FEDERAL REGISTER

VOLUME 36 • NUMBER 15

Friday, January 22, 1971 • Washington, D.C.

Pages 1021–1081

Agencies in this issue—

Detailed list of Contents appears inside.

FEDERAL REGISTER

Area Code 202 Phone 962-8626

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

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

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

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

Contents

(Continued on next page)

List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1971, and specifies how they are affected.

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11581

Amending Executive Order No. 11248, Placing Certain Positions in Levels IV and V of the Federal Executive Salary Schedule

By virtue of the authority vested in me by Section 5317 of Title 5 of the United States Code, as amended, Executive Order No. 11248 [1] of October 10, 1965, as amended, is further amended as follows:

1. Section 1 of that Order, placing certain positions in level IV of the Federal Executive Salary Schedule, is amended—

(a) by deleting "(6) Deputy Administrator, Federal Highway Administration, Department of Transportation."; and

(b) by renumbering items (7), (8), (9), (10), and (11) as (6), (7), (8), (9), and (10), respectively.

2. Section 2 of that Order, placing certain positions in level V of the Federal Executive Salary Schedule, is amended by adding thereto the following:

(24) Deputy Administrator, Federal Railroad Administration, Department of Transportation.

Richard Nixon

THE WHITE HOUSE,
January 20, 1971.

[FR Doc.71-1012 Filed 1-21-71;8:46 am]

[1] 30 F.R. 12999; 3 CFR, 1964-1965 Comp., p. 349.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

National Foundation on the Arts and the Humanities

Section 213.3182 is amended to show that in the National Endowment for the Arts the position of Assistant Director of Music Programs is excepted under Schedule A until June 30, 1971. It is also amended to show that in the National Endowment for the Humanities the position of Director of State-Based Humanities Programs is excepted under Schedule A until June 30, 1971. Effective on publication in the FEDERAL REGISTER (1-22-71), subparagraph (14) of paragraph (a) and subparagraph (14) of paragraph (b) are added to § 213.3182 as set out below.

§ 213.3182 **National Foundation on the Arts and the Humanities.**

(a) *National Endowment for the Arts.* * * *

(14) Until June 30, 1971, one Assistant Director of Music Programs.

(b) *National Endowment for the Humanities.* * * *

(14) Until June 30, 1971, one Director of State-Based Humanities Programs.

(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.

[FR Doc.71-980 Filed 1-21-71;8:51 am]

PART 531—PAY UNDER THE CLASSIFICATION SYSTEM

Conversion Rules for Rates of Basic Pay

Part 531 is amended to provide pay conversion rules for the initial pay adjustment under the General Schedule pursuant to the Federal pay Comparability Act of 1970 and Executive Order 11576. Section 531.205 is amended as set out below.

§ 531.205 **Pay conversion rules for rates of basic pay in the General Schedule adjusted under Public Law 91–656 and Executive Order 11576.**

(a) Except as provided in paragraphs (b) and (c) of this section the rate of basic pay of an employee subject to the General Schedule shall be initially adjusted effective the first day of the employee's first pay period which begins on or after January 1, 1971, as follows:

(1) If an employee is receiving basic pay immediately before the effective date of his pay adjustment at one of the rates of a grade in the General Schedule, he shall receive the rate of basic pay for the corresponding numerical rate of the grade in effect on and after such date.

(2) If the employee is receiving basic pay immediately before the effective date of his pay adjustment at a rate between two rates of a grade in the General Schedule, he shall be paid the higher of the two corresponding rates of basic pay in effect on and after such date.

(3) If an employee is receiving basic pay immediately before the effective date of his pay adjustment at a rate in excess of the maximum rate of his grade, he shall receive his existing rate of basic pay increased by the amount of increase made by Executive Order 11576 in the maximum rate for his grade.

(4) If an employee, immediately before the effective date of his pay adjustment is receiving, pursuant to section 2(b)(4) of the Federal Employees Salary Increase Act of 1955, an existing aggregate rate of pay determined under section 208(b) of the Act of September 1, 1954 (68 Stat. 1111), plus subsequent increases authorized by law, he shall receive an aggregate rate of pay equal to the sum of his existing aggregate rate of pay on the day preceding the effective date of his pay adjustment, plus the amount of increase made by Executive Order 11576 in the maximum rate of his grade, until (i) he leaves his position, or (ii) he is entitled to receive aggregate pay at a higher rate by reason of the opeartion of any provision of law; but, when such position becomes vacant, the aggregate rate of pay of any subsequent appointee thereto shall be fixed in accordance with applicable provisions of law. Subject to subdivisions (i) and (ii) of this subparagraph, the amount of the increase authorized by this section shall be held and considered for the purposes of section 208(b) of the Act of September 1, 1954, to constitute a part of the existing rate of pay of the employee.

(b) Rates of basic pay authorized under section 5303 of title 5, United States Code, paid to an employee subject to the General Schedule shall be adjusted in accordance with § 530.307 (b)(1) of this chapter.

(c) Adjustments made in the General Schedule under Public Law 91–656 and Executive Order 11576 do not apply to employees of the Post Office Department whose basic pay is fixed under the General Schedule.

(5 U.S.C. 5305; sec. 4, E.O. 11576)

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

[FR Doc.71-931 Filed 1-21-71;8:51 am]

Title 7—AGRICULTURE

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

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Subpart A—Regulations

FEES FOR GRADING SERVICE

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the provisions of 7 CFR 53.29(a) prescribing fees in connection with the performance of Federal meat grading services are hereby amended by changing the phrases "$10.80 per hour," "$13 per hour," and "$21.60 per hour" to "$11.60 per hour," "$13.80 per hour," and "$23.20 per hour" respectively.

The Agricultural Marketing Act of 1946 provides for the collection of fees equal as nearly as may be to the cost of the services, such as Federal meat grading services, rendered under its provisions. The Federal Pay Comparability Act of 1970 (Public Law 91–656) and Executive Order 11576 increases salaries paid to Federal employees. Public Law 91–418 made changes in the Federal Health Benefit Law which increased the Government's contributions to health premiums. Therefore, it has been determined that in order to cover the increased cost of Federal meat grading services resulting from increases in salaries paid to Federal employees, increases in contributions to health premiums, and increases in operating cost, the hourly fee must be increased as provided for herein. The need for the increase and the amount thereby are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under the provisions

of 5 U.S.C. 553, it is found that notice and other public procedure with respect to this amendment are impractical and unnecessary and good cause is found to make the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective February 7, 1971, with respect to all Federal meat grading services rendered on and after that date, including service under commitment agreement whether heretofore or hereafter made.

(Secs. 203, 205, 60 Stat. 1087, 1090, 7 U.S.C. 1622, 1624)

Done at Washington, D.C., this 19th day of January 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-928 Filed 1-21-71;8:50 am]

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

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

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

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

State	Total apportionment	State agency	Withheld for private schools
Illinois	$6,575,863	$6,575,863	
North Dakota	358,153	318,271	$39,882
Oregon	615,428	598,231	17,197
Pennsylvania	5,287,945	4,652,508	635,437
Total	101,607,185	95,170,286	6,436,899

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

Dated: January 15, 1971.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.71-857 Filed 1-21-71;8:45 am]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Appendix—Apportionment of Special Milk Program Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1971

Pursuant to section 3 of the Child Nutrition Act of 1966, as amended, milk assistance funds available for the fiscal year ending June 30, 1971, are apportioned among the States as follows:

State	Total apportionment	State agency	Witheld for private schools
Alabama	$1,985,755	$1,917,969	$67,786
Alaska	34,723	34,723	
Arizona	446,611	446,611	
Arkansas	1,079,308	1,030,940	48,368
California	8,411,669	8,411,669	
Colorado	970,734	886,200	84,534
Connecticut	1,775,152	1,775,152	
Delaware	317,928	281,388	36,540
Del. Dept. of Adm. Services	18,050	18,050	
District of Columbia	589,605	589,605	
Florida	1,982,000	1,982,000	
Georgia	1,627,872	1,597,945	29,927
Hawaii	130,861	92,501	38,360
Idaho	213,947	163,902	50,045
Illinois	6,648,477	6,648,477	
Indiana	2,999,601	2,999,601	
Iowa	1,407,902	1,228,849	179,053
Kansas	1,093,598	1,093,598	
Kentucky	2,076,729	2,076,729	
Louisiana	684,263	684,263	
Maine	517,658	445,492	72,166
Maryland	2,315,708	1,997,136	318,572
Md. Dept. of Gen. Services	58,659	58,659	
Massachusetts	3,464,912	3,464,912	
Michigan	5,525,300	4,614,274	911,026
Minnesota	2,887,044	2,592,088	294,956
Mississippi	1,335,390	1,335,390	
Missouri	2,398,994	2,358,237	40,757
Montana	207,442	179,004	28,438
Nebraska	660,871	551,881	108,990
Nevada	166,257	144,832	21,425
New Hampshire	505,435	433,087	72,348
New Jersey	3,723,775	3,190,337	533,438
New Mexico	678,033	402,504	275,529
New York	9,291,648	9,291,648	
N.Y. Off. Gen. Serv	424,498	424,498	
North Carolina	3,369,045	3,369,045	
North Dakota	359,518	321,786	37,732
Ohio	6,600,360	5,804,837	795,523
Ohio Dept. Pub. Wel	193,649	193,649	
Oklahoma	1,121,654	1,121,654	
Oregon	620,798	604,837	15,961
Pennsylvania	5,321,278	4,702,670	618,608
Rhode Island	523,719	523,719	
South Carolina	622,770	528,720	94,050
South Dakota	365,762	365,762	
Tennessee	1,983,257	1,907,277	75,980
Texas	4,209,874	3,948,756	261,118
Utah	339,331	334,491	4,840
Vermont	277,300	264,776	12,524
Virginia	1,900,662	1,766,131	143,531
Washington	1,374,628	1,168,917	205,711
West Virginia	736,869	701,723	35,146
Wisconsin	3,589,958	2,891,798	698,160
Wyoming	105,019	105,019	
Total	102,280,860	96,069,718	6,211,142

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

Dated: January 15, 1971.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.71-858 Filed 1-21-71;8:45 am]

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Appendix—Apportionment of Food Assistance and Nonfood Assistance Funds Pursuant to National School Lunch Act for Fiscal Year 1971

Pursuant to section 13 of the National School Lunch Act, as amended, food assistance and Nonfood Assistance funds available for the fiscal year ending June 30, 1971, are apportioned among the States as follows:

State	Total apportionment
Alabama	$446,130
Alaska	59,580
Arizona	125,280
Arkansas	294,389
California	470,660
Colorado	118,749
Connecticut	92,900
Delaware	64,973
District of Columbia	82,194
Florida	344,878
Georgia	482,061
Hawaii	69,617
Idaho	77,498
Illinois	348,436
Indiana	203,793
Iowa	188,679
Kansas	134,365
Kentucky	368,267
Louisiana	405,029
Maine	93,443
Maryland	163,259
Massachusetts	152,658
Michigan	298,296
Minnesota	201,774
Mississippi	435,385
Missouri	285,318
Montana	78,862
Nebraska	122,648
Nevada	56,508
New Hampshire	64,308
New Jersey	172,485
New Mexico	122,614
New York	483,305
North Carolina	601,304
North Dakota	95,669
Ohio	349,848
Oklahoma	209,094
Oregon	98,503
Pennsylvania	421,217
Rhode Island	75,643
South Carolina	386,705
South Dakota	104,530
Tennessee	429,870
Texas	796,082
Utah	75,112
Vermont	67,625
Virginia	359,734
Washington	122,380
West Virginia	221,146
Wisconsin	175,986
Wyoming	61,211
Guam	5,465
Puerto Rico	221,978
Virgin Islands	2,532
Samoa, American	2,133
Trust Territory	7,892
Total	$12,000,000

(Sec. 13, 82 Stat. 117; 42 U.S.C. 1761)

Dated: January 15, 1971.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.71-859 Filed 1-21-71;8:45 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—Wheat Set-Aside Program for Crop Years 1971-73

A new subpart is being issued to govern the wheat set-aside program for the crop years 1971-73. Section 728.35 of the new subpart reads as follows (the remaining

text of the subpart will be issued as an amendment):

§ 728.35 **County projected yields.**

(a) A county projected yield has been determined for each wheat producing county in the United States for the 1971 crop, except for counties in Alaska, Hawaii, and New Hampshire, for which no apparent need for such yields exists. The county projected yield for 1971 was determined on the basis of the average of the 5-year (1965–69) annual yields per harvested acre of wheat for the county as determined by the Statistical Reporting Service, adjusted for abnormal weather conditions affecting such yields, for trends in yields, and for any significant changes in production practices.

(b) The county projected yields for 1971 are as follows:

ALABAMA

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Autauga	29.5	Jackson	28.1
Baldwin	23.2	Jefferson	28.3
Barbour	26.1	Lamar	30.5
Bibb	27.0	Lauderdale	30.0
Blount	29.3	Lawrence	28.3
Bullock	24.2	Lee	26.7
Butler	----	Limestone	31.3
Calhoun	29.1	Lowndes	23.6
Chambers	25.5	Macon	25.7
Cherokee	28.0	Madison	30.6
Chilton	27.5	Marengo	25.7
Choctaw	----	Marion	28.1
Clarke	25.3	Marshall	27.6
Clay	26.1	Mobile	24.6
Cleburne	27.0	Monroe	30.2
Coffee	27.3	Montgomery	26.4
Colbert	29.6	Morgan	29.3
Conecuh	30.4	Perry	25.0
Coosa	23.7	Pickens	27.8
Covington	26.9	Pike	27.9
Crenshaw	28.7	Randolph	26.8
Cullman	29.5	Russell	26.0
Dale	27.1	St. Clair	30.1
Dallas	26.7	Shelby	28.8
De Kalb	28.5	Sumter	27.8
Elmore	25.3	Talladega	27.7
Escambia	27.2	Tallapoosa	26.1
Etowah	26.7	Tuscaloosa	26.9
Fayette	30.7	Walker	29.7
Franklin	29.6	Washington	26.1
Geneva	26.2	Wilcox	28.1
Greene	23.8	Winston	28.8
Hale	22.6	State check yield	28.0
Henry	26.3		
Houston	26.0		

ARIZONA

Apache	18.6	Navajo	16.9
Cochise	64.5	Pima	57.6
Coconino	16.6	Pinal	55.7
Gila	----	Santa Cruz	----
Graham	61.9	Yavapai	25.6
Greenlee	54.1	Yuma	64.6
Maricopa	63.7	State check yield	55.8
Mohave	24.7		

ARKANSAS

Arkansas	31.0	Cleburne	20.7
Ashley	24.0	Cleveland	----
Baxter	24.6	Columbia	----
Benton	28.5	Conway	28.1
Boone	24.7	Craighead	29.8
Bradley	----	Crawford	31.0
Calhoun	----	Crittenden	34.5
Carroll	28.8	Cross	35.4
Chicot	28.2	Dallas	----
Clark	----	Desha	29.5
Clay	29.6	Drew	25.8

ARKANSAS—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Faulkner	29.6	Nevada	----
Franklin	27.0	Newton	22.7
Fulton	20.6	Ouachita	----
Garland	21.1	Perry	24.6
Grant	23.3	Phillips	31.5
Greene	28.0	Pike	----
Hempstead	28.0	Poinsett	32.2
Hot Spring	31.1	Polk	24.3
Howard	----	Pope	25.0
Independence	30.2	Prairie	27.7
Izard	22.5	Pulaski	29.3
Jackson	28.8	Randolph	26.7
Jefferson	30.0	St. Francis	33.2
Johnson	29.5	Saline	19.5
Lafayette	28.5	Scott	----
Lawrence	28.8	Searcy	18.1
Lee	30.9	Sebastian	26.5
Lincoln	30.1	Sevier	----
Little River	27.0	Sharp	29.4
Logan	30.0	Stone	22.8
Lonoke	33.9	Union	----
Madison	31.2	Van Buren	31.1
Marion	28.2	Washington	31.7
Miller	22.7	White	21.7
Mississippi	34.0	Woodruff	30.1
Monroe	31.9	Yell	26.7
Montgomery	21.8	State check yield	31.0

CALIFORNIA

Alameda	31.6	Riverside	25.1
Alpine	29.3	Sacramento	48.6
Amador	31.0	San Benito	32.9
Butte	50.3	San Bernardino	25.1
Calaveras	----	San Diego	28.5
Colusa	51.7	San Francisco	----
Contra Costa	50.2	San Joaquin	55.9
Del Norte	----	San Luis Obispo	17.5
El Dorado	----	San Mateo	22.1
Fresno	51.9	Santa Barbara	18.3
Glenn	40.7	Santa Clara	27.1
Humboldt	----	Santa Cruz	----
Imperial	67.3	Shasta	24.5
Inyo	26.6	Sierra	24.1
Kern	37.6	Siskiyou	36.7
Kings	56.4	Salano	49.0
Lake	31.0	Sonoma	25.0
Lassen	37.5	Stanislaus	34.6
Los Angeles	27.0	Sutter	52.2
Madera	26.6	Tehama	39.8
Marin	29.9	Trinity	----
Mariposa	29.3	Tulare	27.7
Mendocino	35.1	Tuolumne	27.3
Merced	44.9	Ventura	24.9
Modoc	43.8	Yolo	54.5
Mono	26.9	Yuba	47.1
Monterey	32.4	State check yield	34.1
Napa	34.7		
Nevada	----		
Orange	21.1		
Placer	27.6		
Plumas	23.2		

COLORADO

Adams	21.7	Douglas	20.8
Alamosa	33.7	Eagle	38.0
Arapahoe	20.7	Elbert	18.0
Archuleta	30.4	El Paso	15.2
Baca	16.3	Fremont	22.1
Bent	20.9	Garfield	29.6
Boulder	26.2	Gilpin	----
Chaffee	32.6	Grand	23.7
Cheyenne	17.4	Gunnison	----
Clear Creek	----	Hinsdale	----
Conejos	31.5	Huerfano	16.1
Costilla	34.9	Jackson	26.3
Crowley	18.2	Jefferson	26.0
Custer	21.7	Kiowa	15.8
Delta	47.8	Kit Carson	19.5
Denver	----	Lake	----
Dolores	23.0	La Plata	24.8

COLORADO—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Larimer	24.2	Pueblo	18.6
Las Animas	16.9	Rio Blanco	29.7
Lincoln	17.0	Rio Grande	35.3
Logan	22.8	Routt	32.1
Mesa	29.2	Saquache	34.0
Mineral	----	San Juan	----
Moffat	30.2	San Miguel	23.9
Montezuma	21.6	Sedgwick	27.3
Montrose	42.8	Summit	----
Morgan	23.9	Teller	35.1
Otero	38.6	Washington	19.8
Ouray	25.4	Weld	22.0
Park	----	Yuma	21.6
Phillips	25.2	State check yield	20.4
Pitkin	38.0		
Prowers	21.0		

CONNECTICUT

Fairfield	34.4	New London	----
Hartford	34.4	Tolland	34.4
Litchfield	34.4	Windham	34.4
Middlesex	34.4	State check yield	34.4
New Haven	34.4		

DELAWARE

Kent	37.8	State check yield	40.0
New Castle	43.6		
Sussex	37.9		

FLORIDA

Alachua	20.7	Lee	----
Baker	19.5	Leon	24.2
Bay	----	Levy	22.1
Bradford	----	Liberty	22.7
Brevard	----	Madison	25.0
Broward	----	Manatee	----
Calhoun	30.0	Marion	26.7
Charlotte	----	Martin	----
Citrus	----	Monroe	----
Clay	----	Nassau	----
Collier	----	Okaloosa	29.1
Columbia	24.5	Okeechobee	----
Dade	----	Orange	----
De Soto	----	Osceola	----
Dixie	----	Palm Beach	----
Duval	----	Pasco	----
Escambia	28.7	Pinellas	----
Flagler	----	Polk	----
Franklin	----	Putnam	----
Gadsden	30.8	St. Johns	----
Gilchrist	23.4	St. Lucie	----
Glades	----	Santa Rosa	28.2
Gulf	----	Sarasota	----
Hamilton	27.1	Seminole	----
Hardee	----	Sumter	22.2
Hendry	----	Suwannee	23.7
Hernando	----	Taylor	----
Highlands	----	Union	----
Hillsborough	----	Volusia	----
Holmes	27.2	Wakulla	----
Indian River	----	Walton	27.5
Jackson	30.3	Washington	23.5
Jefferson	23.1	State check yield	27.4
Lafayette	18.3		
Lake	----		

GEORGIA

Appling	36.2	Butts	34.1
Atkinson	32.6	Calhoun	32.9
Bacon	29.5	Camden	----
Baker	30.8	Candler	35.9
Baldwin	28.7	Carroll	32.7
Banks	25.7	Catoosa	28.7
Barrow	30.0	Charlton	----
Bartow	31.8	Chatham	22.1
Ben Hill	32.1	Chattahoochee	----
Berrien	31.0	Chattooga	32.0
Bibb	34.4	Cherokee	32.6
Bleckley	35.4	Clarke	29.3
Brantley	----	Clay	28.0
Brooks	31.6	Clayton	30.5
Bryan	23.7	Clinch	----
Bulloch	31.2	Cobb	25.7
Burke	32.4		

GEORGIA—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Coffee	34.3	Marion	37.7
Colquitt	35.7	Meriwether	32.1
Columbia	33.1	Miller	29.4
Cook	28.8	Mitchell	35.2
Coweta	23.5	Monroe	29.9
Crawford	33.6	Montgomery	34.7
Crisp	35.5	Morgan	31.7
Dade	19.2	Murray	33.6
Dawson	26.1	Muscogee	37.3
Decatur	32.1	Newton	27.6
De Kalb	27.8	Oconee	37.0
Dodge	28.6	Oglethorpe	33.0
Dooly	37.2	Paulding	30.0
Dougherty	30.3	Peach	35.4
Douglas	29.0	Pickens	28.1
Early	29.1	Pierce	22.7
Echols	22.7	Pike	30.3
Effingham	27.8	Polk	31.0
Elbert	28.5	Pulaski	37.4
Emanuel	34.0	Putnam	24.3
Evans	28.9	Quitman	31.8
Fannin	27.9	Rabun	24.0
Fayette	31.1	Randolph	33.0
Floyd	33.6	Richmond	33.2
Forsyth	29.5	Rockdale	24.2
Franklin	27.3	Schley	36.0
Fulton	26.2	Screven	32.8
Gilmer	21.7	Seminole	31.9
Glascock	30.6	Spalding	32.3
Glynn	----	Stephens	26.4
Gordon	30.2	Stewart	32.7
Grady	33.4	Sumter	39.6
Greene	24.5	Talbot	31.5
Gwinnett	28.7	Taliaferro	26.2
Habersham	24.3	Tattnall	33.4
Hall	30.0	Taylor	29.4
Hancock	27.3	Telfair	38.1
Haralson	29.2	Terrell	34.4
Harris	26.4	Thomas	31.9
Hart	29.1	Tift	35.8
Heard	32.7	Toombs	36.0
Henry	32.1	Towns	27.6
Houston	41.0	Treutlen	29.5
Irwin	30.2	Troup	25.0
Jackson	30.8	Turner	36.2
Jasper	32.6	Twiggs	34.9
Jeff Davis	30.7	Union	26.3
Jefferson	31.2	Upson	34.2
Jenkins	31.3	Walker	35.0
Johnson	33.7	Walton	29.4
Jones	28.1	Ware	----
Lamar	33.1	Warren	30.5
Lanier	28.6	Washington	36.1
Laurens	35.8	Wayne	----
Lee	32.4	Webster	36.3
Liberty	----	Wheeler	34.7
Lincoln	25.5	White	21.4
Long	----	Whitfield	32.0
Lowndes	28.5	Wilcox	34.8
Lumpkin	26.6	Wilkes	25.7
McDuffie	31.2	Wilkinson	29.3
McIntosh	----	Worth	32.5
Macon	38.1	State check yield	32.0
Madison	29.5		

IDAHO

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Ada	55.1	Clark	33.2
Adams	32.0	Clearwater	52.9
Bannock	32.7	Custer	48.0
Bear Lake	31.5	Elmore	47.2
Benewah	61.7	Franklin	37.1
Bingham	60.1	Fremont	46.6
Blaine	49.7	Gem	68.1
Boise	38.1	Gooding	71.6
Bonner	38.0	Idaho	59.4
Bonneville	45.3	Jefferson	64.8
Boundary	56.4	Jerome	84.5
Butte	43.8	Kootenai	47.9
Camas	22.6	Latah	67.6
Canyon	90.0	Lemhi	53.8
Caribou	35.2	Lewis	65.4
Cassia	45.1	Lincoln	69.3

IDAHO—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Madison	49.8	Shoshone	----
Minidoka	75.4	Teton	37.1
Nez Perce	66.5	Twin Falls	79.3
Oneida	30.2	Valley	37.5
Owyhee	83.3	Washington	48.5
Payette	79.5	State check yield	50.3
Power	29.7		

ILLINOIS

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Adams	35.5	Livingston	39.7
Alexander	37.3	Logan	42.9
Bond	42.7	McDonough	37.4
Boone	37.7	McHenry	40.3
Brown	34.9	McLean	43.7
Bureau	39.4	Macon	47.1
Calhoun	37.4	Macoupin	41.8
Carroll	37.7	Madison	42.7
Cass	36.3	Marion	41.5
Champaign	46.8	Marshall	39.8
Christian	43.4	Mason	35.0
Clark	41.7	Massac	34.7
Clay	40.8	Menard	42.5
Clinton	42.9	Mercer	35.1
Coles	44.4	Monroe	42.2
Cook	39.6	Montgomery	40.8
Crawford	42.7	Morgan	38.3
Cumberland	45.4	Moultrie	47.7
De Kalb	42.0	Ogle	38.8
De Witt	45.0	Peoria	38.7
Douglas	47.3	Perry	38.9
Du Page	41.5	Piatt	45.3
Edgar	41.7	Pike	35.0
Edwards	44.0	Pope	33.5
Effingham	45.5	Pulaski	33.2
Fayette	41.5	Putnam	38.5
Ford	45.3	Randolph	39.7
Franklin	38.4	Richland	43.1
Fulton	34.6	Rock Island	38.4
Gallatin	44.0	St. Clair	44.6
Greene	38.6	Saline	37.1
Grundy	40.5	Sangamon	45.0
Hamilton	39.1	Schuyler	35.3
Hancock	34.7	Scott	35.9
Hardin	31.3	Shelby	44.0
Henderson	35.4	Stark	39.1
Henry	38.1	Stephenson	37.5
Iroquois	43.4	Tazewell	38.2
Jackson	38.4	Union	35.4
Jasper	45.4	Vermilion	41.8
Jefferson	39.2	Wabash	42.9
Jersey	41.6	Warren	38.2
Jo Daviess	34.0	Washington	43.1
Johnson	31.4	Wayne	39.6
Kane	40.9	White	42.2
Kankakee	40.4	Whiteside	38.8
Kendall	42.7	Will	39.5
Knox	38.3	Williamson	32.8
Lake	40.0	Winnebago	36.9
La Salle	39.9	Woodford	38.8
Lawrence	41.8	State check yield	41.3
Lee	39.5		

INDIANA

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Adams	40.3	Elkhart	35.4
Allen	39.1	Fayette	40.9
Bartholomew	39.4	Floyd	39.6
Benton	47.8	Fountain	45.6
Blackford	36.9	Franklin	36.0
Boone	45.6	Fulton	37.0
Brown	30.9	Gibson	46.2
Carroll	44.2	Grant	45.4
Cass	40.9	Greene	41.2
Clark	37.3	Hamilton	45.2
Clay	41.8	Hancock	46.9
Clinton	45.0	Harrison	35.7
Crawford	36.7	Hendricks	41.4
Daviess	44.6	Henry	41.6
Dearborn	32.8	Howard	45.0
Decatur	40.8	Huntington	42.4
De Kalb	35.7	Jackson	37.4
Delaware	42.4	Jasper	41.6
Dubois	36.2	Jay	34.1

INDIANA—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Jefferson	35.1	Putnam	42.2
Jennings	37.1	Randolph	38.3
Johnson	46.3	Ripley	32.4
Knox	46.2	Rush	42.0
Kosciusko	36.5	St. Joseph	34.0
Lagrange	35.1	Scott	37.7
Lake	41.4	Shelby	44.0
La Porte	35.1	Spencer	33.9
Lawrence	37.1	Starke	32.4
Madison	45.2	Steuben	36.5
Marion	41.8	Sullivan	46.0
Marshall	36.5	Switzerland	34.4
Martin	36.7	Tippecanoe	43.2
Miami	43.1	Tipton	46.3
Monroe	38.4	Union	42.5
Montgomery	45.0	Vanderburgh	43.2
Morgan	42.1	Vermillion	41.3
Newton	43.8	Vigo	42.3
Noble	36.3	Wabash	40.3
Ohio	37.3	Warren	47.4
Orange	38.2	Warrick	39.2
Owen	37.8	Washington	36.6
Parke	41.2	Wayne	38.9
Perry	33.3	Wells	42.3
Pike	39.9	White	44.3
Porter	39.5	Whitley	38.6
Posey	47.2	State check yield	40.8
Pulaski	38.1		

IOWA

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Adair	32.0	Jefferson	30.0
Adams	37.0	Johnson	38.0
Allamakee	34.0	Jones	35.0
Appanoose	34.0	Keokuk	30.0
Audubon	35.0	Kossuth	30.0
Benton	37.0	Lee	34.0
Black Hawk	30.0	Linn	35.0
Boone	30.0	Louisa	36.0
Bremer	37.0	Lucas	31.0
Buchanan	35.0	Lyon	38.0
Buena Vista	----	Madison	30.0
Butler	36.0	Mahaska	35.0
Calhoun	38.0	Marion	35.0
Carroll	36.0	Marshall	38.0
Cass	38.0	Mills	37.0
Cedar	33.0	Mitchell	33.0
Cerro Gordo	30.0	Monona	31.0
Cherokee	33.0	Monroe	38.0
Chickasaw	30.0	Montgomery	36.0
Clarke	30.0	Muscatine	30.0
Clay	33.0	O'Brien	37.0
Clayton	37.0	Osceola	30.0
Clinton	37.0	Page	35.0
Crawford	38.0	Palo Alto	30.0
Dallas	31.0	Plymouth	35.0
Davis	33.0	Pocahontas	30.0
Decatur	32.0	Polk	35.0
Delaware	35.0	Poweshiek	36.0
Des Moines	38.0	Ringgold	35.0
Dickinson	35.0	Sac	37.0
Dubuque	37.0	Scott	34.0
East Pottawattamie	33.0	Shelby	33.0
Emmet	30.0	Sioux	38.0
Fayette	37.0	Story	37.0
Floyd	34.0	Tama	38.0
Franklin	35.0	Taylor	30.0
Fremont	38.0	Union	37.0
Greene	33.0	Van Buren	32.0
Grundy	30.0	Wapello	34.0
Guthrie	32.0	Warren	38.0
Hamilton	32.0	Washington	37.0
Hancock	30.0	Wayne	30.0
Hardin	34.0	Webster	35.0
Harrison	36.0	West Pottawattamie	35.0
Henry	33.0	Winnebago	35.0
Howard	30.0	Winneshiek	35.0
Humboldt	32.0	Woodbury	30.0
Ida	30.0	Worth	38.0
Iowa	37.0	Wright	32.0
Jackson	37.0	State check yield	34.5
Jasper	38.0		

KANSAS

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Allen	32.0	Logan	23.6
Anderson	32.2	Lyon	28.5
Atchison	30.2	McPherson	27.5
Barber	29.0	Marion	27.6
Barton	21.0	Marshall	32.3
Bourbon	31.0	Meade	20.3
Brown	35.0	Miami	31.7
Butler	28.5	Mitchell	24.7
Chase	28.1	Montgomery	31.7
Chautauqua	33.0	Morris	29.0
Cherokee	33.2	Morton	19.0
Cheyenne	24.9	Nemaha	33.3
Clark	20.2	Neosho	32.8
Clay	28.1	Ness	20.0
Cloud	28.2	Norton	25.5
Coffey	30.5	Osage	29.8
Comanche	18.4	Osborne	22.2
Cowley	30.8	Ottawa	28.0
Crawford	33.1	Pawnee	21.0
Decatur	25.4	Phillips	24.3
Dickinson	30.8	Pottawatomie	31.9
Doniphan	34.3	Pratt	25.9
Douglas	28.8	Rawlins	25.9
Edwards	22.3	Reno	30.5
Elk	29.0	Republic	32.0
Ellis	19.4	Rice	26.7
Ellsworth	23.7	Riley	32.1
Finney	25.2	Rooks	21.2
Ford	22.1	Rush	20.0
Franklin	29.6	Russell	20.5
Geary	30.9	Saline	27.7
Gove	24.4	Scott	27.0
Graham	22.1	Sedgwick	31.0
Grant	24.5	Seward	19.7
Gray	22.0	Shawnee	30.0
Greeley	20.8	Sheridan	24.4
Greenwood	28.5	Sherman	25.0
Hamilton	20.3	Smith	27.2
Harper	29.8	Stafford	26.0
Harvey	30.3	Stanton	24.3
Haskell	23.9	Stevens	21.6
Hodgeman	20.0	Sumner	29.4
Jackson	29.3	Thomas	24.9
Jefferson	28.2	Trego	21.4
Jewell	28.8	Wabaunsee	29.6
Johnson	30.1	Wallace	20.8
Kearny	25.4	Washington	33.3
Kingman	30.1	Wichita	24.0
Kiowa	21.4	Wilson	32.6
Labette	31.6	Woodson	30.4
Lane	24.0	Wyandotte	31.9
Leavenworth	28.7	State check yield	25.5
Lincoln	24.2		
Linn	32.1		

KENTUCKY

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Adair	28.6	Clinton	38.0
Allen	32.1	Crittenden	32.4
Anderson	30.6	Cumberland	29.6
Ballard	35.9	Daviess	35.7
Barren	39.5	Edmonson	29.1
Bath	28.7	Elliott	----
Bell	----	Estill	35.3
Boone	34.4	Fayette	30.9
Bourbon	31.8	Fleming	30.1
Boyd	24.4	Floyd	----
Boyle	29.6	Franklin	37.6
Bracken	36.9	Fulton	38.2
Breathitt	----	Gallatin	37.1
Breckinridge	33.6	Garrard	28.7
Bullitt	32.9	Grant	32.7
Butler	28.2	Graves	36.4
Caldwell	36.0	Grayson	35.8
Calloway	36.4	Green	31.7
Campbell	28.2	Greenup	24.7
Carlisle	30.4	Hancock	32.5
Carroll	36.0	Hardin	43.1
Carter	25.7	Harlan	----
Casey	30.6	Harrison	33.9
Christian	40.9	Hart	34.0
Clark	32.8	Henderson	40.4
Clay	----	Henry	36.6

KENTUCKY—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Hickman	33.8	Morgan	21.2
Hopkins	31.6	Muhlenberg	36.4
Jackson	24.0	Nelson	39.5
Jefferson	40.1	Nicholas	28.9
Jessamine	29.8	Ohio	27.5
Johnson	----	Oldham	41.4
Kenton	32.1	Owen	34.0
Knott	----	Owsley	----
Knox	23.5	Pendleton	27.2
Larue	35.0	Perry	----
Laurel	25.5	Pike	----
Lawrence	----	Powell	24.3
Lee	21.1	Pulaski	35.9
Leslie	----	Robertson	29.0
Letcher	----	Rockcastle	28.0
Lewis	26.3	Rowan	23.6
Lincoln	31.6	Russell	29.2
Livingston	29.7	Scott	31.9
Logan	38.8	Shelby	36.1
Lyon	32.5	Simpson	38.1
McCracken	32.7	Spencer	29.1
McCreary	----	Taylor	34.8
McLean	36.7	Todd	39.2
Madison	31.8	Trigg	40.2
Magoffin	----	Trimble	38.6
Marion	39.2	Union	42.0
Marshall	34.0	Warren	39.5
Martin	----	Washington	35.7
Mason	34.0	Wayne	40.0
Meade	35.9	Webster	36.3
Menifee	----	Whitley	----
Mercer	28.2	Wolfe	----
Metcalfe	34.0	Woodford	34.3
Monroe	35.0	State check yield	36.6
Montgomery	30.8		

