al. | Consolidated Gas Supply Corp., Center District, Gilmer County, W. Va. | Contract 3-24-70 [9] | 31 | |
| CI70-1001 A 5-11-70 | Hays and Co., agent for D. A. Dorward. | Consolidated Gas Supply Corp., Hackers Creek District, Lewis County, W. Va. | Contract 4-1-70 [9] | 336 | |
| CI70-1005 A 5-11-70 | Royal Oil & Gas Corp. | Consolidated Gas Supply Corp., Center District, Gilmer County, W. Va. | Contract 9-29-69 [9] | 17 | |
| CI70-1006 A 5-11-70 | Franklin Adkins | Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va. | Contract 2-19-70 [9] | 5 | |

[1] Filing reflects change in operator only and does not reflect any change in working interest.
[2] Effective date: Date Applicant became operator of the properties (Applicant shall advise the Commission as to such date).
[3] Adds acreage (sale being rendered without prior Commission authorization).
[4] From Louie A. Condry et al. to Applicant.
[5] From Butterworth & Lemann to Corinne Roy Kelly et al.
[5a] From Corinne Roy Kelly et al. to Dal-Ken Corp.
[6] Attached is an assignment dated Feb. 20, 1969, assigning acreage to Hall-Jones Oil Corp. Hall-Jones drilled a dry hole on the assigned acreage.
[6a] Attached is letter agreement dated Feb. 7, 1969, deleting expired and canceled leases from contract.
[6b] Deletes acreage assigned to Galaxy Oil Co.
[7] Effective date: Date of this order.
[8] Contract rate is 16.015 cents including tax reimbursement. By letter dated May 15, 1970, Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents including tax reimbursement.
[8a] Dedicates new acreage, deletes acreage lost by court order and provides for pressure maintenance operations.
[9] Effective date: Date of initial delivery (Applicant shall advise the Commission as to such date).
[10] Effective date: June 28, 1970, for Supplement No. 6 only.
[11] Applies only to sales from the Hamon Field.
[11a] Applies only to sales from the Halley Field, originally proposed in Docket No. CI66-472, which has been withdrawn.

[12] Amendment to the application filed to exclude all acreage in Val Verde County.
[13] Sale being rendered pursuant to a temporary certificate, no permanent certificate issued.
[13a] Assigns acreage from Louisiana Crude Oil & Gas Co., Inc. (formerly Jack E. Koch Oil Co., Inc.) to Leslie Bowling
[14] Amendment to the application filed to reflect a proposed rate of 13.21883 cents per Mcf in lieu of 13.04692 cents per Mcf. Applicant requests that sales from the additional acreage be made subject to its own existing suspension proceeding in Docket No. RI70-342, in lieu of being made a co-respondent to Atlantic Richfield Co.'s proceeding in Docket No. RI69-383.
[14a] Adds acreage acquired from Atlantic Richfield Co. FPC GRS No. 498.
[15] Currently on file as Atlantic Richfield Co. FPC GRS No. 474.
[15a] Provides for a 5-year makeup period for gas paid for but not taken.
[15b] Provides for a new delivery point and a request for reserve redetermination.
[15c] From Atlantic Richfield Co. to Applicant.
[16] Complies with temporary certificate issued 3-18-70. Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf including tax reimbursement. Basic contract provides for a rate of 16 cents per Mcf plus 0.015 cents per Mcf tax reimbursement.
[17] Complies with temporary certificate issued Mar 18, 1970. Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf subject to B.t.u. adjustment, to the ultimate disposition of the proceeding in Docket No. R-338, and limiting buyer's take-or-pay obligation to a 1 to 3,650 ratio of takes to reserves during the first two contract years and a 1 to 7,300 ratio thereafter.
[18] Basic contract provides for a rate of 18 cents per Mcf, however, Applicant by letter dated May 4, 1970, states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf including tax reimbursement.
[19] Accepts temporary certificate issued Apr. 6, 1970. Applicant states willingness to accept a permanent certificate conditioned to initial rates of 17 cents per Mcf subject to B.t.u. adjustment for acreage in Beaver and Ellis Counties; and 15 cents per Mcf subject to B.t.u. adjustment for acreage in Woods County, and subject to the ultimate disposition of the proceeding in Docket No. R-338.
[20] Application assigned Docket No. CI70-843 is being construed as an amendment to the application in Docket No. CI70-842 and Docket No. CI70-843 will be canceled.
[20a] Currently on file as Gulf Oil Corp. FPC GRS No. 45.
[20b] Assignment from Gulf to Clarke Oilfield Service, Inc. (covers C. D. Williams Lease).
[20c] Assignment from Gulf to Raymond Oil Co., Inc. (covers Wortman "B" Lease).
[20d] Assignment from Raymond Oil Co., Inc., to Clarke Oilfield Service, Inc. (covers Wortman "B" Lease).
[21] Complies with temporary certificate issued Apr. 27, 1970. Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf subject to B.t.u. adjustment and subject to the ultimate disposition of the proceeding in Docket No. R-338.
[22] By letter filed May 11, 1970, Applicant agreed to accept a permanent certificate under the same conditions imposed in the temporary certificate.
[23] Accepts temporary certificate issued May 6, 1970. Applicant states willingness to accept a permanent certificate conditioned to an initial rate of 15 cents per Mcf including tax reimbursement.
[24] Complies with temporary certificate issued Apr. 30, 1970. Applicant states willingness to accept a permanent certificate under the same conditions imposed in the temporary certificate.
[25] Currently on file as Sun Oil Co. FPC GRS No. 326.
[25a] Assignment from Sun Oil Co. to Raymond Oil Co., Inc.
[25b] Assignment from Raymond Oil Co., Inc., to Clark Oilfield Service, Inc.
[26] By letter filed June 26, 1970, Applicant agreed to accept a permanent certificate containing a condition that in the event it exercises option to process the gas, it shall submit a rate schedule supplement setting forth the conditions and terms of the contemplated action.
[27] Currently on file as Tenneco Oil Co. FPC GRS No. 217.
[27a] Conveys interests from Tenneco Oil Co. to Applicant.
[28] By letter filed May 25, 1970, applicant agreed to accept a permanent certificate conditioned to limit buyer's take-or-pay obligation to a 1 to 7,300 ratio of takes to reserves.
[28a] On file as Petroleum, Inc. FPC GRS No. 49.
[29] Currently on file as Steve Gose FPC GRS No. 1.
[30] Currently on file as Continental Oil Co. FPC GRS No. 319.
[30a] From Continental Oil Co. to J. B. Mattax.
[30b] From J. B. Mattax to applicant.
[31] Applicant states it is willing to accept a permanent certificate at an initial rate of 17 cents per Mcf and subject to the ultimate disposition of the proceeding in Docket No. R-338.
[32] Contract provides for rate of 20 cents per Mcf subject to B.t.u. adjustment; however, applicant states its willingness to accept a permanent certificate conditioned at an initial rate of 15 cents per Mcf plus B.t.u. adjustment and subject to the ultimate disposition of the proceeding in Docket No. R-338.
[33] Contract provides for rate of 20 cents per Mcf plus B.t.u. adjustment; however, applicant states its willingness to accept a permanent certificate conditioned to an initial rate of 17 cents per Mcf plus B.t.u. adjustment and subject to the ultimate disposition of the proceeding in Docket No. R-338.

