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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that the position of Associate Director for Program Planning, Community Action Program, is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3–9–71), paragraph (b) of § 213.3373 is revoked.

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

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

[FR Doc.71–3254 Filed 3–8–71;8:48 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the position of Confidential Secretary to the Assistant Secretary for Environment and Urban Systems is excepted under Schedule C. This section is further amended to reflect the current title of this Assistant Secretary in the Schedule C listing of his Special Assistant. Effective on publication in the FEDERAL REGISTER (3–9–71), subparagraph (14) is amended and subparagraph (24) is added to paragraph (a) of § 213.3394 as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *

(14) One Special Assistant to the Assistant Secretary for Environment and Urban Systems.

* * * * *

(24) One Confidential Secretary to the Assistant Secretary for Environment and Urban Systems.

* * * * *

(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.71–3255 Filed 3–8–71;8:48 am]

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that the position of Confidential Secretary to the Director of the Mint is no longer excepted under Schedule C. This section is further amended to show that the position of Confidential Assistant to the Director of the Mint is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (3–9–71), subparagraph (1) is revoked and subparagraph (2) is added to paragraph (f) of § 213.3305 as set out below.

§ 213.3305 Treasury Department.

* * * * *

(f) *Bureau of the Mint.* (1) [Revoked]

(2) One Confidential Assistant to the Director of the Mint.

(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.71–3256 Filed 3–8–71;8:48 am]

Title 7—AGRICULTURE

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

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On February 17, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 3070) regarding proposed expenses and related rate of assessment for the period November 1, 1970, through October 31, 1971, and carryover of unexpended funds from the period November 1, 1969, through October 31, 1970, pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California. This regulatory program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Navel Orange Administrative Committee (established pursuant to the amended marketing agreement and order, it is hereby found and determined that:

§ 907.208 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Navel Orange Administrative Committee, during the period November 1, 1970, through October 31, 1971, will amount to $334,700.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 907.41, is fixed at $0.013 per carton of Navel oranges.

(c) *Reserve.* Unexpended funds in excess of expenses incurred during the fiscal year ended October 31, 1970, in the amount of $35,000, are carried over as a reserve in accordance with § 907.42 of said marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable Navel oranges from the beginning of such year; and (2) the current fiscal year began on November 1, 1970, and said rate of assessment will automatically apply to all assessable Navel oranges beginning with such date.

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

Dated: March 4, 1971.

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

[FR Doc.71–3278 Filed 3–8–71;8:50 am]

[Lemon Reg. 469, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon

which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 910.769 (Lemon Reg. 469, 36 F.R. 3800) during the period February 28, through March 6, 1971, are hereby amended to read as follows:

§ 910.769 Lemon Regulation 469.

* * * * *

(b) * * *
(1) * * *

(i) District 1: 20,000 cartons;
(ii) District 2: 210,000 cartons.

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

Dated: March 4, 1971.

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

[FR Doc.71-3279 Filed 3-8-71;8:50 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 224—FEDERAL RESERVE BANK INTEREST RATES

Change in Rates; Amendment

The document amending §§ 224.2, 224.3, and 224.4 published in the FEDERAL REGISTER of February 25, 1971 (36 F.R. 3461), is amended by changing the rate and effective date thereof for the Federal Reserve Bank of Richmond under § 224.4 to 6¾ percent and February 26, 1971, respectively.

By order of the Board of Governors, March 3, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-3208 Filed 3-8-71;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-WE-73]

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

Alteration of Control Zones and Transition Area

Correction

In F.R. Doc. 71-2566 appearing at page 3463 in the issue for Thursday, February 25, 1971, in the third complete paragraph on page 3464, immediately after the phrase "'* * * longitude 119°18'50'' * * * '", the following words should be inserted: "and '* * *, within 5 miles each side of the Moses Lake VOR 144° radial * * *'".

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-670; Amdt. 11]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Holidays on Which the Board Is Closed

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of March 1971.

Section 221.161 of the economic regulations provides, inter alia, that tariff publications will be received for filing only during the established business hours of the Board, and that the office of the Board is closed on certain specified holidays. By recently effective legislation,[1] the dates of certain legal public holidays have been changed and a new holiday (Columbus Day) added, and the list of holidays upon which the office of the Board is closed is being modified accordingly.

This amendment relates solely to a matter of Board procedure, and will not impose a burden upon any person; therefore, the Board finds that notice and public procedure thereon are unnecessary, and the amendment may become effective immediately.

Accordingly, the Board hereby amends Part 221 of its Economic Regulations (14 CFR Part 221), effective March 4, 1971, as follows:

Amend § 221.161 to read in part as follows:

§ 221.161 Delivering tariff publications to Board.

* * * * *

New Year's Day (January 1).
Inauguration Day (January 20, 1973, and January 20 of each fourth year thereafter).
Washington's Birthday (third Monday in February).
Memorial Day (last Monday in May).
Independence Day (July 4).
Labor Day (first Monday in September).
Columbus Day (second Monday in October).
Veterans Day (fourth Monday in October).
Thanksgiving Day (fourth Thursday in November).
Christmas (December 25).