LOUISIANA

Parish	Projected yield (bushels per acre)	Parish	Projected yield (bushels per acre)
Acadia	21.4	Natchitoches	23.4
Allen	21.4	Orleans	----
Ascension	----	Ouachita	27.4
Assumption	----	Plaquemines	----
Avoyelles	23.6	Pointe Coupee	21.1
Beauregard	----	Rapides	21.6
Bienville	----	Red River	28.0
Bossier	28.3	Richland	23.1
Caddo	23.7	Sabine	----
Calcasieu	----	St. Bernard	----
Caldwell	26.4	St. Charles	----
Cameron	----	St. Helena	----
Catahoula	25.0	St. James	19.3
Claiborne	16.4	St. John the Baptist	----
Concordia	26.8	St. Landry	20.9
De Soto	20.8	St. Martin	----
East Baton Rouge	23.9	St. Mary	----
East Carroll	27.9	St. Tammany	----
East Feliciana	20.6	Tangipahoa	----
Evangeline	21.7	Tensas	26.5
Franklin	25.1	Terrebonne	----
Grant	----	Union	----
Iberia	----	Vermilion	20.8
Iberville	----	Vernon	----
Jackson	17.2	Washington	----
Jefferson	----	Webster	20.9
Jefferson Davis	20.8	West Baton Rouge	----
Lafayette	19.3	West Carroll	23.6
Lafourche	----	West Feliciana	----
La Salle	20.7	Winn	----
Lincoln	----	State check yield	26.8
Livingston	----		
Madison	28.0		
Morehouse	25.1		

MAINE

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Androscoggin	----	Penobscot	34.7
Aroostook	34.7	Piscataquis	----
Cumberland	----	Sagadahoc	----
Franklin	----	Somerset	34.7
Hancock	----	Waldo	35.0
Kennebec	35.0	Washington	34.6
Knox	----	York	35.1
Lincoln	----	State check yield	35.0
Oxford	----		

MARYLAND

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Allegany	33.5	Kent	51.3
Anne Arundel	29.3	Montgomery	43.6
Baltimore	44.3	Prince Georges	32.0
Calvert	33.0	Queen Annes	46.6
Caroline	46.5	St. Marys	32.6
Carroll	38.8	Somerset	38.2
Cecil	43.2	Talbot	45.5
Charles	32.0	Washington	39.8
Dorchester	43.1	Wicomico	35.9
Frederick	40.4	Worcester	35.9
Garrett	32.7	State check yield	42.1
Harford	44.7		
Howard	40.7		

MASSACHUSETTS

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Barnstable	----	Middlesex	----
Berkshire	37.0	Nantucket	----
Bristol	33.4	Norfolk	----
Dukes	----	Plymouth	----
Essex	32.1	Suffolk	----
Franklin	33.5	Worcester	33.2
Hampden	33.2	State check yield	34.7
Hampshire	33.4		

MICHIGAN

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Alcona	31.7	Lapeer	38.9
Alger	25.4	Leelanau	33.9
Allegan	36.9	Lenawee	45.2
Alpena	33.0	Livingston	36.9
Antrim	31.1	Luce	19.8
Arenac	41.7	Mackinac	23.6
Baraga	26.6	Macomb	39.2
Barry	39.5	Manistee	25.8
Bay	44.4	Marquette	----
Benzie	32.2	Mason	40.3
Berrien	35.6	Mecosta	33.7
Branch	33.8	Menominee	22.7
Calhoun	37.3	Midland	45.0
Cass	32.5	Missaukee	32.4
Charlevoix	33.2	Monroe	43.6
Cheboygan	28.4	Montcalm	34.0
Chippewa	21.0	Montmorency	31.1
Clare	36.7	Muskegon	42.3
Clinton	40.2	Newaygo	38.1
Crawford	24.1	Oakland	37.2
Delta	20.2	Oceana	38.8
Dickinson	22.7	Ogemaw	33.6
Eaton	41.2	Ontonagon	20.7
Emmet	37.1	Osceola	33.6
Genesee	41.8	Oscoda	26.2
Gladwin	38.1	Otsego	33.4
Gogebic	----	Ottawa	35.4
Grand Traverse	36.3	Presque Isle	31.3
Gratiot	43.2	Roscommon	32.1
Hillsdale	38.3	Saginaw	45.3
Houghton	24.5	St. Clair	39.3
Huron	40.3	St. Joseph	33.2
Ingham	41.7	Sanilac	40.5
Ionia	39.8	Schoolcraft	19.6
Iosco	32.0	Shiawassee	41.1
Iron	----	Tuscola	45.0
Isabella	36.9	Van Buren	34.3
Jackson	39.1	Washtenaw	41.8
Kalamazoo	38.6	Wayne	41.6
Kalkaska	25.2	Wexford	30.3
Kent	34.9	State check yield	39.6
Keweenaw	----		
Lake	33.7		

MINNESOTA

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Aitkin	22.5	Martin	36.6
Anoka	26.1	Meeker	36.5
Becker	31.9	Mille Lacs	22.6
Beltrami	25.9	Morrison	23.6
Benton	25.4	Mower	32.8
Big Stone	30.8	Murray	32.4
Blue Earth	35.5	Nicollet	34.4
Brown	27.5	Nobles	32.1
Carlton	22.1	Norman	39.9
Carver	30.8	North St. Louis	24.0
Cass	21.4	Olmsted	31.1
Chippewa	36.6	Pennington	32.4
Chisago	26.5	Pine	21.6
Clay	37.3	Pipestone	30.0
Clearwater	25.8	Pope	30.9
Cook	----	Ramsey	----
Cottonwood	37.2	Red Lake	33.4
Crow Wing	21.8	Redwood	35.5
Dakota	28.5	Renville	35.2
Dodge	34.1	Rice	29.2
Douglas	28.5	Rock	22.9
East Ottertail	30.1	Roseau	27.4
East Polk	34.1	Scott	27.9
Faribault	37.3	Sherburne	27.5
Fillmore	30.7	Sibley	31.7
Freeborn	33.0	South St. Louis	24.0
Goodhue	28.0	Stearns	29.9
Grant	34.9	Steele	32.1
Hennepin	29.9	Stevens	30.0
Houston	36.2	Swift	31.2
Hubbard	25.4	Todd	23.6
Isanti	26.3	Traverse	30.5
Itasca	26.3	Wabasha	32.1
Jackson	31.3	Wadena	27.8
Kanabec	23.8	Waseca	34.2
Kandiyohi	31.7	Washington	30.0
Kittson	31.3	Watonwan	29.9
Koochiching	22.2	West Otter Tail	31.2
Lac Qui Parle	30.6	West Polk	34.7
Lake	----	Wilkin	32.9
Lake of the Woods	24.4	Winona	29.7
Le Sueur	31.1	Wright	30.4
Lincoln	26.4	Yellow Medicine	31.8
Lyon	32.1	State check yield	33.0
McLeod	32.7		
Mahnomen	33.8		
Marshall	32.4		

MISSISSIPPI

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Adams	31.0	Jefferson	30.0
Alcorn	30.3	Jefferson Davis	28.5
Amite	----	Jones	28.1
Attala	32.2	Kemper	34.3
Benton	31.9	Lafayette	32.3
Bolivar	32.2	Lamar	----
Calhoun	32.2	Lauderdale	----
Carroll	31.1	Lawrence	26.6
Chickasaw	30.1	Leake	----
Choctaw	----	Lee	33.1
Claiborne	32.5	Leflore	33.1
Clarke	----	Lincoln	----
Clay	30.3	Lowndes	30.3
Coahoma	33.9	Madison	33.5
Copiah	29.0	Marion	----
Covington	29.0	Marshall	31.7
De Soto	30.2	Monroe	32.7
Forrest	----	Montgomery	30.6
Franklin	----	Neshoba	31.6
George	27.2	Newton	----
Greene	----	Noxubee	31.0
Grenada	----	Oktibbeha	33.6
Hancock	----	Panola	30.9
Harrison	----	Pearl River	----
Hinds	29.2	Perry	22.0
Holmes	33.9	Pike	24.8
Humphreys	30.9	Pontotoc	30.8
Issaquena	30.1	Prentiss	28.9
Itawamba	34.3	Quitman	32.9
Jackson	24.7	Rankin	----
Jasper	----		

MISSISSIPPI—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Scott	31.0	Walthall	----
Sharkey	31.9	Warren	29.7
Simpson	----	Washington	30.5
Smith	----	Wayne	----
Stone	----	Webster	33.0
Sunflower	30.5	Wilkinson	28.9
Tallahatchie	33.7	Winston	----
Tate	31.4	Yalobusha	32.0
Tippah	30.4	Yazoo	31.4
Tishomingo	31.6	State check yield	32.0
Tunica	32.6		
Union	32.1		

MISSOURI

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Adair	32.6	Livingston	32.2
Andrew	33.4	McDonald	29.0
Atchison	34.0	Macon	32.1
Audrain	37.3	Madison	30.2
Barry	30.8	Maries	33.1
Barton	32.8	Marion	32.8
Bates	32.3	Mercer	30.6
Benton	31.7	Miller	33.2
Bollinger	31.2	Mississippi	39.9
Boone	37.4	Moniteau	35.9
Buchanan	33.4	Monroe	32.9
Butler	34.8	Montgomery	38.6
Caldwell	30.9	Morgan	32.2
Callaway	37.5	New Madrid	39.9
Camden	28.2	Newton	28.8
Cape Girardeau	38.8	Nodaway	32.5
Carroll	34.2	Oregon	31.2
Carter	29.3	Osage	35.4
Cass	32.2	Ozark	27.1
Cedar	28.0	Pemiscot	40.1
Chariton	34.4	Perry	38.7
Christian	30.9	Pettis	33.9
Clark	32.4	Phelps	31.0
Clay	33.8	Pike	37.1
Clinton	32.9	Platte	32.9
Cole	35.6	Polk	31.9
Cooper	35.9	Pulaski	28.5
Crawford	28.4	Putnam	32.4
Dade	32.7	Ralls	33.1
Dallas	31.2	Randolph	32.2
Daviess	30.4	Ray	33.1
De Kalb	31.2	Reynolds	29.3
Dent	28.2	Ripley	27.8
Douglas	26.6	St. Charles	42.5
Dunklin	38.5	St. Clair	29.1
Franklin	37.5	St. Francois	37.8
Gasconade	35.2	St. Louis	40.3
Gentry	31.0	Ste. Genevieve	40.6
Greene	30.9	Saline	34.9
Grundy	32.4	Schuyler	31.4
Harrison	32.2	Scotland	30.9
Henry	32.3	Scott	39.5
Hickory	27.6	Shannon	27.9
Holt	32.8	Shelby	32.2
Howard	34.2	Stoddard	38.8
Howell	27.4	Stone	27.1
Iron	31.3	Sullivan	31.0
Jackson	32.7	Taney	26.5
Jasper	32.1	Texas	27.2
Jefferson	36.5	Vernon	32.3
Johnson	32.1	Warren	37.5
Knox	32.2	Washington	34.1
Laclede	33.0	Wayne	32.0
Lafayette	33.3	Webster	29.0
Lawrence	31.2	Worth	31.1
Lewis	32.1	Wright	30.7
Lincoln	39.3	State check yield	34.2
Linn	31.2		

MONTANA

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Beaverhead	38.0	Chouteau	37.1
Big Horn	32.0	Custer	29.3
Blaine	23.5	Daniels	24.0
Broadwater	27.5	Dawson	30.0
Carbon	30.6	Deer Lodge	56.7
Carter	24.0	Fallon	27.1
Cascade	36.8	Fergus	32.3

MONTANA—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Flathead	50.0	Phillips	24.1
Gallatin	42.0	Pondera	39.1
Garfield	25.0	Powder River	32.0
Glacier	32.5	Powell	38.5
Golden Valley	26.8	Prairie	28.5
Granite	30.0	Ravalli	35.7
Hill	28.0	Richland	26.0
Jefferson	26.6	Roosevelt	23.5
Judith Basin	31.8	Rosebud	31.2
Lake	40.0	Sanders	31.5
Lewis and Clark	27.2	Sheridan	24.4
Liberty	32.1	Silver Bow	37.0
Lincoln	30.0	Stillwater	32.2
McCone	25.6	Sweet Grass	31.3
Madison	37.2	Teton	36.8
Meagher	31.4	Toole	33.2
Mineral	30.0	Treasure	34.1
Missoula	32.4	Valley	24.1
Musselshell	27.3	Wheatland	27.8
Park	33.0	Wibaux	26.8
Petroleum	25.2	Yellowstone	32.8
		State check yield	30.0

NEBRASKA

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Adams	33.8	Johnson	32.6
Antelope	25.9	Kearney	34.5
Arthur	17.1	Keith	28.2
Banner	26.0	Keya Paha	22.2
Blaine	----	Kimball	22.5
Boone	30.5	Knox	32.0
Box Butte	30.1	Lancaster	39.5
Boyd	26.2	Lincoln	32.7
Brown	24.8	Logan	30.2
Buffalo	30.7	Loup	25.2
Burt	33.5	McPherson	23.0
Butler	39.0	Madison	31.5
Cass	42.5	Merrick	28.3
Cedar	33.7	Morrill	27.0
Chase	29.5	Nance	31.1
Cherry	22.7	Nemaha	35.0
Cheyenne	31.5	Nuckolls	31.6
Clay	34.3	Otoe	37.1
Colfax	34.4	Pawnee	34.3
Cuming	30.3	Perkins	27.4
Custer	34.5	Phelps	34.2
Dakota	28.1	Pierce	31.9
Dawes	32.2	Platte	33.6
Dawson	34.8	Polk	37.7
Deuel	29.4	Redwillow	36.0
Dixon	24.0	Richardson	32.4
Dodge	38.6	Rock	19.3
Douglas	39.3	Saline	32.5
Dundy	28.9	Sarpy	38.1
Fillmore	33.2	Saunders	40.9
Franklin	34.0	Scotts Bluff	26.1
Frontier	32.4	Seward	38.5
Furnas	29.6	Sheridan	31.6
Gage	32.3	Sherman	31.2
Garden	33.2	Sioux	34.4
Garfield	27.8	Stanton	33.6
Gosper	33.3	Thayer	32.1
Grant	----	Thomas	13.7
Greeley	29.5	Thurston	32.7
Hall	29.2	Valley	33.8
Hamilton	35.6	Washington	39.2
Harlan	28.9	Wayne	35.3
Hayes	31.4	Webster	33.1
Hitchcock	32.3	Wheeler	26.1
Holt	18.8	York	36.4
Hooker	13.9	State check yield	32.3
Howard	29.6		
Jefferson	34.7		

NEVADA

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Churchill	60.0	Lander	45.0
Clark	40.6	Lincoln	42.6
Douglas	50.0	Lyon	59.2
Elko	47.0	Mineral	40.0
Esmeralda	42.0	Nye	40.7
Eureka	42.5	Ormsby	46.3
Humboldt	62.0	Pershing	95.5

NEVADA—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Storey	46.7	State check yield	64.4
Washoe	54.2		
White Pine	47.0		

NEW JERSEY

Atlantic	39.6	Monmouth	43.4
Bergen	----	Morris	39.6
Burlington	43.4	Ocean	42.3
Camden	43.0	Passaic	----
Cape May	39.6	Salem	43.4
Cumberland	43.4	Somerset	39.6
Essex	----	Sussex	39.6
Gloucester	42.8	Union	39.4
Hudson	----	Warren	43.3
Hunterdon	40.3	State check yield	42.5
Mercer	43.4		
Middlesex	43.4		

NEW MEXICO

Bernalillo	29.4	Otero	41.0
Catron	37.6	Quay	18.1
Chaves	38.6	Rio Arriba	20.2
Colfax	26.1	Roosevelt	22.0
Curry	40.6	Sandoval	27.3
De Baca	40.9	San Juan	36.3
Dona Ana	40.2	San Miguel	28.1
Eddy	45.5	Santa Fe	30.6
Grant	39.3	Sierra	33.2
Guadalupe	17.7	Socorro	21.0
Harding	15.3	Taos	27.1
Hidalgo	69.2	Torrance	23.3
Lea	23.0	Union	37.5
Lincoln	18.0	Valencia	37.7
Luna	----	State check yield	29.3
McKinley	21.3		
Mora	21.5		

NEW YORK

Albany	48.0	Onondaga	41.6
Allegany	35.4	Ontario	47.6
Broome	34.4	Orange	45.2
Cattaraugus	35.0	Orleans	47.3
Cayuga	44.8	Oswego	41.8
Chautauqua	35.8	Otsego	41.6
Chemung	33.9	Putnam	----
Chenango	40.3	Rensselaer	44.9
Clinton	28.4	Richmond	----
Columbia	43.7	Rockland	----
Cortland	42.3	St. Lawrence	33.3
Delaware	39.5	Saratoga	47.4
Dutchess	45.3	Schenectady	46.5
Erie	43.7	Schoharie	49.3
Essex	41.3	Schuyler	34.8
Franklin	28.4	Seneca	47.0
Fulton	44.8	Steuben	35.3
Genesee	47.5	Suffolk	49.6
Greene	45.9	Sullivan	32.0
Hamilton	----	Tioga	35.2
Herkimer	42.9	Tompkins	38.2
Jefferson	39.3	Ulster	45.1
Lewis	37.3	Warren	----
Livingston	46.3	Washington	45.9
Madison	40.1	Wayne	44.0
Monroe	47.2	Westchester	31.7
Montgomery	47.3	Wyoming	43.5
Nassau	50.8	Yates	46.5
New York City	----	State check yield	44.6
Niagara	45.6		
Oneida	45.9		

NORTH CAROLINA

Alamance	39.3	Bertie	39.0
Alexander	35.4	Bladen	38.8
Alleghany	37.7	Brunswick	38.9
Anson	34.2	Buncombe	34.1
Ashe	33.8	Burke	37.0
Avery	25.2	Cabarrus	35.9
Beaufort	41.8	Caldwell	36.7

NORTH CAROLINA—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Camden	45.4	Martin	43.4
Carteret	38.2	Mecklenburg	35.9
Caswell	36.5	Mitchell	----
Catawba	37.3	Montgomery	33.2
Chatham	34.6	Moore	32.0
Cherokee	23.1	Nash	43.9
Chowan	41.4	New Hanover	37.3
Clay	26.4	Northampton	35.4
Cleveland	37.1	Onslow	40.0
Columbus	38.7	Orange	40.6
Craven	41.7	Pamlico	43.8
Cumberland	35.6	Pasquotank	45.5
Currituck	45.2	Pender	37.5
Dare	----	Perquimans	46.7
Davidson	35.9	Person	37.0
Davie	37.4	Pitt	44.8
Duplin	41.0	Polk	35.5
Durham	40.1	Randolph	35.1
Edgecombe	42.3	Richmond	35.2
Forsyth	36.7	Robeson	36.5
Franklin	38.3	Rockingham	37.2
Gaston	33.2	Rowan	37.0
Gates	40.5	Rutherford	35.8
Graham	----	Sampson	38.7
Granville	36.3	Scotland	39.1
Greene	44.5	Stanly	35.5
Guilford	40.2	Stokes	35.0
Halifax	41.5	Surry	40.4
Harnett	39.1	Swain	----
Haywood	34.6	Transylvania	32.2
Henderson	34.1	Tyrrell	40.8
Hertford	40.0	Union	38.5
Hoke	37.5	Vance	37.8
Hyde	41.7	Wake	38.0
Iredell	37.1	Warren	38.4
Jackson	24.4	Washington	44.9
Johnston	39.3	Watauga	32.2
Jones	41.7	Wayne	43.7
Lee	35.8	Wilkes	35.9
Lenoir	41.1	Wilson	48.8
Lincoln	37.9	Yadkin	37.7
McDowell	36.8	Yancey	26.9
Macon	25.4	State check yield	38.0
Madison	34.2		

NORTH DAKOTA

Adams	24.9	McLean	28.8
Barnes	32.4	Mercer	24.9
Benson	29.9	Morton	23.6
Billings	23.9	Mountrail	28.1
Bottineau	29.0	Nelson	35.3
Bowman	24.0	Oliver	22.8
Burke	29.3	Pembina	33.0
Burleigh	23.7	Pierce	26.0
Cass	34.3	Ramsey	34.4
Cavalier	35.8	Ransom	30.1
Dickey	28.4	Renville	31.3
Divide	28.3	Richland	30.5
Dunn	23.6	Rolette	29.7
Eddy	27.9	Sargent	29.4
Emmons	23.6	Sheridan	23.3
Foster	28.7	Sioux	21.6
Golden Valley	27.0	Slope	29.4
Grand Forks	33.3	Stark	26.4
Grant	24.8	Steele	34.3
Griggs	32.0	Stutsman	29.5
Hettinger	27.6	Towner	33.6
Kidder	22.2	Traill	36.2
La Moure	29.9	Walsh	34.3
Logan	23.6	Ward	30.4
McHenry	25.9	Wells	28.4
McIntosh	21.4	Williams	25.8
McKenzie	26.4	State check yield	28.8

OHIO

Adams	28.7	Auglaize	41.0
Allen	42.2	Belmont	35.1
Ashland	33.6	Brown	28.4
Ashtabula	34.6	Butler	39.7
Athens	28.5	Carroll	37.4

OHIO—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Champaign	43.9	Marion	38.7
Clark	43.6	Medina	34.9
Clermont	31.9	Meigs	32.8
Clinton	35.6	Mercer	40.0
Columbiana	36.3	Miami	41.4
Coshocton	32.3	Monroe	32.8
Crawford	37.6	Montgomery	37.4
Cuyahoga	36.1	Morgan	33.4
Darke	42.3	Morrow	34.5
Defiance	37.9	Muskingum	41.1
Delaware	36.7	Noble	28.8
Erie	44.4	Ottawa	40.6
Fairfield	32.9	Paulding	39.3
Fayette	38.3	Perry	32.0
Franklin	36.7	Pickaway	40.6
Fulton	45.8	Pike	31.6
Gallia	28.3	Portage	33.8
Geauga	31.7	Preble	39.6
Greene	37.4	Putnam	41.2
Guernsey	29.2	Richland	35.3
Hamilton	37.4	Ross	34.4
Hancock	44.3	Sandusky	43.4
Hardin	38.1	Scioto	33.0
Harrison	36.4	Seneca	41.6
Henry	45.7	Shelby	38.9
Highland	32.5	Stark	39.0
Hocking	31.1	Summit	34.1
Holmes	36.9	Trumbull	32.5
Huron	38.7	Tuscarawas	34.5
Jackson	29.9	Union	36.8
Jefferson	34.1	Van Wert	44.8
Knox	32.3	Vinton	30.0
Lake	35.2	Warren	34.1
Lawrence	31.9	Washington	32.9
Licking	32.3	Wayne	36.4
Logan	40.4	Williams	38.6
Lorain	36.3	Wood	47.3
Lucas	47.7	Wyandot	40.3
Madison	44.3	State check yield	38.8
Mahoning	35.9		

OKLAHOMA

Adair	28.3	Lincoln	25.7
Alfalfa	31.3	Logan	29.0
Atoka	24.6	Love	28.0
Beaver	17.6	McClain	30.3
Beckham	23.7	McCurtain	23.3
Blaine	28.6	McIntosh	26.6
Bryan	25.3	Major	27.9
Caddo	31.8	Marshall	29.3
Canadian	31.0	Mayes	30.5
Carter	27.0	Murray	28.0
Cherokee	27.9	Muskogee	28.3
Choctaw	25.8	Noble	31.3
Cimarron	16.5	Nowata	34.5
Cleveland	31.2	Okfuskee	28.3
Coal	28.5	Oklahoma	29.4
Comanche	24.9	Okmulgee	25.1
Cotton	27.7	Osage	30.5
Craig	28.4	Ottawa	33.7
Creek	25.1	Pawnee	29.3
Custer	29.5	Payne	28.0
Delaware	31.1	Pittsburg	27.5
Dewey	25.6	Pontotoc	25.9
Ellis	15.9	Pottawatomie	29.1
Garfield	30.5	Pushmataha	25.0
Garvin	27.1	Roger Mills	21.8
Grady	31.3	Rogers	31.2
Grant	30.3	Seminole	26.9
Greer	23.6	Sequoyah	30.3
Harmon	21.3	Stephens	26.6
Harper	17.7	Texas	17.7
Haskell	28.4	Tillman	26.9
Hughes	25.9	Tulsa	29.7
Jackson	24.2	Wagoner	28.0
Jefferson	26.6	Washington	33.3
Johnston	28.4	Washita	26.9
Kay	34.0	Woods	26.0
Kingfisher	27.8	Woodward	22.7
Kiowa	25.0	State check yield	25.9
Latimer	21.8		
La Flore	29.7		

OREGON

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Baker	41.0	Lane	45.9
Benton	51.8	Lincoln	----
Clackamas	48.1	Linn	45.7
Clatsop	----	Malheur	61.8
Columbia	50.6	Marion	51.7
Coos	----	Morrow	24.3
Crook	60.7	Multnomah	54.5
Curry	----	Polk	51.0
Deschutes	50.6	Sherman	30.2
Douglas	38.3	Tillamook	----
Gilliam	27.4	Umatilla	34.8
Grant	28.2	Union	49.3
Harney	27.7	Wallowa	39.4
Hood River	24.3	Wasco	33.0
Jackson	46.0	Washington	54.3
Jefferson	45.3	Wheeler	26.4
Josephine	44.2	Yamhill	53.4
Klamath	44.9	State check yield	35.7
Lake	27.8		

PENNSYLVANIA

Adams	37.5	Lebanon	42.2
Allegheny	34.0	Lehigh	41.0
Armstrong	35.3	Luzerne	35.8
Beaver	35.8	Lycoming	37.5
Bedford	37.1	McKean	34.8
Berks	40.5	Mercer	37.0
Blair	38.7	Mifflin	37.6
Bradford	36.3	Monroe	37.5
Bucks	39.3	Montgomery	39.7
Butler	38.2	Montour	37.3
Cambria	35.1	Northampton	43.3
Cameron	27.2	Northumberland	37.5
Carbon	35.5	Perry	37.5
Centre	38.7	Philadelphia	----
Chester	45.9	Pike	35.3
Clarion	32.9	Potter	38.7
Clearfield	31.0	Schuylkill	35.3
Clinton	36.7	Snyder	36.6
Columbia	39.8	Somerset	35.5
Crawford	35.8	Sullivan	35.4
Cumberland	39.8	Susquehanna	35.8
Dauphin	39.6	Tioga	35.3
Delaware	42.3	Union	39.3
Elk	33.3	Venango	34.0
Erie	36.3	Warren	33.4
Fayette	36.7	Washington	37.1
Forest	31.2	Wayne	35.3
Franklin	39.8	Westmoreland	37.1
Fulton	34.0	Wyoming	36.1
Greene	36.4	York	41.8
Huntingdon	34.7	State check yield	39.3
Indiana	35.3		
Jefferson	32.9		
Juniata	36.9		
Lackawanna	35.3		
Lancaster	46.6		
Lawrence	38.5		

RHODE ISLAND

Bristol	----	Washington	33.1
Kent	----	State check yield	33.1
Newport	33.1		
Providence	----		

SOUTH CAROLINA

Abbeville	30.7	Dillon	39.2
Aiken	35.3	Dorchester	33.0
Allendale	31.3	Edgefield	37.6
Anderson	34.6	Fairfield	36.0
Bamberg	32.1	Florence	40.9
Barnwell	31.1	Georgetown	31.9
Beaufort	33.9	Greenville	30.9
Berkeley	36.2	Greenwood	31.9
Calhoun	36.0	Hampton	33.5
Charleston	39.4	Horry	38.7
Cherokee	33.6	Jasper	32.2
Chester	30.2	Kershaw	33.7
Chesterfield	32.5	Lancaster	32.9
Clarendon	40.2	Laurens	31.0
Colleton	33.8	Lee	37.4
Darlington	38.5	Lexington	28.3

SOUTH CAROLINA—Continued

McCormick	33.4	Saluda	33.8
Marion	34.4	Spartanburg	34.9
Marlboro	35.2	Sumter	36.4
Newberry	36.2	Union	29.8
Oconee	28.8	Williamsburg	33.4
Orangeburg	32.0	York	35.0
Pickens	26.9	State check yield	33.9
Richland	34.2		

SOUTH DAKOTA

Aurora	19.6	Jerauld	21.6
Beadle	19.9	Jones	31.8
Bennett	32.0	Kingsbury	21.9
Bon Homme	19.9	Lake	25.3
Brookings	25.2	Lawrence	29.4
Brown	22.7	Lincoln	21.5
Brule	24.0	Lyman	32.1
Buffalo	26.0	McCook	19.4
Butte	26.3	McPherson	18.2
Campbell	20.4	Marshall	26.0
Charles Mix	21.4	Meade	32.0
Clark	22.6	Mellette	27.4
Clay	23.9	Miner	20.3
Codington	23.5	Minnehaha	23.2
Corson	20.0	Moody	25.0
Custer	20.3	Pennington	32.3
Davison	19.9	Perkins	23.0
Day	26.2	Potter	24.2
Deuel	28.2	Roberts	23.3
Dewey	21.8	Sanborn	19.8
Douglas	19.8	Shannon	34.2
Edmunds	17.5	Spink	21.2
Fall River	28.9	Stanley	30.6
Faulk	19.9	Sully	25.7
Grant	23.5	Todd	25.3
Gregory	28.6	Tripp	31.4
Haakon	33.2	Turner	19.2
Hamlin	25.9	Union	22.8
Hand	21.7	Walworth	21.9
Hanson	19.7	Washabaugh	32.7
Harding	20.4	Yankton	21.4
Hughes	25.0	Ziebach	23.9
Hutchinson	18.7	State check yield	23.8
Hyde	22.1		
Jackson	30.6		

TENNESSEE

Anderson	24.6	Hardeman	28.3
Bedford	28.9	Hardin	31.8
Benton	23.8	Hawkins	29.4
Bledsoe	29.0	Haywood	35.7
Blount	28.6	Henderson	38.0
Bradley	30.7	Henry	37.7
Campbell	24.0	Hickman	35.5
Cannon	33.3	Houston	33.7
Carroll	35.1	Humphreys	23.3
Carter	29.1	Jackson	24.7
Cheatham	32.5	Jefferson	35.3
Chester	31.4	Johnson	29.4
Claiborne	29.8	Knox	25.1
Clay	28.0	Lake	39.8
Cocke	30.3	Lauderdale	34.2
Coffee	34.4	Lawrence	32.1
Crockett	36.6	Lewis	28.5
Cumberland	28.3	Lincoln	29.3
Davidson	23.2	Loudon	33.0
Decatur	22.9	McMinn	28.3
De Kalb	24.3	McNairy	27.3
Dickson	32.9	Macon	32.3
Dyer	38.9	Madison	32.5
Fayette	31.4	Marion	26.4
Fentress	34.5	Marshall	29.0
Franklin	32.8	Maury	31.0
Gibson	37.1	Meigs	23.2
Giles	31.4	Monroe	30.1
Grainger	30.2	Montgomery	39.8
Greene	32.5	Moore	25.2
Grundy	31.4	Morgan	25.0
Hamblen	34.1	Obion	35.9
Hamilton	23.2	Overton	28.8
Hancock	24.1	Perry	25.4

TENNESSEE—Continued

Pickett	28.4	Tipton	39.6
Polk	27.8	Trousdale	30.4
Putnam	35.3	Unicoi	28.0
Rhea	22.6	Union	27.1
Roane	29.6	Van Buren	25.4
Robertson	36.9	Warren	33.4
Rutherford	35.3	Washington	32.8
Scott	----	Wayne	32.3
Sequatchie	29.6	Weakley	35.4
Sevier	36.4	White	33.0
Shelby	32.1	Williamson	29.4
Smith	23.5	Wilson	30.1
Stewart	33.8	State check yield	33.1
Sullivan	32.5		
Sumner	35.3		

TEXAS

Anderson	----	Donley	15.2
Andrews	----	Duval	----
Angelina	----	Eastland	15.2
Aransas	----	Ector	----
Archer	18.4	Edwards	14.4
Armstrong	15.6	Ellis	18.8
Atascosa	19.5	El Paso	----
Austin	----	Erath	16.2
Bailey	23.5	Falls	16.4
Bandera	14.3	Fannin	24.1
Bastrop	16.7	Favette	----
Baylor	18.5	Fisher	18.5
Bee	17.0	Floyd	23.7
Bell	16.4	Foard	22.5
Bexar	22.3	Fort Bend	----
Blanco	15.0	Franklin	----
Borden	14.2	Freestone	----
Bosque	16.8	Frio	25.3
Bowie	25.5	Gaines	28.5
Brazoria	----	Galveston	----
Brazos	16.4	Garza	17.9
Brewster	----	Gillespie	17.0
Briscoe	21.6	Glasscock	22.8
Brooks	----	Goliad	----
Brown	14.3	Gonzales	17.0
Burleson	----	Gray	15.3
Burnet	13.6	Grayson	23.3
Caldwell	17.3	Gregg	----
Calhoun	----	Grimes	----
Callahan	18.2	Guadalupe	20.0
Cameron	----	Hale	31.5
Camp	----	Hall	14.0
Carson	19.2	Hamilton	15.3
Cass	----	Hansford	29.5
Castro	38.3	Hardeman	19.3
Chambers	----	Hardin	----
Cherokee	14.4	Harris	----
Childress	16.4	Harrison	----
Clay	25.2	Hartley	25.7
Cochran	19.8	Haskell	17.6
Coke	13.1	Hays	16.1
Coleman	14.4	Hemphill	20.4
Collin	21.2	Henderson	16.3
Collingsworth	16.5	Hidalgo	----
Colorado	18.1	Hill	16.8
Comal	15.4	Hockley	18.5
Comanche	15.3	Hood	15.8
Concho	13.6	Hopkins	18.5
Cooke	21.5	Houston	20.7
Coryell	15.4	Howard	16.2
Cottle	16.2	Hudspeth	----
Crane	----	Hunt	20.6
Crockett	----	Hutchinson	29.2
Crosby	25.7	Irion	15.3
Culberson	19.2	Jack	17.1
Dallam	29.6	Jackson	14.8
Dallas	19.4	Jasper	----
Dawson	18.0	Jeff Davis	----
Deaf Smith	36.0	Jefferson	----
Delta	21.4	Jim Hogg	----
Denton	20.1	Jim Wells	----
De Witt	15.4	Johnson	17.4
Dickens	17.8	Jones	18.8
Dimmit	14.4	Karnes	16.2
		Kaufman	18.8

TEXAS—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Kendall	17.3	Reeves	32.0
Kenedy	----	Refugio	----
Kent	13.3	Roberts	14.6
Kerr	14.0	Robertson	----
Kimble	13.4	Rockwall	18.2
King	13.3	Runnels	14.7
Kinney	----	Rusk	----
Kleberg	----	Sabine	----
Knox	19.9	San Augustine	----
Lamar	24.3	San Jacinto	----
Lamb	30.7	San Patricio	----
Lampasas	17.1	San Saba	16.6
La Salle	----	Schleicher	14.2
Lavaca	20.0	Scurry	13.6
Lee	----	Shackelford	17.6
Leon	15.4	Shelby	----
Liberty	----	Sherman	29.5
Limestone	16.6	Smith	----
Lipscomb	14.2	Somervell	15.2
Live Oak	17.9	Starr	----
Llano	14.0	Stephens	16.6
Loving	----	Sterling	12.4
Lubbock	22.3	Stonewall	18.1
Lynn	15.9	Sutton	----
McCulloch	13.3	Swisher	33.4
McLennan	16.6	Tarrant	18.1
McMullen	----	Taylor	16.2
Madison	----	Terrell	----
Marion	----	Terry	23.6
Martin	17.1	Throckmorton	18.9
Mason	14.1	Titus	----
Matagorda	----	Tom Green	16.6
Maverick	21.7	Travis	17.3
Medina	21.8	Trinity	----
Menard	13.7	Tyler	----
Midland	15.4	Upshur	----
Milam	16.4	Upton	----
Mills	16.6	Uvalde	21.1
Mitchell	16.5	Val Verde	----
Montague	25.5	Van Zandt	17.0
Montgomery	----	Victoria	16.4
Moore	32.4	Walker	14.8
Morris	----	Waller	15.8
Motley	13.8	Ward	----
Nacogdoches	----	Washington	15.9
Navarro	20.7	Webb	----
Newton	----	Wharton	17.3
Nolan	18.5	Wheeler	17.1
Nueces	----	Wichita	23.0
Ochiltree	19.0	Wilbarger	21.4
Oldham	18.3	Willacy	----
Orange	----	Williamson	16.1
Palo Pinto	15.4	Wilson	17.0
Panola	----	Winkler	----
Parker	16.7	Wise	17.9
Parmer	49.1	Wood	----
Pecos	34.5	Yoakum	21.4
Polk	----	Young	20.4
Potter	16.3	Zapata	----
Presidio	24.1	Zavala	21.9
Rains	19.0	State check yield	23.5
Randall	20.9		
Reagan	15.2		
Real	----		
Red River	27.9		

UTAH

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Beaver	51.6	Rich	29.8
Box Elder	32.3	Salt Lake	36.2
Cache	35.4	San Juan	20.0
Carbon	48.3	Sanpete	39.0
Daggett	37.3	Sevier	58.9
Davis	53.8	Summit	38.0
Duchesne	45.1	Tooele	23.2
Emery	43.0	Uintah	41.6
Garfield	36.9	Utah	37.0
Grand	31.0	Wasatch	52.5
Iron	38.0	Washington	32.3
Juab	26.6	Wayne	47.5
Kane	34.8	Weber	49.7
Millard	27.2	State check yield	32.3
Morgan	37.1		
Piute	53.0		