[F.R. Doc. 70-9465; Filed, July 24, 1970; 8:45 a.m.]

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[Docket No. AR70-1]

## AREA RATE PROCEEDING (PERMIAN BASIN AREA)

### Order Prescribing Procedure

JULY 14, 1970.

Because of the large number of persons having common interest which may be affected by the determination contemplated by this proceeding, and in order to expedite the progress of this proceeding, it is appropriate in the public interest that parties having common interest should be permitted to present joint evidence to avoid duplicative and cumulative presentations, and agree to cross-examine witnesses in a manner as to avoid cumulative and repetitious cross-examination.

Therefore, where appropriate, and not in derogation of the rights of any party, those parties having common interests should be permitted to combine for the purposes above set out.

Parties having common interests who are grouped for the presentation of evidence in this proceeding shall file joint comments in Docket No. R-389 insofar as such joint comments will avoid the submission of duplicative and cumulative comments therein.

The Commission orders: Parties having common interests are permitted to combine for the purpose of presenting evidence and participating in the hearing in Docket No. AR70-1, and to file joint comments in Docket No. R-389.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70-9574; Filed, July 24, 1970; 8:45 a.m.]

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[Dockets Nos. CP71-6—CP71-8]

## EL PASO NATURAL GAS CO. AND WASHINGTON NATURAL GAS CO.

### Notice of Application

JULY 17, 1970.

Take notice that on July 8, 1970, El Paso Natural Gas Co. (El Paso), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP71-6 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and sale of equal shares of cushion gas to Washington Natural Gas Co. (Washington Natural) and the Washington Water Power Co. (Water Power) for injection into the Jackson Prairie Underground Natural Gas Storage Project situated in Lewis County, Wash., for the respective accounts of Washington Natural and Water Power and to transport for injection into the storage project equivalent share of cushion gas for El Paso's account; to transport for injection into the storage project working gas in quantities to support a new firm winter service proposal to be rendered by El Paso to distributor companies served by El Paso's Northwest Division System; and by way of rendition of such proposed service, to sell and deliver natural gas to Northwest Division System distributor companies for resale, during any seasonal period commencing on November 1, and continuing through the immediately succeeding April 15, in quantities not to exceed 180,000 Mcf on any day or 4 million Mcf during any such seasonal period.

Take further notice that also on July 8, 1970, Washington Natural Gas Co., 815 Mercer Street, Seattle, Wash. 98111, filed in Docket No. CP71-7 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it, as project operator of the storage project, to operate the storage project on a permanent basis; to construct and operate certain storage project facilities required to place the storage project into permanent operation at the initial operating level proposed; and, in connection with such permanent operation of the storage project, to deliver natural gas to El Paso in support of the new firm winter service proposed to be rendered by El Paso from the storage project, during any seasonal period commencing on November 1, and continuing through the immediately succeeding April 15, in quantities not to exceed 180,000 Mcf on any day or 4 million Mcf during any such seasonal period.

Take further notice that also on July 8, 1970, Washington Natural filed in Docket No. CP71-8 an application pursuant to section 7(c) of the Natural Gas Act for an order of the Commission declaring the exemption from the provisions of the Act and the rules and regulations of the Commission thereunder, as to its natural gas activities conducted in the State of Washington, other than its intended activities as project operator of the storage project. The application states that, with the exception of its intended activities as project operator, it engages in the distribution of natural gas at retail in the Puget Sound area and that the Washington Utilities and Transportation Commission possesses, and is exercising, regulatory jurisdiction thereover, all as more fully set forth in the applications, which are on file with the Commission and open to public inspection.

The applications state that the plan proposed for the storage project contemplates its permanent use, commencing

with the 1970–71 heating season, to support the new firm winter service proposed by El Paso. Under the plan, Washington Natural would physically operate the storage project, accept cushion gas owned in equal undivided interests by all three parties for storage, accept working gas to be delivered to the project operator by El Paso for storage, and to redeliver working gas to El Paso upon demand.

The applications further state that in order for the storage project to operate at the proposed initial level, it will be necessary to make minor compressor modifications on existing compressor units possessing 3,804 horsepower, place into permanent operation a 1,068 horsepower compressor unit previously paid for by Washington, but not jointly owned by the parties, to loop entirely the existing 1.75-mile feeder line with 16-inch O.D. pipe and to provide additional dehydration capacity of 50,000 Mcf daily. The estimated cost of such facilities is $571,734. The applications also state that the jointly-owned storage project facilities will be further comprised of 51 wells, dehydration-equipment possessing a daily aggregate capacity of 150,000 Mcf, gathering lines and metering equipment. The estimated cost of all joint storage project facilities is $9,266,100, which will be financed by working funds.

The new winter service proposed by El Paso will be made available to the Northwest Division System distributor customers on a firm basis additional to contract demand service presently available to such customers, and no additional facilities are required to render such service.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 10, 1970, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
*Secretary.*

[F.R. Doc. 70-9573; Filed, July 24, 1970; 8:45 a.m.]