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

[1] Public Law No. 90-363, 82 Stat. 250, 5 U.S.C. section 6103(a), approved June 28, 1968, effective Jan. 1, 1971.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3268 Filed 3-8-71;8:49 am]

[Reg. ER-699; Amdt.12]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Revision of MAC Minimum Rates for Overseas and Foreign Air Transportation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of March 1971.

On November 18, 1970, by notice of proposed rule making EDR-185A/PSDR-29 (35 F.R. 18056), the Board proposed to amend Parts 288 and 399 of its economic regulations (14 CFR Parts 288 and 399) which would increase, effective August 5, 1970, certain minimum rates for services performed for MAC in foreign and overseas air transportation.

The Department of Defense (DOD) and 10[1] carriers have submitted comments in response and thereafter DOD and seven[2] carriers filed reply comments. All comments, replies, and supporting materials before the Board have been carefully considered, and all contentions not otherwise disposed of hereinafter are rejected. Final amendments to Part 399 are being adopted concurrently herewith.

DOD, after its initial analysis of the carriers' data, had concluded that no rate change was justified. In its comments, in response to the Board's notice to increase the rates for MAC charters in foreign and overseas air transportation by 10.5 percent for operations conducted with long-range aircraft, and 11 percent for operations with short-range aircraft, DOD recommended that the rates be increased for long-range services by no more than 3.27 percent[3] and for short-range services by no more than 9.56 percent.

DOD derived its recommended rates by substituting for the Board's data in the notice its computation of the investment base and interest expense, and reducing the weighting for Pan American's long-range aircraft costs by 20 percent from that used by the Board.

In their comments the carriers support the increases proposed in the notice and

[1] Braniff Airways, Inc.; Continental Air Lines, Inc.; Eastern Air Lines Inc.; The Flying Tiger Line Inc.; Pan American World Airways, Inc.; Seaboard World Airlines, Inc.; Trans International Airlines, Inc.; Trans World Airlines, Inc.; Universal Airlines, Inc.; and World Airways, Inc.

[2] Airlift International, Inc.; Alaska Airlines, Inc.; Continental Air Lines, Inc.; The Flying Tiger Line Inc.; Pan American World Airways, Inc.; Seaboard World Airlines, Inc.; and World Airways, Inc.

[3] DOD by letter advised of a clerical error which required change of its original figure of 3.01 percent to 3.27 percent.

most, for various reasons, argue for increases above those proposed in the notice.

In its reply, DOD addressed itself to some of the specific issues raised by the carriers. DOD claims that no change in the 9 percent rate of return on investment is warranted; that cost increases beyond the base period should not be recognized; and that Braniff's claims for a reduced daily aircraft utilization rate, for determining the investment base by averaging the five quarters of the base period, and for including in the Federal income tax allowance the surtax that expired on June 30, 1970, should be denied.

Upon consideration of the comments and reply comments, and in the light of the adjusted cost data set forth in the appendices hereto, the Board has adopted as minimum fair and reasonable rates for MAC charters in foreign and overseas air transportation, performed with turbine-powered aircraft, the rates hereafter set forth in the final rule, notably, sections 288.7 (a) (1), (d) (1) and (2), and (e). The revised rates will result in increases of 9.46 percent for operations conducted with long-range aircraft, and 12.09 percent for operations with short-range aircraft. As noted in the proposed rule, charter rates for turboprop and piston aircraft are to remain unchanged.

Rates for individually waybilled and ticketed Categories A, X, and Z transportation are to be increased by 9.46 percent, in line with the increases for long-range aircraft.

For reasons hereafter explained, the revised rates will become effective as of August 5, 1970, except for Category Z rates, which are embodied in tariffs and may not be made effective retroactively.

First steps leading to a full-scale review of MAC minimum rates for fiscal year 1972 were initiated on December 11, 1970, by requests to carriers from the Board's staff for cost information and related data. Accordingly, the rates now being adopted shall be effective until June 30, 1971, or until such later date as may be specified after the new MAC rate review is completed.

Appendix A [3a] shows the data upon which the Board has based its rate increases. These data are the same as the data used in the notice, with certain revisions. As will be explained subsequently, the revisions stem from the correction of certain errors, the recomputation of investment and interest expense involving certain carriers, and the reduction in weighting of Pan American costs for long-range aircraft from full weight to 80 percent.

Aircraft Utilization

We are not persuaded that we have assumed an unreasonably high utilization for Braniff or Universal as claimed by these carriers, nor that our utilization forecast overall tends to be too low, as claimed by DOD, because insufficient regard was given to the fact that MAC utilization is generally higher than system utilization rates. As was indicated in the notice, we have relied principally upon system utilization, taking into account that the MAC portion of such utilization can be expected to decline, and allowing for the fact that in some instances the reported system utilization is depressed by the inclusion of significant intermediate-haul data. We have also assumed that 9 hours is a reasonable minimum for combination route carriers and 7 hours for supplemental carriers. No new facts have been provided of a noncontroversial nature indicating that our judgment in any significant respects need be changed regarding our utilization forecast for the interim period to June 30, 1971.