VERMONT

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Addison	36.3	Orange	----
Bennington	----	Orleans	36.3
Caledonia	----	Rutland	----
Chittenden	36.3	Washington	----
Essex	----	Windham	36.3
Franklin	----	Windsor	----
Grand Isle	36.3	State check yield	36.3
Lamoille	----		

VIRGINIA

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Accomack	38.1	Louisa	34.7
Albemarle	40.7	Lunenburg	36.1
Alleghany	33.2	Madison	36.5
Amelia	38.8	Mathews	39.4
Amherst	33.6	Mecklenburg	38.2
Appomattox	38.0	Middlesex	42.3
Augusta	37.6	Montgomery	32.3
Bath	31.5	Nansemond	37.4
Bedford	40.1	Nelson	37.0
Bland	33.4	New Kent	41.6
Botetourt	36.6	Newport News	----
Brunswick	34.1	Northampton	40.4
Buchanan	23.9	Northumberland	42.7
Buckingham	40.9	Nottoway	37.1
Campbell	37.6	Orange	36.1
Caroline	37.7	Page	34.4
Carroll	35.2	Patrick	34.4
Charles City	39.8	Pittsylvania	35.5
Charlotte	34.0	Powhatan	33.8
Chesapeake	41.3	Prince Edward	36.8
Chesterfield	35.1	Prince George	35.2
Clarke	36.9	Prince William	34.5
Craig	34.4	Pulaski	32.1
Culpeper	35.6	Rappahannock	36.0
Cumberland	37.6	Richmond	42.7
Dickenson	25.0	Roanoke	35.9
Dinwiddie	40.4	Rockbridge	38.2
Essex	40.9	Rockingham	36.7
Fairfax	31.7	Russell	32.3
Fauquier	33.9	Scott	35.3
Floyd	35.7	Shenandoah	35.7
Fluvanna	36.9	Smyth	36.0
Franklin	36.4	Southampton	39.7
Frederick	36.1	Spotsylvania	34.6
Giles	32.8	Stafford	34.8
Gloucester	37.1	Surry	37.3
Goochland	35.3	Sussex	37.7
Grayson	33.8	Tazewell	32.2
Greene	33.6	Virginia Beach	40.9
Greensville	39.1	Warren	36.4
Halifax	32.8	Washington	33.1
Hampton	27.6	Westmoreland	42.2
Hanover	40.1	Wise	25.0
Henrico	39.7	Wythe	36.1
Henry	32.7	York	40.0
Highland	31.3	State check yield	37.1
Isle of Wight	37.1		
James City	39.5		
King and Queen	40.9		
King George	37.1		
King William	38.7		
Lancaster	37.3		
Lee	35.3		
Loudoun	37.5		

WASHINGTON

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Adams	35.1	Jefferson	55.2
Asotin	35.4	King	----
Benton	24.8	Kitsap	----
Chelan	23.0	Kittitas	61.6
Clallam	47.4	Klickitat	34.1
Clark	41.5	Lewis	51.4
Columbia	55.8	Lincoln	43.4
Cowlitz	44.9	Mason	----
Douglas	31.4	Okanogan	24.8
Ferry	40.1	Pacific	----
Franklin	38.6	Pend Oreille	27.8
Garfield	52.1	Pierce	40.6
Grant	45.2	San Juan	55.8
Grays Harbor	41.9	Skagit	60.5
Island	69.3	Skamania	----

WASHINGTON—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Snohomish	46.1	Whatcom	40.5
Spokane	53.4	Whitman	57.4
Stevens	43.6	Yakima	45.7
Thurston	52.1	State check yield	43.5
Wahkiakum	----		
Walla Walla	45.5		

WEST VIRGINIA

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Barbour	31.8	Mingo	----
Berkeley	36.5	Monongalia	30.7
Boone	----	Monroe	34.0
Braxton	29.1	Morgan	27.8
Brooke	31.2	Nicholas	30.7
Cabell	26.2	Ohio	28.7
Calhoun	----	Pendleton	31.4
Clay	----	Pleasants	31.4
Doddridge	----	Pocahontas	32.8
Fayette	29.7	Preston	29.9
Gilmer	----	Putnam	26.7
Grant	34.5	Raleigh	27.0
Greenbrier	32.4	Randolph	32.7
Hampshire	32.8	Ritchie	28.2
Hancock	29.6	Roane	28.8
Hardy	37.1	Summers	33.5
Harrison	31.6	Taylor	30.7
Jackson	30.0	Tucker	29.2
Jefferson	35.6	Tyler	28.0
Kanawha	24.3	Upshur	28.9
Lewis	28.8	Wayne	26.0
Lincoln	----	Webster	26.4
Logan	----	Wetzel	27.0
McDowell	----	Wirt	25.4
Marion	31.2	Wood	31.4
Marshall	29.6	Wyoming	----
Mason	30.6	State check yield	33.4
Mercer	28.4		
Mineral	35.0		

WISCONSIN

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Adams	24.2	Marquette	27.1
Ashland	25.3	Menominee	----
Barron	24.8	Milwaukee	40.7
Bayfield	26.7	Monroe	29.0
Brown	33.3	Oconto	26.4
Buffalo	29.4	Oneida	24.2
Burnett	21.6	Outagamie	33.3
Calumet	35.8	Ozaukee	38.3
Chippewa	26.4	Pepin	28.6
Clark	29.4	Pierce	29.8
Columbia	37.8	Polk	24.3
Crawford	35.8	Portage	27.9
Dane	36.9	Price	23.1
Dodge	37.1	Racine	43.9
Door	30.5	Richland	37.3
Douglas	24.8	Rock	37.3
Dunn	28.1	Rusk	23.7
Eau Claire	27.8	St. Croix	28.7
Florence	22.9	Sauk	33.8
Fond du Lac	35.3	Sawyer	22.3
Forest	23.1	Shawano	29.4
Grant	34.2	Sheboygan	39.8
Green	38.5	Taylor	28.7
Green Lake	29.8	Trempealeau	28.1
Iowa	34.8	Vernon	37.8
Iron	21.5	Vilas	22.7
Jackson	32.1	Walworth	39.4
Jefferson	38.4	Washburn	22.9
Juneau	29.5	Washington	40.1
Kenosha	44.4	Waukesha	36.8
Kewaunee	35.3	Waupaca	31.1
La Crosse	30.3	Waushara	29.9
Lafayette	36.8	Winnebago	34.9
Langlade	25.6	Wood	32.1
Lincoln	28.1	State check yield	37.1
Manitowoc	34.4		
Marathon	27.7		
Marinette	24.6		

WYOMING

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Albany	----	Crook	27.8
Big Horn	38.6	Fremont	40.9
Campbell	27.8	Goshen	23.8
Carbon	21.8	Hot Springs	37.7
Converse	20.1	Johnson	22.3

WYOMING—Continued

County	Projected yield (bushels per acre)	County	Projected yield (bushels per acre)
Laramie	25.1	Sweetwater	-----
Lincoln	24.4	Teton	37.7
Natrona	34.8	Uinta	32.2
Niobrara	23.4	Washakie	39.0
Park	42.8	Weston	23.5
Platte	26.7	State check yield	25.6
Sheridan	26.2		
Sublette	-----		

(Secs. 375(b), 379b(g); 52 Stat. 66, 84 Stat. 1364; 7 U.S.C. 1375(b), 1379(g))

Effective date: Date of publication in the FEDERAL REGISTER (1-22-71).

Signed at Washington, D.C., on January 14, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-825 Filed 1-21-71;8:45 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-507]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

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

1. In § 76.2, the introductory portion of paragraph (e) is amended by adding the name of the State of Minnesota; paragraph (f) is amended by deleting the name of the State of Minnesota; and a new paragraph (e)(13) relating to the State of Minnesota is added to read:

(13) *Minnesota.* The adjoining portions of Renville, Sibley, and Nicollet Counties bounded by a line beginning at the junction of State Highway 19 and State Highway 4; thence, following State Highway 4 in a southerly direction to the north bank of the Minnesota River; thence, following the north bank of the Minnesota River in a southeasterly direction to County Road 24; thence, following County Road 24 in a northerly direction to U.S. Highway 14; thence, following U.S. Highway 14 in a northwesterly direction to County Road 12; thence, following County Road 12 in a generally northwesterly direction to County Road 1; thence, following County Road 1 in a westerly direction to State Highway 15; thence, following State Highway 15 in a northerly direction to State Highway 19; thence, following State Highway 19 in a westerly direction to its junction with State Highway 4.

2. In § 76.2 paragraph (e)(7) relating to the State of North Carolina is amended to read:

(7) *North Carolina.* (i) That portion of Gates, Chowan, and Perquimans Counties bounded by a line beginning at the junction of State Highways 37 and 32; thence, following State Highways 37, 32 in a southeasterly direction to Secondary Road 1303; thence, following Secondary Road 1303 in a generally southerly direction to Secondary Road 1305; thence following Secondary Road 1305 in a southeasterly direction to Secondary Road 1200; thence, following Secondary Road 1200 in a northerly direction to Secondary Road 1213; thence, following Secondary Road 1213 in an easterly direction to Secondary Road 1214; thence, following Secondary Road 1214 in a southeasterly direction to Secondary Road 1001; thence, following Secondary Road 1001 in a northerly direction to Secondary Road 1204; thence, following Secondary Road 1204 in a northwesterly direction to Secondary Road 1413; thence, following Secondary Road 1413 in a northerly and then southwesterly direction to State Highway 32; thence, following State Highway 32 in a southwesterly direction to its junction with State Highway 37 in Gates County.

(ii) That portion of Pitt County beginning at the junction of the Tar River and the Pitt-Beaufort County line; thence, following the south bank of the Tar River in a westerly direction to the Chicod Creek; thence, following the south bank of the Chicod Creek in a generally westerly direction to U.S. Highway 264; thence, following U.S. Highway 264 in a westerly direction to County Road 1759; thence, following County Road 1759 in a southwesterly direction to County Road 1700; thence, following County Road 1700 in a southwesterly direction to County Road 1774; thence, following County Road 1774 in a southeasterly direction to County Road 1772; thence, following County Road 1772 in a northeasterly direction to County Road 1785; thence, following County Road 1785 in a southeasterly direction to County Road 1786; thence, following County Road 1786 in a southeasterly direction to County Road 1800; thence, following County Road 1800 in a northeasterly direction to the Pitt-Beaufort County line; thence, following the Pitt-Beaufort County line in a generally northeasterly direction to its junction with the Tar River.

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

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

The amendments quarantine portions of Renville, Sibley, and Nicollet Counties in Minnesota, and a portion of Pitt County, N.C., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portions of such Counties.

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 18th day of January 1971.

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

[FR Doc.71-926 Filed 1-21-71;8:50 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1970 ed.), as amended April 16, 1970 (35 F.R. 6175), May 21, 1970 (35 F.R. 7781), July 28, 1970 (35 F.R. 12058), September 5, 1970 (35 F.R. 11127), and November 25, 1970 (35 F.R. 18036), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein as follows:

OUTSIDE METROPOLITAN AREA

FOUR HOURS

Add: Burns Harbor, Ind. (when served from Monticello, Ind.).

This commuted travel time period has been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within

the knowledge of the Animal Health Division.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

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

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (1-22-71).

Done at Hyattsville, Md., this 18th day of January 1971.

R. S. SHARMAN,
Acting Director, Animal Health Division, Agricultural Research Service.

[FR Doc.71-927 Filed 1-21-71;8:50 am]

Chapter II—Packers and Stockyards Administration, Department of Agriculture

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Ownership or Financing of Packers, Dealers, and Buying Agencies

Packers not to own or finance dealers or buying agencies; dealers and buying agencies not to own or finance packers.

On December 9, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 19468) regarding a proposed amendment to § 201.68 under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), relating to packer interest in a market agency purchasing livestock on a commission basis and a dealer purchasing livestock for speculative purposes. All interested parties were afforded an opportunity to submit written data, views, or arguments concerning the proposed amendment.

It has been the policy of the Packers and Stockyards Administration in interpreting and administering the Packers and Stockyards Act to prohibit packers from engaging in the business of buying livestock for purposes of resale. Livestock resale operations by meat packers subject to the Act constitute a potential restriction of competition and control of markets and prices. It was the intent of Congress, when enacting the Packers and Stockyards Act, to prohibit packers from engaging in monopolistic practices and from controlling livestock prices. As set forth in a policy statement in 9 CFR 203.6, the Administration considers it to be in violation of the Act for a packer to engage in or be involved in market agency or dealer operations other than purchases of livestock for purposes of slaughter, except in connection with exportation of livestock under circumstances specified in the policy statement.

The 1958 amendments of the Act extended jurisdiction to numerous livestock markets and firms operating in the country or away from posted stockyards. At that time, it was found that several packers, packer owners, officers, and employees owned an interest in or controlled the management of firms operating as livestock dealers and as market agencies purchasing livestock on a commission basis. Most of these situations were voluntarily corrected soon after the 1958 amendments of the Act. Recently, however, several other packers have obtained an ownership interest in or management control of firms operating as livestock dealers or as market agencies purchasing livestock on a commission basis. These situations, when not corrected, have the tendency or effect of restraining commerce; and, in many instances, could involve collusive and monopolistic arrangements through which a packer obtains control of a marketing area. Similar conditions can exist when employed packer buyers obtain an ownership interest in, provide finances for, or participate in the management or operations of a dealer or market agency.

One basic purpose of the Packers and Stockyards Act is to assure competitive marketing conditions for livestock free of conflict-of-interest situations and other restraints which adversely affect livestock producers. Such practices could prevent producers from receiving a fair price for their livestock. It is essential to provide for a complete separation of packers, their officers, agents, and employees, and persons owning a substantial interest in a packer, from ownership and other methods of control of those engaged in the business of purchasing livestock as a dealer or on a market agency basis.

The Administration received 32 written communications concerning this proposal. These written comments expressed the views of producers, producer and farm organizations, State governments, dealers, packers, auction markets, and farmer-owned cooperatives. The producer and farm organizations and State governments favored the general intent of the proposed amendment to § 201.68. Opposition was received mainly from dealers and packers whose organizations and operations would be directly affected by the regulation. Farmer-owned cooperatives expressed opposition to paragraph (b) of the proposed amendment.

As a result of careful consideration of all the views and comments received, and on the facts available, the Packers and Stockyards Administration has determined that the proposed regulation should be issued. Therefore, pursuant to section 407(a) of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 228), § 201.68 of the regulations (9 CFR 201.68) promulgated under the Act is amended to read as follows:

§ 201.68 Packers not to own or finance dealers or buying agencies; dealers and buying agencies not to own or finance packers.

(a) No packer, officer, agent, or employee of a packer, or person who owns a substantial interest in a packer, shall independently, or in combination with others, or through any corporate or other device, operate as a market agency purchasing livestock on a commission basis, or as a dealer, or have an ownership interest in, finance, or participate in the management or operation of any such market agency or dealer; nor shall any market agency purchasing livestock on a commission basis or any dealer permit a packer, or officer, agent, or employee of a packer, or person who owns a substantial interest in a packer, independently or in combination with others, or through any corporate or other device, to have any ownership interest in, finance, or participate in the management or operation of such market agency or dealer: *Provided, however,* That the provisions of this section shall not affect the statement of general policy set forth in § 203.6 of this chapter concerning purchases of livestock by packers for purposes of export, and shall not prohibit a packer or buyer employed by a packer from purchasing livestock for purposes of slaughter by such packer.

(b) No dealer or market agency purchasing livestock on a commission basis, or owner, officer, agent, or employee of such dealer or market agency, shall independently, or in combination with others, or through any corporate or other device, have a substantial ownership interest in, finance, or participate in the management or operation of any packer subject to the Act; nor shall any packer permit any such dealer or market agency, or owner, officer, agent, or employee of such dealer or market agency, independently or in combination with others, or through any corporate or other device, to have a substantial ownership interest in, finance, or participate in the management or operation of the packer.

The provisions of the amendment are the same as those proposed in the notice of rule making published in the FEDERAL REGISTER on December 9, 1969 (34 F.R. 19468), except for a minor clarifying change in the language of paragraph (a).

It does not appear that further notice of proposed rule making regarding the aforesaid modification would make additional information available to the Packers and Stockyards Administration. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. § 553, that further notice and public procedure respecting this matter are impracticable and unnecessary.

The foregoing amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of January 1971.

DONALD A. CAMPBELL,
Administrator, Packers and Stockyards Administration.

[FR Doc.71-929 Filed 1-21-71;8:50 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. M]

PART 213—FOREIGN ACTIVITIES OF NATIONAL BANKS

Reserves Against Eurodollar Borrowings

1. Effective January 15, 1971, § 213.7 (a) of Regulation M is amended to read as follows:

§ 213.7 Reserves against foreign branch deposits.

(a) *Transactions with parent bank.* During each week of the 4-week period beginning October 16, 1969, and during each week of each successive 4-week (maintenance) period, a member bank having one or more foreign branches shall maintain with the Reserve Bank of its district, as a reserve against its foreign branch deposits, a daily average balance equal to 20 percent of the amount by which the daily average total of

(1) Net balances due from its domestic offices to such branches, and

(2) Assets (including participations) held by such branches which were acquired from its domestic offices,[7]

during the 4-week (computation) period ending on the Wednesday 15 days before the beginning of the maintenance period, exceeds the greater of—

(i) The lowest corresponding daily average total [8] for any computation period ending after November 25, 1970, or

(ii) 3 percent of the member bank's daily average deposits subject to § 204.5 (a) of this chapter (Regulation D) during the current computation period, or the lowest corresponding daily average total [8] for any computation period beginning on or after January 21, 1971, and after the bank has had a foreign branch in operation for more than 90 days, whichever amount is the lesser:

Provided, That the applicable base computed under (i) or (ii) shall be reduced by the daily average amount of any deposits of the member bank subject to § 204.5(c) of this chapter (Regulation D) during the computation period.

* * * * *

[7] Excluding (1) assets so held on June 26, 1969, representing credit extended to persons not residents of the United States and (2) credit extended or renewed by a domestic office after June 26, 1969, to persons not residents of the United States to the extent such credit was not extended in order to replace credit outstanding on that date which was paid prior to its original maturity (see definition of United States resident in footnote 9).

[8] Including the principal amount paid by a foreign branch of the member bank for obligations held by such branch that were purchased by it from the Export-Import Bank of the United States pursuant to its program announced on Jan. 15, 1971, and excluding assets representing credit extended to persons not residents of the United States.

2a. The change provides a means by which a member bank may retain its reserve-free base with respect to its Eurodollar borrowings from its foreign branches by counting within its base the amount of purchases by its foreign branches of certain Export-Import Bank obligations.

b. The requirements of section 553(b) of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment because the Board found that following such procedures with respect to this amendment would be contrary to the public interest and serve no useful purpose.

By order of the Board of Governors, January 15, 1971.

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

[FR Doc.71-910 Filed 1-21-71;8:49 am]

[Reg. Z]

PART 226—TRUTH IN LENDING

Credit Cards; Issuance and Liability

1. Effective January 25, 1971, §§ 226.1 and 226.12 are amended and § 226.13 and Supplement IV are added to Part 226 as follows:

§ 226.1 Authority, scope, purpose, etc.

(a) *Authority, scope, and purpose.* (1) This part comprises the regulations issued by the Board of Governors of the Federal Reserve System pursuant to title I (Truth in Lending Act), and title V (General Provisions) of the Consumer Credit Protection Act, as amended (15 U.S.C. section 1601 et seq.). Except as otherwise provided herein, this part applies to all persons who in the ordinary course of business regularly extend, or offer to extend, or arrange, or offer to arrange, for the extension of consumer credit as defined in paragraph (k) of § 226.2, and to all persons who issue credit cards.

(2) This part implements the Act, the purpose of which is to assure that every customer who has need for consumer credit is given meaningful information with respect to the cost of that credit which, in most cases, must be expressed in the dollar amount of finance charge, and as an annual percentage rate computed on the unpaid balance of the amount financed. Other relevant credit information must also be disclosed so that the customer may readily compare the various credit terms available to him from different sources and avoid the uninformed use of credit. This part also implements the provision of the Act under which a customer has a right in certain circumstances to cancel a credit transaction which involves a lien on his residence. Advertising of consumer credit terms must comply with specific requirements, and certain credit terms may not be advertised unless the creditor usually and customarily extends such terms. This part also contains prohibitions against the issuance of unsolicited credit cards and limits on the cardholder's liability for unauthorized use of a credit card. Neither the Act nor this part is intended to control charges for consumer credit, or interefere with trade practices except to the extent that such practices may be inconsistent with the purpose of the Act.

(b) *Administrative enforcement.* (1) As set forth more fully in section 108 of the Act, administrative enforcement of the Act and this part with respect to certain creditors and credit card issuers is assigned to the Comptroller of the Currency, Board of Directors of the Federal Deposit Insurance Corporation, Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), Administrator of the National Credit Union Administration, Interstate Commerce Commission, Civil Aeronautics Board, Secretary of Agriculture, and Board of Governors of the Federal Reserve System.

(2) Except to the extent that administrative enforcement is specifically committed to other authorities, compliance with the requirements imposed under the Act and this part will be enforced by the Federal Trade Commission.

(c) *Penalties and liabilities.* Section 112 of the Act provides for criminal liability for willful and knowing failure to comply with any requirement imposed under the Act and this part, and section 130 of the Act provides for civil liability on the part of any creditor who fails to disclose any information required under Chapter 2 of the Act and under the corresponding provisions of this part. Section 134 provides for criminal liability for the fraudulent use of a credit card to obtain goods or services having a retail value aggregating $5,000 or more. Pursuant to section 108 of the Act, violations of the Act or this part constitute violations of other Federal laws which may provide further penalties.

§ 226.12 Exemption of certain State regulated transactions.

(a) *Exemption for State regulated transactions.* In accordance with the provisions of Supplements II and IV to Regulation Z, any State may make application to the Board for exemption of any class of transactions within that State from the requirements of Chapter 2 of the Act and the corresponding provisions of this part: *Provided,* That,

(1) Under the law of that State, that class of transactions is subject to requirements substantially similar to those imposed under Chapter 2 of the Act and the corresponding provisions of this part; and

(2) There is adequate provision for enforcement.

(b) *Procedures and criteria.* The procedures and criteria under which any State may apply for the determination provided for in paragraph (a) of this section are set forth in Supplement II to Regulation Z with respect to disclosure and rescission requirements (sections 121–131 of Chapter 2) and Supplement IV with respect to the prohibition of the issuance of unsolicited credit cards and the liability of the cardholder for unauthorized use of a credit card (sections 132–133 of Chapter 2).

(c) *Civil liability.* In order to assure that the concurrent jurisdiction of Federal and State courts created in section 130(e) of the Act shall continue to have substantive provisions to which such jurisdiction shall apply, and generally to aid in implementing the Act with respect to any class of transactions exempted pursuant to paragraph (a) of this section and Supplement II, the Board pursuant to sections 105 and 123 hereby prescribes that:

(1) No such exemption shall be deemed to extend to the civil liability provisions of sections 130 and 131; and

(2) After an exemption has been granted, the disclosure requirements of the applicable State law shall constitute the disclosure requirements of this Act, except to the extent that such State law imposes disclosure requirements not imposed by this Act. Information required under such State law with the exception of those provisions which impose disclosure requirements not imposed by this Act shall, accordingly, constitute the "information required under this chapter" (Chapter 2 of the Act) for the purpose of section 130(a).

(d) *Exemptions granted.* Exemptions granted by the Board to particular classes of credit transactions within specified States are set forth in Supplement III to Regulation Z.

§ 226.13 Credit cards—issuance and liability.

(a) *Supplemental definitions applicable to this section.* In addition to the definitions set forth in § 226.2, as applicable, the following definitions apply to this section:

(1) "Accepted credit card" means any credit card which the cardholder has requested or applied for and received, or has signed, or has used, or has authorized another person to use for the purpose of obtaining money, property, labor, or services on credit. Any credit card issued in renewal of, or in substitution for, an accepted credit card becomes an accepted credit card when received by the cardholder whether such card is issued by the same or a successor card issuer.

(2) "Adequate notice" means a printed notice to a cardholder which sets forth the pertinent facts clearly and conspicuously so that a person against whom it is to operate could reasonably be expected to have noticed it and understood its meaning.

(3) "Card issuer" means any person who issues a credit card, or the agent of such person with respect to such card.

(4) "Cardholder" means any person to whom a credit card is issued or any person who has agreed with the card issuer to pay obligations arising from the issuance of a credit card to another person.

(5) "Credit" means the right to defer payment of debt, incur debt and defer its payment, or to obtain money, property, labor or services and defer payment therefor.

(6) "Credit card" means any card, plate, coupon book, or other single credit device existing for the purpose of being used from time to time upon presentation to obtain money, property, labor, or services on credit.

(7) "Unauthorized use" means the use of a credit card by a person other than the cardholder

(i) Who does not have actual, implied, or apparent authority for such use, and

(ii) From which the cardholder receives no benefit.

(b) *Issuance of credit cards.* No credit card shall be issued except:

(1) In response to a request or application therefor, or

(2) As a renewal of, or in substitution for, an accepted credit card whether such card is issued by the same or a successor card issuer.

(c) *Conditions of liability of cardholder.* A cardholder shall be liable for unauthorized use of a credit card only if,

(1) The credit card is an accepted credit card;

(2) Such liability does not exceed the lesser of $50 or the amount of money, property, labor, or services obtained by such use prior to notification of the card issuer pursuant to paragraph (f) of this section;

(3) The card issuer has given adequate notice to the cardholder of his potential liability on the credit card or within 2 years preceeding the unauthorized use; and

(4) The card issuer has provided the cardholder with an addressed notification requiring no postage to be paid by the cardholder which may be mailed by the cardholder in the event of the loss, theft, or possible unauthorized use of the credit card.

(d) *Other conditions of liability.* In addition to the conditions of liability in paragraph (c) of this section, no cardholder shall be liable for the unauthorized use of any credit card which was issued after January 24, 1971, and, regardless of the date of its issuance, after January 24, 1972, no cardholder shall be liable for the unauthorized use of any credit card, unless the card issuer has provided a method whereby the user of such card can be identified as the person authorized to use it, such as by signature, photograph, or fingerprint on the credit card or by electronic or mechanical confirmation.

(e) *Notice to cardholder.* The notice to cardholder pursuant to paragraph (c)(3) of this section may be given by printing the notice on the credit card, or by any other means reasonably assuring the receipt thereof by the cardholder. An acceptable form of notice must state that liability shall not exceed $50 (or any lesser amount), that notice of loss, theft, or possible unauthorized use may be given orally or in writing, and the name and address of the party to receive the notice. It may include any additional information which is not inconsistent with the provisions of this section. An example of an acceptable notice is as follows:

You may be liable for the unauthorized use of your credit card (or other term which describes the credit device). You will not be liable for unauthorized use which occurs after you notify (name of card issuer or his designee) at (address) orally or in writing of loss, theft, or possible unauthorized use. In any case liability shall not exceed (insert—$50 or any lesser amount under other applicable law or under any agreement with the cardholder).

(f) *Notice to card issuer.* For the purposes of this section, a cardholder notifies a card issuer by taking such steps as may be reasonably required in the ordinary course of business to provide the card issuer with the pertinent information with respect to loss, theft, or possible unauthorized use of any credit card, whether or not any particular officer, employee, or agent of the card issuer does, in fact, receive such notice or information. Irrespective of the form of notice provided under paragraph (c)(4) of this section, at the option of the cardholder, notice may be given to the card issuer or his designee in person or by telephone or by letter, telegram, radiogram, cablegram, or other written communication which sets forth the pertinent information. Notice by mail, telegram, radiogram, cablegram, or other written communication shall be considered given at the time of receipt or, whether or not received, at the expiration of the time ordinarily required for transmission, whichever is earlier.

(g) *Action to enforce liability.* In any action by a card issuer to enforce liability for the use of a credit card, the burden of proof is upon the card issuer to show that the use was authorized or, if the use was unauthorized, then the burden of proof is upon the card issuer to show that the conditions of liability for the unauthorized use of a credit card, as set forth in paragraphs (c) and (d) of this section, have been met.

(h) *Effect on other applicable law or agreement.* Nothing in this section imposes liability upon a cardholder for the unauthorized use of a credit card in excess of his liability for such use under other applicable law or under any agreement with the card issuer.

SUPPLEMENT IV

PROCEDURES AND CRITERIA UNDER WHICH ANY STATE MAY APPLY FOR EXEMPTION PURSUANT TO PARAGRAPH (a) OF § 226.12 FROM THE PROVISIONS OF CHAPTER 2 OF THE TRUTH IN LENDING ACT PROHIBITING THE ISSUANCE OF UNSOLICITED CREDIT CARDS AND LIMITING CARDHOLDER LIABILITY FOR UNAUTHORIZED USE OF A CREDIT CARD

(a) *Application.* Any State may make application to the Board, pursuant to the terms of this supplement and the Board's Rules of Procedure (12 CFR Part 262), for a determination that, under the laws of that State,[1] a class of transactions within that State is subject to requirements substantially similar to those imposed under Chapter 2 of the Act[2] prohibiting the issuance of unsolicited credit cards and limiting cardholder liability for unauthorized use of a credit card and that there is adequate provision for enforcement of such require-

[1] Any reference to State law in Supplement IV includes a reference to any regulations which implement State law and formal interpretations thereof.

[2] Any reference to Chapter 2 of the Act or any section thereof in Supplement IV includes a reference to the implementing provisions of this part and the Board's formal interpretations thereof.

ments. Such application shall be made by letter addressed to the Board signed by the Governor, the Attorney General, or any official of the State having responsibilities under the State laws which are applicable to that class of transaction and supported by the documents specified in paragraph (b).

(b) *Supporting documents.* The application shall be accompanied by:

(1) A copy of the full text of the laws of the State which are claimed by the applicant to impose requirements substantially similar to those imposed under Chapter 2 of the Act with respect to the class of transactions within that State.

(2) A comparison of each requirement of State law with the corresponding requirement of Chapter 2 of the Act, together with reasons to support the claim that applicable requirements of State law are substantially similar to the applicable requirements imposed under Chapter 2 of the Act, and to demonstrate that any differences are not inconsistent with such requirements of Chapter 2 of the Act and that there are no other effective State laws which are inconsistent with such requirements of Chapter 2 of the Act with respect to that class of transactions.

(3) A copy of the full text of the laws of the State which provide for enforcement of the State laws referred to in subparagraph (1) of this paragraph.

(4) A comparison of the provisions of State law with the provisions of sections 108 and 112 of the Act, together with reasons to support the claim that such State laws provide for:

(i) Administrative enforcement of the State laws referred to in subparagraph (1) of this paragraph which is tantamount to the provisions for enforcement under section 108 of the Act and,

(ii) Criminal liability for willful and knowing violation with penalties substantially similar to those prescribed under section 112 of the Act.

(5) A statement identifying the office designated or to be designated to administer the State laws referred to in subparagraph (1) of this paragraph, and a description of the procedures under which such State laws are to be administratively enforced, including administrative enforcement with respect to federally chartered creditors.[3] The foregoing statement should include reasons to support the claim that there is adequate provision for enforcement of such State laws.

(c) *Public notice of filing and proposed rule making.* In connection with any application which has been filed in accordance with the requirements of paragraphs (a) and (b), notice of such filing and proposed rule making will be published by the Board in the FEDERAL REGISTER, and a copy of such application will be made available for examination by interested persons during business hours at the Board and at the Federal Reserve Bank of each Federal Reserve District in which any part of the State of the applicant is situated. A period of time will be allowed from the date of such publication for the Board to receive written comments from interested persons with respect to that application.

(d) *Exemption from requirements of Chapter 2.* If the Board determines on the basis of the information before it that under the law of a State any class of transactions is subject to requirements substantially similar to those imposed under Chapter 2 of the Act prohibiting the issuance of unsolicited credit cards and limiting the cardholder's liability for unauthorized use of a card, and that there is adequate provision for enforcement, the Board will exempt such class of transactions in that State from the applicable requirements of Chapter 2 of the Act in the following manner and subject to the following conditions:

(1) Notice of the exemption will be published in the FEDERAL REGISTER, and the Board will furnish a copy of such notice to the official who made application for such exemption and to each Federal authority responsible for administrative enforcement of the requirements of Chapter 2 of the Act.

(2) The appropriate official of any State which receives an exemption shall inform the Board within 30 days of the occurrence of any change in its related law (or regulations). The report of any change shall contain copies of the full text of that change together with statements setting forth the information and opinions with respect to that change as specified in subparagraphs (2) and (4) of paragraph (b). The appropriate official of any State which has received an exemption shall file with the Board from time to time such reports as the Board may require.

(3) The Board will inform the appropriate official of any State which receives an exemption of any subsequent amendments to the applicable provisions of Chapter 2 of the Act (including the implementing provisions of this part and the Board's formal interpretations) which might call for amendment of State law, regulations, or formal interpretations.

(e) *Adverse determination.* (1) If after publication of notice in the FEDERAL REGISTER as provided under paragraph (d), the Board finds on the basis of the information before it that it cannot make any favorable determination in connection with the application, the Board will notify the appropriate State official of the facts upon which such findings are based and shall afford that State a reasonable opportunity to demonstrate or achieve compliance.

(2) If, after having afforded the State such opportunity to demonstrate or achieve compliance, the Board finds on the basis of the information before it that it still cannot make any favorable determination in connection with the application, the Board will publish in the FEDERAL REGISTER a notice of its decision with respect to such application and will furnish a copy of such notice to the official who made application for such exemption.

(f) *Revocation of exemption.* (1) The Board reserves the right to revoke any exemption if at any time it determines that the State law does not in fact impose requirements which are substantially similar to those imposed under Chapter 2 of the Act or that there is not in fact adequate provision for enforcement.

(2) Before revoking any State exemption, the Board will notify the appropriate State official of the facts or conduct which in the opinion of the Board warrant such revocation and shall afford that State such opportunity as the Board deems appropriate in the circumstances to demonstrate or achieve compliance.

(3) If, after having been afforded the opportunity to demonstrate or achieve compliance, the Board determines that the State has not done so, notice of the Board's intention to revoke such exemption shall be published as a notice of proposed rule making in the FEDERAL REGISTER. A period of time will be allowed from the date of such publication for the Board to receive written comments from interested persons with respect to the proposed rule making.

(4) In the event of revocation of such exemption, notice of such revocation shall be published by the Board in the FEDERAL REGISTER, and a copy of such notice shall also be furnished to the appropriate State official and to the Federal authorities responsible for enforcement of requirements of Chapter 2 of the Act, and the class of transactions affected within that State shall then be subject to the requirements of Chapter 2 of the Act and subject to administrative enforcement as provided under section 108 of the Act.

2a. The amendments implement Title V of an Act (Public Law 91-508) dealing with Bank Records and Foreign Transactions; Credit Cards; and Consumer Credit Reporting. Title V is an amendment to the Truth in Lending Act (15 U.S.C. 1601). It prohibits the issuance of unsolicited credit cards and limits cardholder liability for unauthorized use to $50. Section 226.1 *Authority, scope, purpose, etc.* of the Regulation has been amended to indicate the addition of the new credit card provisions. Section 226.12 specifies that States may apply for an exemption from the Federal law for any class of transactions which is subject to substantially similar requirements under State law where there is adequate provision for enforcement. The procedures and criteria for exemption are set forth in new Supplement IV. Exemptions from the provisions of Chapter 2 of the Act relating to issuance of credit cards and cardholder liability will be separate and apart from exemptions from the disclosure and rescission provisions of Chapter 2.

The credit card provisions dealing with issuance and liability are in the new § 226.13. The statutory provisions have been incorporated into the amendment so that it may be used by affected parties as a single source of the requirements of both Title V and the regulation.

Section 226.13(a)(6) which defines a "credit card" specifies that it is a "single device existing for the purpose of being used from time to time upon presentation to obtain money, property, labor or services on credit." The definition is designed to make it clear that applications, notes, checks, drafts, gift certificates, and similar devices which cannot be used from time to time are not within the definition. Section 226.13(b)(2) has been clarified to permit the renewal or substitution of a credit card "whether such card is issued by the same or a successor card issuer." The proposed regulations issued for comment on November 24, 1970, restricted the method which must be provided by the card issuer for identification of the card user to "signature, photograph or

[3] All transactions within the exempt class of transactions in which a federally chartered institution is a creditor shall be treated as a separate class of transactions not subject to the exemption, and such federally chartered creditors shall remain subject to the requirements of the Act and administrative enforcement by the appropriate Federal authority under section 108 of the Act, unless it is established to the satisfaction of the Board that appropriate arrangements have been made with such Federal authorities to assure effective enforcement of the requirements of State laws with respect to such creditors.

fingerprint on the credit card or by electronic or mechanical confirmation." Section 226.13(d) has been modified to indicate that these are examples of acceptable identification methods but that others may be sufficient.