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[Dockets Nos. RI63-6, RI65-401]

## HUMBLE OIL & REFINING CO. AND PETROLEUM CORPORATION OF TEXAS ET AL.

### Order Amending Order Making Successor Co-respondent

JULY 20, 1970.

By orders issued May 25, 1970, in Docket No. G-2751 et al., and May 27, 1970, in Docket No. G-2602 et al., certificates of public convenience and necessity were granted pursuant to section 7(c) of the Natural Gas Act in Dockets Nos. CI70-710 and CI70-711, respectively, authorizing Petroleum Corporation of Texas (Operator) et al., to continue in part sales of natural gas in interstate commerce to Coastal States Gas Producing Co. theretofore authorized in Dockets Nos. G-18924 and G-9616, respectively, previously made pursuant to Humble Oil & Refining Co. FPC Gas Rate Schedules Nos. 157 and 113, respectively. The rates under Humble's FPC Gas Rate Schedules Nos. 157 and 113 on the effective date of the assignments to Petroleum Corporation of Texas were in effect subject to refund in Dockets Nos. RI63-6 and RI65-401, respectively. In the form required by § 157.24(a) of the regulations under the Natural Gas Act, which accompanied the certificate applications, Petroleum Corporation of Texas indicated that it intended to assume the total refund obligation from the time that the increased rates were made effective subject to refund. Accordingly, concurrently with the granting of the certificates, Petroleum Corporation of Teras was made a co-respondent in each of the proceedings pending in Dockets Nos. RI63-6 and RI65-401 and required to file agreements and undertakings to assure the refunds of all amounts collected by Humble and by itself in excess of the amounts determined to be just and reasonable in said proceedings.

By letters of May 7, 1970, and June 1, 1970, Petroleum Corporation of Texas advises that it intends to be responsible for refunds of only those amounts collected by itself subject to refund. By letter of June 23, 1970, Humble confirms that it intends to continue to remain responsible for refunds of those amounts collected prior to the date of the assignments. Prior to the dates of issuance of the orders granting certificates and making Petroleum Corporation of Texas co-respondent, Petroleum Corporation of Texas had filed a general undertaking to assure the refunds of amounts collected by it in excess of amounts determined to be just and reasonable in proceedings under section 4(e) of the Natural Gas Act.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the orders making Petroleum Corporation of Texas co-respondent in the proceedings pending in Dockets Nos. RI63-6 and RI 65-401 should be amended as hereinafter ordered.

The Commission orders: In lieu of the refund obligations imposed by the orders issued May 25, 1970, in Docket No. G-2751 et al., and May 27, 1970, in Docket No. G-2602 et al., Petroleum Corporation of Texas (Operator) et al., shall be responsible for refunds of only those amounts collected by itself pursuant to its FPC Gas Rate Schedules Nos. 31 and 32, respectively, on or after April 1, 1969, in excess of the amounts determined to be just and reasonable in Dockets Nos. RI63-6 and RI65-401, respectively. Such refunds shall be assured by the general undertaking of Petroleum Corporation of Texas on file with the Commission.

By the Commission.

[SEAL] GORDON M. GRANT,
*Secretary.*

[F.R. Doc. 70-9635; Filed, July 24, 1970; 8:50 a.m.]

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[Docket No. RP70-42]

## NATURAL GAS PIPELINE COMPANY OF AMERICA

### Order Providing for Hearing, Accepting and Suspending Proposed Revised Tariff Sheets, Consolidating Dockets for Purposes of Prehearing Conference, and Permitting Interventions

JULY 20, 1970.

On July 8, 1970, Natural Gas Pipeline Company of America (Natural) tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, to be become effective on August 1, 1970.[1] The filing proposes to incorporate Monthly Quantity Limitations in Natural's service agreements with its contract demand, general service and pipeline customers (Rate Schedules CD-1, CD-2, G-1, G-2, and PL). The proposed Monthly Quantity would be the amount of gas a customer could purchase in a given month and which Natural would be

[1] The proposed revised tariff sheets hereinafter accepted for filing and suspended are as follows: Sixth Revised Sheet No. 5, Substitute 10th Revised Sheet No. 9, Fifth Revised Sheet No. 10, Substitute Sixth Revised Sheet No. 10-A, Original Sheet No. 10-B, Fifth Revised Sheet No. 11, 11th Revised Sheet No. 13, Third Revised Sheet No. 14, Seventh Revised Sheet No. 14-A, Substitute 14th Revised Sheet No. 15, Substitute Ninth Revised Sheet No. 16, Substitute Eighth Revised Sheet No. 17, Substitute 14th Revised Sheet No. 18, Substitute Ninth Revised Sheet No. 19, Substitute 13th Revised Sheet No. 19A, Fourth Revised Sheet No. 19-AA, Substitute Eighth Revised Sheet No. 19-C, Substitute Sixth Revised Sheet No. 19-D, Original Sheet No. 38-M, Original Sheet No. 38-N, First Revised Sheet No. 39.

obligated to deliver and sell to that customer in that specific month. Natural's present service agreements provide for a single Daily Contract Quantity or Maximum Daily Quantity (depending upon the particular rate schedule) applicable to each day of the year. Natural further states that under the proposed tariff changes, in certain months Natural's customers will be limited to deliveries of a Monthly Quantity which is less than its Daily Contract Quantity (or Maximum Daily Quantity) times the number of days in the month.

Secondly, Natural proposes to modify the present "Adjustment for Delivery Deficiency" clause contained in its Tariff by making the clause inapplicable to any failure by Natural to deliver amounts requested for delivery in excess of the buyer's Monthly Quantity for such month. Under the present provision Natural must adjust the buyer's Demand Charge in any month Natural fails to deliver the buyer's full Daily Contract Quantity (or Maximum Daily Quantity) if called upon to do so.

Thirdly, Natural proposes to add a $2 per Mcf charge for unauthorized monthly over-run during any month in which deliveries are in excess of the proposed Monthly Quantity. Under the present over-run penalty clause, the buyer pays $1 per Mcf for over-run quantities not in excess of 2 percent of his Daily Contract Quantity (or Maximum Daily Quantity) or 100 Mcf, whichever is larger. For volumes in excess of the 2 percent as above set forth the buyer is charged $10 per Mcf. The total penalties for any month under the proposed change shall be the total daily over-run penalties or the monthly over-run penalty, whichever is greater.