Investment Base

DOD claims that the investment base should be computed as of January 1, 1971 (the mid-point of fiscal year 1971), and not as of April 1, 1970, which is the basis used in the notice. DOD claims that the January 1, 1971, basis would conform to previous Board practice in MAC ratemaking. DOD also disputes some of the investment and interest expense data provided by certain carriers. Accordingly, DOD submitted with its comments new investment and interest expense data.

No carrier disputes the investment or interest expense amounts used in the notice. However, we have become aware of an error in the investment data in the notice regarding Flying Tiger's DC–8–63 aircraft.

In the case of Flying Tiger, the investment reflects a forecast utilization of 10 hours when 11 hours was intended. The corrected data, including a correction of a mechanical error of computation in the case of Trans International's DC–8–63, are reflected in Appendix A.

Regarding the investment base period, Braniff advocates use of the average investment for the base year ended March 31, 1970, while Continental, Flying Tiger, Seaboard, and World support the basis used in the notice. The latter carriers contend that it would be unfair to mix a base period terminating March 31, 1970, with an investment projected 9 months forward. They claim that the investment base logically should be related to the specific historic base period as proposed in the notice.

The Braniff approach is inappropriate because the rate revision is not for the base period but rather for a forward period, beginning August 5, 1970, and terminating June 30, 1971. DOD's approach, while conforming to the Board's method in previous MAC rate reviews that was based upon detailed and comprehensive data prepared for a specific period, is not reasonable for purposes of the expedited review. The expedited review, when initiated, did not contemplate any specific period of applicability, and hence, did not provide for a forecast keyed to a future period. Therefore, facts specifically related to a mid-point concept were not provided by the carriers. Consequently, for example, the interest expense (an important factor affecting the income tax element) was submitted for the year ended March 31, 1970. For fiscal 1971, the amount would be different in probably all cases, especially since interest rates have been fluctuating significantly. It does not appear realistic to project changes in the investment without projecting concomitant changes in interest expense.

Moreover, the base period reflects a specific scope of operations which is consistent with the base year-end investment. Therefore, for purposes of the expedited interim rate review the most reasonable approach appears to be to use the investment as of the end of the base period.

Although we adhere to the investment base used in the notice from the base date standpoint, we find that revisions in the amounts shown are in order in two instances. The notice is based upon data submitted by the carriers. We have analyzed the amounts submitted by DOD. In light of our analyses and the carriers' reply comments, in all but two instances, the differences between the investment amounts shown by DOD and the notice are explained and we are not convinced that revisions are warranted.[4] In the case of American Flyers and Overseas National, our analysis confirms that the carriers' submissions overstate their investment beyond reasonable limits. Therefore, for these carriers we have resorted to the cost data furnished in the previous full-scale rate review to determine a more reasonable investment than that provided by the carriers.[5] Our allocation of system investment to MAC is predicated upon the ratio of MAC revenue hours to system revenue hours for the year ended March 31, 1970. The revised data are shown in Appendix A.

Interest Expense

We have analyzed DOD's recomputation of interest expense applicable to American, Braniff, Eastern, Airlift, American Flyers, Overseas National, Saturn, Universal, and World in connection with long-range aircraft and to Alaska in connection with short-range aircraft. DOD's method was to apply a carrier's ratio of system interest expense to system investment. We concur that an adjustment is appropriate for American Flyers, Overseas National, Saturn,

[3a] Filed as part of original document.

[4] The differences generally stem from DOD's projection for 9 months; nonrecognition by DOD of the utilization proposed in the notice; and DOD's inability to reflect the cost of components such as communications and navigation equipment and spares which are not reported by aircraft types on Form 41. In other cases, DOD misconstrued the timing of carrier depreciation policy changes or did not adjust to reflect partial-year operations. In the case of Flying Tiger, DOD computed the value of leased aircraft on the basis of the average of Flying Tiger's owned aircraft, rather than the substantially higher value of the leased aircraft themselves.

[5] Form 41 does not provide the full cost of individual aircraft in that generally the cost of communications and navigation equipment, and their spares, are not reported by aircraft types.

Universal, and Alaska but we differ as to the amounts. In these cases we have used DOD's ratio, but applied it to the adjusted investment shown in Appendix A. In the case of Eastern, DOD's ratio does not conform to Form 41 data; accordingly, we have determined the ratio of interest expense to investment from Form 41 data and applied it to the adjusted investment in Appendix A. Our interest expense for American and World is based upon data specific to MAC operations, rather than a ratio of system interest to system investment. In the case of Braniff, DOD reflected all-cargo aircraft, which we have excluded. In the case of Airlift, DOD's ratio does not conform to Form 41 data so that we have accepted the carrier's data, which is consistent with Form 41 reported data. The data, as revised, are shown in Appendix A.