Section 226.13(e) has been expanded to generally indicate the information which the card issuer must provide the cardholder when he notifies him of his potential liability as required in order to hold the cardholder liable for unauthorized use. The addition emphasizes that the notice form set forth in the provision need not be used, and that the creditor may draft his own notice as long as it contains the required information. Section 226.13(c)(3) provides that in order to recover for unauthorized use, the card issuer must have provided the notice to the cardholder on the credit card or within the preceding 2 years. Section 226.13(f) provides that cardholder notice of loss, theft or possible unauthorized use "by mail, telegram, radiogram, cablegram, or other written communication shall be considered given at the time of receipt or, whether or not received, at the expiration of the time ordinarily required for transmission, whichever is the earlier." The 2-year record retention requirement contained in the proposal issued for comment has been deleted.

b. The amendment to § 226.12, and Supplement IV were adopted by the Board without following the procedures of section 553 of title V, United States Code, relating to notice, public participation, and deferred effective date. The substance of both had been previously published for comment in connection with the issuance of Supplement II dealing with exemption from disclosure and rescission provisions of the Truth in Lending Act. In view of this, such procedures would result in delay that would serve no useful purpose.

The amendment to § 226.1 was also adopted without following these procedures. Since this amendment only indicates the presence of the credit card provisions in the regulation, it involves no change in a substantive rule and further delay would serve no useful purpose.

The provisions of § 226.13 were adopted after consideration of all relevant material, including communications from interested persons. The effective date of the amendment was deferred for less than the 30-day period referred to in section 553(d) of title V, United States Code to become effective on January 25, 1971. In view of the fact that all applicable statutory provisions will be in effect on January 25, 1971, deferral beyond that date would create uncertainties as to the requirements during the interim period.

By order of the Board of Governors, January 19, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-973 Filed 1-21-71;8:51 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 9, Amdt. 12]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Manufacturer of Refined Petroleum Products for Purpose of Government Procurement; Correction

In F.R. Doc. 71-188 published on January 7, 1971 (36 F.R. 213), "Schedule F" referred to in amendment 2 should have read "Schedule G."

Dated: January 14, 1971.

EINAR JOHNSON,
Acting Administrator.

[FR Doc.71-899 Filed 1-21-71;8:48 am]

[Rev. 9, Amdt. 13]

PART 121—SMALL BUSINESS SIZE STANDARDS

Formal Procedures To Govern Proceedings of the Size Appeals Board

On November 3, 1970, there was published in the FEDERAL REGISTER (35 F.R. 16939) a notice that the Administrator of the Small Business Administration proposed to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations to provide formal rules to govern review proceedings of the Size Appeals Board.

The proposed rules were fully set forth and interested persons were given 15 days in which to file written statements, opinions, or arguments thereon.

On consideration of all relevant matter concerning the proposal, it has been determined to amend the regulation as proposed in the notice. Section 121.3-6 of Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby revised to read as follows:

§ 121.3-6 Appeals.

(a) *Organization.* The Size Appeals Board shall review appeals from size determinations made pursuant to §§ 121.3-4 and 121.3-5 and from product classifications made pursuant to §§ 121.3-8 and 121.3-10 and shall make recommendations to the Administrator whether such determinations or classifications should be affirmed, reversed, or modified. Size Appeals Board proceedings are essentially fact-finding and nonadversary in nature. The Size Appeals Board shall conduct such proceedings as it determines appropriate to enable it to discharge its duties.

(1) The Size Appeals Board shall consist of four members, to wit: The Deputy Administrator (Chairman), the Associate Administrator for Procurement and Management Assistance, the Associate Administrator for Financial Assistance, and the Assistant Administrator for Planning, Research and Analysis.

(2) Each member of the Size Appeals Board may, in writing, designate one or more alternates to serve in his stead in the event of absence or disability.

(b) *Method of appeal*—(1) *Who may appeal.* An appeal may be filed by:

(i) Any concern or other interested party which has protested the small business status of another concern pursuant to § 121.3-5 and whose protest has been denied by an Area Administrator or his delegatee;

(ii) Any concern or other interested party which has been adversely affected by a decision of an Area Administrator or his delegatee pursuant to §§ 121.3-4 and 121.3-5;

(iii) Any concern or other interested party which has been adversely affected by a decision of a Contracting Officer regarding product classification pursuant to § 121.3-8; and

(iv) The Small Business Administration Associate Administrator for the Small Business Administration program involved.

(2) *Where to appeal.* Written notices of appeal shall be addressed to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C. 20416.

(3) *Time for appeal.* (i) An appeal from a size determination or product classification by an Area Administrator, or his delegatee, may be taken at any time, except that because of the urgency of pending procurements, appeals concerning the small business status of a bidder or offerer in a pending procurement may be taken within five (5) days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a decision by an Area Administrator or his delegatee. Unless written notice of such appeal is received by the Size Appeals Board before the close of business on the fifth day, the appellant will be deemed to have waived its rights of appeal insofar as the pending procurement is concerned.

(ii) An appeal from a product classification determination by a Contracting Officer may be taken: (*a*) Not less than 10 days, exclusive of Saturdays, Sundays, and legal holidays, before bid opening day or deadline for submitting proposals or quotations, in cases wherein the bid opening date or last date to submit proposals or quotations is more than 30 days after the issuance of the invitation for bids or request for proposals or quotations, or (*b*) not less than (5) days, exclusive of Saturdays, Sundays, and legal holidays, before the bid opening day or deadline for submitting proposals or quotations, in cases wherein the bid opening date or last date to submit proposals or quotations is 30 or less days after the issuance of the invitation for bids or request for proposals or quotations, and

(iii) The timeliness of an appeal under subdivisions (i) and (ii) of this subparagraph shall be determined by the

time of receipt of the appeal by the Size Appeals Board: *Provided, however,* That an appeal received after such time limits have expired shall be deemed to be timely and shall be considered if, in the case of mailed appeals such appeal is sent by registered or certified mail and the postmark thereon indicates that the appeal would have been received within the requisite time limit but for delays beyond the control of the appellant, or in the case of telegraphed appeals, the telegram date and time line indicates that the appeal would have been received within the requisite time limit but for delays beyond the control of the appellant.

(4) *Notice of appeal.* No particular form is prescribed for the notice of appeal. However, the appellant shall submit to the Board an original and four legible copies of such notice and, to avoid time-consuming correspondence, the notice should include the following information:

(i) Name and address of concern on which the size determination was made;

(ii) The character of the determination from which the appeal is taken and its date;

(iii) If applicable, the IFB or contract number and date, and the name and address of the contracting officer;

(iv) A concise and direct statement of the reasons why the decision of an Area Administrator, or his delegatee, or Contracting Officer is alleged to be erroneous;

(v) Documentary evidence in support of such allegations; and

(vi) Action sought by the appellant.

(c) *Notice to interested parties.* The Size Appeals Board shall promptly acknowledge receipt of the Notice of Appeal and shall send a copy of such Notice of Appeal to the appropirate Area Administrator or his delegatee and to the Contracting Officer (if a pending procurement is involved). If the appellant is not the concern whose size status is in question, the Board shall also send a copy of the notice to such concern. The Board shall notify all interested parties that the appeal has been filed. The Board in its discretion may also provide any of such interested parties with copies of applicant's Notice of Appeal, or parts thereof, when the Board determines that this would be in the interest of fairness or would assist it in the performance of its functions.

(d) *Statement of interested parties.* After an appeal has been filed, any other interested parties may file with the Board a signed statement, together with four legible copies thereof, as to why the appeal should or should not be denied. Such statement shall be accompanied by appropriate evidence. Such statements and supporting evidence shall be mailed or delivered to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C. 20416, within five (5) days of the receipt of appropriate notification of appeal or other action in the proceedings unless an extension is for cause granted by the Chairman of the Size Appeals Board. If the appellant is the concern whose size status is in question, the Board will provide copies of such statements and appropriate evidence submitted in connection with the appeal or a reconsideration thereof to such appellant.

(e) *Consideration by the Size Appeals Board.* (1) The Size Appeals Board shall consider the appeal on the written submissions of the parties. The Board may also, in its discretion, conduct an oral inquiry. The Board shall promptly recommend in writing to the Administrator a proposed decision which shall state the reasons for the recommendation.

(2) Procedures in oral inquiries: In considering size appeals, and in reconsidering size appeals decisions, the Size Appeals Board may hold an oral inquiry to assist it in arriving at facts necessary in deciding the appeal. The following rules shall govern such oral inquiries:

(i) Oral inquiries may be held by the Size Appeals Board upon the request of any party to a size appeal or by the Board on its own motion. The Board will, in its discretion, determine whether an oral inquiry will be of assistance in its determination of a size appeal. The Board shall inform the party making a request for oral inquiry whether its request is granted. If the Board grants the request for an oral inquiry, it will so notify all other interested parties.

(ii) Oral inquiries held by the Board are investigative in nature and not adversary. Such inquiries shall be conducted informally in a manner which will facilitate the Board's fact-finding function and insure fairness to all participants.

(iii) Whenever the Board permits the appearance of two or more parties before it in an oral inquiry, cross-examination shall not be permitted between or among such parties; however, any party appearing in such oral inquiry may suggest questions for the Board to direct to other parties which may assist the Board in its determination of relevant facts.

(f) *Decision of the Administrator.* The Administrator's decision shall be predicated upon the entire record after giving such weight to the recommendation of the Size Appeals Board as he shall deem appropriate: *Provided, however,* That should he not concur with the recommendation of the Size Appeals Board, he shall state in writing the basis for his findings and conclusions.

(g) *Notification of final decision.* The Chairman shall promptly notify, in writing, the appellant and the other interested parties of the Administrator's decision, together with the reasons therefor.

(h) *Reconsiderations.* (1) Following any decision in a size appeals case, an interested party, within no more than five (5) business days following the decision, may petition the Board for reconsideration upon presentation of appropriate justification therefor. The petition for reconsideration to the Board may be in any form with an original and four copies. The Board will notify interested parties that a petition for reconsideration has been received.

(2) The Board shall consider the petition for reconsideration upon the statement and other evidence presented by the petitioners and any other evidence the Board, in its discretion, deems necessary.

(3) Grounds for reconsideration: Grounds for reconsideration shall be:

(i) A material error of fact in the original decision; or

(ii) Relevant information not previously considered by the Board or relevant information not previously available to any of the parties involved;

(iii) When a request for reconsideration is made by any of the interested parties, such requesting party must demonstrate to the Board that the grounds for reconsideration involve facts or information which were not previously presented to the Board through no fault or omission of such party.

(4) If the Administrator, upon considering the Board's recommendation, denies the request for reconsideration, the Board shall notify all parties. If the Administrator grants the request for reconsideration, the Board shall so notify all interested parties, setting forth a reasonable time within which the interested parties may, if appropriate, submit additional information. The Board, in its discretion, shall provide interested parties with copies of appropriate information submitted by other parties where it determines that this is necessary in the interests of fairness or to better assist the Board in performing its factfinding functions.

(5) Following its reconsideration of the matter, the Board will promptly make its recommendations to the Administrator for decision pursuant to paragraph (f) of this section.

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER (1–22–71).

Dated: January 14, 1971.

EINAR JOHNSON,
Acting Administrator.

[FR Doc.71-900 Filed 1-21-71;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10787; Amdt. 739]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment

are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (358 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Ave SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAPs, effective February 11, 1971:

New York, N.Y.—LaGuardia Airport; VOR–A, Amdt. 8; Revised.
New York, N.Y.—LaGuardia Airport; VOR–B, Amdt. 12; Revised.
New York, N.Y.—LaGuardia Airport; VOR–C, Amdt. 1; Revised.

2. Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAPs, effective February 18, 1971:

Fayetteville, N.C.—Fayetteville Municipal Airport (Grannis Field); VOR Runway 3, Amdt. 6; Revised.
Franklin, Va.—Franklin Municipal-John Beverly Rose Airport; VOR Runway 9, Amdt. 7; Revised.
Nashua, N.H.—Boire Field; VOR–A, Amdt. 7; Revised.
Panama City, Fla.—Panama City-Bay County Airport; VOR Runway 22, Amdt. 4; Revised.
Westerly, R.I.—Westerly State Airport; VOR–A, Amdt. 3; Revised.
Franklin, Va.—Franklin Municipal-John Beverly Rose Airport; VOR/DME Runway 27, Amdt. 3; Revised.
Smyrna, Tenn.—Smyrna Airport; VOR/DME Runway 32, Amdt. 1; Revised.

3. Section 97.25 is amended by establishing, revising, or canceling the following LOC–LDA SIAPs, effective February 11, 1971:

New York, N.Y.—LaGuardia Airport; LOC (BC) Runway 31, Amdt. 4; Revised.

4. Section 97.25 is amended by establishing, revising, or canceling the following LOC–LDA SIAPs, effective January 21, 1971:

Trenton, N.J.—Mercer County Airport; LOC Runway 6, Orig.; Canceled.

5. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective February 11, 1971:

New York, N.Y.—LaGuardia Airport; NDB Runway 4, Amdt. 30; Revised.
New York, N.Y.—LaGuardia Airport; NDB Runway 22, Amdt. 4; Revised.

6. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective February 18, 1971:

Fayetteville, N.C.—Fayetteville Municipal (Grannis Field); NDB Runway 3, Amdt. 4; Revised.

7. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective January 21, 1971:

Trenton, N.J.—Mercer County Airport; ILS Runway 6, Orig.; Established.

8. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs effective February 11, 1971:

New York, N.Y.—LaGuardia Airport; ILS Runway 4, Amdt. 27; Revised.
New York, N.Y.—LaGuardia Airport; ILS Runway 13, Amdt. 7; Revised.
New York, N.Y.—LaGuardia Airport; ILS Runway 22, Amdt. 6; Revised.

9. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs effective February 18, 1971:

Fayetteville, N.C.—Fayetteville Municipal (Grannis Field); ILS Runway 3, Amdt. 4; Revised.

10. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective February 18, 1971:

Pensacola, Fla.—Pensacola Municipal/Hagler Airport; Radar–1, Orig.; Established.

11. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAPs, effective February 18, 1971:

Massena, N.Y.—Richards Field; RNAV Runway 5, Amdt. 1; Revised.
Massena, N.Y.—Richards Field; RNAV Runway 23, Amdt. 1; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on January 13, 1971.

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

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.71–837 Filed 1–21–71;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–1829]

PART 13—PROHIBITED TRADE PRACTICES

American Hospital Supply Corp. and Convertors Division

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, American Hospital Supply Corp. et al., Evanston, Ill., Docket C–1829, Dec. 1, 1970]

In the Matter of American Hospital Supply Corp., a Corporation, Trading as Convertors Division

Consent order requiring an Evanston, Ill., corporation which manufactures and distributes disposable hospital products to cease manufacturing and selling certain items of wearing apparel, including nurses' caps and infants' shirts, which do not conform to the flammability standards under the Flammable Fabrics Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent American Hospital Supply Corp., a corporation, trading as Convertors Division, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling, or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondent, if it shall not have done so heretofore, notify all of its customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of such products, and effect recall of such products from said customers.

It is further ordered, That the respondent herein, if it shall not have done so heretofore, either process the products which gave rise to the complaint so as

to bring them within the applicable flammability standards of the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondent herein shall, within ten (10) days after service upon it of this order, file with the Commission an interim special report in writing setting forth the respondent's intentions as to compliance with this order. This interim report shall also advise the Commission fully and specifically concerning the identity of the products which gave rise to the complaint, (1) the number of such products in inventory, (2) any action taken and any further actions proposed to be taken to notify customers of the flammability of such products and effect recall of such products from said customers, and of the results of such actions, (3) any disposition of such products since January 1970, and (4) any action taken or proposed to be taken to flameproof or destroy such products and the results of such action. Such report shall further inform the Commission whether respondent has in inventory any fabric, product or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or combinations thereof in a weight of 2 ounces or less per square yard, of having a raised fiber surface made of cotton or rayon or combinations thereof. Respondent will submit samples of any such fabric, product or related material with this report. Samples of the fabric, product or related material shall be of no less than one square yard of material.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: December 1, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-865 Filed 1-21-71;8:45 am]

[Docket No. C-1828]

PART 13—PROHIBITED TRADE PRACTICES

B. Margaritis Furs, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, B. Margaritis Furs, Inc., et al., New York, N.Y., Docket C-1828, Dec. 1, 1970]

In the Matter of B. Margaritis Furs, Inc., a Corporation, and Gus Margaritis and Barbara Margaritis, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer of fur garments to cease and desist from misbranding, falsely invoicing and deceptively guaranteeing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents B. Margaritis Furs, Inc., a corporation, and its officers, and Gus Margaritis and Barbara Margaritis, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding any fur product by failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing any fur product by failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

It is further ordered, That respondent B. Margaritis Furs, Inc., a corporation, and its officers, and Gus Margaritis and Barbara Margaritis, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the corporate respondent shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: December 1, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-872 Filed 1-21-71;8:46 am]

[Docket No. C-1831]

PART 13—PROHIBITED TRADE PRACTICES

Robert Benedick and Robert Benedick Furs

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-35 Fur Products Labeling Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Robert Benedick et al., New York, N.Y., Docket C-1831, Dec. 1, 1970]

In the Matter of Robert Benedick, an Individual Trading as Robert Benedick Furs

Consent order requiring a New York City individual to cease misbranding, falsely invoicing, and deceptively guaranteeing his fur products.

The order to cease and desist, including futher order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Robert Benedick, individually and trading as Robert Benedick Furs or under any other trade name, and respondent's representatives, agents and employees, directly or

through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding any fur product by failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Falsely or deceptively invoicing any fur product by failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5 (b)(1) of the Fur Products Labeling Act.

3. Representing, directly or by implication on an invoice that the fur contained in such fur product is natural when such fur is pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondent Robert Benedick, individually and trading as Robert Benedick Furs or under any other trade name and respondent's representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondent has reason to believe that such fur product may be introduced, sold, transported or distributed in commerce.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: December 1, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-866 Filed 1-21-71;8:45 am]

[Docket No. C-1833]

PART 13—PROHIBITED TRADE PRACTICES

Carnation Co.

Subpart—Advertising falsely or misleadingly: § 13.45 *Content;* § 13.170 *Qualities or properties of product or service:* 13.170-64 Nutritive. Subpart—Misbranding or mislabeling: § 13.1200 *Content.* Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising:* 13.2275-70 Television depictions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Carnation Co., Los Angeles, Calif., Docket C-1833, Dec. 8, 1970]

In the Matter of Carnation Co., a corporation

Consent order requiring a major seller of food products with headquarters in Los Angeles, Calif., to cease making unwarranted nutritional claims in advertising its "Carnation Instant Breakfast."

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Carnation Co., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of Carnation Instant Breakfast, or any other product of similar composition or possessing substantially similar properties, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing the dissemination of, any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents directly or by implication that:

(a) A packet of Carnation Instant Breakfast with milk has as much or more of any specified nutrient or nutrients as is present in, or has the nutrient value of, any breakfast or any group of foods generally recognized as constituting a breakfast when such product in combination with milk does not contain as much or more of each nutrient for which a recommended dietary allowance has been established by the National Research Council as is present in such breakfast or group of foods;

(b) The amount of any nutrient or nutrients in a packet of Carnation Instant Breakfast, taken alone or in combination with milk, is comparable to the amount of such nutrient or nutrients in any food, when such food contains any other nutrient or nutrients for which a recommended dietary allowance has been established by the National Research Council, which is not present in as great or greater amounts in Carnation Instant Breakfast unless the advertisement discloses clearly, conspicuously, and prominently in close proximity thereto, that such food contains other useful nutrients not present in Carnation Instant Breakfast, or, if present, in lesser amounts than contained in such foods;

(c) The presence of any single nutrient in a packet of Carnation Instant Breakfast, either alone or in combination with milk, is comparable to the presence of such nutrient in any food unless such food is a recognized good dietary source for that nutrient;

(d) A packet of Carnation Instant Breakfast, taken either alone or in combination with milk, should be used regularly as a breakfast, lunch, supper or other meal unless the advertisement also discloses clearly, conspicuously, and prominently that for good nutrition one should eat a variety of foods;

(e) A packet of Carnation Instant Breakfast in combination with milk provides nutritive value unless the advertisement also discloses clearly, conspicuously and prominently that the milk contributes much of the nutritive value and that detailed information is on the label.

2. Disseminating, or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce directly or indirectly, the purchase of any such product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations or misrepresentations prohibited by paragraph 1 hereof.

3. Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisements which contain statements which are inconsistent with, negate or contradict any of the affirmative disclosures required by paragraph 1 of this order, or which in any way obscure the meaning of such disclosures.

4. Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any such product 9 months from the date of this order unless the label for the package as defined in Federal Fair Packaging and Labeling Act for such product discloses clearly, conspicuously, and prominently a nutrient tabulation by gram weight and percentage of Minimum Daily Requirement for those nutrients for which a Recommended Dietary Allowance has been established indicating the respective composition of such product alone, 8 ounces of whole milk, and such product mixed with 8 ounces of whole milk.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent corporation shall, within sixty (60) days after service upon it of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

Issued: December 8, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-867 Filed 1-21-71;8:46 am]

[Docket No. C-1826]

PART 13—PROHIBITED TRADE PRACTICES

Chemical Associates, Inc., et al.

Subpart—Coercing and intimidating: § 13.358 *Distributors.* Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2 (a): § 13.730 *Customer classification.* Subpart—Discriminating in price under section 5, Federal Trade Commission Act: § 13.870 *Charges and prices.* Subpart—Maintaining resale prices: § 13.1130 *Contracts and agreements.* Subpart—Securing agents or representatives by misrepresentation: § 13.2130 *Earnings;* § 13.2150 *Seller status, advantages or connections.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13) [Cease and desist order, Chemical Associates, Inc., et al., Houston, Tex., Docket C-1826, Nov. 27, 1970.]

In the Matter of Chemical Associates, Inc., a Corporation, and John R. Frey, and Donald L. Shriver, Individually and as Officers of Said Corporation

Consent order requiring a Houston, Tex., distributor of cleaning compounds, polishes, shine kits, and related products to cease fixing resale prices for its products, imposing customer, advertising, and sales outlet restrictions on its distributors, discriminating in price between competing resellers, and participating in any successive recruitment of other participants in any multi-level marketing scheme; respondents are also required to affirmatively grant customers the right to determine their own resale prices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondents Chemical Associates, Inc., a corporation, its officers, agents, representatives, divisions, employees, successors and assigns, and respondents John R. Frey, and Donald L. Shriver, individually and as officers of Chemical Associates, Inc., their agents, representatives, and employees, directly or indirectly, or through any corporate or other device in connection with the offering for sale, sale, or distribution of any goods or commodities in commerce, or in connection with any multilevel marketing program or any other kind of merchandising, marketing or sales promotion program in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Clayton Act, shall forthwith cease and desist, directly or indirectly, from:

1. Entering into, maintaining, or enforcing any contract, agreement, understanding, marketing system, or course of conduct with any dealer or distributor of any goods or commodities to do or perform or attempting to do or perform any of the following acts, practices, or things:

(a) Fix, establish or maintain the prices, discounts, rebates, overrides, commissions, fees, or other terms or conditions of sale relating to pricing upon which such goods or commodities may be resold.

(b) Require or coerce any person to enter into a contract, agreement, understanding, marketing system, or course of conduct whereby said person in turn requires or coerces third parties to adhere to a course of conduct which fixes, establishes, or maintains the prices, discounts, rebates, overrides, commissions, fees, or other terms or conditions of sale relating to pricing upon which such goods or commodities may be resold.

(c) Refrain from selling any merchandise in any quantity to any specified person, class of persons, business, or class of businesses, or through the facilities of any business, class of businesses, or other means of distribution, provided, however, that nothing in this order shall be construed or applied to prohibit respondent from making bona fide unilateral selection of respondents' customers on the basis of their own criteria and judgment, or from recommending reasonable criteria and standards to their distributors for the selection of customers, said criteria and standards not violating the letter or spirit of any of the provisions of this order.

(d) Require or coerce any person to enter into a contract, agreement, understanding, marketing system, or course of conduct whereby said person in turn requires or coerces third parties to adhere to a course of conduct requiring, inducing, or coercing any distributor to refrain from selling any merchandise in any quantity to any specified person, class of persons, business, or class of business, or through the facilities of any business, class of business, or other means of distribution.

(e) Prevent any distributor or dealer of any of corporate respondent's products from advertising either his distributorship or said products, in any media of his choosing, or preventing any distributor or dealer from employing the trade name or any of the trademarks of corporate respondent in said advertising; provided, however, respondents may take such steps as may be necessary to protect its public image and rights under the trademark and copyright laws.

(f) Require or coerce any person to enter into a contract, agreement, understanding, marketing system, or course of conduct which discriminates, directly or indirectly, in the price of any merchandise of like grade and quality by selling to any purchaser, directly or indirectly, or causing to be sold to any purchaser, at net prices higher than the net prices charged any other purchaser, who competes in the resale or distribution of such merchandise with the purchaser paying the higher price.

2. Discriminating, directly or indirectly, in the price of any merchandise of like grade and quality by selling to any purchaser at net prices higher than the net price charged any other purchaser who competes in the resale or distribution of such products with the purchaser paying the higher price, or with customers of the purchaser paying the higher price; provided, however, that nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale or delivery; and provided further that all other defenses available in law to a charge of price discrimination shall be available to the respondent company.

3. Discriminating, directly or indirectly, in the terms or conditions of sale of any merchandise of like grade and quality by selling to any purchaser upon terms or conditions of sale less favorable than the terms or conditions of sale upon which such products are sold to any other purchaser who competes in the resale of respondent's products with the purchaser who is afforded less favorable terms or conditions of sale or with a customer of the purchaser afforded the less favorable terms or conditions of sale; provided that all defenses available in law to a charge of discrimination in terms and conditions of sale shall be available to the respondent company.

4. Entering into, maintaining, or enforcing any contract, agreement, understanding, marketing system, or course of conduct with any dealer or distributor of any goods or commodities, or with any other person, to require any person to pay any sum of money to any other distributor or dealer or other person when not in exchange for any products or merchandise actually purchased.

5. Offering to pay or paying, or authorizing, suggesting or requiring the payment of any finder's fee, bonus, override, commission, cross-commission, discount, rebate, dividend or other consideration or thing of value to any participant dealer or distributor, directly or indirectly, except for and in consideration of bona fide services actually rendered to the respondent, participant, dealer or distributor paying for same, in connection with the sale or purchase of goods, wares, or merchandise, with the amount of compensation for such services rendered having a direct, actual and bona fide relationship to the services performed; provided, however, that respondents may not pay, grant, suggest or authorize the payment of anything of value to any participant, dealer or distributor for recruiting participants, dealers or distributors except as follows:

(i) The amount of said payment or other consideration may be either a sum certain or an amount based upon actual and verified retail sales to the consuming public by the recruited distributor, not exceeding six (6) months in duration; and

(ii) The recruiting or encouragement of recruiting does not contravene any of the provisions of Parts II and III of this order.

6. Requiring any of its distributors to obtain the prior approval of respondents for any advertising or promotion of the product or his distributorship when the distributors use their own funds for advertising; provided, however, that nothing contained herein shall prohibit respondents from furnishing its distributors with suggested forms of advertising which do not otherwise contravene the

law or the letter or spirit of any of the provisions of this order; and provided further respondent may take such steps as may be necessary to protect its public image and rights under the trademark and copyright laws.

7. Engaging, either as part of any contract, agreement, understanding, or courses of conduct with any distributor or dealer of any goods or commodities, or individually and unilaterally, in the the practice of:

(a) Publishing or distributing, directly or indirectly, any list, order form, report form, or promotional material which employs resale prices for such goods or commodities without stating clearly and visibly in connection therewith the following statement:

The prices quoted herein are suggested prices only. All distributors and dealers are free to determine their own resale prices.

(b) Publishing or distributing, directly or indirectly, any sales manual or instructional material which employs sample resale prices for such goods or commodities without stating clearly and visibly in connection therewith that said price upon which such goods or commodities may be resold are not binding upon the distributor or dealer.

(c) Publishing or distributing, directly or indirectly, except as may be expressly provided herein, any override whether required, recommended or suggested, to be paid by one distributor or dealer or class of distributors or dealers to any other distributor or dealer or class of distributors or dealers.

II. *It is further ordered,* That the aforesaid respondents and their officers, agents, representatives, employees, successors and assigns, in connection with the advertising, offering for sale or sale of products, franchises or distributorships, or with the seeking to induce or inducing the participation of persons, firms or corporations therefor, in connection with any multilevel marketing program or any other kind of merchandising, marketing or sales promotion program, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist, directly or indirectly, from:

1. Operating or participating in the operation or suggested operation of any program or plan wherein the financial gains to the participants, other than remuneration from the retail sales of respondent's products, is or may be dependent in any manner and to any degree upon the continued, successive recruitment of other participants, except as expressly provided herein.

2. Requiring that prospective participants or participants in respondent's said programs pay any consideration, either to respondents or to any other person, other than payment for the actual cost of reasonably necessary sales materials, and for products actually purchased in reasonable quantities, in order to participate in any manner therein.

3. Requiring, suggesting, using or participating in any multi-level marketing program, or any other kind of merchandising, marketing or sales promotion program, either directly or indirectly:

(a) Wherein any finder's fees, bonuses, overrides, commissions, cross-commissions, discounts, rebates, dividends or other compensation or profits inuring to participants therein are or may be dependent, in whole or in part, upon the element of chance dominating over the skill or judgment of the participants; or

(b) Wherein no amount of judgment or skill exercised by the participant has any appreciable effect upon any or all finder's fees, bonuses, overrides, commissions, cross-commissions, discounts, rebates, dividends or other compensation or profits which the participant may receive or be entitled to receive; or

(c) Wherein the participant is without that degree of control over the operation of such plan as to enable him to substantially affect the amount of any or all finder's fees, bonuses, overrides, commissions, cross-commissions, discount, rebates, dividends or other compensation or profits which the participant may receive or be entitled to receive.

4. Representing, directly or by implication, that participants in respondents' multi-level marketing program, or any other kind of merchandising, marketing or sales promotion program, will earn or receive, or have the potential or reasonable expectancy of earning or receiving, any stated or gross or net amount, or representing in any manner the past earnings of participants, unless in fact the past earnings represented are those of a substantial number of participants in the community or geographic area in which such representations are made, accurately reflect the average earnings of these participants under circumstances similar to those of the participant or prospective participant to whom the representations are made, and actually resulted from predominant elements of skill and judgment rather than chance.

5. Representing, directly or by implication, that it is easy for participants to recruit or retain persons who will invest or participate in respondents' multilevel marketing program or other kind of merchandising marketing or sales promotion program, either as distributors, dealers, franchisees, wholesalers or sales personnel.

It is further ordered, That respondent Chemical Associates, Inc., shall continue to offer to buy back saleable and usable merchandise purchased by any of its distributors at not less than cost less 15 percent.

III. *It is further ordered,* That respondent Chemical Associates, Inc., within sixty (60) days from the effective date of this order shall:

1. Mail or deliver a conformed copy of this order to cease and desist to all present and future distributors, sales personnel or other persons engaged in the sale or distribution of respondents' products or services, or in the participation of respondents' merchandising programs.

2. Offer distributorships or dealerships to any former distributor or dealer who was terminated or suspended by respondent corporation for the violation of any rule, regulation or policy which contravenes any of the provisions of this order.

It is further ordered, That respondents or their representatives shall orally inform all prospective participants in respondents' multi-level merchandising program or any other kind of merchandising, marketing or sales promotion program, and to provide clearly and conspicuously in all contracts of participation, that the contract may be cancelled for any reason by notification to respondents or its representatives in writing within five (5) working days from the date of execution of such contract.

It is further ordered, That the respondents herein shall within sixty (60) days of the effective date of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order, and subsequent thereto, for a period of three (3) years thereafter, provide the Commission with copies of all brochures, pamphlets, marketing plans, meeting scripts, film scripts, etc., that respondents may employ directly or indirectly in the promotion of their products.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

Issued: November 27, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-868 Filed 1-21-71;8:46 am]

[Docket No. 8642]

PART 13—PROHIBITED TRADE PRACTICES

E. C. DeWitt & Co., Inc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-52 Medicinal, therapeutic, healthful, etc.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended: 15 U.S.C. 45) [Modified order to cease and desist, E. C. DeWitt Co., Inc., New York, N.Y., Docket 8642, Dec. 15, 1970]

In the Matter of E. C. DeWitt & Co., Inc., a Corporation

Order modifying cease and desist order of December 16, 1966, 32 F.R. 380, in accordance with the final order entered "In the Matter of American Home Products Corporation," Docket No. 8641, 34 F.R. 13866, 35 F.R. 12753, by prohibiting claims that the product "DeWitt's Stainless ManZan Pile Ointment" and other pile remedies afforded any relief from pain or itching in excess of temporary

relief, and restricting the order to nonprescription drug preparations.

The modified order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered*, That respondent E. C. DeWitt & Co., Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing the dissemination of any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, in connection with the offering for sale, sale or distribution of DeWitt's Stainless ManZan Pile Ointment, ManZan Pile Ointment, DeWitt's Stainless ManZan Suppositories, or any other nonprescription drug product offered for sale for the treatment or relief of hemorrhoids or piles or any of its symptoms, which:

A. Represents directly or by implication that the use of such product will:

(1) Reduce, shrink, or afford any relief of hemorrhoidal veins themselves: *Provided, however*, That nothing contained herein shall be construed to prohibit the dissemination of any advertisement which represents that the use of such product will help reduce swelling of hemorrhoidal tissue caused by edema, infection, or inflammation, or that the use of such product will help reduce swelling of hemorrhoidal tissue by lubricating the affected area;

(2) Avoid the need for surgery as a treatment for hemorrhoids or hemorrhoidal symptoms;

(3) Heal, cure, or remove hemorrhoids;

(4) Afford any relief from pain or itching associated with hemorrhoids in excess of affording temporary relief of pain and itching of hemorrhoidal tissue in many cases;

(5) Afford any other type of relief, or have any other effect on, hemorrhoids or hemorrhoidal symptoms.

B. Contains any reference to the words "Allantoin," "benzocaine," "anesthetic," or "vasoconstrictor," or to any other ingredient either singly or in combination, unless each such ingredient is effective in the treatment or relief of hemorrhoids or any of its symptoms and unless the specific effect thereof is expressly and truthfully set forth.

II. *It is further ordered*, That respondent and its officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of DeWitt's Stainless ManZan Pile Ointment, ManZan Pile Ointment, DeWitt's Stainless ManZan Suppositories, or any other non-prescription drug product offered for sale for the treatment or relief of hemorrhoids or any of its symptoms, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph I hereof.

III. In the event that respondent at any time in the future markets any nonprescription drug preparation for the treatment or relief of hemorrhoids or any of its symptoms for which it desires to make any of the representations now prohibited under paragraph I of this order, it may petition the Commission for a modification of the order. Such petition shall be accompanied by a showing that the representation is not false or misleading within the meaning of the Federal Trade Commission Act, and, if such has been the case, that the specific representation has been accepted as part of the labeling for such product by the Secretary of the Department of Health, Education, and Welfare under the provisions of the Federal Food, Drug and Cosmetic Act as it is presently constituted or as it may hereafter be amended.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order to cease and desist.

Issued: December 15, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-869 Filed 1-21-71;8:46 am]

[Docket No. 8640]

PART 13—PROHIBITED TRADE PRACTICES

Humphreys Medicine Co., Inc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-52 Medicinal, therapeutic, healthful, etc.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, Humphreys Medicine Co., Inc., New York, N.Y., Docket 8640, Dec. 15, 1970]

In the Matter of Humphreys Medicine Co., Inc., a Corporation

Order modifying cease and desist order of December 16, 1966, 32 F.R. 381, in accordance with the final order entered "In the Matter of American Home Products Corporation," Docket No. 8641, 34 F.R. 13866, 35 F.R. 12753, by prohibiting claims that the product "Humphreys Ointment" afforded any relief from pain or itching in excess of temporary relief, and restricting the order to nonprescription drug preparations.

The modified order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered*, That respondent Humphreys Medicine Co., Inc., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing the dissemination of any advertisement by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, in connection with the offering for sale, sale or distribution of Humphreys Ointment, or any other nonprescription drug product offered for sale for the treatment or relief of hemorrhoids or piles or any of its symptoms, which:

A. Represents directly or by implication that the use of such product will:

(1) Reduce, shrink, or afford any relief of hemorrhoidal veins themselves: *Provided, however*, That nothing contained herein shall be construed to prohibit the dissemination of any advertisement which represents that the use of such product will help reduce swelling of hemorrhoidal tissue caused by edema, infection, or inflammation, or that the use of such product will help reduce swelling of hemorrhoidal tissue by lubricating the affected area;

(2) Avoid the need for surgery as a treatment for hemorrhoids or hemorrhoidal symptoms;

(3) Heal, cure, or remove hemorrhoids, or eliminate the problem of hemorrhoids;

(4) Afford any relief from pain or itching associated with hemorrhoids in excess of affording temporary relief of pain and itching of hemorrhoidal tissue in many cases;

(5) Afford any other type of relief, or have any other effect on, hemorrhoids or hemorrhoidal symptoms.