Natural states the proposed tariff changes are largely precipitated by a greatly accelerated demand for gas in off-peak periods increasing the annual load factor, primarily to meet air pollution control requirements, and by Natural's inability to contract for new supplies of gas in quantities large enough to meet this increased demand. Natural also states it has made a study of its owned and purchased gas reserves and concluded that unless there is a reduction in the high demands during the summer of 1970, it will be unable to meet the peak demands of the 1970–71 winter, which deficiency Natural expects to occur in 1972 and subsequent years unless significant supplies of natural gas are secured.

Petitions requesting leave to intervene in Docket No. RP70–42 have been timely filed by the following petitioners:

Central Illinois Public Service Co.
City of Nashville, Ill., et. al. (Village of Findlay, Ill., city of Frohna, Mo., city of Grand Tower, Ill., Kaskaskia Gas Co., Osage Natural Gas Co., city of Perryville, Mo., city of Pinckneyville, Ill., city of Sullivan, Ill.).
Commonwealth Edison Co.
Illinois Power Co.
Interstate Power Co.
Iowa Electric Light and Power Co.
Iowa-Illinois Gas and Electric Co.
Iowa Southern Utilities Co.
Laclede Gas Co.
North Shore Gas Co.
Northern Illinois Gas Co.
Northern Indiana Public Service Co.
Mississippi River Transmission Corp.
The Peoples Gas Light and Coke Co.
Wisconsin Southern Gas Co., Inc.

Petitions requesting leave to intervene in this proceeding were not timely filed by the following petitioners:

City of Chicago.
North Central Public Service Co.

The petitions to intervene present a variety of interests but prevalent throughout is a concern of the customers of Natural that the proposed tariff changes might impair their individual abilities to render adequate service. Additionally, interveners have stated that Natural's proposal may be unjust, unreasonable, and unduly discriminatory or preferential;[2] may lead to undue discrimination in allocating available volumes[3] and is without justification and not in the best interests of Natural's customers or ultimate consumers.[4] From the above summary of the petitions to intervene it is obvious that Natural's filing presents a number of serious questions.

Review of the filing indicates that it presents issues of gas allocation which require the immediate attention of the parties and the Commission. In order to expedite this proceeding, Docket No. RP70–42 should be consolidated with Docket No. RP70–35 for the purpose of discussion at the prehearing conference scheduled in Docket No. RP70–35 for July 21, 1970, pursuant to our Order of June 26, 1970. It is intended that upon the conclusion of the prehearing conference the parties will proceed with all possible dispatch with Docket No. RP70–42 due to the impact the proposed tariff changes may have on the service rendered by Natural and the resultant service by Natural's customers to the ultimate consumers, and the necessity of minimizing or eliminating a possible shortage of gas supply to Natural's customers for the remainder of the calendar year 1970 and thereafter.

The Commission finds:

(1) Good cause has been shown under § 154.66(b) of the Commission's regulations under the Natural Gas Act to permit Natural to change certain of the tariff sheets presently under suspension in Docket No. RP70–35.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning Natural's FPC Gas Tariff, as proposed to be amended herein, and that the proposed tariff sheets listed in footnote (1) above be suspended, and the use thereof be deferred as herein provided.

(3) It is appropriate that Dockets Nos. RP70–35 and RP70–42 be consolidated for the purposes of discussion of stipulation of noncontroverted facts, the definition of issues to be tried, as well as any other substantive and procedural problems involved in this proceeding at the prehearing conference scheduled for July 21, 1970.

(4) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

(5) Although some of the petitions to intervene were not timely filed, good cause exists for permitting such interventions and the participation of all of the above named petitioners may be in the public interest.

The Commission orders:

(A) Natural hereby is granted permission under § 154.66(b) of our regulations to change certain of the tariff sheets presently under suspension in Docket No: RP70–35.

(B) The proceedings in Dockets Nos. RP70–35 and RP70–42 are hereby consolidated for the purpose of prehearing conference.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held commencing with the consolidated prehearing conference prescribed by paragraph (A) above, on July 21, 1970, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, concerning Natural's FPC Gas Tariff, as proposed to be amended herein.

(D) Pending such hearing and decision thereon, Natural's revised tariff sheets listed in footnote (1) above are suspended and the use thereof is deferred until December 1, 1970, and until such further time as they are made effective in the manner prescribed in the Natural Gas Act: *Provided, however,* That if this proceeding is resolved, either on the basis of an order approving a settlement agreement among the parties or by decision and order on the record, within the suspension period herein provided, the Commission reserves the right to modify such suspension period to make such order effective as of the date of its issuance.

(E) At the hearing on July 21, 1970, all materials filed in Docket No. RP70–42 as submitted and served on July 1, 1970, be admitted as Natural's case-in-chief in Docket No. RP70–42 as provided by § 154.63(e)(1) of the Commission's regulations under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any, by parties to the proceeding.

(F) The above-named petitioners are hereby permitted to intervene in the proceedings with respect to the rate filing in Docket No. RP70–42, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting rights and interests specifically set forth in their respective petitions to intervene:

[2] City of Nashville, Ill., Laclede Gas Co. and Mississippi River Transmission Corp.
[3] Commonwealth Edison Co.
[4] Iowa-Illinois Gas and Electric Co.

*And provided further*, That the admission of such interveners shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Pursuant to § 2.59(c) of the Commission's rules of practice and procedure, Natural shall promptly serve copies of its filing upon all interveners granted intervention herein, unless such service has already been effected pursuant to Part 154 of the regulations under the Natural Gas Act.

(H) Following admission of Natural's complete case-in-chief, the parties shall proceed to effectuate the intent and purposes of § 2.59 of the Commission's rules of practice and procedure and of this order as set forth above.

(I) Presiding Examiner Seymour Wenner or any other designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 70-9636; Filed, July 24, 1970; 8:50 a.m.]