COST INCREASES AND DECREASES

A number of carriers contend that cost increases should not be limited to annualization within the base period of actual increases. Some request that all known increases should be reflected, while others go farther and claim that allowance should be included for inflationary cost trends. DOD opposes such projections. As we brought out in the notice it is reasonable to believe that continuing inflationary pressures can be expected to be offset to a considerable degree by cost savings not fully reflected in the base-period cost data. We note that the carriers have recently intensified their efforts in cost control. The trend in aircraft mix continues toward increased usage of the more efficient stretched jet types, as shown in Appendix B. We observe, from the data in Appendix C, significant gains in the FAA-approved engine times between overhauls in the latest available report compared with those in the base period. As earlier indicated, a full-scale review of the costs and appropriate rates for fiscal 1972 has been initiated. In light of these facts and developments, we conclude that there is no persuasive showing that a separate allowance is required to compensate for inflationary pressures in the rates that are established for the interim period.

Flying Tiger, supported by Airlift, objects to the recognition of lower prices for military fuel that became effective on July 1, 1970. Flying Tiger claims that this adjustment is inconsistent with the Board's base period concept and with past reviews when the Board refused to allow for military fuel prices announced and effective after the base year. The carrier also points up facts indicating the possibility that fuel prices may be increased. Continental is critical of the Board's refusal to take known prospective cost increases into account, claiming this treatment is inconsistent with the fuel price adjustment. In addition, the carrier states that contrary to the Board's assumption, it purchases less than 50 percent of its fuel from the military.

Our review of past explanatory statements in Part 288 MAC rate amendments discloses no instance, while a MAC rate proceeding was still open, to support the claim that the Board refused to allow for military fuel prices announced and effective after the base year. It may be that carriers sought to persuade the Board to revise a final rate to reflect a fuel price increase. Under such circumstances, the Board's policy would require that the rate be opened in its entirety and not limited to the single factor of the fuel price increase.

We believe it valid to reflect the reduction in fuel costs since it is factual and not a projection. It is an item not affected by efficiency or productivity factors and is, therefore, distinguishable from carriers' claims for cost increases beyond the base period or for a recognition of rising cost trends. The situation is analogous to projecting the actual tax rate.

Turning to our estimate that 50 percent of the fuel is purchased from military sources, as stated in the notice, in view of available disparate estimates, this is a judgment. Continental, in its response to DOD's recommendation that the military fuel price be reduced, showed that 27.2 percent of its Pacific fuel purchases were from the military in the first 5 months of 1970. Northwest in a similar response stated that it "* * * takes up at least half of its fuel for MAC flights from commercial sources." MAC had informally estimated that on the average the carriers by 70 percent of their fuel from military sources. In view of these disparate estimates, it appears that an estimate of 50 percent is not unreasonable.

Flying Tiger is dissatisfied with the method used to estimate wage increases in that it gives no weight for increases incurred for outside services. Airlift supports this objection. Pan American claims that the notice fails to reflect wage increases that are applicable to indirect maintenance. We agree to the merit of these objections, but because of the lack of adequate facts to make a nonarbitrary adjustment, we propose to make no revision. Moreover, our appraisal is that were facts available to support such adjustment, the impact would be insignificant.

In the notice, we proposed to provide for a 2.2 percent increase in costs over the base period, net of the impact of an estimated decrease in the price of military fuel of 1 percent for long-range operations and 0.8 percent in short-range operations. Pan American has brought to our attention an error in the technique for computing the estimated cost increases not reflected in the base period. This error affects all carriers. Correction of this error overall increases the gross amount from 2.2 percent to 3.2 percent, as detailed in Appendix D.[6] Accordingly, the net cost increase for long-range aircraft is increased from 1.2 percent to 2.2 percent, as shown in Appendix A. For short-range aircraft the corrected figure is 2.4 percent.[7]

RATE OF RETURN

Various carriers urge that the conventional 9 percent rate of return on investment used in MAC ratemaking be increased, citing higher interest costs, greater instability in MAC business than heretofore, and the initial decision in Phase 8 of the "Domestic Passenger-Fare Investigation," Docket 21866, wherein the examiner recommended a rate of return of 11 percent. DOD opposes any increase. In view of the fact that the "Domestic Passenger-Fare Investigation" is before the Board awaiting its decision, it would not be appropriate to consider changes in the rate of return used in MAC rate making at this juncture. Hence we shall adhere to the long-established 9 percent rate for this expedited review.

DEPRECIATION

TWA objects to the depreciation policy in the notice of a 14-year service life, 15 percent residual effective April 1, 1970, claiming that the Board has never formally adopted such standard. As was indicated in the notice, the proposed standard was used in the most recent MAC rate review and we shall continue with this standard until the standard is revised by a rule making proceeding. However, in the event that we fix upon a different depreciation rate in the "Domestic Passenger-Fare Investigation," we will then consider whether the MAC rates for fiscal 1971 should be adjusted to reflect the new policy.

OTHER ISSUES

The notice included Pan American's cost data in full but proposed that DOD might have a valid objection in that 20 percent of MAC's contract revenue was derived from Rest and Recuperation charters operated in short-range services with long-range aircraft, at the higher short-range aircraft unit rate. DOD in its comments proposes that the weighting for Pan American's data be reduced by 20 percent in order to exclude that portion not generated by long-range services. Pan American in its reply acknowledges that this adjustment may be appropriate for long-haul rates, but requests that a counterpart adjustment be made to include the revenues and costs considered short-haul for Pan American with the short-range aircraft costs of other carriers.