B. Contains any reference to the words "astringent" or "anesthetic," or to any other ingredient either singly or in combination, unless each such ingredient is effective in the treatment or relief of hemorrhoids or any of its symptoms and unless the specific effect thereof is expressly and truthfully set forth.

II. *It is further ordered*, That respondent and its officers, representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of Humphreys Ointment, or any other nonprescription drug product offered for sale for the treatment or relief of hemorrhoids or any of its symptoms, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph I hereof.

III. In the event that respondent at any time in the future markets any nonprescription drug preparation for the treatment or relief of hemorrhoids or any of its symptoms for which it desires to make any of the representations now prohibited under paragraph I of this order, it may petition the Commission for a modification of the order. Such petition shall be accompanied by a showing that the representation is not false or misleading within the meaning of the Federal Trade Commission Act, and, if such has been the case, that the specific representation has been accepted as part of the labeling for such product by the

Secretary of the Department of Health, Education, and Welfare under the provisions of the Federal Food, Drug and Cosmetic Act as it is presently constituted or as it may hereafter be amended.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order to cease and desist.

Issued: December 15, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-870 Filed 1-21-71;8:46 am]

[Docket No. C-1834]

PART 13—PROHIBITED TRADE PRACTICES

Malvin & Goldman et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Malvin & Goldman et al., New York, N.Y., Docket C-1834, Dec. 17, 1970]

In the Matter of Malvin & Goldman, a Partnership, and Herbert Malvin and Nathan Goldman, Individually and as Copartners Trading as Malvin & Goldman, and Formerly Trading as Eura Fur Co.

Consent order requiring a New York city firm of fur wholesalers to cease and desist from deceptively invoicing any fur product.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Malvin & Goldman, a partnership, and Herbert Malvin and Nathan Goldman, individually and as copartners trading as Malvin & Goldman or under any other name or names, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; or in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of furs, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely or deceptively invoicing any fur or fur product by failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: December 17, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-871 Filed 1-21-71;8:46 am]

[Docket No. C-1830]

PART 13—PROHIBITED TRADE PRACTICES

Mars Manufacturing Co., Inc., of Asheville, N.C., and Robert T. Bayer

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Mars Manufacturing Co., Inc. of Asheville, N.C., et al., Asheville, N.C., Docket C-1830, Dec. 1, 1970]

In the Matter of Mars Manufacturing Co., Inc. of Asheville, N.C., a Corporation, and Robert T. Bayer, Individually and as an Officer of Said Corporation

Consent order requiring an Asheville, N.C., corporation which manufactures and distributes disposable hospital products to cease manufacturing and selling certain items of wearing apparel, including nurses' caps and infants' shirts, which do not conform to the flammability standards under the Flammable Fabrics Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Mars Manufacturing Co., Inc., of Asheville, N.C., a corporation, and its officers, Robert T. Bayer, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction into commerce, or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling, or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of such products and effect recall of such products from said customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them within the applicable flammability standards of the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon it of this order, file with the Commission an interim special report in writing setting forth the respondents' intentions as to compliance with this order. This interim report shall also advise the Commisison fully and specifically concerning the identity of the products which gave rise to the complaint, (1) the amount of such products in inventory, (2) any action taken and any further actions proposed to be taken to notify customers of the flammability of such products and recall of such products from said customers, and of the results of such actions, (3) any disposition of such products since April 1970, and (4) any action taken or proposed to be taken to flameproof or destroy such products and the results of such action. Such report shall further inform the Commission whether respondents have in inventory any fabric, product or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or combinations thereof in a weight of 2 ounces or less per square yard, or having a raised fiber surface made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, product, or related material with this report. Samples of the fabric, product or related material shall be of no less than one square yard of material.

It is further ordered, That the respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the

manner and form in which they have complied with this order.

Issued: December 1, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-873 Filed 1-21-71;8:46 am]

[Docket No. C-1827]

PART 13—PROHIBITED TRADE PRACTICES

William O. Menefee et al.

Subpart—Coercing and intimidating: § 13.358 *Distributors.* Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.730 *Customer Classification.* Subpart—Discriminating in price under section 5, Federal Trade Commission Act: § 13.870 *Charges and prices.* Subpart—Maintaining resale prices: § 13.1130 *Contracts and agreements.* Subpart—Securing agents or representatives by misrepresentation: § 13.2130 *Earnings;* § 13.2150 *Seller status, advantages or connections.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13) [Cease and desist order, William O. Menefee et al., Houston, Tex., Docket C-1827, Nov. 27, 1970]

In the Matter of William O. Menefee, and William J. Southwell, Individually and as Officers of Chemical Associates, Inc.

Consent order requiring two Houston, Tex., distributors of cleaning compounds, polishes, shine kits, and related products to cease fixing resale prices for its products, imposing customer, advertising and sales outlet restrictions on its distributors, discriminating in price between competing resellers, and participating in any successive recruitment of other participants in any multilevel marketing scheme; respondents are also required to affirmatively grant customers the right to determine their own resale prices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondents William O. Menefee and William J. Southwell, individually, their agents, representatives, and employees, directly or indirectly, or through any corporate or other device in connection with the offering for sale, sale, or distribution of any goods or commodities in commerce, or in connection with any multilevel marketing program or any other kind of merchandising, marketing or sales promotion program in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Clayton Act, shall forthwith cease and desist, directly or indirectly, from:

1. Entering into, maintaining, or enforcing any contract, agreement, understanding, marketing system, or course of conduct with any dealer or distributor of any goods or commodities to do or perform or attempting to do or perform any of the following acts, practices, or things:

(a) Fix, establish or maintain the prices, discounts, rebates, overrides, commissions, fees, or other terms or conditions of sale relating to pricing upon which such goods or commodities may be resold.

(b) Require or coerce any person to enter into a contract, agreement, understanding, marketing system, or course of conduct whereby said person in turn requires or coerces third parties to adhere to a course of conduct which fixes, establishes, or maintains the prices, discounts, rebates, overrides, commissions, fees, or other terms or conditions of sale relating to pricing upon which such goods or commodities may be resold.

(c) Refrain from selling any merchandise in any quantity to any specified person, class of persons, business, or class of businesses, or through the facilities of any business, class of businesses, or other means of distribution: *Provided, however,* That nothing in this order shall be construed or applied to prohibit respondent from making bona fide unilateral selection of respondents' customers on the basis of their own criteria and judgment, or from recommending reasonable criteria and standards to their distributors for the selection of customers, said criteria and standards not violating the letter or spirit of any of the provisions of this order.

(d) Require or coerce any person to enter into a contract, agreement, understanding, marketing system, or course of conduct whereby said person in turn requires or coerces third parties to adhere to a course of conduct requiring, inducing, or coercing any distributor to refrain from selling any merchandise in any quantity to any specified person, class of persons, business, or class of business, or through the facilities of any business, class of business, or other means of distribution.

(e) Prevent any distributor or dealer of any of corporate respondent's products from advertising either his distributorship or said products, in any media or his choosing, or preventing any distributor or dealer from employing the trade name or any of the trademarks of corporate respondent in said advertising; provided, however, respondents may take such steps as may be necessary to protect its public image and rights under the trademark and copyright laws.

(f) Require or coerce any person to enter into a contract, agreement, understanding, marketing system, or course of conduct which discriminates, directly or indirectly, in the price of any merchandise of like grade and quality by selling to any purchaser, directly or indirectly, or causing to be sold to any purchaser, at net prices higher than the net prices charged any other purchaser, who competes in the resale or distribution of such merchandise with the purchaser paying the higher price.

2. Discriminating, directly or indirectly, in the price of any merchandise of like grade and quality by selling to any purchaser at net prices higher than the net price charged any other purchaser who competes in the resale or distribution of such products with the purchaser paying the higher price, or with customers of the purchaser paying the higher price: *Provided, however,* That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale or delivery: *And provided further,* That all other defenses available in law to a charge of price discrimination shall be available to the respondent company.

3. Discriminating, directly or indirectly, in the terms or conditions of sale of any merchandise of like grade and quality by selling to any purchaser upon terms or conditions of sale less favorable than the terms or conditions of sale upon which such products are sold to any other purchaser who competes in the resale of respondent's products with the purchaser who is afforded less favorable terms or conditions of sale or with a customer of the purchaser afforded the less favorable terms or conditions of sale: *Provided,* That all defenses available in law to a charge of discrimination in terms and conditions of sale shall be available to the respondent company.

4. Entering into, maintaining, or enforcing any contract, agreement, understanding, marketing system, or course of conduct with any dealer or distributor of any goods or commodities, or with any other person, to require any person to pay any sum of money to any other distributor or dealer or other person when not in exchange for any products or merchandise actually purchased.

5. Offering to pay or paying, or authorizing, suggesting or requiring the payment of any finder's fee, bonus, override, commission, cross-commission, discount, rebate, dividend or other consideration or thing of value to any participant dealer or distributor, directly or indirectly, except for and in consideration of bona fide services actually rendered to the respondent, participant, dealer or distributor paying for same, in connection with the sale or purchase of goods, wares, or merchandise, with the amount of compensation for such services rendered having a direct, actual and bona fide relationship to the services performed: *Provided, however,* That respondents may not pay, grant, suggest or authorize the payment of anything of value to any participant, dealer or distributor for recruiting participants, dealers or distributors except as follows:

(i) Said payment or other consideration is a one-time only reward for each distributor or dealer recruited;

(ii) The amount of said payment or other consideration may be either a sum certain or an amount based upon actual and verified retail sales to the consuming public by the recruited distributor, not exceeding six (6) months in duration; and

(iii) The recruiting or encouragement of recruiting does not contravene any of the provisions of Parts II and III of this order.

6. Requiring any of its distributors to obtain the prior approval of respondents for any advertising or promotion of the

product or his distributorship when the distributors use their own funds for advertising: *Provided, however,* That nothing contained herein shall prohibit respondents from furnishing its distributors with suggested forms of advertising which do not otherwise contravene the law or the letter or spirit of any of the provisions of this order; and provided further respondent may take such steps as may be necessary to protect its public image and rights under the trademark and copyright laws.

7. Engaging, either as part of any contract, agreement, understanding, or courses of conduct with any distributor or dealer of any goods or commodities, or individually and unilaterally, in the practice of:

(a) Publishing or distributing, directly or indirectly, any list, order form, report form, or promotional material which employs resale prices for such goods or commodities without stating clearly and visibly in connection therewith the following statement:

The prices quoted herein are suggested prices only. All distributors and dealers are free to determine their own resale prices.

(b) Publishing or distributing, directly or indirectly, any sales manual or instructional material which employs sample resale prices for such goods or commodities without stating clearly and visibly in connection therewith that said price upon which such goods or commodities may be resold are not binding upon the distributor or dealer.

(c) Publishing or distributing, directly or indirectly, except as may be expressly provided herein, any override whether required, recommended or suggested, to be paid by one distributor or dealer or class of distributors or dealers to any other distributor or dealer or class of distributors or dealers.

II. *It is further ordered,* That the aforesaid respondents and their officers, agents, representatives, employees, successors, and assigns, in connection with the advertising, offering for sale or sale of products, franchises or distributorships, or with the seeking to induce or inducing the participation of persons, firms or corporations therefor, in connection with any multilevel marketing program or any other kind of merchandising, marketing or sales promotion program, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist, directly or indirectly, from:

1. Operating or participating in the operation or suggested operation of any program or plan wherein the financial gains to the participants, other than remuneration from the retail sales of respondent's products, is or may be dependent in any manner and to any degree upon the continued, successive recruitment of other participants, except as expressly provided herein.

2. Requiring that prospective participants or participants in respondent's said programs pay any consideration, either to respondents or to any other person, other than payment for the actual cost of reasonably necessary sales materials, and for products actually purchased in reasonable quantities, in order to participate in any manner therein.

3. Requiring, suggesting, using or participating in any multilevel marketing program, or any other kind of merchandising, marketing or sales promotion program, either directly or indirectly:

(a) Wherein any finder's fees, bonuses, overrides, commissions, cross-commissions, discounts, rebates, dividends or other compensation or profits inuring to participants therein are or may be dependent, in whole or in part, upon the element of chance dominating over the skill or judgment of the participants; or

(b) Wherein no amount of judgment or skill exercised by the participant has any appreciable effect upon any or all finder's fees, bonuses, overrides, commissions, cross-commissions, discounts, rebates, dividends or other compensation or profits which the participant may receive or be entitled to receive; or

(c) Wherein the participant is without that degree of control over the operation of such plan as to enable him to substantially affect the amount of any or all finder's fees, bonuses, overrides, commissions, cross-commissions, discounts, rebates, dividends or other compensation or profits which the participant may receive or be entitled to receive.

4. Representing, directly or by implication, that participants in respondents' multilevel marketing program, or any other kind of merchandising, marketing or sales promotion program, will earn or receive, or have the potential or reasonable expectancy of earning or receiving, any stated or gross or net amount, or representing in any manner the past earnings of participants, unless in fact the past earnings represented are those of a substantial number of participants in the community or geographic area in which such representations are made, accurately reflect the average earnings of these participants under circumstances similar to those of the participant or prospective participant to whom the representations are made, and actually resulted from predominant elements of skill and judgment rather than chance.

5. Representing, directly or by implication, that it is easy for participants to recruit or retain persons who will invest or participate in respondents' multilevel marketing program or other kind of merchandising, marketing or sales promotion program, either as distributors, dealers, franchisees, wholesalers or sales personnel.

It is further ordered, That respondent Chemical Associates, Inc., shall continue to offer to buy back saleable and usable merchandise purchased by any of its distributors at not less than cost less 15 percent.

III. *It is further ordered,* That respondent Chemical Associates, Inc., within sixty (60) days from the effective date of this order shall:

1. Mail or deliver a conformed copy of this order to cease and desist to all present and future distributors, sales personnel or other persons engaged in the sale or distribution of respondents' products or services, or in the participation of respondents' merchandising programs.

2. Offer distributorships or dealerships to any former distributor or dealer who was terminated or suspended by respondent corporation for the violation of any rule, regulation or policy which contravenes any of the provisions of this order.

It is further ordered, That respondents or their representatives shall orally inform all prospective participants in respondents' multilevel merchandising program or any other kind of merchandising, marketing or sales promotion program, and to provide clearly and conspicuously in all contracts of participation, that the contract may be cancelled for any reason by notification to respondents or its representatives in writing within five (5) working days from the date of execution of such contract.

It is further ordered, That the respondents herein shall within sixty (60) days of the effective date of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order, and subsequent thereto, for a period of three (3) years thereafter, provide the Commission with copies of all brochures, pamphlets, marketing plans, meeting scripts, film scripts, etc., that respondents may employ directly or indirectly in the promotion of their products.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

Issued: November 27, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-874 Filed 1-21-71;8:46 am]

[Docket No. 8644]

PART 13—PROHIBITED TRADE PRACTICES

Mentholatum Co.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-52 Medicinal, therapeutic, healthful, etc.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, The Mentholatum Co., Buffalo, N.Y., Docket 8644, Dec. 15, 1970]

In the Matter of The Mentholatum Co., a Corporation

Order modifying cease and desist order of December 16, 1966, 32 F.R. 382, in accordance with the final order entered "In the Matter of American Home Products Corporation," Docket No. 8641, 34 F.R.

13866, 35 F.R. 12753, by prohibiting claims that the product "Mentholatum M.P.O. Medicated Pile Ointment" afforded any relief from pain or itching in excess of temporary relief, and restricting the order to nonprescription drug preparations.

The modified order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondent The Mentholatum Co., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing the dissemination of any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, in connection with the offering for sale, sale or distribution of Mentholatum M.P.O. Medicated Pile Ointment, or any other nonprescription drug product offered for sale for the treatment or relief of hemorrhoids or piles or any of its symptoms, which:

A. Represents directly or by implication that the use of such product will:

(1) Reduce, shrink, or afford any relief of hemorrhoidal veins themselves: *Provided, however,* That nothing contained herein shall be construed to prohibit the dissemination of any advertisement which represents that the use of such product will help reduce swelling of hemorrhoidal tissue caused by edema, infection, or inflammation, or that the use of such product will help reduce swelling of hemorrhoidal tissue by lubricating the affected area;

(2) Avoid the need for surgery as a treatment for hemorrhoids or hemorrhoidal symptoms;

(3) Heal, cure, or remove hemorrhoids, or eliminate the problem of hemorrhoids;

(4) Afford any relief from pain or itching associated with hemorrhoids in excess of affording temporary relief of pain and itching of hemorrhoidal tissue in many cases;

(5) Afford any other type of relief, or have any other effect on, hemorrhoids or hemorrhoidal symptoms.

B. Contains any reference to the words "Ephedrine Sulphate," "vasoconstrictor," "benzocaine," or "anesthetic," or to any other ingredient either singly or in combination, unless each such ingredient is effective in the treatment or relief of hemorrhoids or any of its symptoms and unless the specific effect thereof is expressly and truthfully set forth.

II. *It is further ordered,* That respondent and its officers, representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating, or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of Mentholatum M.P.O. Medicated Pile Ointment, or any other nonprescription drug product offered for sale for the treatment or relief of hemorrhoids or any of its symptoms, in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in paragraph I hereof.

III. In the event that respondent at any time in the future markets any nonprescription drug preparation for the treatment or relief of hemorrhoids or any of its symptoms for which it desires to make any of the representations now prohibited under paragraph I of this order, it may petition the Commission for a modification of the order. Such petition shall be accompanied by a showing that the representation is not false or misleading within the meaning of the Federal Trade Commission Act, and, if such has been the case, that the specific representation has been accepted as part of the labeling for such product by the Secretary of the Department of Health, Education, and Welfare under the provisions of the Federal Food, Drug and Cosmetic Act as it is presently constituted or as it may hereafter be amended.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order to cease and desist.

Issued: December 15, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-875 Filed 1-21-71;8:46 am]

[Docket No. C-1825]

PART 13—PROHIBITED TRADE PRACTICES

Nuvox Electronics Corp. and Edmond S. Sassoon

Subpart—Advertising falsely or misleadingly: § 13.245 *Specifications or standards conformance.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1595 *Condition of goods;* § 13.1680 *Manufacture or preparation;* § 13.1720 *Quantity.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Nuvox Electronics Corp. et al., New York, N.Y., Docket C-1825, Nov. 27, 1970]

In the Matter of Nuvox Electronics Corp., a Corporation, and Edmond S. Sassoon, Individually and as an Officer of Said Corporation

Consent order requiring a New York City importer and distributor of foreign transistorized radios to cease misrepresenting the number of transistors or "Solid State" devices in the radios which it sells.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Nuvox Electronics Corp., a corporation, and its officers, and Edmond S. Sassoon, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the manufacturing, advertising, offering for sale, sale or distribution of radio receiving sets, including transceivers, or any other product, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, through the use of the terms transistor or "Solid State" or any other word or phrase that any radio set contains a specified number of transistors when one or more such transistors: (1) Are dummy transistors; (2) do not perform the recognized and customary functions of radio set transistors in the detection, amplification and reception of radio signals; or (3) are used in parallel or cascade applications which do not improve the performance capabilities of such sets in the reception, detection and amplification of radio signals: *Provided however,* That nothing herein shall be construed to prohibit in connection with a statement as to the actual transistor count (computed without inclusion of transistors which do not perform the functions of detection, amplification and reception of radio signals), a further statement to the effect that the sets in addition contain one or more transistors acting as diodes or performing auxiliary or other functions when such is the fact.

2. Misrepresenting, in any manner, the number of transistors or other components in respondents' products or the functions of any such component.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent corporation notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: November 27, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-876 Filed 1-21-71;8:46 am]

[Docket No. 8682]

PART 13—PROHIBITED TRADE PRACTICES

Seeburg Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Modified order to cease and desist, The Seeburg Corp., Chicago, Ill., Docket 8682, Dec. 4, 1970]

In the Matter of The Seeburg Corp., a Corporation

Order modifying a divestiture order dated April 10, 1969, 34 F.R. 7703, pursuant to a decision of the Court of Appeals, Sixth Circuit, 425 F. 2d 124, which required the ommission of the words "and/or sale" of vending machines from paragraph D of the original order.

The modified order to cease and desist, including further order requiring report of compliance therewith, is as follows:

A. *It is ordered*, That respondent, The Seeburg Corp., a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors, and assigns, within one (1) year from the date of service of this order, shall divest absolutely and in good faith, all stock, assets, properties, rights and privileges, tangible or intangible, including but not limited to all properties, plants, machinery, equipment, trade names, contract rights, patents, trademarks, and good will acquired by The Seeburg Corp. as a result of the acquisition by The Seeburg Corp. of the assets of Cavalier Corp., together with all plants, machinery, buildings, land, improvements, equipment and other property of whatever description that has been added to or placed on the premises of the former Cavalier Corporation, so as to restore Cavalier Corp. as a going concern and effective competitor in the manufacture and sale of bottle vending machines.

B. *It is further ordered*, That pending divestiture, respondent shall not make any changes in any of the plants, machinery, buildings, equipment or other property of whatever description of the former Cavalier Corporation which shall impair its present capacity for the production, sale and distribution of vending machines, or its market value.

C. *It is further ordered*, That by such divestiture, none of the assets, properties, rights or privileges, described in paragraph A of this order, shall be sold or transferred, directly or indirectly, to any person who is at the time of the divestiture an officer, director, employee, or agent of, or under the control or direction of, The Seeburg Corp. or any subsidiary or affiliated corporations of The Seeburg Corp., or owns or controls, directly or indirectly, more than one (1) percent of the outstanding shares of common stock of The Seeburg Corp., or to any purchaser who is not approved in advance by the Federal Trade Commission.

D. *It is further ordered*, That respondent shall for a period of ten (10) years from the date of service of this order, cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, without the prior approval of the Federal Trade Commission, all or any part of the share capital of any corporation engaged in the manufacture of vending machines in the United States, or capital assets pertaining to such manufacture.

E. *It is further ordered*, That respondent shall submit to the Commission periodically, within thirty (30) days from the date of service of this order and every ninety (90) days thereafter, a report in writing setting forth its efforts and progress in carrying out the divestiture requirements of this order until all such assets have been divested with the approval of the Commission; and respondent shall submit to the Commission on the first day of each calendar year a report in writing setting forth its compliance with the cease and desist provisions of this order.

F. *It is further ordered*, That respondent notify the Commission of the names and addresses of all persons, firms, or corporations who shall express to respondent any interest in purchasing the assets to be divested under the terms of this order, within thirty (30) days after having been informed of such interest.

Issued: December 4, 1970.

By the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-877 Filed 1-21-71;8:46 am]

[Docket No. C-1824]

PART 13—PROHIBITED TRADE PRACTICES

Trans-Aire Electronics, Inc.

Subpart—Advertising falsely or misleadingly: § 13.245 *Specifications or standards conformance.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1595 *Condition of goods;* § 13.1680 *Manufacture or preparation;* § 13.1720 *Quantity.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Trans-Aire Electronics, Inc., New Hyde Park, N.Y., Docket C-1824, Nov. 27, 1970]

In the Matter of Trans-Aire Electronics, Inc., a Corporation

Consent order requiring a New Hyde Park, N.Y., importer and distributor of foreign transistorized radios to cease misrepresenting the number of transistors or "Solid State" devices in the radios which it sells.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Trans-Aire Electronics, Inc., a corporation, and its subsidiary corporation, officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the manufacturing, advertising, offering for sale, sale or distribution of radio receiving sets, including transceivers, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, through the use of the terms transistor or "Solid State" or any other word or phrase that any radio set contains a specified number of transistors when one or more such transistors: (1) Are dummy transistors; (2) do not perform the recognized and customary functions of radio set transistors in the detection, amplification and reception of radio signals; or (3) are used in parallel or cascade applications which do not improve the performance capabilities of such sets in the reception, detection and amplification of radio signals: *Provided, however*, That nothing herein shall be construed to prohibit in connection with a statement as to the actual transistor count (computed without inclusion of transistors which do not perform the functions of detection, amplification, and reception of radio signals), a further statement to the effect that the sets in addition contain one or more transistors acting as diodes or performing auxiliary or other functions when such is the fact.

2. Misrepresenting, in any manner, the number of transistors or other components in respondent's products or the functions of any such component.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That:

(a) Respondent deliver, by registered mail, a copy of this order to each of its present and future subsidiaries;

(b) Respondent provide each such subsidiary with a returnable form clearly stating its intention to conform its business practices to the requirements of this order;

(c) Respondent institute a program of continuing surveillance adequate to inform itself whether the business practices of each of its subsidiaries conform to the requirements of this order.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: November 27, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-878 Filed 1-21-71;8:47 am]

---

[1] Chairman Kirkpatrick and Commissioner Dennison did not participate for the reason oral argument was heard and the opinion and original order were issued prior to their appointment to the Commission.

[Docket No. C-1832]

PART 13—PROHIBITED TRADE PRACTICES

Yardley of London, Inc.

Subpart—Coercing and intimidating: § 13.350 *Customers or prospective customers.* Subpart—Cutting off access to customers or market: § 13.560 *Interfering with distributive outlets.* Subpart—Cutting off supplies or service: § 13.610 *Cutting off supplies or service.* Subpart—Maintaining resale prices: § 13.1140 *Cutting off supplies;* § 13.1160 *Refusal to sell.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Yardley of London, Inc., New York, N.Y., Docket C-1832, Dec. 7, 1970]

In the Matter of Yardley of London, Inc., a Corporation

Consent order requiring a New York City distributor of toiletries, perfumes, and cosmetics to cease fixing resale prices of its products, restricting persons to whom customers may resell, limiting territory in which customers may resell, reserving any firm as the exclusive sales customer of respondent, and cutting off supplies of any customer.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Yardley of London, Inc., a corporation, its officers, representatives, agents and employees, successors and assigns, directly or through any corporate or other device, in connection with the importation, manufacture, distribution, offering for sale and sale of toiletries, perfumes, and cosmetics, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Entering into, maintaining, continuing, or seeking to enforce any contract, agreement, understanding, or planned course of dealing to fix or maintain the resale prices of such products.

2. Limiting, restricting, or restraining the persons or firms to whom any customer may resell such products.

3. Limiting, restricting, or restraining the geographic area in which any customer may distribute, offer to sell, and resell such products.

4. Reserving any person or firm as the sole or exclusive customer of respondent, or seeking to prohibit any person or firm from competing with respondent in the offering for sale and sale of such products to any customer.

5. Discontinuing sales to, threatening to discontinue sales to, or seeking to cut off or foreclose sources of supply of such products to any person or firm who has lawfully acquired such products because of:

(a) The level of distribution at which he operates;

(b) The class of trade to whom he offers to sell and sells;

(c) The prices at which he distributes, offers to sell, and sells such products;

(d) The marketing or geographic area in which he distributes, offers to sell, and sells such products;

(e) The prices at which his customers offer to sell and sell such products.

Provided, however, That nothing contained herein shall be interpreted so as to prohibit respondent from entering into and enforcing in the manner authorized by law a "fair trade" resale price maintenance program, in accordance with the provisions of the Miller-Tydings Act and the McGuire Act.

It is further ordered, That respondent Yardley of London, Inc. furnish a copy of this order to all presently franchised retail outlets or other customers and to all employees, agents, or representatives engaged in sales activities, within ninety (90) days from the date hereof.

It is further ordered, That respondent Yardley of London, Inc. notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation of or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent Yardley of London, Inc. shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: December 7, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[FR Doc.71-879 Filed 1-21-71;8:47 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-22]

IMPLEMENTATION OF UNIFORM SYSTEM OF ACCOUNTING CONCERNING MANIFESTED AND ENTERED QUANTITIES OF MERCHANDISE

On June 6, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 8829). Interested persons were given an opportunity to submit written comments, suggestions or objections regarding the proposed regulations. The time for submission of such comments was extended by a notice which appeared in the FEDERAL REGISTER of July 8, 1970 (35 F.R. 10962). Representations submitted pursuant to the above notices were carefully considered and on the basis of such comments, the notice of June 6, 1970, was republished, in amended form, in the FEDERAL REGISTER of December 1, 1970 (35 F.R. 18284). Interested persons were given an opportunity to submit written comments, suggestions or objections. Representations submitted pursuant to the December 1, 1970, notice have been carefully considered.

The amendments as proposed, with minor editorial changes and the addition of a paragraph (d) to § 15.8, in order to clarify that section, are adopted as set forth below.

(R.S. 251, as amended, secs. 439, 440, 459, 460, 484, 498(a), 505, 584, 623, 624, 46 Stat. 712, as amended, 717, as amended, 722, as amended, 728, as amended, 732, as amended, 748, as amended, 759, as amended, sec. 1109, 72 Stat. 799, as amended; 5 U.S.C. 301, 19 U.S.C. 66, 1439, 1440, 1459, 1460, 1484, 1498 (a), 1505, 1584, 1623, 1624, 49 U.S.C. 1509)

Effective date. These amendments shall be effective on April 1, 1971.

[SEAL] MYLES J. AMBROSE, *Commissioner of Customs.*

Approved: January 19, 1971.

EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

In § 4.12, paragraph (a) is amended to read:

§ 4.12 Correction of manifest.

(a) (1) Vessel masters or agents shall notify the district director on Customs Form 5931 of shortages (merchandise manifested, but not found) or overages (merchandise found, but not manifested) of merchandise.

(2) Shortages shall be reported to the district director by the master or agent of the vessel by endorsement on the importer's claim for shortage on Customs Form 5931 as provided for in § 15.8(a)(2) of this chapter or within 30 days after the date of entry of the vessel, whichever is later. Satisfactory evidence to support the claim of nonimportation [23] or of proper disposition, or other corrective action (see § 4.34) shall be obtained by the master or agent and shall be retained in the carrier's file for 1 year.

(3) Overages shall be reported to the district director within 30 days after the date of entry of the vessel by completion of a post entry [24] or suitable explanation of corrective action (see § 4.34) on the Customs Form 5931.

(4) The district director shall advise the master or agent only of those discrepancies which are not timely reported by the master or agent. The master or agent shall satisfactorily resolve the matter within 30 days.

(5) Unless the required notification and explanation is made timely and the district director is satisfied that the discrepancies resulted from clerical error or other mistake and that there has been no loss of revenue (and in the case of a discrepancy not initially reported by the master or agent that there was a valid reason for the failure to so report), applicable penalties under section 584, Tariff Act of 1930, as amended, shall be assessed (see § 23.23 of this chapter). For the purpose of assessing such penalties, the value of the merchandise shall be determined as prescribed in § 23.12 of

this chapter. The fact that the master or owner had no knowledge of a discrepancy shall not relieve him from the penalty.

* * * * *

PART 6—AIR COMMERCE REGULATIONS

In § 6.7, paragraph (h) is amended to read:

§ 6.7 Documents for entry.

* * * * *

(h) The provisions of sections 440[22] and 584[23], Tariff Act of 1930, as amended, relate, respectively, to post entry for correction of, and to penalties for falsity or lack of, a manifest. Those provisions are applicable to aircraft arriving from a place outside the United States with merchandise and unaccompanied baggage for which a manifest is required to be filed. The time limitations and the requirements for notification set forth in § 4.12 of this chapter with respect to the correction of vessel manifests are applicable to the correction of aircraft manifests. Post entry to add to a manifest any merchandise omitted from, or which does not agree with, the manifest may be made by the airline on a separate copy of the cargo manifest form marked or stamped "Post Entry." Correction of a manifest to delete merchandise not found on board the aircraft at the time of arrival may be made by submission of a separate copy of the cargo manifest form marked or stamped "Shortage Declaration." Such copies shall list the merchandise involved, state the reasons for the discrepancy, and bear a signed declaration of the aircraft commander or an authorized agent reading, "I declare to the best of my knowledge and belief that the overages or shortages described herein occurred for the reasons stated. I also certify that evidence to support a claim of nonimportation of the merchandise, proper disposition elsewhere or other corrective action will be retained in the carrier's files for a period of at least 1 year and will be made available to Customs on demand." If a copy of the cargo manifest is not so used, Customs Form 5931 shall be used for corrections of the manifest. Unless the required notification and explanation are made timely and the district director is satisfied that the discrepancies resulted from clerical error or other mistake and that there has been no loss to the revenue (and in the case of a discrepancy not initially reported by the master or agent that there was a valid reason for the failure to so report), applicable penalties under section 584, Tariff Act of 1930, as amended, shall be assessed. For the purpose of assessing such penalties, the value of the merchandise shall be determined as prescribed in § 23.12 of this chapter. The fact that the aircraft commander or owner had no knowledge of a discrepancy shall not relieve him from the penalty.

(Sec. 644, 46 Stat. 766, sec. 1109, 72 Stat. 799; 19 U.S.C. 1644, 49 U.S.C. 1509)

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

In § 8.28, paragraph (b) is amended to read:

§ 8.28 Release under bond; deposit of estimated duties; permit.

* * * * *

(b) The estimated duties, if any, having been deposited as required by section 505, Tariff Act of 1930[32] and the bond filed, an authorization for delivery on Customs Form 7501–A shall be issued and delivered to the importer or his agent, to be by him sent to the inspector in charge of the merchandise, who shall authorize the carrier to deliver that part of the merchandise not designated for examination, and which the carrier has retained under the provisions of section 499, Tariff Act of 1930, as amended, with discrepancies between the invoiced-entered quantities and the quantities delivered to the consignee by the carrier accounted for in accordance with the provisions of § 15.8 of this chapter: *Provided*, That the district director may authorize an examining officer to release both examined and unexamined packages in a shipment examined by such officer at a place not in charge of a Customs officer when this can be done without any real interference with the performance of the examining officer's regular duties.

* * * * *

(Secs. 484, 505, 623, 46 Stat. 722, as amended, 732, as amended, 759, as amended; 19 U.S.C. 1484, 1505, 1623)

PART 15—RELIEF FROM DUTIES ON MERCHANDISE LOST, STOLEN, DESTROYED, INJURED, ABANDONED, OR SHORT-SHIPPED

Section 15.8 is amended to read:

§ 15.8 Shortages in invoiced or entered quantities of merchandise; lost packages, deficiencies in contents of packages, definition of "permitted" merchandise.

(a) (1) An importer will be allowed to file a consumption or warehouse entry for less than the invoiced and manifested amount of merchandise where the number of packages of merchandise "permitted" and delivered to him by the carrier, under the immediate delivery provisions of § 8.59 of this chapter, is less than the amount invoiced and manifested, provided there is filed with the entry a Customs Form 5931, in triplicate, executed by both the importer and the importing carrier or bonded carrier, and the said carrier declares therein that the missing package(s) were not available for release by the carrier within the provisions of 19 U.S.C. 1448(a).

(2) Allowance shall be made in the assessment of duties for lost or missing packages of merchandise included in an entry whenever it is established to the satisfaction of the district director of Customs before the liquidation of the entry becomes final that the merchandise claimed to be lost or missing was not permitted (see paragraph (c) of this section). A claim for such allowance must be made on Customs Form 5931, in triplicate, executed by the importer and the importing carrier or bonded carrier, as appropriate. Where the importing or bonded carrier refuses to execute the Form 5931, a claim may be allowed if the importer properly executes the Form 5931 and attaches copies of the dock receipt or other document evidencing nonreceipt of the missing or lost packages. When there is a difference between the quantities shown on an importing carrier's manifest and the quantity permitted to the importer, duties or liquidated damages shall be assessed under the provisions of 19 U.S.C. 1448 or the provisions of the carrier's bond, unless the carrier corrects his manifest (see § 4.12 of this chapter). Liquidated damages for lost or missing packages shall be assessed against a bonded common carrier in accordance with § 18.8 of this chapter.

(3) An allowance shall be made in the assessment of duties for deficiencies in a package or packages when:

(i) The importer files a Customs Form 5931, in triplicate, executed by the importer alone, where the claim is made that the shortage was concealed and the district director satisfies himself as to the validity of the claims; or

(ii) In the case of unconcealed shortages, the importer files a Customs Form 5931, in triplicate, executed by both the importer and the importing carrier.

(b) Allowance for deficiency in any examination package reported to the district director by a Customs officer shall be made in the liquidation of the entry, but no Customs officer except one making an examination contemplated by section 499, Tariff Act of 1930, as amended, shall report a supposed deficiency to the district director unless it is established to the satisfaction of the reporting officer that the merchandise was not imported.

(c) Merchandise is "permitted" when Customs has authorized the carrier to make delivery to the consignee or subsequent carrier and

(1) These parties in interest, or their agents, have made a joint determination of quantities; or

(2) The carrier, at its option, independently declares the quantity to be permitted by Customs by:

(i) Furnishing a signed statement to Customs that at least 4 days have elapsed since the consignee or his agent was notified that Customs had authorized delivery, that the merchandise was and is available for delivery, and that a determination of quantity of merchandise available for delivery has been made, indicating the date on which the said determination was made; and

(ii) By filing the said statement no later than the close of business on the next working day after such determination has been made.