# FEDERAL RESERVE SYSTEM

## COMMERCE BANCSHARES, INC.

### Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Commerce Bancshares, Inc., Kansas City, Mo., for approval of acquisition of more than 80 percent of the voting shares of the State Bank of Lebanon, Lebanon, Mo.

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 Commerce Bancshares, Inc., Kansas City, Mo. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of more than 80 percent of the voting shares of the State Bank of Lebanon, Lebanon, Mo. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Finance of the State of Missouri, and requested his views and recommendation. The Commissioner commented that he viewed the proposal as a progressive step for banking in Missouri.

Notice of receipt of the application was published in the FEDERAL REGISTER on May 21, 1970 (35 F.R. 7831), providing an opportunity for interested persons to submit comments and views with respect to the proposal. 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.

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 and future prospects of the 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 bank holding company and the third largest banking organization in Missouri, has 14 subsidiary banks with $809 million in deposits, which represent 7.5 percent of the total deposits of all banks in the State. (All banking data are as of Dec. 31, 1969, adjusted to reflect holding company formations and acquisitions approved by the Board to date.)

Bank (deposits $13.8 million) is the largest of three banks located in Laclede County, the relevant market, and holds 45 percent of that market's deposits. It appears that there is spirited competition among the three banks, and it does not appear that Bank has a dominant competitive advantage. Applicant's closest subsidiary is 50 miles southwest of Bank, and neither it nor any other of Applicant's present subsidiaries competes with Bank to a significant extent. Applicant's entry into the Laclede County market de novo or by acquisition of one of the two smaller banks does not appear likely, because of the existing low population-to-bank ratio and the expressed desire of those two banks to remain independent. It does not appear that existing competition would be eliminated, or significant potential competition foreclosed, by consummation of Applicant's proposal, or that there would be undue adverse effects on any other bank in the area involved.

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. Considerations relating to the financial and managerial resources and future prospects are regarded as consistent with approval of the application as they relate to Applicant and its subsidiaries, and lend some weight in favor of approval as they relate to Bank, since the acquisition will solve a management succession problem at Bank. Considerations relating to the convenience and needs of the communities to be served lend additional weight in support of approval, in that Applicant proposes to expand many of Bank's present services and to make trust services available through the holding company's principal bank, in Kansas City. 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*, On the basis of the findings summarized 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] July 16, 1970.

[SEAL] KENNETH A. KENYON, *Deputy Secretary.*

[F.R. Doc. 70-9637; Filed, July 24, 1970; 8:50 a.m.]

## FIRST NATIONAL BANCORPORATION, INC.

### Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by The First National Bancorporation, Inc., which is a bank holding company located in Denver, Colo., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of The Security State Bank of Sterling, Sterling, Colo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, Brimmer, and Sherrill. Absent and not voting: Governor Mitchell. Concurring statement of Governors Robertson and Brimmer, filed as part of the original document, is available upon request.

By order of the Board of Governors, July 20, 1970.

[SEAL] KENNETH A. KENYON,
*Deputy Secretary.*

[F.R. Doc. 70-9638; Filed, July 24, 1970; 8:50 a.m.]

## FIRST NATIONAL BANCORPORATION, INC.

### Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by The First National Bancorporation, Inc., which is a bank holding company located in Denver, Colo., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of The Exchange National Bank of Colorado Springs, Colorado Springs, Colo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

By order of the Board of Governors, July 21, 1970.

[SEAL] KENNETH A. KENYON,
*Deputy Secretary.*

[F.R. Doc. 70-9639; Filed, July 24, 1970; 8:50 a.m.]

# SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 780]

## PENNSYLVANIA

### Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1970, because of the effects of certain disasters, damage resulted to residences and business property located in Cumberland County, Pa.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid county, and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on July 10 and 11, 1970.

OFFICE

Small Business Administration Regional Office, 1 Decker Square, East Lobby, Bala Cynwyd, Pa. 19004.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1971.

Dated: July 15, 1970.

HILARY SANDOVAL, Jr.,
*Administrator.*

[F.R. Doc. 70-9580; Filed, July 24, 1970; 8:46 a.m.]

## FORSYTH COUNTY INVESTMENT CORP.

### Notice of Issuance of Small Business Investment Company License

On July 1, 1970, a notice was published in the FEDERAL REGISTER (35 F.R. 10712) stating that Forsyth County Investment Corp., Suite 305, Pepper Building, Fourth and Liberty Streets, Winston-Salem, N.C. 27101, had filed an application with the Small Business Administration (SBA) pursuant to the regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326) for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business July 10, 1970, to submit written comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 05/04-5092 to Forsyth County Investment Corp., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

A. H. SINGER,
*Associate Administrator for Investment.*

JULY 14, 1970.

[F.R. Doc. 70-9623; Filed, July 24, 1970; 8:49 a.m.]

## PIONEER ENTERPRISES, INC.

### Notice of Issuance of a Federal License To Operate as Minority Enterprise Small Business Investment Company

Notice is hereby given that the Small Business Administration (SBA) has issued license No. 12/12-5153, dated June 29, 1970, to Pioneer Enterprises, Inc., located at 1521 South Gardena Avenue, Glendale, Calif. 91204, to operate as a minority enterprise small business investment company in the State of California under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act).

A. H. SINGER,
*Associate Administrator for Investment.*

JULY 14, 1970.

[F.R. Doc. 70-9622; Filed, July 24, 1970; 8:49 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 22, 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. 42006—*Corn and soybeans to points in Texas for export.* Filed by Chicago, Rock Island and Pacific Railroad Co. (No. 903), for itself. Rates on corn (not popcorn), shelled, also soybeans (dried), in bulk, in covered hopper cars, in carloads, as described in the application, from points on the CRI&P in Iowa and Minnesota, to Galveston, Houston, or Texas City, Tex., for export.

Grounds for relief—Rate relationship and market competition.

Tariff—Chicago, Rock Island and Pacific Railroad Co. tariff ICC C-13821.

FSA No. 42007—*Phosphatic fertilizer solution to points in Wyoming.* Filed by O. W. South, Jr., agent (No. A6183), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank carloads, as described in the application, from points in southern territory, to specified points in Wyoming.

Grounds for relief—Modified short-line distance formula and grouping.