We do not agree with Pan American and will implement DOD's proposal. MAC has permitted Pan American to use its long-haul aircraft on short-haul R&R routes at the higher seat revenue of short-haul services as an accommodation to Pan American. The short-haul aircraft rates were developed entirely from short-haul aircraft cost data. It would

[6] Appendix D filed as part of the original document, supersedes and revises Appendix C in the notice.

[7] In Appendix A to the notice, the impact of the 2.2 percent cost increase net of the 0.8 percent fuel price increase for short-range aircraft is shown as 1 percent when it should be 1.4 percent.

not be reasonable at this stage to weight in 20 percent of Pan American's mixed long-haul/short-haul revenues and expenses (based upon B–707 experience) with a pure short-haul analysis (based upon B–727 experience).

Flying Tiger and Seaboard World claim that an extra increase should be provided for one-way passenger charters. In view of the fact that this issue has been raised by only these two carriers, that the increase in one-way passenger charters was noted some time ago with no followup action requested, and that the facts in support are very meager, we propose that the matter be deferred to the fiscal 1972 review.

Effective date. The Board instituted this proceeding by notice dated August 5, 1970 (EDR–185), and there stated: "* * * it is in the public interest to institute a rule making proceeding in advance of any notice of rule making in order to put all interested persons on notice that the present rates are subject to revision, effective on the date of this notice [e.g., August 5, 1970]." When the Board issued the notice of proposed rule making on November 18, 1970 (EDR–185A), the Board stated again that "in keeping with the Board's policy as expressed in EDR–185, it is proposed that the rate herein be made effective as of August 5, 1970." The Board acknowledged that petitions for reconsideration of this choice of effective date had been filed, and stated that it would defer action on such petitions, and any further comments on the effective date, for determination with the final rule.

The carriers argue, variously that the effective date should be, among others, March 13, 1970, the date of Continental's petition challenging the old rate; [8] or May 7, 1970, when the Director, Bureau of Economics, informed the parties that a MAC rate review was being undertaken; or at the very latest July 1, 1970, the beginning of the new fiscal year. The fact that a formal notice did not issue until August 5, 1970, the carriers argue, was due to DOD's tardiness in formulating a position. DOD maintains that the effective date should be no earlier than August 5, 1970.

The Board has never made revisions to MAC rates for overseas and foreign air transportation effective prior to the date of institution of the rate proceeding. Moreover, even assuming that we could lawfully establish rates retroactively as of a date prior to the notice, such policy would create undesirable uncertainty on the part of carriers and DOD alike, for none could ever be certain that the MAC rates for particular service performed were final. Additionally, the Board's policy of nonretroactivity for MAC rates was established during a period when rates were declining, and we believe it only fair not to change the policy at a point in time when rates are being increased. Finally, all the world has been on full notice that the Board proposed to make the rates effective August 5, 1970. Accordingly, except for Category Z rates, which cannot be made effective until tariffs are filed, the rates prescribed herein shall be effective as of August 5, 1970.[9]

In view of our action herein, the petitions of Continental in Docket 22008, of Flying Tiger in Docket 22101 and of Pan American in Docket 22133, for various increases in certain MAC minimum rates, are, except to the extent granted herein, hereby denied.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 288 of the economic regulations (14 CFR Part 288), effective August 5, 1970, as follows:

Amend § 288.7 (a) (1), (d) (1) and (2), and (e) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * * *

(a) * * *

(1) Performed with turbine-powered aircraft:

Aircraft type	Passengers, per passenger-mile		Cargo, per ton-mile		Convertible		Mixed passenger-cargo, per revenue plane-mile			
							Roundtrip		One way	
	Round-trip	One way	Round-trip	One way	Passenger leg, per passenger-mile	Cargo leg, per ton-mile	Variable	Fixed	Variable	Fixed
	Cents	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Dollars*	*Dollars*	*Dollars*	*Dollars*
Turboprops:										
CL–44	2.00	3.60	9.36	17.19	2.15	10.67				
L–382			10.05	19.64						
Regular turbojets	[1] 1.916	3.448	7.728	15.379	2.069	9.030				
Passengers-pallets:										
165 and 0							3.415	3.163	5.966	5.692
117 and 3							3.306	3.065	5.933	5.670
105 and 4							3.284	3.043	5.933	5.659
93 and 5							3.251	3.010	5.922	5.659
81 and 6							3.229	2.988	5.922	5.648
63 and 7							3.185	2.955	5.911	5.648
51 and 8							3.163	2.923	5.900	5.637
0 and 12							3.043	2.824	5.878	5.615
DC–8F–61, –63	1.916	3.448	7.728	15.379	2.069	9.030				
Passengers-pallets:										
219 and 0							4.532	4.192	7.859	7.553
159 and 5							4.346	3.995	7.684	7.378
65 and 12							4.039	3.689	7.421	7.104
47 and 13							3.984	3.634	7.367	7.060
0 and 18							3.842	3.481	7.224	6.918
B–727, CV–880, CV–990, Pacific Interisland	2.578	4.876	13.115	26.229	2.847	16.006				
Passengers-pallets:										
105 and 0							2.993	2.713	5.403	5.123
61 and 2							2.847	2.567	5.235	4.954
50 and 3							2.802	2.522	5.190	4.910
46 and 4							2.791	2.511	5.179	4.898
0 and 7							2.645	2.365	4.999	4.719
B–727, CV–880, CV–990, all other	2.802	5.302	14.572	29.143	3.071	17.598				
Passengers-pallets:										
105 and 0							3.228	2.948	5.851	5.571
61 and 2							3.094	2.813	5.717	5.436
50 and 3							3.060	2.780	5.683	5.403
46 and 4							3.049	2.769	5.672	5.392
0 and 7							2.903	2.623	5.526	5.246