(d) Such joint determination or independent determination, as set forth in paragraph (c) (1) or (2) of this section, shall not result in the carrier's being liable for duty with respect to an amount greater than the amount of any discrepancy between the manifested quantity and the jointly determined or independently determined quantity.

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

In § 18.2, paragraph (b) is amended to read:

§ 18.2 Receipt by carrier; manifest.

* * * * *

(b) A manifest, Customs Form 7512, containing a description of the merchandise shall be prepared by the carrier or shipper and signed by the agent of the carrier whenever merchandise is being transported in bond. All copies of the in bond manifest shall be signed by the importing carrier or his agent and the in bond carrier or his agent to indicate the quantity delivered for transportation in bond. When there is no discrepancy between the quantity manifested by the importing carrier and the quantity delivered to the in bond carrier, the district director may authorize waiving the signatures of the parties in interest as to delivered quantities. Except as prescribed in Subpart D of Part 123 of this chapter, relating to merchandise in transit through the United States between ports in contiguous foreign territory, a separate set shall be prepared for each entry and, if the consignment is contained in more than one conveyance, a separate set shall be prepared for each conveyance.

* * * * *

In § 18.6 paragraphs (b) and (c) are amended to read:

§ 18.6 Short shipments; shortages; entry and allowance.

* * * * *

(b) When there is a shortage of one or more packages or nondelivery of an entire shipment, and inquiry by the carrier discloses that the merchandise has been delivered directly to the consignee, entry therefor may be accepted if the merchandise can be recovered intact without any of the packages having been opened. In such cases, any shortage from the invoice quantity shall be presumed to have occurred while the merchandise was in the possession of the bonded carrier.

(c) If the merchandise cannot be recovered intact, as above specified, entry shall not be accepted and there shall be sent to the initial bonded carrier a demand for liquidated damages on Customs Form 5955–A, in the case of nondelivery of an entire shipment, or on Customs Form 5931, in the case of a partial shortage.

* * * * *

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

In Part 123, § 123.9 is added as follows:

§ 123.9 Correction of manifest.

(a) *Provisions applicable.* The provisions of sections 440 and 584, Tariff Act of 1930, as amended (19 U.S.C. 1440 and 1584), relate, respectively, to post entry for correction of, and to penalties for falsity or lack of, a manifest. Those provisions are applicable to all vehicles and to vessels of less than 5 net tons arriving from a place outside the United States and required to file a manifest. The time limitations, requirement for notification, and the penalty provisions set forth in § 4.12 of this chapter with respect to the correction of vessel manifests are applicable to the correction of manifests of all vehicles and of vessels of less than 5 net tons arriving from a contiguous country otherwise than by sea.

(b) *Report of discrepancies.* Post entry to add to a manifest any merchandise omitted from, or which does not agree with, the manifest may be made on a separate copy of the cargo manifest form marked or stamped "Post Entry." Correction of a manifest to delete merchandise not found on the vehicle or vessel at the time of arrival may be made by submission of a separate copy of the cargo manifest form marked or stamped "Shortage Declaration." Such copies shall list the merchandise involved and state the reasons for the discrepancy. If a copy of the cargo manifest is not so used, Customs Form 5931 shall be used for corrections of the manifest.

(c) *Statement on manifest required.* The Post Entry or Shortage Declaration shall bear a signed statement of the person in charge of the vehicle or vessel, or an authorized agent, reading, "I declare to the best of my knowledge and belief that the overage or shortage described herein occurred for the reasons stated. I also certify that evidence to support a claim of nonimportation or proper disposition of merchandise will be retained in the carrier's files for a period of at least 1 year and will be made available to Customs on demand."

[FR Doc.71-930 Filed 1-21-71;8:50 am]

[T.D. 71-15]

PART 174—PROTESTS

Administrative Review

Correction

In F.R. Doc. 71-680 appearing on page 778 in the issue for Saturday, January 16, 1971, the word "or" in the last line of § 174.12(d) should be deleted.

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 728—HOTEL AND MOTEL INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp. p. 1004), and by means of Administrative Orders No. 613 (35 F.R. 6436), and No. 617 (35 F.R. 16479), the Secretary of Labor appointed and convened Industry Committee No. 97–A for the Hotel and Motel Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

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

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511, 18, the recommendations of Industry Committee No. 97–A are hereby published, to be effective February 3, 1971, in this order amending § 728.2 of Title 29, Code of Federal Regulations.

As amended, § 728.2 reads as follows:

§ 728.2 Wage rates.

* * * * *

(a) *Hotels, motels, apartment hotels, and tourist courts with 100 or more sleeping rooms classification.* (1) The minimum wage for this classification is $1.60 an hour.

* * * * *

(b) *Arts and crafts workers in hotels, motels, apartment hotels, and tourist courts with fewer than 100 sleeping rooms classification.* (1) The minimum wage for this classification is $1.60 an hour.

* * * * *

(c) *Other workers in hotels, motels, apartment hotels, and tourist courts with fewer than 100 sleeping rooms classification.* (1) The minimum wage for this classification is $1.55 an hour.

* * * * *

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

Signed at Washington, D.C., this 18th day of January 1971.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, Department of Labor.

[FR Doc.71-893 Filed 1-21-71;8:48 am]

PART 729—RESTAURANT AND FOOD SERVICE INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp. p. 1004), and by means of Administrative Orders No. 613 (35 F.R. 6436), and No. 617 (35 F.R. 16479), the Secretary of Labor appointed and convened Industry Committee No. 97–B for the Restaurant and Food Service Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

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

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 97–B are hereby published, to be effective February 3, 1971, in this order amending § 729.2 of Title 29, Code of Federal Regulations.

As amended, § 729.2 reads as follows:

§ 729.2 **Wage rates.**

* * * * *

(a) *Tipped employee classification.* (1) The minimum wage for this classification is $1.60 an hour.

* * * * *

(b) *Other employees classification.* (1) The minimum wage for this classification is $1.50 an hour.

* * * * *

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

Signed at Washington, D.C., this 18th day of January 1971.

ROBERT D. MORAN,
Administrator, Wage and Hour Division, Department of Labor.

[FR Doc.71–894 Filed 1–21–71;8:48 am]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Certain Wildlife Refuges in Southeast United States

The following special regulations are issued and are effective on the date of publication in the FEDERAL REGISTER (1–22–71).

§ 33.5 **Special regulations; sport fishing; for individual wildlife refuge areas.**

ARKANSAS

HOLLA BEND NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on all waters of Holla Bend National Wildlife Refuge. Sport fishing shall be in accordance with all applicable State and Federal regulations covering the fishing, subject to the following special conditions:

(1) Fishing is permitted only during the period March 15 through September 30, daylight hours only.

WAPANOCCA NATIONAL WILDLIFE REFUGE

Sport fishing on the Wapanocca National Wildlife Refuge, Turrell, Ark., is permitted on Wapanocca Lake and other areas as designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from April 1, 1971, through October 15, 1971.

(2) Fishing permitted during daylight hours only.

(3) Motors larger than 10 horsepower are prohibited. No boats are allowed in the woody ponds area on the south side of the refuge.

(4) The use of jug, drop, or trotlines are prohibited.

(5) The use of live carp, shad, buffalo, and goldfish for bait are prohibited.

(6) No fishing permitted within 100 yards of the bridge, water control structure, and boat dock which is located behind the refuge headquarters.

WHITE RIVER NATIONAL WILDLIFE REFUGE

Sport fishing on the White River National Wildlife Refuge, DeWitt, Ark., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 2,592 acres are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1971, through October 31, 1971.

(2) Boats without owner's name plate affixed in a conspicuous place may not be left overnight.

(3) Taking of frogs is prohibited.

(4) All fishermen must exhibit their fishing license, fish, and vehicle and boat contents to Federal and State officers upon request.

LOUISIANA

CATAHOULA NATIONAL WILDLIFE REFUGE

Sport fishing on the Catahoula National Wildlife Refuge, Jonesville, La., is permitted only on the area designated by signs as open to fishing. The open area, comprising the main channel of Cowpen Bayou is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 28, 1971, through October 31, 1971.

(2) Fishing permitted from 30 minutes before sunrise to 30 minutes after sunset.

(3) No outboard motors, either gasoline or electric, will be permitted.

(4) Boats may not be left in the refuge overnight.

(5) No camping or campfires permitted.

(6) No firearms permitted on the refuge.

DELTA NATIONAL WILDLIFE REFUGE

Sport fishing on the Delta National Wildlife Refuge, Venice, La., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising approximately 48,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge shall be closed during the waterfowl hunting season.

(2) Fishing permitted during daylight hours only.

(3) Air-thrust boats are prohibited.

LACASSINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacassine National Wildlife Refuge, Lake Arthur, La., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 28,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 1, 1971, through October 15, 1971.

(2) No person may possess more than the daily creel limit allowed by State regulations.

(3) Fishing permitted from 45 minutes before sunrise to 45 minutes after sunset.

(4) Entry to Lacassine Pool restricted to four roller-ways provided.

(5) Boats may not be left inside the refuge overnight.

(6) Boats with outboard motors no larger than 20 hp. permitted in Lacassine Pool. No size restrictions on boats and motors in the canals and streams.

SABINE NATIONAL WILDLIFE REFUGE

Sport game fishing on the Sabine National Wildlife Refuge, Sulphur, La., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 40,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport game fishing season on the refuge extends from March 1, 1971, through October 15, 1971.

(2) No person may possess more than the daily creel limit allowed by State regulations.

(3) Fishermen must not enter refuge waters earlier than 45 minutes before sunrise and shall leave refuge waters by 45 minutes after sunset.

(4) Boats may be moored only at designated areas in Pool 1b or Pool 3. Boats left at these mooring sites must bear owner's name and address. Boats found moored outside designated areas or without required identification will be removed to refuge headquarters. All boats must be removed from the refuge prior to the close of the fishing season.

(5) Boats may not be dragged across levees for access to pool acres. Travel over the refuge is restricted to waterways. Fishermen are not to walk canal banks or levees except in Pool 1b. Boat access into Pool 1b is restricted to bridge sites on Road Canal.

(6) Boats with outboard motors not larger than 10 horsepower permitted in refuge lakes and impoundments. No size restrictions on boats and motors in the canals and bayous.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Noxubee National Wildlife Refuge, Brooksville, Miss., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,892 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season extends from March 1 through October 31, 1971, on Ross Branch Reservoir, Bluff and Loakfoma Lakes, Keaton Tower Pond, Parker and Pete Sloughs, Cypress, Jones, and Octoc Creeks, and Noxubee River. Road borrow pits and Betts Ponds are open year-round.

(2) A daily permit (50 cents) is required by the Mississippi State Game and Fish Commission to fish in Bluff and Loakfoma Lakes, and tailwaters of the spillways.

(3) Fishing permitted during daylight hours only.

(4) Snag lines prohibited.

NORTH CAROLINA

MACKAY ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Mackay Island National Wildlife Refuge, N.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 720 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1971, through October 17, 1971. Fishing is permitted in Corey's Ditch and in the canal adjacent to the Knotts Island Causeway on a year-round basis, for bank fishing only.

(2) Fishing permitted during daylight hours only.

(3) Use of airboats prohibited.

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Sport fishing on the Mattamuskeet National Wildlife Refuge, New Holland, N.C., is permitted in all areas except those designated by signs as closed areas. Open areas, comprising 40,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from January 17, 1971, through the day before the opening of the 1971 waterfowl hunting season.

(2) As an exception to (1) above, the following areas are open to bank fishing during the entire year:

(a) 100 yards on each side of the road right-of-way on State Highway 94 which crosses the lake.

(b) In the immediate vicinity of the Lake Landing water control structure.

(c) In the immediate vicinity of the Outfall Canal water control structure at Mattamuskeet Lodge.

(3) Herring dipping will be permitted from February 15, 1971, to May 1, 1971, from the canal banks and water control structures in the immediate vicinity of the following locations only: Thursday and Sunday excluded.

(a) Waupoppin Canal Control Structure—daylight hours only.

(b) Outfall Canal Control Structure—daylight hours only.

(c) Lake Landing Canal Control Structure—24 hours a day.

(4) Boats and outboard motors are permitted. Airboats prohibited. Certain areas will be posted as closed to motorboats to prevent disturbance in prime spawning areas and damage to unstable canal banks.

(5) Certain areas will be posted as closed areas both prior to and after the waterfowl hunting season to permit banding of migratory waterfowl.

PEE DEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Pee Dee National Wildlife Refuge, Wadesboro, N.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 8 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from April 1, 1971, through September 30, 1971.

(2) Bank fishing only is allowed.

(3) Fishing permitted during daylight hours only.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Bulls Island Unit of the Cape Romain National Wildlife Refuge, McClellanville, S.C. is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 610 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1971, through September 30, 1971.

(2) Fishing permitted during daylight hours only.

(3) Boats with electric motors permitted; gasoline powered engines prohibited.

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Sport fishing on the Carolina Sandhills National Wildlife Refuge, McBee, S.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 128 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from January 1, 1971, through December 31, 1971, on Lake Bee; from March 15, 1971 through October 15, 1971, on Martin's Lake, Lake 16, Lake 17, Pools A, B, C, D, G, and H, and the Black Creek Bridge areas on Wire Road, State Road 33, State Road 145, and U.S. Highway No. 1.

(2) Fishing permitted from one-half hour before official local sunrise until one-half hour after official local sunset.

(3) Boats with electric motors permitted only in Lake Bee, Lake 16, Lake 17, and Martin's Lake. Other type motors prohibited. The other areas are open only for bank fishing.

(4) Alcoholic beverages prohibited.

(5) All boats and fishermen must remain at least 30 feet away from wood duck nesting boxes or goose nesting areas. Nesting areas in Martin's Lake are closed and posted with Closed Area signs.

SANTEE NATIONAL WILDLIFE REFUGE

Sport fishing is permitted in accordance with all applicable State regulations on all refuge controlled areas of Lake Marion and Moultrie, except that the following special conditions shall apply to Jack's Creek, Dingle Pond Taw Caw Creek, Potato Creek, and Pinopolis Pool Impoundments (hatcheries) and areas behind dikes maintained on the Cuddo, and Pine Island Units of the refuge. For further information contact the Refuge Manager, Santee National Wildlife Refuge, Post Office Box 158, Summerton, SC 29148 or the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323.

(1) Sport fishing in the above mentioned impoundments (hatcheries) extends from March 15, 1971, through October 31, 1971, both dates inclusive.

(2) Fishing is permitted during daylight hours only.

(3) Only boats without motors and engines are permitted.

(4) Boats must be removed from these refuge impoundments at the close of each day.

(5) Areas behind dikes maintained on the Cuddo and Pine Island Units of the refuge are closed to fishing.

TENNESSEE

CROSS CREEKS NATIONAL WILDLIFE REFUGE

Sport fishing on the Cross Creeks National Wildlife Refuge, Dover, Tenn., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 4,050 acres, are delineated on a map that is available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions.

(1) The sport fishing season is open 24 hours per day year-round on Barkley Lake. The open season for Elk and South Cross Creek Reservoirs and the 15 smaller ponds extends from April 1 through September 15. Fishermen are permitted on the refuge bodies of water only from 30 minutes before sunrise to 30 minutes after sunset.

(2) Boats powered by outboard motors of 5 horsepower or less are permitted on Elk and South Cross Creek Reservoirs. Motor size is not restricted on Barkley Lake. Motors are not permitted in other refuge waters open to fishing.

(3) Fishermen must follow designated routes of travel while on the refuge, and use the parking areas as provided.

(4) All State regulations must be obeyed while fishing on refuge reservoirs as well as that portion of Barkley Lake within the refuge. Fishing license must be carried on the person to be exhibited to Federal or State officers upon request. No special refuge permit is required.

HATCHIE NATIONAL WILDLIFE REFUGE

Sport fishing on the Hatchie National Wildlife Refuge, Brownsville, Tenn., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 100 acres, are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from April 1, 1971, through October 15, 1971.

(2) Fishing permitted during daylight hours only.

(3) Outboard motors prohibited.

(4) Methods of fishing are limited to pole and line, or rod and reel, using natural of artificial baits.

(5) Vehicles may be used on refuge roads and trails to reach fishing area.

(6) Footpaths may be used to reach all lakes from Hatchie River.

(7) Firearms prohibited.

(8) Boats must be removed from refuge no later than October 22, 1971.

LAKE ISOM NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Isom National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 750 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1971, through September 30, 1971; sunrise to sunset.

(2) Boats with outboard motors and inboard motors of not more than 6 horsepower may be used.

REELFOOT NATIONAL WILDLIFE REFUGE

Sport fishing on the Reelfoot National Wildlife Refuge, Tenn., is permitted only on the area designated by signs as open to fishing. These open areas, comprising 9,092 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions;

(1) The sport fishing season on the refuge extends from the date of this publication through October 23, 1971, except that portion of the refuge located south of Upper Blue Basin remains open until the day preceeding opening of the 1971 goose season.

(2) Boats with outboard motors and inboard motors of not more than 10 horsepower may be used.

VIRGINIA

MACKAY ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Mackay Island National Wildlife Refuge, Va., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 720 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, GA 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1971, through October 17, 1971. Fishing is permitted in Corey's Ditch in the canal adjacent to the Knotts Island Causeway on a year-round basis for bank fishing only.

(2) Fishing permitted during daylight hours only.

(3) Use of airboats prohibited.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1971.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 14, 1971.

[FR Doc.71-881 Filed 1-21-71;8:47 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 33]

BLACKWATER NATIONAL WILDLIFE REFUGE, MD.

Sport Fishing

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927 as amended; 16 U.S.C. 668dd), it is proposed to amend 50 CFR Part 33 by the addition of Blackwater National Wildlife Refuge, Md., to the list of areas open to sport fishing and crabbing, as legislatively permitted.

It has been determined that regulated sport fishing and crabbing may be permitted as designated on the Blackwater National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to the proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 33.4 is amended by the following addition:

§ 33.4 List of open areas; sport fishing.

* * * * *

MARYLAND

Blackwater National Wildlife Refuge.

* * * * *

SPENCER H. SMITH,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 19, 1971.

[FR Doc.71-896 Filed 1-21-71;8:48 am]

National Park Service

[36 CFR Part 6]

ISLE ROYALE NATIONAL PARK, MICH.

Motor Vessel Transportation

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), the Act of August 8, 1953 (67 Stat. 495, 16 U.S.C. sec 1b), and the Act of March 3, 1931 (46 Stat. 1514, 16 U.S.C. 408), it is proposed to amend § 6.5 of Title 36, Part 6, of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to increase rates for transportation on Government-owned vessels operated by Isle Royale National Park between Houghton, Mich., and the park.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an oportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Superintendent, Isle Royale National Park, 87 North Ripley Street, Houghton, MI 49931, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Subparagraphs (1) and (2) of paragraph (a) of § 6.5 are amended to read as follows:

§ 6.5 Motor vessel transportation.

(a) *Isle Royale National Park.* (1) Transportation services between Houghton, Mich., and Isle Royale National Park, Mich., rendered aboard Government-owned vessels, shall be charged for at the following rates:

Personal transportation—one way: $10; round trip: $20.

Transportation of boats up to 14 feet in length—one way: $7; round trip: $14.

Transportation of boats over 14 feet but not exceeding 17 feet in length—one way: $13; round trip: $26.

Transportation of boats over 17 feet but limited to 20 feet in length—one way: $20; round trip: $40.

Canoes—one way: $5; round trip: $10.

Outboard motors not attached to boat—one way: $3; round trip: $6.

(2) Personal transportation for children between the ages of 5 through 15, inclusive, will be one-half of the rates mentioned in subparagraph (1) of this paragraph for comparable service. No charge will be made for children under the age of 5. Family groups consisting of parents (or a parent) and dependent children shall be entitled to a special group rate not to exceed $50 round trip or $25 one way.

* * * * *

Dated: January 14, 1971.

EDWARD A. HUMMEL,
Acting Director, National Park Service.

[FR Doc.71-882 Filed 1-21-71;8:47 am]

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 5)]

ALLOCATIONS OF CRUDE OIL BASED ON LOW-SULPHUR RESIDUAL FUEL OIL; DISTRICT V

Notice of Proposed Rule Making

In 1967, section 11A was added to Oil Import Regulation 1 (Revision 5), to provide for the making of allocations of imports of crude oil for an interim period to encourage the manufacture of low sulphur residual fuel oil to be used as fuel to meet requirements imposed in areas of District V to control air pollution. Subsequently, section 11A was made effective for additional periods of time. At present, section 11A provides for the making of allocations based on the production of low sulphur residual fuel oil during the period ending March 31, 1971. In the light of experience under section 11A, it is proposed, by amending section 11A to read as set forth below, to make the section effective without any limitation as to time. Final action upon this proposal will be subject to the concurrence of the Director, Office of Emergency Preparedness.

Interested persons are invited to submit written comments upon the proposal to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240, within a period of thirty (30) days from the date of publication of the notice in the FEDERAL REGISTER. Each person who submits comments is asked to provide fifteen (15) copies.

RALPH W. SNYDER, Jr.,
Acting Administrator, Oil Import Administration.

JANUARY 20, 1971.

Amend section 11A of Oil Import Regulation 1 (Revision 5) to read as follows:

Sec. 11A Allocations of crude oil—District V—based upon production of low sulphur residual fuel oil to be used as fuel in District V.

(a) This section provides for the making of allocations of imports into District V of crude oil based upon the production of low sulphur residual fuel oil. To the extent that the provisions of this section are inconsistent with the provisions of other sections of this regulation, the provisions of this section shall be controlling.

(b) In addition to the allocations of crude oil and unfinished oils made under section 11 of the regulation, each eligible applicant with refinery capacity in District V who produces in District V low sulphur residual fuel oil to be used as fuel which contains not more than five-tenths of one percent (0.5%) sulphur by weight and which is delivered to consumers for use as fuel in order to comply with governmental requirements respecting air pollution shall receive an allocation of imports of crude oil equal to the amount in barrels of such low sulphur residual fuel oil to which the person certifies both as to production and delivery.

(c) For the purpose of computing import allocations under section 11 of this regulation, crude oil imported pursuant to an allocation under this section 11A or domestic oil received in exchange pursuant to the provisions of section 17 and

processed will not qualify as refinery inputs. However, the person receiving the foreign crude oil under an exchange agreement pursuant to section 17 may count such oil as a refinery input.

(d) Applications for allocations may be filed at any time. To apply for an allocation of imports under this section, an application must be filed with the Administrator in such form as he may prescribe. Each license issued under an allocation made pursuant to this section shall expire 6 months after the date on which the license is issued.

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

[FR Doc.71-960 Filed 1-20-71;12:40 pm]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Part 178]

[Docket No. HM-75; Notice 71-2]

TRANSPORTATION OF HAZARDOUS MATERIALS

Quenching of Steel Cylinders

The Hazardous Materials Regulations Board is considering amending §§ 178.37, 178.44, and 178.58 of the Department's Hazardous Materials Regulations to permit the quenching of specifications 3AA, 3AAX, 3HT, and 4DA cylinders by suitable fluids other than oil.

This proposal is based, in part, on a petition submitted by the Bureau of Explosives (AAR) recommending that the specified heat treatment requirements be supplemented by providing for the use of a quenchant, other than oil and molten salt bath, that possesses cooling rates comparable to oil quenching rates. Supporting data submitted and on file with the Board have established that high pressure cylinders made of certain steels can be effectively and satisfactorily heat treated with an aqueous-based fluid to produce physical properties equivalent to or greater than those obtained by oil quenching. Water is also being proposed as a quenching medium and has been accepted as the base for which quenchant cooling rates are to be compared. It is the Board's understanding that the petroleum oils currently employed as quenchants have cooling rates of 80 percent or less than that of water. To accommodate the additional type quenchants, certain inspection requirements are proposed to detect the presence of quenching cracks. Cylinder rejection requirements are also included and take into consideration the type of cylinders that lend themselves to repair based on the critical ratio of minimum sidewall thickness to stress.

The Board invites comments and solicits data on the cooling rates of oil, molten salt bath, and aqueous-based fluids compared to the cooling rate of water when these materials are used as quenchants. If the comparability established is favorable, consideration will be given to the benefit or need for retaining present salt bath provisions. Receipt of appropriate data will also enable the Board to verify the proposed approach on inspection requirements which, as proposed, are not applicable to cylinders quenched with fluids having cooling rates equal to or exceeding the quenching rate of oil, but are applicable to those exceeding 80 percent of the quenching rate of water.

In consideration of the foregong, it is proposed to amend 49 CFR Part 178 as follows:

(A) In § 178.37–11 paragraph (a) (1) and (7) would be amended; paragraph (a)(8) would be added to read as follows:

§ 178.37 Specification 3AA; seamless steel cylinders made of definitely prescribed steels or 3AAX; seamless steel cylinders made of definitely prescribed steels of capacity over 1,000 pounds water volume.

§ 178.37–11 Heat treatment.

(a) * * *

(1) All cylinders must be quenched by oil, molten salt bath or other suitable medium except as provided in subparagraph (5) of this paragraph.

* * * * *

(7) Molten salt bath, if used, must be maintained at a temperature not less than 375° F.

(8) Except as otherwise provided in subparagraph (6) of this paragraph, all cylinders, if water quenched or quenched with a liquid producing a cooling rate in excess of 80 percent of the cooling rate of water, must be inspected by the magnetic particle, dye penetrant or ultrasonic method to detect the presence of quenching cracks. Any cylinder designed to the requirements for spec. 3AA and found to have a quenching crack must be rejected and may not be requalified. Cylinders designed to the requirements for spec. 3AAX and found to have cracks must have cracks removed to sound metal by mechanical means. Such spec. 3AAX cylinders will be acceptable if the repaired area is subsequently examined to assure no defect, and it is determined that design thickness requirements are met.

(B) In § 178.44–11 paragraphs (a) (1) and (4) would be amended; paragraph (a)(5) would be added to read as follows:

§ 178.44 Specification 3HT; inside containers, seamless steel cylinders for aircraft use made of definitely prescribed steel.

§ 178.44–11 Heat treatment.

(a) * * *

(1) All cylinders must be quenched by oil, molten salt bath, or other suitable medium.

* * * * *

(4) Molten salt bath, if used, must be maintained at a temperature not less than 375° F.

(5) All cylinders must be inspected by the magnetic particle or dye penetrant method to detect the presence of quenching cracks. Any cylinder found to have a quenching crack must be rejected and may not be requalified.

(C) In § 178.58–11 paragraph (a) (1) and (5) would be amended; paragraph (a)(6) would be added to read as follows:

§ 178.58 Specification 4DA; inside containers, welded steel for aircraft use.

§ 178.58–11 Heat treatment.

(a) * * *

(1) All containers must be quenched by oil, molten salt bath, or other suitable medium except as provided in subparagraph (4) of this paragraph.

* * * * *

(5) Molten salt bath, if used, must be maintained at a temperature not less than 375° F.

(6) All cylinders, if water quenched or quenched with a liquid producing a cooling rate in excess of 80 percent of the cooling rate of water, must be inspected by the magnetic particle or dye penetrant method to detect the presence of quenching cracks. Any cylinder found to have a quench crack must be rejected and may not be requalified.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before April 6, 1971, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958), 49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on January 18, 1971.

W. M. BENKERT,
Captain, U.S. Coast Guard, By direction of the Commandant, U.S. Coast Guard.

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

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

SAM SCHNEIDER,
Board Member for the Federal Aviation Administration.

[FR Doc.71-895 Filed 1-21-71;8:48 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 1–5; Notice 6]

BRAKE HOSES AND BRAKE HOSE ASSEMBLIES

Extension of Time for Comments

A notice of proposed amendment to 49 CFR 571.21, Federal Motor Vehicle Safety Standard No. 106 (Brake Hoses and Brake Hose Assemblies), was published on August 28, 1970 (35 F.R. 13738) and revised in certain respects on November 6, 1970 (35 F.R. 17116). The closing date for comments on the proposal was extended to January 25, 1971 (35 F.R. 18206).

Automobile Manufacturer's Association, Inc., has petitioned for a further extension of the closing date in order to allow a more reasoned consideration of the proposal following its submission of comments on other pending proposals affecting motor vehicle braking systems. In addition, the Safety Administration is preparing for publication and comment additional revisions to the proposal on the basis of research, test results, and other data which have come to its attention, and which will necessitate an extension of the closing date.

In consideration of the foregoing the closing date for comments is hereby extended to May 24, 1971.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegations of authority at 49 CFR 1.51 (35 F.R. 4955) and 49 CFR 501.8 (35 F.R. 11126).

Issued: January 20, 1971.

H. M. JACKLIN, Jr.,
Acting Associate Administrator,
Motor Vehicle Programs.

[FR Doc.71-979 Filed 1-21-71;8:51 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 63]

[Docket No. 19117; FCC 71-28]

COMMUNICATIONS ON INTERSTATE OR FOREIGN COMMON CARRIER FACILITIES

Authorization of New or Revised Classifications

1. Notice is hereby given of proposed rule making in the above-entitled matter.

Background. 2. On September 4, 1970, the Commission issued an Order and Authorization (FCC 70–955) granting an application (File No. P–C–7825) by American Telephone and Telegraph Co. and various Bell System Companies (A.T. & T.) for authority under section 214(a) of the Communications Act to supplement existing facilities between various locations throughout the continental United States and to Canada and Mexico during 1971 and early 1972. This Order and Authorization contained a proviso, inter alia; [1]

> That the facilities authorized herein shall be used only for the provision of existing services and no new classification or subclassification of service shall be instituted on these facilities or on any other interstate facilities of American Telephone and Telegraph Co. and the Associated Companies of the Bell System without prior authorization of the Commission: *And, provided further,* That Series 11000 service shall be offered only in accordance with the provisions of the tariff presently on file with this Commission.

3. In this connection, the Order and Authorization further stated that:

> * * * when the Commission issues authorizations to common carriers providing international communications services and miscellaneous domestic services, it specifies therein the services which may be provided by such carriers over the authorized facilities, and requires that such carriers receive prior authorization from the Commission before they provide services other than those specified;
>
> * * * the Commission has instituted a proceeding in Docket No. 18920 to determine the policies, practices and procedures it should follow with respect to applications from new entities to provide various types of interstate specialized communications services in competition with existing common carriers; [and]
>
> * * * in view of the foregoing considerations, * * * [it appears that] before providing any new classification or subclassification of service, or any service in addition to those now provided, the applicants herein should seek and secure appropriate authorization from the Commission.

4. On October 5, 1970, A.T. & T. filed a "Petition for Reconsideration," requesting "withdrawal and cancellation of the restrictions imposed" by the proviso set forth in paragraph 2 above.[2] In brief, A.T. & T. claims that the proviso was adopted without compliance with the requirements of section 316 of the Communications Act, that the Commission cannot properly by indirection extend its authority under section 204 so as to delay the institution of new service classifications indefinitely, and that the proviso is contrary to the public interest because it constitutes a departure from past Commission practice with respect to A.T. & T. interstate authorizations and will impair A.T. & T.'s flexibility in the deployment and use of plant resources to meet customer demands. In addition, the petition states that the Commission has failed to give adequate reasons for adopting the proviso and has failed to accord the applicants any notice or opportunity to present facts and arguments with respect thereto. A.T. & T. further states that if "the Commission believes that a reexamination of its policies on the authorization of interstate facilities is necessary, then it should institute an appropriate proceeding in which all the relevant facts can be developed and placed on the record for the Commission's consideration." [3]

5. On November 5, 1970, Pioneer-United Telephone Co. (Pioneer) filed an "Application for Review" of an "Order and Certificate," issued by the Chief, Common Carrier Bureau on October 6, 1970 (File No. P–C–7954), granting authority under section 214 of the Act for furnishing channel service to a CATV operator, Jonathan Development Corp. The certificate was conditioned, inter alia, to provide that service authorized:

> shall include only carriage of television and FM radio broadcast signals, that no other interstate voice, video, and digital communications shall be furnished by applicant over the facilities authorized without prior authorization by the Commission, and that service is provided only to Jonathan Development Corp., or its successors or assignees * * *.

Pioneer challenges this condition, claiming that there should be no limitation on who may take a common carrier offering made in the applicant's published tariff, and that the only condition as to service should be one limiting services to those described in its wide Spectrum Services Tariff FCC No. 1.[4]

6. On November 6, 1970, Microwave Communications, Inc. (MCI), filed a motion for leave to file a "Statement in Support of Order and Authorization," i.e., the A.T. & T. Order and Authorization described in paragraphs 2–3 above. MCI states, that while not a party to this matter, it nevertheless has a direct substantial interest in the proceeding because the facilities to be constructed by A.T. & T. could be used to provide services competitive to those offered by MCI on its Chicago-St Louis route.[5]

---

[1] A similar condition has been incorporated in the grants of various applications of A.T. & T. for renewal of licenses for existing microwave facilities, and in other authorizations.

[2] The petition states that in order to avoid burdening the Commission with a multiplicity of pleadings raising the same questions, A.T. & T. will refrain from filing petitions for reconsideration of a similar proviso on other grants in the expectation that the Commission would, by general order, modify these authorizations in whatever way becomes appropriate in light of its final disposition of the instant petition.

[3] We will defer final action on A.T. & T.'s petition for reconsideration pending the outcome of this proceeding, which we believe to be a necessary preliminary procedural step. Copies of the petition will be placed in the docket of this proceeding for comment by interested persons. We believe that the rule making procedure, which affords all interested persons an opportunity to participate, is a more appropriate manner in which to proceed, at least initially, than an adjudicatory proceeding on the A.T. & T. applications.

[4] We will also defer action on Pioneer's application for review pending the outcome of this proceeding, and place copies of the application in the docket for public comment.

[5] The MCI statement is accepted and will be made a part of the record in this proceeding for public comment. On Dec. 3, 1970, A.T. & T. filed a reply to MCI, together with a motion for acceptance of filing which is hereby granted. A.T. & T.'s reply will also be placed in the record of this proceeding. On Dec. 22, 1970, MCI tendered a "Further Statement in Support of Order and Authorization," and on Jan. 4, 1971, A.T. & T. filed a "Motion to Strike" such further statement. The motion to strike is granted without prejudice to any filing MCI may desire to make in this proceeding.

Microwave Communications, Inc., 18 FCC 2d 953 (1969); reconsideration denied, 21 FCC 2d 190; pending on review in the U.S. Court of Appeals for the District of Columbia Circuit in American Telephone & Telegraph Co. et al. v. Federal Communications Commission (Case Nos. 23959 and 23962). MCI supports the conditions on A.T. & T.'s authorization, urging that they are well within the Commission's authority under sections 1, 4(i) and 214 of the Communications Act, and are appropriate in light of the provisions of §§ 63.01 through 63.06 of the Commission's rules and regulations. It further asserts that the conditions do not contravene the provisions of sections 204 and 316 of the Communications Act. MCI claims, in addition, that the conditions are needed in order to provide the same treatment to existing carriers and potential new entrants seeking to provide new specialized common carrier communications services.

Discussion and proposed rules. 7. As noted above, the imposition of conditions requiring prior Commission approval for the provision of services other than those specifically named in an authorization has been standard policy in the international common carrier field as well as in the domestic miscellaneous common carrier field. This is the first time, however, that we have so conditioned construction authorizations issued to generalized domestic land line common carriers (except in the case of channel service to CATV systems). Therefore, we shall afford A.T. & T. and all other interested persons an opportunity to be heard on any legal and policy questions which may be peculiar to the latter class of carriers. To this end, we are instituting this rule making proceeding which looks toward the adoption of substantive and procedural rules governing the establishment of new or revised classifications of communications and the discontinuation of classifications.

8. While we have reached no determination as to the validity of the arguments raised in A.T. & T.'s petition for reconsideration, we will briefly indicate the legal and policy basis for our proposals in order that the parties may fully address all aspects of these questions. The assertion of authority to require that common carriers request prior Commission approval before offering or discontinuing any new or revised classification of communications, irrespective of whether offered over proposed new facilities or over facilities previously authorized by the Commission, is premised upon the provisions of sections 4 (i) and (j), 201(b), 203(b), 214 (a) and (c), 303(b), and 307–309 of the Communications Act.[6] From a policy standpoint, it would appear less disruptive to the public to decide public interest questions concerning the provision of a new communications service to the public before the service is commenced, rather than to withdraw or modify the terms of a service or rate offering to which the public has become accustomed. Procedurally, it seems more orderly and better conducive to the ends of justice (section 4(j) of the Act) to require prior authorization under section 201(b) or sections 214 and 309 than to permit a carrier, simply by filing a tariff, to commence the public offering of a new or changed classification or subclassification of communications which after investigation and hearing may be determined to be unjust and unreasonable. The rules proposed by this notice are designed to place all carriers on a more even footing (e.g. international, general, and miscellaneous domestic)[7] and to alleviate the disparate position between existing carriers and potential new entrants in the specialized communications field in the event that the Commission should determine that such new entry would serve the public interest.[8] They are also designed to implement the provisions of section 214 of the Act with respect to prior Commission authorization for a discontinuation, reduction or impairment of service. Parties are requested to address the foregoing considerations as well as the questions posed by A.T. & T.'s petition for reconsideration (paragraph 4 above).