Tariff—Supplement 2 to Southern Freight Association, agent, tariff ICC S–915.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[F.R. Doc. 70-9633; Filed, July 24, 1970; 8:50 a.m.]

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[Notice 119]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 22, 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 28060 (Sub-No. 16 TA) (Correction), filed June 22, 1970, published in the FEDERAL REGISTER issue of July 3, 1970, and republished in part corrected, this issue. Applicant: WILLERS, INC., doing business as WILLERS TRUCK SERVICE, 1400 North Cliff Avenue, Sioux Falls, S. Dak. 57103. Applicant's representative: Clifford J. Willers (same address as above). NOTE: The purpose of this republication is to show a *return movement.* The rest of this application rest as publication.

No. MC 42487 (Sub-No. 750 TA), filed July 13, 1970. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Eugene T. Liipfert (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving points in Erie County, Pa., as intermediate or off-route points in connection with applicant's presently held regular routes, for 180 days. NOTE: Applicant states it will tack with authorities in MC 42487 and interline with other carriers. Supporting shippers: There are approximately 18 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: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 55898 (Sub-No. 42 TA), filed July 16, 1970. Applicant: HARRY A. DECATO, doing business as DECATO BROS. TRUCKING CO., Heater Road, Lebanon, N.H. 03766. Applicant's representative: Andre J. Barbeau, 795 Elm Street, Manchester, N.H. 03011. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Clay flue liners,* strapped on palletts, from South River, N.J., to points in New Hampshire and Vermont, for 180 days. Supporting shipper: Densmore Brick Co., Inc., Lebanon, N.H. 03766. Send protests to: District Supervisor Ross J. Seymour, Interstate Commerce Commision, Bureau of Operations, 424 Federal Building, Concord, N.H. 03301.

No. MC 87476 (Sub-No. 4 TA), filed July 15, 1970. Applicant: CARL SCHAEFER JR. TRUCK LINE INC., 2600 Willowburn Avenue, Dayton, Ohio 45427. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Magazines, periodicals or sections thereof, advertising matter, paper patterns, empty roller cases, mill rolls, machinery parts and waste materials,* from the plantsite of the Dayton Division, The McCall Printing Co., Dayton, Ohio, to Chicago, Ill., and points in the Chicago, Ill., commercial zone, as defined and, *adhesives, ink, paper and paper articles, printed matter, printing press parts and supplies, metal strapping, starch, tying twine, and tying wire,* from Chicago, Ill., and points in the Chicago, Ill., commercial zone, as defined to the plantsite of the Dayton Division, The McCall Printing Co., Dayton, Ohio, for 150 days. Supporting shipper: The McCall Printing Co., 2219 McCall Street, Dayton, Ohio 45401. 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 103993 (Sub-No. 543 TA), filed July 13, 1970. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Structural steel, roof decks, steel joists, sheets, beams, trusses, channels, plates, bars, beams and accessories and parts used in the erection and completion of these products,* from the plantsite and warehouse facilities of Macomber, Inc., Canton, Ohio, to points in Connecticut, Delaware, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and District of Columbia, for 180 days. Supporting shipper: Macomber, Inc., Canton, Ohio. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, Ind. 46802.

No. MC 116073 (Sub-No. 125 TA), filed July 16, 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 Marion, Iowa, to points in Minnesota, Illinois, Nebraska, Wisconsin, North Dakota, South Dakota, Kansas, and Missouri, for 180 days. Supporting shipper: Cardinal-Craft, Inc., 675 44th Street, Marion, Iowa 52302. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, N. Dak. 58102.

No. MC 124071 (Sub-No. 5 TA), filed July 13, 1970. Applicant: LIVESTOCK SERVICE, INC., 1413 Second Avenue South, St. Cloud, Minn. 56301. Applicant's representative: Andrew J. Neutzling (same address as above). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts,* for the account of Robel Beef Packers, Inc., St. Cloud, Minn., from St. Cloud, Minn., to points in Illinois, Indiana, Iowa, Michigan (except Detroit), New York, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Robel Beef Packers, Inc., 14th Street and Third Avenue South, St. Cloud, Minn. 56301. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 125811 (Sub-No. 9 TA), filed July 15, 1970. Applicant: JOHNNY BROW's INC., 6801 Northwest 74th Avenue, Miami, Fla. 33166. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Sheet*

*and plate plastic material*, from Odenton, Md., to Fort Lauderdale, Jacksonville, Miami, Orlando, and Tampa, Fla., and Atlanta, Ga., and from Lowell, Mass., to Fort Lauderdale, Jacksonville, and Orlando, Fla.; and (2) *liquid adhesives and glue*, in containers, (a) from Grove City, Ohio, to Atlanta, Ga., Fort Lauderdale, Jacksonville, Orlando, Miami, and Tampa, Fla., and (b) from Buffalo, N.Y., to Fort Lauderdale, Jacksonville, and Orlando, Fla. Restriction: The permit authority sought into (a) above from Grove City, Ohio, is restricted to apply only on shipments of adhesives or glue which originate in Buffalo, N.Y., and carrier's vehicle is stopped at Grove City, Ohio, for pickup of these commodities and for delivery to destinations indicated, for 180 days. Supporting shipper: Atlantic Distributors, Inc., of Miami, 6300 Northwest 32d Avenue, Miami, Fla. 33147. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, Fla. 33155.

No. MC 126102 (Sub-No. 8 TA), filed July 13, 1970. Applicant: ANDERSON MOTOR LINES, INC., 37 Woodruff Road. Walpole, Mass. 02081. Applicant's representative: Robert F. Anderson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shoes and related articles used in the sale of shoes*, between Boston and Canton, Mass., and points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, Tennessee, Virginia, West Virginia, Washington, and Wisconsin, for 180 days. Supporting shipper: Morse Shoe, Inc., 555 Turnpike Street, Canton, Mass. Send protests to: District Supervisor Harold G. Danner, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02203.