[1] The minimum rate for operation of B–707 aircraft in Recreation and Rehabilitation (R&R) service between the Republic of South Vietnam, on the one hand, and Thailand, Malaysia, Singapore, the Republic of the Philippines, Hong Kong and Taiwan, on the other shall be 2.578 cents per passenger-mile.

* * * * *

(d) For Category A transportation:

(1) Passengers, 3.448 cents per passenger-mile.

(2) Cargo: Outbound, 13.135 cents per ton-mile; and inbound, 10.946 cents per ton-mile.

* * * * *

(e) For Category X transportation, 1.916 cents per passenger-mile and 7.728 cents per cargo ton-mile.

* * * * *

(Secs. 204, 403, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758 and 771, as amended; 49 U.S.C. 1324, 1373, and 1386, and 5 U.S.C. 552.)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–3269 Filed 3–8–71;8:49 am]

[8] The petition was actually docketed on Mar. 16, 1970.

[9] The petitions for reconsideration of the effective date, filed by Pan American and Continental on Aug. 17, 1970, will accordingly be denied.

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS-43; Amdt. 22]

PART 399—STATEMENTS OF GENERAL POLICY

Military Exemptions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3d day of March 1971.

On November 18, 1970, by Notice of Proposed Rule Making EDR-185A/PSDR-29 (35 F.R. 18056), the Board proposed inter alia, to amend Part 399, Statements of General Policy, by changing the minimum rate for Category Z individually ticketed military transportation.

Comments in response to the notice have been filed by Braniff Airways, Inc., Continental Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans International Airlines, Inc., Trans World Airlines, Inc., Universal Airlines, Inc., World Airways, Inc., and the Department of Defense. Reply comments have been filed by Airlift International, Inc., Alaska Airlines, Inc., Continental Air Lines, Inc., The Flying Tiger Line Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., World Airways, Inc., and the Department of Defense. These comments are discussed in connection with comments submitted by the same persons in ER-669, amending Part 288, which is being issued concurrently herewith. For the reasons set forth therein, which are incorporated herein by reference, we are adopting the amendment to Part 399 as set forth below.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 399, Statements of General Policy (14 CFR Part 399), effective August 5, 1970, as follows:

Amend § 399.16(b) to read as follows:

§ 399.16 Military exemptions.

* * * * *

(b) The minimum charges considered fair and reasonable for the transportation of Category Z individually ticketed passengers in foreign and overseas air transportation and in air transportation between the 48 contiguous States on the one hand and Hawaii or Alaska on the other hand will be 3.448 cents per passenger mile, applied to the shortest mileage between the commercial air carrier points as set forth in the current IATA Mileage Manual to compute point-to-point passenger fares.

(Secs. 204, 403, and 404 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758 and 760, as amended; 49 U.S.C. 1324, 1373, 1374; and 5 U.S.C. 552, 80 Stat. 383.)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-3270 Filed 3-8-71;8:49 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Apricots Quality Standard; Confirmation of Effective Date of Order To Delete Minimum Weight Requirements

In the matter of amending the quality standard for canned apricots (§ 27.11) to delete the minimum weight requirements for apricot halves and quarters:

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Acts (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Foods and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of December 25, 1970 (35 F.R. 19634). Accordingly, the amendments promulgated by that order became effective February 23, 1971.

Dated: February 24, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-3223 Filed 3-8-71;8:46 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart I—Nondiscrimination and Fair Housing

POLICY; MINORITY-GROUP IDENTIFICATION

The following amendment to Subpart I of Part 200 revises the title of Subpart I, amends § 200.300 to add the Civil Rights Act of 1964 and 1968 to the declaration of policy, and adds a new § 200.306 requiring participants to comply with directives of the Secretary concerning the compiling of information on minority-group identification. Since there is an immediate need for the information, advance publication and notice and public procedure are impracticable, and the amendment is effective February 1, 1971.

1. The Table of Contents is amended by revising the titles of Subpart I and § 200.300 and adding a title for new § 200.306 to read:

Subpart I—Nondiscrimination and Fair Housing

Sec.
200.300 Nondiscrimination and fair housing policy.
200.306 Minority-group identification.

2. The title of Subpart I and the title and text of § 200.300 are amended to read as follows:

Subpart I—Nondiscrimination and Fair Housing

§ 200.300 Nondiscrimination and fair housing policy.