9. We are proposing to adopt rules which would prohibit all common carriers from instituting the offering of a new or revised classification of communications without prior approval by the Commission, before the filing of a tariff therefor, upon a written showing by such carrier that such new or revised classification will be just and reasonable and would otherwise serve the public interest, convenience and necessity. The proposed rules contemplate that it will be the responsibility of the carrier, in the first instance, to determine whether a proposed new or revised service offering would constitute a new or revised classification of communications, as distinguished from a new or revised schedule of rates and changes for an established classification of service, so as to require prior authorization for such new or revised offering pursuant to these rules. Also, in the application of these rules, the term "classification" shall embrace subclassifications of communications such as, for example, Wide Area Telephone Service (WATS) as a subclassification of Long Distance Message Telecommunications Service; TELPAK, Series 11,000, Program Transmission Service, etc. as subclassifications of Private Line Service. In this regard, we propose to require all carriers in filing new or revised tariffs pursuant to section 203 of the Act, without prior approval pursuant to these rules, to include a statement in their letter of transmittal (see section 61 of the rules and regulations) that such filing does not involve the establishment of a new or revised classification of communication and the reasons therefor. For further guidance, reference is made here to the description of the different classifications of communications specified in section 201(b) of the Act and the requirements therein for Commission approval of any other classifications.

10. The proposed rules would require a carrier seeking approval of a proposed new or revised classification of service to include in its showing as to the justification therefor the following information: (1) A full description of the new or revised classification, the reasons for the filing, and the basis of ratemaking employed; and (2) economic data and information to support the service including:

(a) A cost of service study of all elements of costs for the most recent 12-month period; a study containing a projection of costs for the first 3-year period of the new or revised classification; and

(b) Estimates of the effects of the new or revised classification upon the carrier's traffic and revenues from the service, upon the traffic and revenues from the other service classifications of the carrier; and upon the overall traffic and revenues of the carrier. Estimates should include the estimated effects on the traffic and revenue data for the most recent 12-month period and projections for a 3-year period beginning at the date of the filing of the changed or new matter. Complete explanations of the bases for the estimates should be provided.

In the case of a proposed discontinuation of service a full description of the reasons therefor should be provided to the Commission, including the information required by §§ 63.60–63.90 of the rules, where appropriate. Comments are requested as to what revisions of such rules might be desirable to implement this requirement.

11. We recognize that in view of A.T. & T.'s many and varied interstate service offerings, it may not be practicable to delineate the specific services that may be provided. It may be preferable to use some term like "existing services" as in the proviso to the Order and Authorization. Moreover, we recognize that A.T. & T. uses its various communications facilities interchangeably for various interstate or foreign services and requires the construction of spare capacity in excess of existing requirements to allow for future growth in customer demand and for activation of standby facilities

[6] See also, Permian Basin Area Rate Case, 390 U.S. 747, 776–779 (1968); Ambassador, Inc. v. United States, 325 U.S. 317, 323 (1945), rehearing denied, 325 U.S. 896; National Broadcasting Company v. United States, 319 U.S. 190, 219–220 (1943); United States v. Southwestern Cable Co., 392 U.S. 157, 172–178 (1969); In the Matter of American Telephone and Telegraph Company et al., 37 FCC 1151, 1160, and the Memorandum Opinion Order and Authorization in File No. P–C–5494 (FCC 64–395).

[7] A.T. & T. is, of course, presently limited by the proviso on the Order and Authorization (FCC 70–955) and by the conditions on its renewal grants and other authorizations. Such proviso and conditions have not been stayed and are effective pending the outcome of this preliminary rule making proceeding and final action on A.T. & T.'s petition for reconsideration. It is our intention to continue placing similar conditions on grants to A.T. & T. and other domestic carriers during the pendency of this proceeding.

[8] See Notice of Inquiry to Formulate Policy, Notice of Proposed Rule Making and Order in Docket No. 18920 (24 FCC 2d 318).

during maintenance on working facilities. It is not the purpose of the proviso or of this proceeding to deprive carriers of flexibility in the deployment and use of their plant resources for services currently offered to the public, or to preclude the use of any authorized facilities to meet growing requirements for such existing services or to provide alternate routes for circuits during emergency or maintenance periods.

12. The above rules would apply in three principal situations. The first is where the proposed new or revised classification would be provided over existing facilities. In this instance, we are proposing to give public notice of the requests for Commission approval containing the showing described in paragraph 10 above, to permit comments by other interested persons, and reply comments by the carrier. The Commission, after consideration of such pleadings, may grant the carrier's request in whole or in part, or may specify other procedures, such as oral argument, evidentiary hearing, or further written submissions directed to particular aspects, as it deems appropriate. A temporary emergency authorization pending completion of the foregoing procedures may be granted for good cause shown. In the second situation, where the offering of a new or revised classification would involve application for authorization of new construction or channelizing, the showing described in paragraph 10 should be submitted with the application, and will be considered in accordance with section 214 and section 309 procedures. In the third instance, where the discontinuation of a classification of communications is involved, the showing should be submitted in accordance with the procedures specified in §§ 63.60–63.90 of the rules. Comments are requested on any desirable modification of the procedural provisions of such rules, in addition to the substantive aspects (see paragraph 10 above).

13. Parties should comment on any necessary or desirable distinctions in the rules to take account of the different requirements of various carriers, e.g., general domestic, specialized or miscellaneous domestic, international, etc. Of course, parties may also address the questions of law and policy raised by A.T. & T., MCI, Pioneer and by our discussion herein, make as full a showing as desired on any pertinent substantive aspects, and submit counterproposals and suggestions.

14. Finally, with respect to the questions asserted by Pioneer, we believe that the foregoing considerations apply equally to it insofar as the matter of prior authorization of new services is concerned. However, comments are requested on the question of whether a section 214 authorization for channel service to a CATV system should be conditioned to limit the service offering to the particular system involved in the application. We are also raising a question on our own motion as to whether the tariffs for channel service to CATV systems should permit the provision of two-way services where authorized by the Commission. For example, in the case of educational programing via CATV, the public interest might be served by the possibility of two-way communication (perhaps one-way video and the other audio) between the instructor and the students or other members of the viewing public.

15. Authority for the proposed rule making instituted herein is contained in sections 2, 3, 4 (i) and (j), 201(b), 203, 214, 301, 303, 307–309, and 403 of the Communications Act.

16. Interested persons may file comments on the proposed rules and issues discussed herein on or before February 17, 1971, and reply comments on or before March 3, 1971. In reaching its decision in this matter, the Commission may take into account any other relevant information before it in addition to the comments invited by this notice.

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

Adopted: January 6, 1971.

Released: January 14, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[9]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-923 Filed 1-21-71;8:50 am]

[9] Chairman Burch concurring and issuing a statement which is filed as part of the original document in which Commissioners Robert E. Lee and Wells join; Commissioners Bartley and H. Rex Lee absent; Commissioner Houser not participating.

[47 CFR Part 73]

[Docket No. 18979]

TELEVISION BROADCAST STATIONS

Table of Assignments; Kerrville-Fredericksburg, Tex.; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.606 (b), Table of Assignments, Television Broadcast Stations (Kerrville-Fredericksburg, Tex.), RM–1387.

1. This proceeding was begun by notice of proposed rule making (FCC 70-927) adopted August 26, 1970, released August 31, 1970, and published in the FEDERAL REGISTER September 4, 1970, 35 F.R. 14095. The date for filing comments has expired. The date presently designated for filing reply comments is January 20, 1971.

2. On January 14, 1971, United Tecon, proponent of the rule making, filed a request to extend the time for filing reply comments to and including February 9, 1971. It states that complicated engineering problems have arisen and therefore it is impossible for it to file reply comments by the deadline date. Both Southwest Republic Corp. and Channel Twenty-four Corp. have consented to the extension of time requested herein.

3. We are of the view that the additional time is warranted and would serve the public interest. *Accordingly, it is ordered*, That the request of United Tecon is granted and the date for filing reply comments is extended to and including February 9, 1971.

4. This action is taken pursuant to authority found in sections 4(i) and 303 (r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: January 18, 1971.

Released: January 19, 1971.

FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71-924 Filed 1-21-71;8:50 am]

Notices

AD HOC ADVISORY GROUP ON THE PRESIDENTIAL VOTE FOR PUERTO RICO

PRESIDENTIAL VOTE FOR PUERTO RICO

Notice of Public Hearings

The Ad Hoc Advisory Group on the Presidential Vote for Puerto Rico will hold 7 days of public hearings from 9 a.m. to 12 noon and from 2 to 5 p.m., as follows, unless the Chairman extends the time: Monday, Tuesday, and Wednesday, March 1, 2, and 3, the Capitol Building, San Juan, P.R.; Thursday, March 4, in the Medical Center, Ponce, P.R.; Friday, March 5, in the Cultural Center, Mayaguez, P.R.; Thursday and Friday, March 11 and 12, in Federal Building No. 7, 17th and H Streets NW., Washington, DC.

The purpose of the public hearings is to permit any interested persons to participate with the Advisory Group in its deliberations about the feasibility of extending to U.S. citizens in Puerto Rico the right to vote for the President and the Vice President.

In order to insure maximum participation, the Ad Hoc Advisory Group will use the following procedure: All who wish to testify should file, in our office, on or before February 15, 20 copies of the statement they wish to present to the Ad Hoc Advisory Group. The statement should also give the name, address, and any organization the witness may represent. The statement and the testimony may be presented either in Spanish or in English.

MILLARD W. HANSON,
Executive Director.

[FR Doc.71-1032 Filed 1-21-71;10:37 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA-Petition-No. 18]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

Petition for Immediate Exemption From Requirements for Through Train Movements at Streator, Ill.

By petition dated September 29, 1970, the Atchison, Topeka and Santa Fe Railway Co. seeks relief from the requirements of 49 CFR 232.12(3) for run-through trains moving through Streator, Ill. It is proposed that the interchange test and inspection be made at Chillicothe, Ill. instead of Streator, Ill. The Atchison, Topeka and Santa Fe Railway Co., and the Penn Central Transportation Co., are operating run-through freight trains between Detroit, Mich. and Kansas City, Kans., and the trains are interchanged at Streator, Ill., which is the corporate boundary between the two carriers. The petition points out that the equipment runs through from Elkhart, Ind., to Argentine, Kans.

A Temporary Order was issued on October 19, 1970, granting the sought relief, subject to certain conditions pending further consideration. The temporary relief was granted because of emergency circumstances, including in particular aggravated circumstances and conditions caused by the blocking of city streets at highway grade crossings in situations when the interchange test and inspection were given at Streator.

It has now been determined that the petition should be set down for oral hearing and further consideration. Accordingly, the general public, and all interested parties, are hereby advised that the proceeding is hereby set down for oral hearing on February 23, 1971, at 9:30 a.m., c.s.t., in Room 1630, Federal Building, 219 South Dearborn Street, Chicago, IL, and for appropriate proceedings thereon.

Issued this 18th day of January 1971, in Washington, D.C.

ROBERT R. BOYD,
Director, Office of Hearings and Proceedings, and Hearing Examiner.

[FR Doc.71-864 Filed 1-21-71;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-361, 50-362]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matter

The Southern California Edison Co., 601 West Fifth Street, Los Angeles, CA 90053, and the San Diego Gas and Electric Co., 101 Ash Street, San Diego, CA 92112, pursuant to the Atomic Energy Act of 1954, as amended, have filed an application, dated May 28, 1970, for authorization to construct two pressurized water nuclear reactors, designated as the San Onofre Nuclear Generating Station Units 2 and 3, on the applicants' site located at Camp Pendleton, San Diego County, CA.

The site is located on the west coast of Southern California, approximately 62 miles southeast of Los Angeles, approximately 51 miles northwest of San Diego, and is within the U.S. Marine Corps Base, Camp Pendleton.

Southern California Edison Co. (SCE) and San Diego Gas and Electric Co. (San Diego) are joint applicants for the construction permit for the San Onofre Nuclear Generating Station Units 2 and 3. The ownership for the two units will be shared in the proportion of 80 percent by SCE and 20 percent by San Diego. SCE, as project manager for the utilities, will have responsibility for the technical adequacy of the design and construction of the San Onofre plant.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after January 15, 1971.

The proposed nuclear powerplants which will be located adjacent to San Onofre Nuclear Generating Station, Unit 1, will consist of two pressurized water nuclear reactors, each of which is designed for initial operation at approximately 3,390 thermal megawatts with a net electrical output of approximately 1,140 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 13th day of January 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-648 Filed 1-14-71;8:51 am]

[Docket No. 50-113]

UNIVERSITY OF ARIZONA

Notice of Issuance of Construction Permit

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on December 24, 1970 (35 F.R. 19586), the Atomic Energy Commission (the Commission) has issued Construction Permit No. CPRR-111 to the University of Arizona at Tucson, Ariz. The construction permit authorizes the modification of the reactor console and the control rod mechanisms of the existing reactor facility on the University's campus located at Tucson, Ariz.

Dated at Bethesda, Md., this 13th day of January 1971.

For the Atomic Energy Commission.

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

[FR Doc.71-897 Filed 1-21-71;8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22871]

LATIN AMERICAN ROUTES STOPOVER AUTHORITY INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 9, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Harry H. Schneider.

Requests for information and evidence, proposed statements of issues, and proposed procedural dates, shall be submitted to the Examiner and to interested persons before February 2, 1971.

Dated at Washington, D.C., January 18, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-915 Filed 1-21-71;8:50 am]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Friday, January 29, 1971. The hearing will take place in the South Auditorium of the ASTM Building, 1916 Race Street in Philadelphia, beginning at 2 p.m. The hearing will be on proposals to amend the Comprehensive Plan so as to include the following projects:

1. *Falls Township Authority.* A project to transfer up to 1 million gallons daily of raw sewage from the Falls Township interceptor to the Lower Bucks Joint Municipal Authority interceptor in Bucks County, Pa. About 88 percent of BOD_5 would be removed at the latter's treatment facilities prior to discharge to the Delaware River.

2. *North Wales Water Authority.* A well water supply project to augment public water supplies in the Authority's service area in Upper Gwynedd Township, Montgomery County, Pa. Designated as No. 21, the new well is expected to yield 500,000 gallons per day.

3. *Borough of Quakertown.* A well water supply project to augment public water supplies in the Borough of Quakertown, Bucks County, Pa. Designated as No. 14, the new well is expected to yield 1.3 million gallons per day.

4. *Bucks County Commissioners.* A water filtration plant to be constructed at the junction of Pine Run and North Branch Neshaminy Creek in Chalfont, Bucks County, Pa. The plant will have initial capacity of 20 million gallons daily, expandable to a capacity of 120 million gallons daily, and will serve water supply needs in Central Bucks and Montgomery Counties. Water will be drawn from North Branch Neshaminy Creek and Pine Run.

5. *Fawn Lake Forest Water Company.* A well water supply project to provide water to a new vacation real estate development area in Lackawaxen Township, Pike County, Pa. Designated as Nos. 2 and 3, the combined withdrawal from the two wells will be limited to 15.5 million gallons during any calendar month.

6. *HMH Company, Inc.* A sewage treatment plant to serve the proposed HMH mobile home park in the Village of Kreidersville, Allen Township, Northampton County, Pa. Between 90 and 95 percent of BOD_5 will be removed from an average flow of 60,000 gallons per day. Treated effluent will discharge to Hookendauqua Creek.

7. *Borough of Quakertown.* Replacement of an obsolete interceptor sewer line along Licking Run Creek in the Borough of Quakertown, Bucks County, Pa. The new interceptor will extend approximately 1½ miles along the creek and connect to the Borough's existing sewage treatment plant.

Documents relating to the items on this hearing notice may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission. (609) 883-9500.

W. BRINTON WHITALL,
Secretary.

JANUARY 18, 1971.

[FR Doc. 71-863 Filed 1-21-71;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 19015, 19016; FCC 71R-17]

CHILDRESS BROADCASTING CORPORATION OF WEST JEFFERSON (WKSK) AND MOUNTAIN BROADCASTING CORP.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Childress Broadcasting Corporation of West Jefferson (WKSK), West Jefferson, N.C., Docket No. 19015, File No. BP-17396, and Mountain Broadcasting Corp., Blowing Rock, N.C., Docket No. 19016, File No. BP-17683; for construction permits.

1. This proceeding involves the mutually exclusive applications of Childress Broadcasting Corporation of West Jefferson (WKSK) and Mountain Broadcasting Corp. (Mountain) for authorization to construct new standard broadcast stations in, respectively, West Jefferson and Blowing Rock, N.C. The Commission designated the applications for hearing by Memorandum Opinion and Order, FCC 70-1032, 35 F.R. 15774, published October 7, 1970, on, inter alia, a Suburban issue as to both applicants and a condition that should the application of WKSK be granted, the applicant will be required to submit proof of performance to establish that the RMS field of its antenna complies with the minimum efficiency requirements of § 73.182(r) of the Commission's rules. Wilkes Broadcasting Co. (WATA) (Wilkes) was granted permission to intervene by Hearing Examiner Chester F. Naumowicz, Jr., by Order, FCC 70M-508, released November 3, 1970.

2. Presently before the Review Board is a motion to delete and enlarge issues filed October 22, 1970, by Mountain.[1] Petitioner requests that the Suburban issue against it be deleted and that an issue be added to determine whether WKSK's antenna system will be able to achieve the minimum radiation efficiency of 175 mv/m per kilowatt of power required by § 73.189(b)(2)(ii) of the rules.[2] In support of its request for deletion, petitioner contends that the Commission's basis for including the Suburban issue as to Mountain, i.e., that neither applicant had submitted sufficient information to enable the Commission to determine whether a representative cross-section of community leaders and the general public had been consulted, did not constitute a "reasoned analysis" and "was apparently based on the staff's failure to consider an amendment to Mountain's application filed on April 16, 1970." Mountain argues that it has engaged in "continuing and extensive efforts to ascertain the needs and interests" of its proposed service area and points to a supplementary community leader survey which it conducted in September 1968 (filed as an amendment on Oct. 9, 1968) and a survey conducted during the first 3 months of 1970 (after release of the Commission decision in City of Camden, 18 FCC 2d 412, 16 RR 2d 555 (1969) and the Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 69-1402, 20 FCC 2d 880), the results of which are contained in an amendment of April 16, 1970. In regard to the latter survey, petitioner notes that its principals personally interviewed 44 community leaders; that 100 individuals were interviewed "on a random sample basis" by an employee under its supervision; and that it reported, in its amendment, the

[1] Also before the Review Board are the oppositions of the Broadcast Bureau and WKSK, both filed on Nov. 12, 1970; the opposition of Wilkes, filed Nov. 12, 1970; and Mountain's reply to oppositions, filed Nov. 24, 1970.

[2] Petitioner refers to § 73.189(b)(2)(ii) of the rules and the Commission to § 73.182(r) in dealing with the efficiency of the WKSK proposed antenna. However, the same Commission requirement is involved in both rules.

community needs which its consultations had shown and the programs which it had devised to meet those needs. Mountain contends that detailed demographic information concerning Blowing Rock and the nearby surrounding area was supplied in its "Opposition to Petition to Deny", filed October 14, 1967; that the reply to Question 9 of the Primer states that there are no "pat answers" as to how an applicant determines which leaders and members of the general public he should consult; that Question 10 of the Primer states that a showing of consultations with leaders in government, religion, agriculture, business, education, labor, the professions, racial and ethnic groups and charitable organizations constitutes a prima facie showing that a representative range of people have been consulted, if the community does not differ from the average, and that no allegation has been made that Blowing Rock differs from the average; and that all the above listed groups were consulted in the applicant's most recent survey, with the possible exception of racial and ethnic groups.[3]

3. In support of its request for a minimum antenna efficiency issue against WKSK, Mountain presents the affidavit of its consulting engineer, who, relying upon material in an article in the Proceedings of the Institute of Radio Engineers, calculates that the efficiency of the proposed WKSK antenna system is 151 mv/m per kilowatt rather than the minimum efficiency of 175 mv/m per kilowatt required by § 73.189(b)(2)(ii). Petitioner contends that its engineer's affidavit demonstrates a substantial deficiency in the WKSK antenna, and that the requested issue should, therefore, be added.

4. The Broadcast Bureau, in opposition, first states that it "is in a position to state that Mountain's entire application, including the April 16, 1970, amendment, was considered by the Bureau's staff and that the entire application was available to the Commission when it designated the application for hearing." Next, the Bureau contends that nothing in the April 1970 amendment or any other part of Mountain's application provided the information which the Commission stated was lacking, i.e., sufficient information to determine whether a representative cross-section of community leaders and the general public had been consulted. Moreover, the Bureau argues that Mountain is not really contending that a part of its application was overlooked, but that the Commission was wrong to ask for the missing information. The Bureau contends that the applicant misstates and distorts the Primer when it states that a prima facie showing of having contacted a cross-section of a community is made by interviewing members of the groups listed in the reply to Question 10. The Bureau points to Questions 4 and 16 which require the applicant to indicate by cross-sectional survey, statistically reliable sampling or other valid methods that the interviewees it has chosen are truly representative. With regard to the requested additional issue, the Bureau concedes that the Commission did not consider "the information as it is described by Mountain's consulting engineer", but points out that the engineer mistakenly states that the WKSK ground system consists of 120 ground radials, whereas the actual number is 360. The Bureau contends that it was on the basis of the latter figure that the Commission staff determined that the probable efficiency of the antenna system was such that the specification of a condition, not an issue, was sufficient.

5. WKSK, in its opposition, contends that Mountain has failed to ascertain the needs and interests of its entire service area, confining its efforts to its proposed city of license and the town of Boone. Moreover, the applicant argues that the factual allegations in petitioner's motion to delete and enlarge concerning who was surveyed and in what manner must be rejected for lack of a supporting affidavit of the applicant. In regard to Mountain's request for a minimum antenna efficiency issue, WKSK contends that the Commission specifically considered the matter and formulated a condition rather than an issue because the matter of antenna efficiency is easily corrected "by simply supplying an additional amount of copper to the ground radial systems" either by lengthening existing radials or by adding new ones. Therefore, the applicant contends, along with Wilkes in its opposition, that since the Commission has considered and passed on the efficiency matter, the Review Board cannot undo the Commission's action.

6. In its reply, Mountain presents a further affidavit of its consulting engineer, who states that, even taking account of the error in his original statement as to the number of ground radials in the WKSK ground system, the efficiency of the antenna system would still be slightly less than 156 mv/m/kw, rather than the 175 mv/m/kw required by § 73.189(b)(2)(ii) of the rules. As for the WKSK criticism of its programing survey, petitioner argues that the response to Question 7 of the Primer emphasizes that the survey taken outside of the city of license need not be extensive and asserts that it interviewed a cross-section of leaders and members of the general public in Boone, in other parts of Watauga County and at Appalachian State University, in addition to Federal, State, county, and local government leaders.

7. Mountain's motion to delete must be denied. Our conclusions in Sundial Broadcasting Co., Inc., 15 FCC 2d 1002, 1003, 15 RR 2d 353, 354 (1969), which also involved a petition to delete a Suburban issue for the alleged failure of the Commission to consider portions of the petitioner's application, apply with equal force here:

> The Board has repeatedly held that it will not delete specified issues in the absence of unusual or extenuating circumstances, such as where the Commission failed to consider information before it. Petitioner's contention that the Commission overlooked material in his application * * * appears to be based on no more than his own evaluation of his application; as such, the contention must be rejected * * *. Therefore, not only have no unusual circumstances been established to warrant deletion of the issue * * * but to do so would be contrary to well-established principle that where the Commission has specifically considered and passed upon a particular matter, the Review Board cannot and should not undo what the Commission has already done, Atlantic Broadcasting Co., 5 FCC 2d 717, 721, 8 RR 2d 991, 996 (1966); Fidelity Radio, Inc., 1 FCC 2d 661, 6 RR 2d 140 (1965).

In this case substantial weight must be accorded the statement of the Broadcast Bureau, in its opposition, that Mountain's entire application, including the April 16, 1970 amendment, was considered by the Bureau's staff before designation. Moreover, paragraph 7 of its designation Order, in rejecting Wilkes' charge that Mountain had misrepresented the number of community leaders contacted in its programing survey and their responses, refers to the Commission's "careful study of the various amendments and pleadings submitted by the parties." There is, therefore, as Wilkes contends in its opposition, no viable basis for the petitioner's "strong inference" that the Commission's staff overlooked Mountain's amendment of April 16, 1970. On the contrary, it is clear that the Commission's decision to specify a Suburban issue as to both applicants was based upon a study of the applications, pleadings and amendments in this proceeding and arrived at through a reasoned analysis. Therefore, under the well-established precedent cited in Sundial, the Commission's action cannot be over-turned by the Review Board and the requested deletion must be denied.

8. As to Mountain's request to add an antenna efficiency issue, we are of the view that the following facts are pertinent. The WKSK aplication, filed August 1, 1966, contains the affidavit of its consulting radio engineer which, among other things, describes the applicant's proposal as including an increase in the length of ground radials to 360 feet. However, the exhibit depicting the proposed ground system contains the statement that the ground system would consist of 360 radials, 175 to 247 feet in length; and the engineering statement to the application reports that, due to the limited area available, Figure 8 of the Commission's rules cannot be used to establish the radiation of the antenna. Utilizing two stated assumptions (for the effective radiation field at 1 mile from the antenna, and for the actual radiated power), WKSK computed the effective radiation field of its proposed antenna to

[3] In a footnote (footnote 1) petitioner states that although the April 1970 amendment did not indicate which members of the black community were surveyed, a black minister was interviewed. Further, Mountain asserts that it should be borne in mind that the 1967 County and City Data Book showed that the Negro population of Watauga County was only 1.3 percent and the total percentage of residents of "foreign stock" was only 0.6 percent.

be 175 mv/m/kw (millivolts per meter per kilowatt of power).[4] As previously indicated, the Commission, after its analysis of the WKSK application, stated in its designation Order that the indicated efficiency of the proposed antenna system is below the minimum required by the Commission's rules, and ordered that an appropriate condition, to establish that the minimum efficiency had been achieved, be included in any grant to WKSK.

9. Petitioner's contentions concerning the efficiency of the antenna proposed by WKSK, viewed in light of the responsive pleadings and an error in petitioner's initial engineering material (the basing of calculations on the use of 120 ground radials instead of the 360 proposed) noted by the Broadcast Bureau, raise sufficient questions as to the probable efficiency of the proposed antenna to warrant resolution on the record in this proceeding. It is not sufficient for Wilkes, in its opposition, to characterize the engineering basis of petitioner's showing as unsubstantial, or for WKSK, in its opposition, to allege that the antenna efficiency is easily correctable by supplying an additional amount of copper to the ground system, since, among other things, these responsive pleadings do not factually challenge the engineering basis for petitioner's contentions, and WKSK has stated in its application that the area available for its ground system is limited. Nor, in light of our review of the Commission's designation Order, and of the Broadcast Bureau's statement (Opposition, page 10) that the Commission did not consider the information as it is described by petitioner's engineer, does Atlantic Broadcasting Co., supra, require denial of the requested enlargement, as urged by Wilkes. Therefore, an antenna efficiency issue will be granted.

10. *Accordingly, it is ordered,* That the Motion to Delete and Enlarge Issues, filed on October 22, 1970, by Mountain Broadcasting Corp., is granted to the extent that the issues herein are enlarged by addition of the following issue, and is denied in all other respects: To determine whether the antenna system proposed by WKSK will be able to achieve the minimum efficiency requirement (175/mv/m/kw) of § 73.189 (b)(2)(ii) of the Commission's rules; and

11. *It is further ordered,* That the burdens of proceeding with the introduction of evidence and proof under the issue added herein shall be on Childress Broadcasting Corp. of West Jefferson.

Adopted: January 14, 1971.

Released: January 18, 1971.

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

[FR Doc.71-925 Filed 1-21-71;8:50 am]

[4] Mountain does not mention these calculations in its petition to enlarge.

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 84]

IMPERIAL CORPORATION OF AMERICA

Notice of Receipt of Application for Approval of Acquisition of Control of Solano Savings and Loan Association and Mount Diablo Savings and Loan Association

JANUARY 19, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Imperial Corporation of America, San Diego, Calif., a multiple savings and loan holding company, for approval of acquisition of control of the Solano Savings and Loan Association, Fairfield, Calif., and Mount Diablo Savings and Loan Association, Pittsburg, Calif., insured institutions under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisitions to be effected by the purchase for cash of the guarantee stock of Mount Diablo Savings and Loan Association and the exchange of stock of Imperial Corporation of America for the guarantee stock of Solano Savings and Loan Association. Following the proposed acquisitions, Imperial Corporation proposes to merge Solano Savings and Loan Association, Fairfield, Calif., and Mount Diablo Savings and Loan Association, Pittsburg, Calif., into Imperial Savings and Loan Association of the North, an insured subsidiary of Imperial Corporation. Comments on the proposed acquisitions should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

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

[FR Doc.71-909 Filed 1-21-71;8:49 am]

FEDERAL MARITIME COMMISSION

ASSOCIATED CONTAINER TRANSPORTATION (AUSTRALIA) LTD., ET AL.

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.

Associated Container Transportation (Australia) Ltd.; Australian Coastal Shipping Commission (Australian National Lines); and Overseas Container Ltd.

Notice of agreement filed by:

John R. Mahoney, Esq., Casey, Lane & Mittendorf, 26 Broadway, New York, NY 10004.

Agreement No. 9925, between the three common carriers by water listed above, provides for the establishment of a joint service to be known as Pacific America Container Express Line which would operate between Australasia, various islands of the Pacific, and Atlantic and Gulf ports of the United States, Puerto Rico, the Virgin Islands and the Panama Canal.

Dated: January 19, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-901 Filed 1-21-71;8:48 am]

ATLANTIC LINES, LTD., AND WALLENIUS CARIBBEAN LINE, S.A.

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 dseire 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:

Jeremy Chester, Vice President, Chester, Blackburn & Roder, Inc., Post Office Box 1470, Miami, FL 33101.

Agreement No. 9923, between Atlantic Lines, Ltd. and Wallenius Caribbean Line, S.A., covers an arrangement for the establishment of a rate agreement in the trade between ports in Florida and ports in the Virgin Islands, in accordance with the terms and conditions set forth in the agreement.

Dated: January 19, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-902 Filed 1-21-71;8:48 am]

DELTA STEAMSHIP LINES, INC., ET AL.

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:

Thomas E. Stakem, Esq., Macleay, Lynch, Bernhard & Gregg, Commonwealth Building, 1625 K Street NW., Washington, DC 20006.

Agreement No. 9848-1, between Delta Steamship Lines, Inc., as one party, and Companhia de Navegacao Lloyd Brasileiro and Navegacao Mercantil S.A. Navem, as the other party, will amend the basic agreement of the parties by making certain non-substantive changes to the language thereof in Articles 2(b), 4(a), 6 (c), (d), 7(b), 10 (d) and (e) in accordance with the terms and conditions set forth in the modification.

Dated: January 19, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-903 Filed 1-21-71;8:49 am]

EVANS PRODUCTS CO. ET AL.

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:

Amy Scupi, Esq., Galland, Kharasch, Calkins & Brown, Canal Square, 1054 31st Street NW., Washington, DC 20007.

Agreement No. 9549-7, between Evans Products Co., its subsidiary, Evans International Trading Co. (hereafter Evans), and Retla Steamship Co. (Retla), modifies the basic agreement between Evans and Retla by:

(1) Expanding the area in which Evans plans to operate chartered vessels "for the carriage of goods in commerce" to include Western Europe and Great Britain, Asia, and Australasia. There is a similar provision with respect to Retla's operations.

(2) Delineating those areas in Latin America where Evans and Retla intend to engage in tramp operations.

(3) Delineating those areas in Asia where Evans intends to operate as a proprietary carrier.

(4) Agreement No. 9549-7 also revises the agency relationship between Evans (principal) and Retla.

Dated: January 19, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-904 Filed 1-21-71;8:49 am]

HBS GROUP JOINT SERVICE AGREEMENT

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:

Edward D. Ransom, Esq., Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, CA 94104.

Agreement No. 9371-1 amends the basic agreement to add at page 3 thereof a new paragraph 5(a) to read as follows:

The parties may form a corporation for the principal purpose of owning or

leasing land and, either by itself or as a joint venture with another company or companies, conduct on such land for and in behalf of and as agent for the parties hereto or any of them the activities of receiving, surveying, servicing, storing, and delivery of automobiles.

Dated: January 19, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-905 Filed 1-21-71;8:49 am]

INTER-AMERICAN SHIPPING CORP. ET AL.

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:

Arthur E. Erb, President, Florida Motorships Corp., Post Office Box 13049, Port Everglades Station, Fort Lauderdale, FL 33316.

Agreement No. 9922, among Inter-American Shipping Corp., Pan American Mail Line, Inc., and Wallenius Caribbean Line, S.A., provides for the establishment of a rate agreement between the parties operating in the trade between ports in Florida and ports in Panama, in accordance with the terms and conditions set forth in the agreement.

Dated: January 19, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-906 Filed 1-21-71;8:49 am]

PAN AMERICAN MAIL LINE, INC., AND WALLENIUS CARIBBEAN LINE, S.A.

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:

Jeremy Chester, Vice President, Chester, Blackburn & Roder, Inc., Post Office Box 1470, Miami, FL 33101.

Agreement No. 9924, between Pan American Mail Line, Inc., and Wallenius Caribbean Line, S.A., covers an arrangement for the establishment of a rate agreement in the trade between ports in Florida and ports in Aruba, Curacao, and Bonaire, Netherlands Antilles, in accordance with the terms and conditions set forth in the agreement.

Dated: January 19, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-907 Filed 1-21-71;8:49 am]

[Docket No. 71-7]

EXPORT SERVICES, INC.

Order of Investigation and Hearing Regarding Independent Ocean Freight Forwarder License Application

By certified letter dated October 27, 1970, Export Services, Inc., 9978 Monroe Drive, Suite 306, Dallas, TX 75235, was notified of the Federal Maritime Commission's intent to deny its application for an independent ocean freight forwarder license, because it engaged in forwarding and other related activities, including the acceptance of compensation prior to being licensed in violation of the Commission's General Order 4 and section 44(a), Shipping Act, 1916 (46 U.S.C. 841(b)).

Export Services, Inc., has requested a hearing to show that denial of the application is unwarranted.

Therefore, it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821 and 841b) that a proceeding is hereby instituted to determine whether, in view of the past activities of its principals, Export Services, Inc., is fit to carry on the business of forwarding and to conform to the provisions of the Shipping Act, 1916, within the meaning of that statute; and whether its application should be granted or denied.

It is further ordered, That this proceeding determine whether Export Services, Inc., has violated section 44(a), Shipping Act, 1916.

It is further ordered, That Export Services, Inc., be made respondent in this proceeding and that the matter be assigned for hearing before an Examiner of the Commission's Office of Hearing Examiners on a date and place to be announced.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof and notice of hearing be served upon the respondent.

It is further ordered, That any person, other than the respondent, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with a copy to respondent.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-908 Filed 1-21-71;8:49 am]

FEDERAL POWER COMMISSION

[Docket No. RI71-611, etc.]

COASTAL STATES GAS PRODUCING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JANUARY 13, 1971.

The Respondents named herein have filed proposed increased rates and charges of concurrently effective rate schedules for sales of natural gas under

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

Commission jurisdiction, as set forth in Appendix A hereof.

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

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

The Commission orders:

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

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

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 8, 1971.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-611	Coastal States Gas Producing Co.	78	2	South Texas Natural Gas Gathering Co. (Cinco De Mayo Field, Zapata County, Tex., RR. District No. 4).	$78,840	12-21-70	1-21-71	6-21-71	16.0	17.8	
RI71-612	W. M. Laughlin	3	3	Valley Gas Transmission, Inc. (Independence and South Independence Field, Duval, RR. District No. 4).	3,500	12-21-70	1-21-71	6-21-71	15.0	16.0	RI68-476.
RI71-480	Atlantic Richfield Co.	48	1 to 14	United Gas Pipe Line Co. (Triple A Field, San Patricio County, Tex., RR. District No. 4).	10,134	12-18-70	[1] 5-20-71	[2] Accepted	15.0375	[3] 24.25	RI68-468.
RI71-613	Ferguson Oil Co., Inc., et al.	6	2	Lone Star Gas Co. (Cruce Field, Stephens County Okla., Other Area).	16,200	12-21-70	1-21-71	6-21-71	[4] 15.0	[4] 18.0	
RI71-614	Franks Petroleum, Inc.	15	1	United Gas P/L Co. (West Bryceland Field) (Bienville Parish) (North Louisiana).	9,000	12-21-70	1-21-71	6-21-71	[12] 18.75	[12] 20.0	
RI71-615	E. Lyle Johnson et al.	7	3	Arkansas Louisiana Gas Co. (Kinta Field, Haskell County) (Oklahoma Other Area).	7,200	12-21-70	1-21-71	6-21-71	15.0	16.0	
RI71-616	Alamo Petroleum Co.	[7] 4	6	El Paso Natural Gas Co. (Leases in San Juan County, N. Mex., San Juan Basin).	289	12-14-70	1-14-71	6-14-71	[8] [12] 14.0536	[9] [12] [13] 14.2678	RI64-696.
RI71-617	Tenneco Oil Co.	221	3	El Paso Natural Gas Co.	3,496	12-14-70	1-15-71	6-15-71	14.0224	[11] 16.9356	RI70-560.

*Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Date of expiration of suspension period for prior increase to 18.3 cents which was filed Nov. 19, 1970.
[2] Accepted, subject to the existing suspension proceeding in Docket No. RI71-480.
[3] Corrects increase dated Nov. 17, 1970 to provide for the contractually authorized renegotiated rate.
[4] Not used.
[5] Subject to upward and downward B.t.u. adjustment.
[6] Not used.
[7] Successor to Sword, Co. et al. FPC Gas Rate Schedule No. 2.
[8] Includes 1-cent minimum guarantee for liquids.
[9] Increase from 13 cents plus 1-cent minimum guarantee for liquids to 14 cents exclusive of the 1-cent minimum guarantee for liquids.
[10] Includes partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax.
[11] Increase to contract rate less 0.63-cent B.t.u. adjustment.
[12] The pressure base is 15.025 p.s.i.a.

The proposed increase of Alamo Petroleum Co. reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax. El Paso Natural Gas Co. (El Paso) (Purchaser) is expected to protest the tax reimbursement. El Paso questions the right of the producer under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico Legislature effected a higher rate of at least 0.55 percent, they claim there is controversy as to whether or not the new legislation effected an increased rate in excess of 0.55 percent. In view of the contractual problem presented, the hearing herein shall be concerned with the contractual basis for such rate filing, as well as the statutory lawfulness of the proposed increased rate.

W. M. Laughlin, Ferguson Oil Co., Inc., et al. and E. Lyle Johnson, et al. request effective dates for which adequate notice was not given. Good cause has not been shown for granting any of these requests and they are denied.

All of the producer's proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-892 Filed 1-21-71;8:45 am]

[Docket No. G-3566, etc.]

CITIES SERVICE OIL CO. ET AL.

Findings and Order After Statutory Hearing; Correction

DECEMBER 17, 1970.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, canceling docket number, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceeding, making successors co-respondents, redesignating proceedings, and accepting related rate schedules and supplements for filing, issued April 17, 1970, and published in the FEDERAL REGISTER April 29, 1970 (35 F.R. 6772), in subparagraphs (a), (d), and (H); Change Docket No. "CI69-392" to read Docket No. "CI69-394".

GORDON M. GRANT, *Secretary.*

[FR Doc.71-889 Filed 1-21-71;8:47 am]

[Dockets Nos. RP71-13, RP71-14]

EL PASO NATURAL GAS CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets, Providing Hearing Procedures, Permitting Tracking of Purchased Gas Increases, Requiring Filing of Undertaking and Consolidating Proceedings; Correction

DECEMBER 2, 1970.

In the order providing for hearing, suspending proposed revised tariff sheets, providing hearing procedures, permitting tracking of purchased gas increases, requiring filing of undertaking and consolidating proceedings, issued October 30, 1970, and published in the FEDERAL REGISTER November 6, 1970 (35 F.R. 17150), footnote 1, after the words "and Fifth Revised Sheet Nos. 11 and 18-A", strike the period and add "of Original Volume No. 3." Footnote 1, after the words "El Paso filed" add "in Docket No. RP71-14". Footnote 1, strike the words "all to replace those sheets filed on October 9, 1970,". Footnote 4, after the

word "difference" insert the following: "of $1,706,382. The $1,706,382 when divided by 7.5 cents difference". Paragraph (F), change "E(7)" to "E(9)".

GORDON M. GRANT,
Secretary.

[FR Doc.71-890 Filed 1-21-71;8:47 am]

[Project 2685]

POWER AUTHORITY OF THE STATE OF NEW YORK

Notice of Application for Approval of Exhibits for Proposed Transmission Line

JANUARY 13, 1971.

Public notice is hereby given that application for approval of exhibits for a proposed transmission line has been filed by the Power Authority of the State of New York (correspondence to: William S. Chapin, General Manager, Power Authority of the State of New York, 10 Columbus Circle, New York, NY 10019), pursuant to Article 34 of its license for the unconstructed Blenheim-Gilboa Pumped Storage Project No. 2685, located on the middle reaches of Schoharie Creek in the towns of Blenheim and Gilboa in Schoharie County, N.Y.

The exhibits, J, K, and M, show the design and alternative routes for the Gilboa-Leeds 345 kv. transmission facilities which will originate at the project switchyard adjacent to the power plant in Schoharie County and extend into Albany and Greene Counties to the Leeds substation to be constructed, owned and operated by Niagara Mohawk Power Corp. at a point near Catskill, N.Y. By its order issued April 10, 1970, the Commission considered and approved the Gilboa-New Scotland and the Gilboa-Fraser lines only (now under construction), at the Authority's request in view of the protests and petitions to intervene filed with the Commission in opposition to the Durham Valley section of the Leeds line.

The first alternate route for the Leeds line would follow the same route as described in the Authority's application for the three lines, publication of notice of which was given on December 11, 1969. However, parts of the 6.1 mile section at the eastern end of the line and parts of the 8.2 mile section at the western end of the line have been realigned with the middle section through the Durham Valley area remaining unchanged. The entire route of the first alternative Leeds line is described as follows:

The line will leave the project in an easterly direction through the towns of Gilboa and Conesville in Schoharie County and will pass between Brown Mountain and Reed Hill. The line will continue in this direction across Platter Kill, County Highway 59, Bear Kill and County Highway 18 to a point approximately 3,000 feet east of Hubbard Road and 1,500 feet north of County Highway 3. The line will continue in the same direction crossing Manor Kill and County Highway 3 before passing about 3,000 feet north of Steenburg Mountain. The line will then proceed in a more southeasterly direction, extending into the town of Durham in Greene County passing west and south of West Durham to a point about 3,000 feet north of Mount Pisgah. The line will extend in a southeasterly course, passing north of Cornwallville and across Cornwallville Creek, Thorp Creek, and County Highway 20. The line will pass south of East Durham and cross Millings Road, Sunside Road and Bowery Creek. The line will then turn more easterly, cross State Highway 145 and extend into the town of Cairo in Greene County where it will cross Catskill Creek, State Highway 32, Jan de Bakkers Kill, and County Highway 41. The line will continue through Greene County across County Highway 67 and extend easterly crossing Indian Ridge at a point approximately 500 feet south of Harold C. Meyer Road and 1,500 feet west of Rudolf Weir Road, continuing across Potic Creek, County Highway 49 and the New York State Thruway (Interstate Route 87) at a point about 1,000 feet north of Greens Lake. The line will cross Hans Vosen Kill, Vosenkill Road and will turn south to a point about 1½ miles west of the village of Athens, where the line will turn east across U.S. Highway 9W and will proceed to its terminus at the proposed Leeds Substation to be constructed by Niagara Mohawk Power Corp. in the town of Athens, 2½ miles north of the village of Catskill.

The 6.1 mile and the 8.2 mile sections at each end of the second alternative route would be identical with the two end sections of the route described above. However, the middle section (to which the aforementioned protests were made) of the alternative route would be to the north of the Durham Valley area. This second alternative route is described as follows with the description of the section of line to the north of the Durham Valley area in quotation marks:

The line will leave the project in an easterly direction through the towns of Gilboa and Conesville in Schoharie County and will pass between Brown Mountain and Reed Hill. The line continue in this direction across Platter Kill, County Highway 59, Bear Kill, and County Highway 18 to a point approximately 3,000 feet east of Hubbard Road and 1,500 feet north of County Highway 3. "The line will then extend in a northeasterly direction and will pass about a mile north of Steenburg Mountain. The line will then extend into the town of Rensselaerville in Albany County across County Highway 3, State Highway 145, Catskill Creek and State Highway 81 before turning in an easterly direction and entering the northeast part of the town of Durham in Greene County. After crossing Ten Mile Creek the line will turn more southeasterly and will extend across McKay Road and State Highway 81. The line will then turn easterly again and will extend into the town of Greenville in Greene County, across Carter Bridge Road, County Highway 35 and Basic Creek where it will turn more southerly, cross State Highway 32, and recross County Highway 35. The line will continue in a more southeasterly direction across County Highway 41 and Jan de Bakkers Kill to a point about 1 mile north of Gayhead. The line will then turn southward and will pass about a mile east of Gayhead and will extend across Schoharie Turnpike and Deyo Road. Approximately 1,800 feet southeast of Deyo Road the line will turn easterly" crossing Indian Ridge at a point approximately 500 feet south of Harold C. Meyer Road and 1,500 feet west of Rudolf Weir Road, continuing across Potic Creek, County Highway 49 and the New York State Thurway (Interstate Route 87) at a point about 1,000 feet north of Greens Lake. The line will cross Hans Vosen Kill, Vosenkill Road and will turn south to a point about 1½ miles west of the village of Athens, where the line will turn east across U.S. Highway 9W and will proceed to its terminus at the proposed Leeds Substation to be constructed by Niagara Mohawk Power Corp. in the town of Athens, 2½ miles north of the village of Catskill.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

GORDON M. GRANT,
Secretary.

[FR Doc.71-891 Filed 1-21-71;8:48 am]

[Docket No. G-6085, etc.]

J. S. RUSHING ESTATE ET AL.

Findings and Order; Correction

DECEMBER 17, 1970.

J. S. Rushing Estate (successor to J. S. Rushing) and other Applicants listed herein, Docket Nos. G-6085, et al.; Associated Programs, Inc. (Operator), et al., Docket No. CI71-25 (CI62-927).

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceeding, substituting respondent, making successor correspondent, redesignating proceedings, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing, issued September 21, 1970, and published in the FEDERAL REGISTER October 1, 1970 (35 F.R. 15329), column 1, under Docket No. CI71-25:

Change Docket No. "CI69-927" to read Docket No. "CI62-927".

GORDON M. GRANT,
Secretary.

[FR Doc.71-888 Filed 1-21-71;8:47 am]

[Docket No. G-7079, etc.]

R. L. WHARTON ET AL.

Findings and Order; Correction

DECEMBER 17, 1970.

R. L. Wharton (successor to Cities Service Oil Co.) and other Applicants listed herein, Docket Nos. G-7079, et al.; Ashland Oil, Inc., Docket No. CI69-197.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending

orders issuing certificates, permitting and approving abandonment of service, terminating certificates, terminating proceeding, substituting respondents, making successors correspondents, redesignating proceedings, making rate change effective, requiring filing of agreements and undertakings, and accepting related rate schedules and supplements for filing, issued August 12, 1970, and published in the FEDERAL REGISTER August 22, 1970 (35 F.R. 13476), column 4: Change date of supplemental agreement from "5-21-68" to "5-21-70" related to Ashland Oil, Inc. Supplement No. 10 to FPC Gas Rate Schedule No. 193.

GORDON M. GRANT,
Secretary.

[FR Doc.71-887 Filed 1-21-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

CHARLOTTESVILLE CAPITAL CORP.

Notice of License Surrender

Notice is hereby given that Charlottesville Capital Corp., U.S. Route 29 North, Charlottesville, VA 22901, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107).

Charlottesville Capital Corp. was licensed as a small business investment company on December 3, 1963, to operate solely under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C., 661 et seq.), and the regulations promulgated thereunder.

Under the authority vested by the Act, and pursuant to the cited regulation, the surrender of the license is hereby accepted and all rights, privileges, and franchises derived therefrom are canceled and terminated.

A. H. SINGER,
Associate Administrator for Investment.

JANUARY 7, 1971.

[FR Doc.71-898 Filed 1-21-71;8:48 am]

MIDLAND CAPITAL CORP.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Midland Capital Corp., License No. 02/02-0040, 110 William Street, New York, NY 10038, a licensed small business investment company under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration for approval of a change of control. Prior approval of change of control is required under § 107.701 of SBA Rules and Regulations (13 CFR Part 107, 33 F.R. 326).

Midland Capital Corp. was licensed October 13, 1960. Its paid-in capital is $17,453,846.

Marine Midland Banks, Inc., owner of 290,770 shares (approximaetly 20 percent) of the common stock of Midland Capital Corp., proposes to sell its shares to Rich-Healy Corp., 1709 Main Place, Buffalo, NY 14202.

All of the stock of Rich-Healy Corp. is owned by Rich Products Corp. and certain trusts, the beneficiaries of which are the children and grandchildren of Mr. Robert E. Rich. Mr. Rich is the majority stockholder of Rich Products Corp., with the remaining stock thereof owned by his affiliates. Rich-Healy Corp. will be the only stockholder which will own 10 percent or more of the outstanding common stock of the licensee. No other stockholder will own as much as 5 percent of licensee's stock.

The proposed owners do not intend to make any changes in management, directorate, or operations, except for Mr. Thomas B. Healy, Jr., becoming a nominee for election as a director at the next annual stockholders meeting. Mr. Robert E. Rich is currently a director of the licensee.

SBA's consideration of the application includes the general business character and reputation of the above-named persons and their commitment to actively operate the company within the intent and purpose of the Act and SBA Regulations.

Interested persons should address their comments on the proposed transfer of control to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416, within 10 days after date of publication of this notice.

A similar notice shall be published by the proposed purchasers in a newspaper of general circulation in New York, N.Y.

A. H. SINGER,
Associate Administrator for Investment.

JANUARY 18, 1971.

[FR Doc.71-939 Filed 1-21-71;8:51 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 18, 1971.

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

LONG-AND-SHORT HAUL

FSA No. 42113—*Salt from Cleveland, Ohio.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 2994), for interested rail carriers. Rates on salt, common (sodium chloride), in bulk, in carloads, as described in the application, from Cleveland, Ohio, to Charlotte and Henderson, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 80 to Traffic Executive Association-Eastern Railroads, Agent, tariff I.C.C. C-262.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-912 Filed 1-21-71;8:49 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 19, 1971.

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

LONG-AND-SHORT HAUL

FSA No. 42114—*Fish Meal from Georgetown, Prince Edward Island, Canada.* Filed by O. W. South, Jr., Agent (No. A6220), for interested rail carriers. Rates on fish meal, in carloads, as described in the application, from Georgetown, Prince Edward Island, Canada, to all Southern Freight Association territory Docket 28300 basing points and points taking same rates in National Rate Basis tariff 1-B.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 11 to Canadian Freight Association tariff I.C.C. 309.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-913 Filed 1-21-71;8:49 am]

[Notice 232]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 18, 1971.

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 13426 (Sub-No. 4 TA), filed January 14, 1971. Applicant: UNITED PARCEL SERVICE, INC. (Ohio), 300 North Second Street, St. Charles, IL 60174. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are sold by retail department stores, between Milwaukee, Wis., on the one hand, and, on the other, points in Sheboygan, Washington, Jefferson, Milwaukee, Walworth, Ozaukee, Dodge, Waukesha, Racine, and Kenosha Counties, Wis., restricted to service for Sears, Roebuck & Co., for 120 days. Supporting shipper: Sears, Roebuck & Co., Post Office Box 5308, Chicago, IL 60680. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 13426 (Sub-No. 5 TA), filed January 14, 1971. Applicant: UNITED PARCEL SERVICE, INC. (Ohio), 300 North Second Street, St. Charles, IL 60174. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are sold by retail department stores*, between Cleveland, Ohio; on the one hand, and, on the other, points in Cuyahoga, Lake Erie, Huron, Medina, Ottawa, Lorain, Geauga, Summit, and Portage Counties, Ohio; restricted to service for Sears Roebuck and Co., for 120 days. Supporting shipper: Sears, Roebuck and Co., Post Office Box 5308, Chicago, IL 60680. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 13426 (Sub-No. 6 TA), filed January 14, 1971. Applicant: UNITED PARCEL SERVICE, INC. (Ohio), 300 North Second Street, St. Charles, IL 60174. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are sold by retail department stores*, between Cincinnati, Ohio, on the one hand, and, on the other, points in Hamilton, Butler, Clermont, and Warren Counties, Ohio, restricted to service for Sears, Roebuck and Co., for 120 days. Supporting shipper: Sears, Roebuck and Co., Post Office Box 5308, Chicago, IL 60680. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 51146 (Sub-No. 195 TA), filed January 14, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Post Office Box 2298, 54306, Green Bay, WI 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from Plattsburgh, N.Y., to points in Michigan, Ohio, Indiana, Illinois, Wisconsin, and Minnesota, for 180 days. Supporting shipper: Georgia-Pacific Corp., 800 Summer Street, Stamford, CT 06902 (Robert Ricker, Eastern Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 72806 (Sub-No. 6 TA), filed January 13, 1971. Applicant: RED-YELLOW CAB CO. doing business as BUCKEYE STAGES, 501 Phillips Avenue, Toledo, OH 43612. Applicant's representative: David L. Pemberton, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts and accessories*, in express service, in taxicabs, from Wauseon and Toledo, Ohio, to Detroit, Ypsilanti, Rawsonville, Pontiac, Lansing, Wayne, Wixom, and Willow Run, Mich., and the Detroit Metropolitan, Willow Run, and Toledo Express Airports, for 180 days. Supporting shippers: Essex International Inc., 1601 Well Street, Fort Wayne, IN 46804; Prestole Everlock, Inc., Post Office Box 278, 1345 Miami Street, Toledo, OH 43605. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 106743 (Sub-No. 8 TA), filed January 14, 1971. Applicant: LOFTIN'S TRANSFER & STORAGE, CO., INC., 4081 Ross Clark Circle NW., Post Office Drawer 1568, Dothan, AL 36301. Applicant's representative: Robert S. Richard, 57 Adams Avenue, Montgomery, AL 36103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Palo Pinto County, Tex., on the one hand, and, on the other, the following Counties in Texas, Brown, Comanche, Eastland, Erath, Hood, Jack, Parker, Somervell, and Stephens. Restriction: Said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310, Attn: Curtis L. Wagner, Jr., Chief, Regulatory Law Office. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, AL 35203.

No. MC 106743 (Sub-No. 9 TA), filed January 14, 1971. Applicant: LOFTIN'S TRANSFER & STORAGE CO., INC., 4081 Ross Clark Circle NW., Dothan, AL 36301. Applicant's representative: Robert S. Richard, 57 Adams Avenue, Montgomery, AL 36103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Montgomery County, Ala., on the one hand, and points in Autauga, Butler, Chilton, Coosa, Elmore, Lowndes, Perry, Tallapoosa, and Wilcox Counties, Ala., on the other hand. Restriction: Said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization, of such traffic, for 180 days. Supporting shipper: Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310, Attn: Curtis L. Wagner, Jr., Chief, Regulatory Law Office. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, AL 35203.

No. MC 109533 (Sub-No. 43 TA), filed January 14, 1971. Applicant: OVERNITE TRANSPORTATION COMPANY, 1100 Commerce Road, Post Office Box 1216, 23209, Richmond, VA 23224. Applicant's representative: C. H. Swanson (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, household goods as described by the Commission, commodities in bulk, and those requiring special equipment (1) between Knoxville, Tenn., and Elizabethtown, Ky., serving all intermediate points, from Knoxville, over U.S. Highway 25W to Corbin, Ky., thence over U.S. Highway 25 to junction U.S. Highway 150, thence over U.S. Highway 150 to Bardstown, Ky., thence over U.S. Highway 62 to Elizabethtown, Ky., and return over the same route, serving points in Nelson County, Ky., as off-route points. (2) Between Morristown, Tenn., and Corbin, Ky., over U.S. Highway 25E, serving all intermediate points. (3) Between Mount Vernon, Ky., and Berea, Ky., over U.S. Highway 25, serving all intermediate points. (4) Between Stanford, Ky., and Lancaster, Ky., over U.S. Highway

27, serving all intermediate points. (5) Between Danville, Ky., and Perryville, Ky., serving all intermediate points; from Danville over U.S. Highway 127 to Harrodsburg, Ky., thence over U.S. Highway 68 to Perryville, Ky., and return over the same route. (6) Between Perryville, Ky., and Springfield, Ky., serving all intermediate points, from Perryville, over U.S. Highway 68 to Lebanon, Ky., thence over Kentucky Highway 55 to Springfield, Ky., and return over the same route. (7) Alternate route for operating convenience only, between Knoxville, Tenn., and Tazewell, Tenn., over Tennessee Highway 33, serving all intermediate points. (8) Applicant also seeks to serve the commercial zone of all points on routes sought. (9) Applicant intends to tack the authority here applied for to MC 109533 and Sub 22, and to interline with other carriers, for 180 days. Supporting shippers: There are approximately 125 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: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, VA 23240.

No. MC 110410 (Sub-No. 13 TA), filed January 14, 1971. Applicant: BENTON BROTHERS FILM EXPRESS, INC., 168 Baker Street, Atlanta, GA 30313. Applicant's representative: William Addams, 1776 Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines*, from Atlanta, Ga., to Waycross and Waresboro, Ga., for 150 days. Supporting shipper: Theatres Service Co., Post Office Box 1695, Atlanta, GA 30301. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 110420 (Sub-No. 627 TA), filed January 14, 1971. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI. 53158, Bristol, Kenosha County, WI. Applicant's representative: A. Bryant Torhorst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate, liquid chocolate coating, and confectionery coating*, in bulk, from Burlington, Wis., to Oklahoma City, Okla., for 180 days. Supporting shipper: Nestle Co., Inc., 100 Bloomingdale Road, White Plains, NY 10605 (J. Leonard, General Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 110525 (Sub-No. 994 TA), filed January 14, 1971. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid*, in bulk, in tank vehicles, from Hopewell, Va., to Perth Amboy, N.J., for 180 days. Supporting shipper: Allied Chemical Corp., Post Office Box 365, Morristown, NJ 07960. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 116254 (Sub-No. 120 TA), filed January 13, 1971. Applicant: CHEM-HAULERS, INC., Post Office Box 245, 1510 Martin Avenue, Sheffield, AL 35660. Applicant's representative: L. Winston, Post Office Drawer M., Sheffield, AL 35660. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin solvents*, in bulk, in tank vehicles, from Decatur, Ala., to Texas City, Tex., and points in Indiana, for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, AL 35203.

No. MC 120562 (Sub-No. 3 TA), filed January 14, 1971. Applicant: O.K. TRANSFER AND STORAGE COMPANY OF LAWTON, 202 East D Avenue, Lawton, OK 73501. Applicant's representative: Walter F. Young (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and unaccompanied baggage*, including packing, crating, and uncrating, of Department of Defense military and civilian personnel, between points in Jackson, Ellis, and Murray Counties, Okla., and Childress, Collinsworth, Donley, and Hall Counties, Tex., for 180 days. NOTE: Applicant states it will tack with authority held in MC 120562 Sub-No. 1. Supporting shippers: Department of the Air Force, Headquarters 443d Air Base Group (MAC) Altus Air Force Base, OK 73521; Department of the Army, Headquarters, U.S. Army Field Artillery Center and Fort Sill, Fort Sill, OK 73503. Send protests to: H. C. Morrison, Sr., Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 120800 (Sub-No. 32 TA), filed January 13, 1971. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, CA 90222. Applicant's representative: Art O'Malley (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid natural gas*, from Memphis, Tenn., to New Albany, Miss., for 120 days. Supporting shipper: The Union Gas Co., Post Office Box 4647, Jackson, MS 39216. Send protests to; John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 127115 (Sub-No. 2 TA), filed January 14, 1971. Applicant: MILLER TRANSPORT, INC., 510 West Fourth North Street, Hyrum, UT 84319. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, UT 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Turkey eggs, animal and poultry feed, and feed ingredients*, from points in San Bernardino, San Francisco, San Joaquin, Fresno, and Los Angeles Counties, Calif., to Wener, Box Elder, Cache, Davis, Sevier, and Sanpete Counties, Utah, for 180 days. Supporting shippers: Farrell Grain Co., Post Office Box 385, 200 West 21st Street, Ogden, UT 84402 (Wayne Farrell); R. J. Wight Inc., Post Office Box 1309, 860 West 24th South Street, Ogden, UT 84402 (Gary Plyer, General Manager). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 128007 (Sub-No. 28 TA), filed January 13, 1971. Applicant: HOFER, INC., Post Office Box 583, 4032 Parkview Drive, Pittsburg, KS 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, turns, lumber, crating, and sawdust*, from points in Neosho, Labette, and Wilson Counties, Kans., to points in Arkansas, Missouri, Texas, Iowa, Nebraska, Illinois, and Colorado, for 180 days. Supporting shippers: Wilson Bros. Walnut Lumber Co., Inc., Post Office Box 312, Parsons, KS 67357; Hardwood Products, Box 186, St. Paul, KS 66771; Chering Hardwood Fabricators, RR. No. 1, Oswego, KS 67356; Shinn Bros. Lumber Co., 315 North Ninth Street, Fredonia, KS 66736. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, KS 67202.

No. MC 129744 (Sub-No. 3 TA), filed January 13, 1971. Applicant: ENSMINGER MOTOR LINES, INC., 300 Franklin Street, Frankfort, IL 60423. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic foam meat trays and plastic egg cartons*, from the plantsite of Mobil Chemical Co. at Frankfort, Ill., to points in Minnesota, Iowa, Missouri, and Kentucky, for 180 days. Supporting shipper: Mobil Chemcial Co., Foam Products Department, 437 Center Road, Frankfort, IL 60423. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 133189 (Sub-No. 1 TA), filed January 14, 1971. Applicant: VANT TRANSFER, INC., 5075 Mulcare Drive, Minneapolis, MN 55421. Applicant's representative: James S. Holmes, 630 Osborn Building, St. Paul, MN 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from plantsites of North Star Steel Co. at Newport, Minn., to points in Colorado, Idaho, Illinois, Montana, Nebraska, North Dakota, South Dakota, Utah, Washington, Wisconsin, and Wyoming, for 180 days. Supporting shipper: North Star Steel Co., St. Paul, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 133436 (Sub-No. 4 TA), filed January 13, 1971. Applicant: DUDDEN ELEVATOR, INC., Post Office Box 60, Ogallala, NE 69153. Applicant's representative: Richard A. Dudden, 121 East Second Street, Ogallala, NE 69153. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Inedible meat byproducts and inedible articles distributed by meat packinghouses*, moving in nonrefrigerated vehicles, from Denver, Greeley, Loveland, Fort Morgan, and Brush, Colo., Scottsbluff, Nebr., and, Torrington, Wyo., to points in Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and Oklahoma, for 180 days. Supporting shipper: Wellens & Co., Inc., 6950 France Avenue, South, Minneapolis, MN. Send protests to: District Supervisor Johnston, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, NE 68508.

No. MC 133437 (Sub-No. 1 TA), filed January 14, 1971. Applicant: DAVIS CARTAGE CO., 1957 Findley, Saginaw, MI 48601. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, MI 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from Bay City, Caro, and Sebewaing, Mich., to storage facilities of Industrial Molasses Corp. at Presque Isle Site, Port District, Toledo, Ohio; for 120 days. Supporting shipper: Industrial Molasses Corp., 321 Fort Lee Road, Leonia, NJ 07605. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 225 Federal Building, Lansing, MI 48933.

No. MC 134460 (Sub-No. 4 TA), filed January 14, 1971. Applicant: AMERICAN TRANSPORT SYSTEM, INC., 871 Charter Street, Redwood City, CA 94063. Applicant's representative: Daniel W. Baker, Handler, Baker & Greene, 405 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in temperature-controlled equipment, as a common carrier by motor vehicle in interstate or foreign commerce from Wilmington, Calif., to Salt Lake City, Utah, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: Claud W. Reeves, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 134518 (Sub-No. 3 TA), filed January 14, 1971. Applicant: CHEESE HAULING, INC., Post Office Box 138, Stitzer, WI 53825. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Twine*, from Dubuque, Iowa to points in North Dakota and South Dakota; (2) *Rejected shipments*, of the above commodities, from points in North Dakota and South Dakota to Dubuque, Iowa, for 180 days. Supporting shipper: Dubuque Twine Co., Jones and Terminal Streets, Dubuque, IA 52001. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 134777 (Sub-No. 9 TA), filed January 14, 1971. Applicant: SOONER EXPRESS, INC., Post Office Box 219, Office: Sooner Building, Highway 70 South, Madill, OK 73446. Applicant's representative: Dale Waymire (same address as above. . Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from West Point and Dakota City, Nebr., and Emporia, Kans., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Iowa Beef Packers, Inc., Dakota City, Nebr. 68731. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 513 Thomas Building, 1314 Wood Street, Dallas, TX 75202.

No. MC 135007 (Sub-No. 2 TA), filed January 14, 1971. Applicant: AMERICAN TRANSPORT, INC., Post Office Box 37406, Millard, NE 68137. Applicant's representative: Charles J. Kimball, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, from the plantsite and storage facilities of Spencer Foods, Inc., at or near Schuyler, Nebr., and Fremont, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Washington, D.C., North Carolina, and South Carolina. Restriction: Traffic destined to the above States, for 180 days. Supporting shipper: Spencer Foods, Inc., Spencer, Iowa (John F. Hummel). Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, NE 68102.

No. MC 135138 (Sub-No. 1 TA), filed January 14, 1971. Applicant: COSTIN AIRFREIGHT SERVICE, INC., Post Office Box 761, New Bern, NC 28560. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, having a prior or subsequent movement by air, (1) between the airport located at or near New Bern, N.C., on the one hand, and, on the other, points in Craven, Jones, Pamlico, Onslow, Beaufort, and Carteret Counties, N.C.; (2) between the airport located at or near Kinston, N.C., on the one hand, and, on the other, points in Lenoir, Greene, Pitts, Wayne, Jones, Onslow, Craven, and Beaufort Counties, N.C.; and (3) between the airport, located at or near Jacksonville, N.C., on the one hand, and, on the other, points in Craven, Pender, Duplin, Jones, Sampson, Onslow, Lenoir, and Carteret Counties, N.C., for 180 days. Supporting shipper: Piedmont Airlines, Smith Reynolds Airport, Winston-Salem, N.C. 27102. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 135213 (Sub-No. 1 TA), filed January 13, 1971. Applicant: JOE GOOD, doing business as GOOD TRANSPORTATION, 830 Shoshoni Street, Lovell, WY 82431. Applicant's representative: Robert S. Stauffer, 3539 Boston, Road, Cheyenne, WY 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fire brick, including refractory mortars, castables, ramming mixes, anchor block, and insulators*, from Denver, Colo., to Lovell, Wyo.; (2) *clay products, fittings and accessories, including vitrified clay pipe, fittings and jointing devices, flue lining, wall coping, face and common brick, structural clay tile, and fireplace accessories*, between Billings, Mont., and points in Wyoming, and between Lovell, Wyo., on the one hand, and, on the other, points in Colorado, Idaho, Montana, Nebraska, North Daktota, South Dakota, Utah, and Wyoming, for 180 days. Supporting shipper: The Lovell Clay Products Co., Post Office Box 247, Lovell, WY 82431. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1006 Federal Building and Post Office, 100 East "B" Street, Casper, WY 82601.

MOTOR CARRIER OF PASSENGERS

No. MC 135039 (Sub-No. 1 TA), filed January 14, 1971. Applicant: CONSOLIDATED CABS SERVICES, INC., 3610 East 27th Street, Kansas City, MO 64127. Applicant's representative: J. D. Williams (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and luggage*, between points in Cass, Clay, Jackson, and Platte Counties, Mo., Johnson, Leavenworth, and Wyandotte Counties, Kans., for 150 days. Supporting shipper: Must Commuter Service, 1824 Paseo, Kansas City, MO 64108. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

By the Commission.

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

[FR Doc.71-911 Filed 1-21-71;8:49 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

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

3 CFR

	Page
PROCLAMATIONS:	
3548 (see Proc. 4026)	5
3558 (see Proc. 4026)	5
3562 (see Proc. 4026)	5
3597 (see Proc. 4026)	5
3709 (see Proc. 4026)	5
3790 (see Proc. 4026)	5
3822 (see Proc. 4026)	5
3856 (see Proc. 4026)	5
3870 (see Proc. 4026)	5
3884 (see Proc. 4026)	5
4026	5
EXECUTIVE ORDERS:	
10427 (revoked by EO 11575)	37
10737 (revoked by EO 11575)	37
10973 (superseded in part by EO 11579)	969
11248 (amended by EO 11581)	1027
11495 (revoked by EO 11575)	37
11575	37
11576	347
11577	349
11578	683
11579	969
11580	971
11581	1027

5 CFR

213	11, 39, 261, 315, 353, 600, 1029
531	1029
2410	315

7 CFR

0	413
20	40
53	1029
215	1030
225	1030
270	261
301	139, 261
354	823
401	262
722	11, 40
725	11
728	1030
730	139, 140, 900
812	140
814	141
815	11
905	40, 41
906	143
907	144, 213, 543, 973
910	41, 315, 685, 901
966	41
971	421
1421	41, 42

7 CFR—Continued

	Page
PROPOSED RULES:	
68	545
81	984
907	22
908	22
987	112
1001	921
1002	921
1004	921
1006	921
1007	921
1011	921
1012	921
1013	921
1015	921
1030	921
1032	921
1033	921
1036	921
1040	921
1043	921
1044	921
1046	921
1049	921
1050	921
1060	921
1061	370, 921
1062	921
1063	921
1064	921
1065	921
1068	921
1069	921
1070	921
1071	921
1073	921
1075	921
1076	921
1078	921
1079	921
1090	921
1094	921
1096	921
1097	921
1098	921
1099	921
1101	921, 984
1102	921
1103	921
1104	921
1106	921
1108	921
1120	921
1121	921
1124	921
1125	921
1126	921

7 CFR—Continued

	Page
PROPOSED RULES—Continued	
1127	921
1128	921
1129	921
1130	921
1131	921
1132	921
1133	921
1134	921
1136	921
1137	921
1138	921

8 CFR

3	316
100	316
103	316
212	317
234	317
242	317
243	317

9 CFR

76	74, 144, 265, 318, 353, 493, 599, 776, 899, 1038
78	493
97	1038
201	1039

10 CFR

2	828
30	145
40	145
50	828
70	146
170	146

12 CFR

213	1040
224	973
226	1040
545	901
563	902
740	902
PROPOSED RULES:	
545	942

13 CFR

121	43, 213, 315, 421, 1043
PROPOSED RULES:	
121	294

14 CFR

15 CFR

16 CFR

17 CFR

18 CFR

19 CFR

19 CFR—Continued

20 CFR

21 CFR

24 CFR

26 CFR

28 CFR

29 CFR

30 CFR

32 CFR

32A CFR

33 CFR

35 CFR

36 CFR

37 CFR

38 CFR

39 CFR

41 CFR

42 CFR

42 CFR—Continued

43 CFR

45 CFR

46 CFR

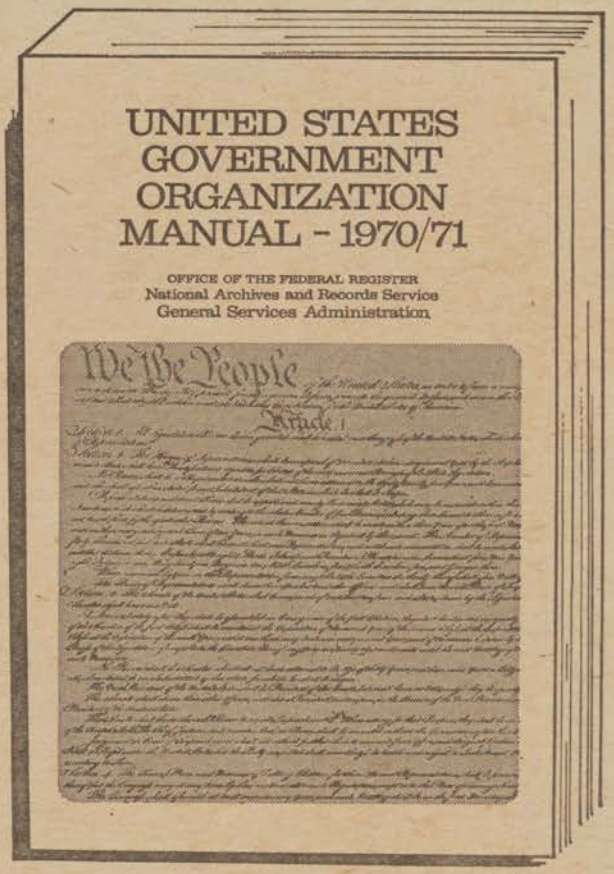
47 CFR

47 CFR—Continued

49 CFR

50 CFR

know your government



UNITED STATES GOVERNMENT ORGANIZATION MANUAL 1970/71

presents essential information about Government agencies (updated and republished annually). Describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches. This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government. The United States Government Organization Manual is the official guide to the functions of the Federal Government, published by the Office of the Federal Register, GSA.

$3.00 per copy. Paperbound, with charts

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402