No. MC 126472 (Sub-No. 15 TA), filed July 15, 1970. Applicant: WILLCOXSON TRANSPORT, INC., Post Office Box 16, Bloomfield, Iowa 52537. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, Va. 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia tanks and component parts*, between points in Illinois, Iowa, Oklahoma, and Texas, for 180 days. Supporting shipper: Chevron Chemical Co., Post Office Box 282, Fort Madison, Iowa 52627. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 127099 (Sub-No. 9 TA), filed July 9, 1970. Applicant: ROBERT NEFF & SONS, INC., 132 Shawnee Avenue, Post Office Box 2015, Zanesville, Ohio 43701. Applicant's representative: Edwin H. van Deusen, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated cardboard*, from the plantsite of Greif Brothers Corp. at or near Zanesville, Ohio, to points in Illinois; *materials and supplies* used in the manufacture of corrugated cardboard, from points in Illinois to the plantsite of Greif Brothers Corp. near Zanesville, Ohio. Restricted to operations to be performed under a continuing contract or contracts with the Greif Brothers Corp., Zanesville, Ohio, for 180 days. Supporting shipper: Greif Bros. Corp., Post Office Box 2218, Zanesville, Ohio 43701. Send protests to: A. M. Culver, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 129184 (Sub-No. 4 TA) (Correction), filed July 1, 1970, published in the FEDERAL REGISTER issue of July 11, 1970 and republished in part corrected, this issue. Applicant: KENNETH L. KELLAR, Post Office Box 449, Blaine, Wash. 98230. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. NOTE: The purpose of this partial republication is to show destination points in part (2) above as Champlain, Buffalo, New York, Ogdensburg, and Alexandria Bay, N.Y.; in lieu of Champlain, Buffalo, N.Y.; Ogdensburg and Alexandria Bay, N.Y. The rest of the application remains as publication.

No. MC 129657 (Sub-No. 5 TA), filed July 15, 1970. Applicant: KEN McCARVILLE DISTRIBUTING COMPANY, INC., 436 Rainbow Road, Spring Green, Wis. 53588. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and carbonated beverages*, from Monroe, Wis., to Springfield, Ill., and points within its commercial zone; St. Louis, Mo., and East St. Louis, Ill.; Belleville, and Collinsville, Ill., for 180 days. Supporting shipper: Frederick Huber, Vice President, Joseph Huber Brewing Co., 1208 14th Avenue, Monroe, Wis. 53566. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 133490 (Sub-No. 4 TA), filed July 16, 1970. Applicant: LEE'S TRUCKING, INC., 1 19th Avenue South, Minneapolis, Minn. 55404. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverages, carbonated, flavored, or phosphated*, in glass or in metal cans, in boxes; also in glass in bottle carriers, from St. Paul, Minn., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin, return movements of *pallets, empty containers, old or not salable beverages*, for 180 days. Supporting shipper: Gold Medal Beverage Co., 553 North Fairview Avenue, St. Paul, Minn. 55104. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 134272 (Sub-No. 4 TA), filed July 16, 1970. Applicant: DAY & ROSS LTD., Post Office Box 540, Hartland, New Brunswick, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Arctic iceberg ice*, from ports of entry on the international boundary between the United States/Canada near Bridgewater and Houlton, Maine, to Washington, D.C., for 180 days. Supporting shipper: Job Brothers & Co., Ltd., Post Office Box 5397, St. John's Newfoundland, Canada. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 167, PSS, Portland, Maine 04112.

No. MC 134672 TA (Correction), filed June 9, 1970, published in the FEDERAL REGISTER issue of June 20, 1970, and republished in part corrected, this issue. Applicant: E. N. SCULLY, S. H. SCULLY, L. A. SCULLY, AND R. J. SCULLY, copartners, doing business as VALENCIA TRUCKING, 25555 Avenue Starford. Applicant's representative: William Davidson, 2455 East 24th Street, Vernon, Calif. 90058. NOTE: The purpose of this republication is to show the return movement. The rest of this application rest as publication.

No. MC 134741 TA (Correction), filed July 2, 1970, published in the FEDERAL REGISTER issue of July 15, 1970, and republished as corrected, this issue. Applicant: CHARLES DE MARIA, JR., doing business as LAMBERT & CO., 23–49 64th Street, Brooklyn, N.Y. 11204. Applicant's representative: Blanton P. Bergan, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lead pencils, wooden*, other than mechanical or ball point, *pencils*, paper wrapped, *crayons*, school or marking, *mechanical crayon markers, pens*, ball points, *ball point pen cartridges, marking pens, ink*, writing, *mechanical pencils or markers, pencil lead holders, hand drafting equipment*, such as plastic or metal templates, *materials, supplies, and equipment used in manufacturing the above items*, in packages, in straight or mixed shipments; (1) between plantsite of Eagle Pencil, Division of Berol Corp., located at Danbury, Conn., and plantsite of Blaisdell/All-Rite, Division of Berol Corp., located at Fairlawn, N.J.; and (2) between plantsite of Eagle Pencil, Division of Berol Corp., located at Danbury, Conn., and points in New York, N.Y., commercial zone, for 180 days. NOTE: The purpose of this republication is to show territorial description. Supporting shipper: Eagle Pencil Co., Division of Berol Corp., Eagle Road, Danbury, Conn. 06810. Send protests to: Robert E. Johnston, District Supervisor,

Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
*Acting Secretary.*

[F.R. Doc. 70-9629; Filed, July 24, 1970; 8:50 a.m.]

[Notice 563]

## MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 21, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71344. By order of July 17, 1970, Division 3, acting as an Appellate Division, on reconsideration, approved the transfer to Felson Interstate, Inc., New York, N.Y., of that portion of the operating rights in certificate No. MC-15877 issued June 1, 1965, to Reliable Leasing, Inc., New York, N.Y., authorizing the transportation of piece goods, between New York, N.Y., on the one hand, and on the other, points in Hudson and Essex Counties, N.J. James J. Farrell, Registered Practitioner, 206 North Boulevard, Belmar, N.J. 07719, representative for applicants.

[SEAL] JOSEPH M. HARRINGTON,
*Acting Secretary.*

[F.R. Doc. 70-9630; Filed, July 24, 1970; 8:50 a.m.]