The regulations in this subpart are prescribed pursuant to the provisions of Executive Order 11063, issued by the President under date of November 20, 1962, and title VI of the Civil Rights Act of 1964 and title VIII of the Civil Rights Act of 1968 prohibiting discrimination and providing for fair housing and directing the Secretary to administer Housing and Urban Development programs and activities in a manner affirmatively to further these policies.

3. A new § 200.306 is added to read as follows:

§ 200.306 Minority-group identification.

Participants in Housing and Urban Development programs shall furnish such information as the Secretary may require concerning minority-group identification to assist the Secretary in carrying out his responsibility for administering the national policies prohibiting discrimination and providing for fair housing.

(Executive Order 11063, 27 F.R. 11527; sec. 602, 78 Stat. 252, 42 U.S.C. 2000d-1; sec. 808, 82 Stat. 84; 42 U.S.C. 3608; sec. 2, 48 Stat. 1246, 12 U.S.C. 1703; sec. 7(d), 79 Stat. 670, 42 U.S.C. 3535(d))

Issued at Washington, D.C., March 4, 1971.

WOODWARD KINGMAN,
Acting Federal Housing Commissioner.

[FR Doc.71-3284 Filed 3-5-71;9:44 am]

Chapter IV—Government National Mortgage Association, Department of Housing and Urban Development

PART 1600—GENERAL

Power of Attorney

Section 1600.11(c) is amended by revoking the power of attorney granted to those persons listed in subparagraphs (12), (24), and (26); and by granting the power of attorney to those persons listed in new subparagraphs (32) through (37). As amended, § 1600.11(c) reads:

§ 1600.11 Power of attorney.

* * * * *

(c) The persons appointed attorneys-in-fact by paragraph (a) of this section are:

(12) [Reserved]
(24) [Reserved]
(26) [Reserved]

* * * * *

(32) Norman Camber, of Los Angeles, Calif.
(33) Howard A. Morton, of Chicago, Ill.
(34) Jack Powell, of Chicago, Ill.
(35) Norman M. Reid, of Los Angeles, Calif.
(36) Keller D. Thormahlen, of Dallas, Tex.
(37) Jack Tuggle, of Los Angeles, Calif.

(Sec. 309, 82 Stat. 540; 12 U.S.C. 1723a; By-laws of the Association, 35 F.R. 2606, Feb. 5, 1970)

Issued at Washington, D.C., March 1, 1971.

WOODWARD KINGMAN,
President, Government National Mortgage Association.

[FR Doc.71-3252 Filed 3-8-71;8:48 am]

Title 42—PUBLIC HEALTH

Chapter IV—Environmental Protection Agency

PART 481—AIR QUALITY CONTROL REGIONS CRITERIA, AND CONTROL TECHNIQUES

Designations

On December 1, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 18292) to amend Part 481 by designating the Central Arkansas, Northeast Arkansas, and Northwest Arkansas Intrastate Air Quality Control Regions, and by revising the boundaries of the Metropolitan Fort Smith Interstate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on December 10, 1970, with appropriate State and local authorities pursuant to section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, section 481.138, as set forth below, designating the Central Arkansas Intrastate Air Quality Control Region; § 481.139, as set forth below, designating the Northeast Arkansas Intrastate Air Quality Control Region; § 481.140, as set forth below, designating the Northwest Arkansas Intrastate Air Quality Control Region; and § 481.63, as set forth below, revising the boundaries of the Metropolitan Fort Smith Interstate Air Quality Control Region, are adopted effective on publication.

§ 481.138 Central Arkansas Intrastate Air Quality Control Region.

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

In the State of Arkansas:

Chicot County.	Hot Spring County.
Clark County.	Jefferson County.
Cleveland County.	Lincoln County.
Conway County.	Lonoke County.
Dallas County.	Perry County.
Desha County	Pope County.
Drew County.	Pulaski County.
Faulkner County.	Saline County.
Garland County.	Yell County.
Grant County.	

§ 481.139 Northeast Arkansas Intrastate Air Quality Control Region.

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

In the State of Arkansas:

Arkansas County.	Monroe County.
Clay County.	Phillips County.
Craighead County	Poinsett County.
Cross County.	Prairie County.
Greene County.	Randolph County.
Independence County.	Saint Francis County.
Jackson County.	Sharp County.
Lawrence County.	White County.
Lee County.	Woodruff County.
Mississippi County.	

§ 481.140 Northwest Arkansas Intrastate Air Quality Control Region.

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

In the State of Arkansas:

Baxter County.	Marion County.
Boone County.	Montgomery County.
Carroll County.	Newton County.
Cleburne County.	Pike County.
Franklin County.	Polk County.
Fulton County.	Scott County.
Izard County.	Searcy County.
Johnson County.	Stone County.
Logan County.	Van Buren County.
Madison County.	

§ 481.63 Metropolitan Fort Smith Interstate Air Quality Control Region.

The Metropolitan Fort Smith Interstate Air Quality Control Region (Arkansas-Oklahoma) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arkansas:

Benton County.	Sebastian County.
Crawford County.	Washington County.