[Notice 564]

## MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 21, 1970.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-71952. By order of July 20, 1970, the Motor Carrier Board, on reconsideration, approved the transfer to Derrico Trucking Corp., New York, N.Y., of the operating rights in permit No. MC-117610 (Sub-No. 1) issued July 26, 1960, to Derrico Co., Inc., Bronx, N.Y., authorizing the transportation, over irregular routes, of paper, paper products, rubber printing plates, and machinery, equipment, and supplies used or useful in the manufacturing and processing of such commodities, from Philadelphia and Manayunk, Pa., and Garwood, Milford, and Whippany, N.J., to New York, N.Y. Bert Collins, 140 Cedar Street, New York, N.Y. 10006, representative for applicants.

No. MC-FC-72146. By order of July 20, 1970, the Motor Carrier Board approved the transfer to Cowart Trucking Co., Inc., Port Wentworth, Ga., of the operating rights in certificates Nos. MC-115695 (Sub-No. 1) and MC-115695 (Sub-No. 3) issued September 17, 1958, and January 21, 1966, respectively, to J. D. Williams and Joe E. Williams, a partnership, doing business as J. D. Williams & Son, Wrightsville, Ga., authorizing the transportation of lumber, from Adrian, Soperton, Swainsboro, and Wrightsville, Ga., to points in Florida, and from points in Jefferson, Washington, Wilkinson, Laurens, Twiggs, Johnson, and Emanuel Counties, Ga., except Adrian, Wrightsville, and Swainsboro, Ga., to points in Florida. Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303, attorney for applicants.

No. MC-FC-72214. By order of July 17, 1970, the Motor Carrier Board approved the transfer to Hoag's Express, Inc., Auburn, N.Y., of certificate of registration in No. MC-120567 (Sub-No. 1) issued November 29, 1963, to Evelyn Hoag Andrews, executrix of the Estate of Robert Bruce Hoag, doing business as Hoag's Express, Auburn, N.Y., authorizing the transportation, of general commodities, between specified points or counties in New York State. Stephen L. Johnson, 1000 State Tower Building, Syracuse, N.Y. 13202, attorney for applicants.

No. MC-FC-72219. By order of July 21, 1970, the Motor Carrier Board approved the transfer to Reams Transfer & Storage Co., a corporation, Brookfield, Mo., of certificate in No. MC-52432, issued July 5, 1940, to Clarence Reams, doing business as Reams Transfer & Storage Co., Brookfield, Mo., authorizing the transportation of household goods and office furniture, uncrated, between specified points in Missouri, on the one hand, and, on the other, points in Indiana, Illinois, Iowa, Kansas, Nebraska, and Tennessee. Richard N. Brown, 111 East Brooks Street, Brookfield, Mo. 64628, attorney for applicants.

No. MC-FC-72237. By order of July 17, 1970, the Motor Carrier Board approved the transfer of Ellsworth M. Eaton, Jr., Salisbury, Mass., of the operating rights in certificate No. MC-103995, issued June 28, 1943, to Charles Bridges and William Bridges, doing business as Bridges Bros., Newburyport, Mass., authorizing the transportation of household goods as defined in 17 M.C.C. 467, between specified points in Massachusetts and New Hampshire on the one hand, and, on the other, points in Massachusetts, New Hampshire, Connecticut, Maine, Rhode Island, and Vermont. James C. Stevens III, 53 State Street, Newburyport, Mass. 01950, attorney for applicants.

No. MC-FC-72254. By order of July 20, 1970, the Motor Carrier Board approved the transfer to Iverson Transfer, Inc., Windom, Minn., of the operating rights in No. MC-133158 issued April 8, 1970, to P. A. Iverson, doing business as Iverson Transfer, Windom, Minn., authorizing the transportation of petroleum and petroleum products, in bulk, from specified pipeline terminals in Iowa to Windom, Minn. Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402, attorney for applicants.

No. MC-FC-72262. By order of July 17, 1970, the Motor Carrier Board approved the transfer to K. G. Moore, Inc., Nashua, N.H., of the operating rights in certificate No. MC-117140, issued May 9, 1958, to Freight Transport, Inc., Nashua, N.H., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Woonsocket, R.I., and Boston, Mass., serving specified intermediate and off-route points, over specified highways, and return; between Woonsocket, R.I., and Providence, R.I., serving off-route points within 8 miles of Woonsocket and Providence, over Rhode Island Highways 122 and 146, and return; machinery, between points in Providence County, R.I., on the one hand, and, on the other, points in specified portions of Massachusetts and Connecticut; between Bristol and Woonsocket, R.I., and Millville, Mass., on the one hand, and, on the other, Naugatuck, Conn.; between Providence and Woonsocket, R.I., Blackstone and Northbridge, Mass., on the one hand, and, on the other, North Adams and Pittsfield, Mass., Dover, Lempster, Laconia, Manchester, and Nashua, N.H.; and yarn, wool waste, noils, wool-tops, empty bags, and wool, greased and scoured, between points in Providence County, R.I., on the one hand, and, on the other, points in the Massachusetts territory described above. Frederick T. O'Sullivan, 372 Granite Avenue, Milton, Mass. 02186, attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
*Acting Secretary.*

[F.R. Doc. 70-9631; Filed, July 24, 1970; 8:50 a.m.]

[Notice 564A]

## MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 22, 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–72285. By application filed July 20, 1970, DOUGLAS N. MILLER, doing business as WESTERN TRANSPORT, 1106 26th Avenue, Missoula, Mont. 59801, seeks temporary authority to lease the operating rights of HUGHES HAULING CO., Route 1, Target Range, Missoula, Mont. 59801, under section 210(a)(b). The transfer to DOUGLAS N. MILLER, doing business as WESTERN TRANSPORT, of the operating rights of HUGHES HAULING CO., is presently pending.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
*Acting Secretary.*

[F.R. Doc. 70–9632; Filed, July 24, 1970; 8:50 a.m.]

## RAILROAD WAYBILL DOCUMENTS AND RECORDS

### Memorandum of Agreement Between Department of Transportation and Interstate Commerce Commission

CROSS REFERENCE: For a document relating to a memorandum of agreement between the Department of Transportation and the Interstate Commerce Commission, see F.R. Doc. 70–9634, Department of Transportation, Office of the Secretary, *supra*.

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