In the State of Oklahoma:

Adair County.	Le Flore County.
Cherokee County.	Sequoyah County.

(Sec. 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Public Law 91-604)

Dated: March 3, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-3246 Filed 3-8-71;8:48 am]

PART 481—AIR QUALITY CONTROL REGIONS CRITERIA, AND CONTROL TECHNIQUES

Designations

On December 15, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 18978) to amend Part 481 by designating the Berkshire and Central Massachusetts Intrastate Air Quality Control Regions, and by revising the Metropolitan Providence and Hartford-New Haven-Springfield Interstate Air Quality Control Regions and the Metropolitan Boston Intrastate Air Quality Control Region.

Interested persons were afforded an opportunity to participate in the rule making through the submission of written comments. A consultation was held on December 17, 1970, with appropriate State and local authorities pursuant to Section 107 of the Clean Air Act, as amended (Public Law 91-604). Due consideration has been given to all relevant material presented.

The only change from the original proposal made in the December 15, 1970, FEDERAL REGISTER is that the proposed name change of the Metropolitan Providence Interstate Air Quality Control Region is not made.

In consideration of the foregoing and in accordance with the statement in the notice of proposed rule making, section 481.141, as set forth below, designating the Berkshire Intrastate Air Quality Control Region; § 481.142, as set forth below, designating the Central Massachusetts Intrastate Air Quality Control Region; § 481.31, as set forth below, revising the boundaries of the Metropolitan Providence Interstate Air Quality Control Region; § 481.19, as set forth below, revising the boundaries of the Metropolitan Boston Intrastate Air Quality Control Region; § 481.26, as set forth below, revising the boundaries of the Hartford-New Haven-Springfield Interstate Air Quality Control Region, are adopted effective on publication.

§ 481.141 Berkshire Intrastate Air Quality Control Region.

The Berkshire Intrastate Air Quality Control Region (Massachusetts) consists of the territorial area encompassed by

the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Massachusetts:
Berkshire County.

§ 481.142 Central Massachusetts Intrastate Air Quality Control Region.

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

In the State of Massachusetts:

TOWNSHIPS

Ashburnham.
Ashby.
Athol.
Auburn.
Barre.
Berlin.
Blackstone.
Boylston.
Brookfield.
Charlton.
Clinton.
Douglas.
Dudley.
East Brookfield.
Grafton.
Hardwick.
Harvard.
Holden.
Hopedale.
Hubbardston.
Lancaster.
Leicester.
Lunenburg.
Mendon.
Millbury.
Millville.
New Braintree.
Northborough.
Northbridge.
North Brookfield.
Oakham.
Oxford.
Paxton.
Petersham.
Phillipston.
Princeton.
Royalston.
Rutland.
Shirley.
Shrewsbury.
Southbridge.
Spencer.
Sterling.
Sturbridge.
Sutton.
Templeton.
Townsend.
Upton.
Uxbridge.
Warren.
Webster.
Westborough.
West Boylston.
West Brookfield.
Westminster.
Winchendon.

CITIES

Fitchburg.
Gardner.
Leominster.
Worcester.

§ 481.31 Metropolitan Providence Interstate Air Quality Control Region.

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

The Entire State of Rhode Island.

In the State of Massachusetts:

CITIES

Attleboro.
Fall River.
New Bedford.
Taunton.

TOWNSHIPS

Acushnet.
Barnstable.
Bellingham.
Berkley.
Bourne.
Brewster.
Carver.
Chatham.
Chilmark.
Dartmouth.
Dennis.
Dighton.
Eastham.
Edgartown.
Fairhaven.
Falmouth.
Foxborough.
Franklin.
Freetown.
Gay Head.
Gosnold.
Halifax.
Harwich.
Kingston.
Lakeville.
Mansfield.
Marion.
Mashpee.
Mattapoisett.
Medway.
Middleborough.
Milford.
Nantucket.
North Attleborough.
Norton.
Oak Bluffs.
Orleans.
Plainville.
Plymouth.
Plympton.
Provincetown.
Raynham.
Rehoboth.
Rochester.
Sandwich.
Seekonk.
Somerset.
Swansea.
Tisbury.
Truro.
Wareham.
Wellfleet.
Westport.
West Tisbury.
Wrentham.
Yarmouth.

§ 481.19 Metropolitan Boston Intrastate Air Quality Control Region.

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

In the State of Massachusetts:

CITIES

Beverly.
Boston.
Brockton.
Cambridge.
Chelsea.
Everett.
Gloucester.
Lynn.
Malden.
Marlborough.
Medford.
Melrose.
Newton.
Peabody.
Quincy.
Revere.
Salem.
Somerville.
Waltham.
Woburn.

TOWNSHIPS

Abington.
Acton.
Arlington.
Ashland.
Avon.
Bedford.
Belmont.
Bolton.
Boxborough.
Braintree.
Bridgewater.
Brookline.
Burlington.
Canton.
Cohasset.
Concord.
Danvers.
Dedham.
Dover.
Duxbury.
East Bridgewater.
Easton.
Essex.
Framingham.
Hamilton.
Hanover.
Hanson.
Hingham.
Holbrook.
Holliston.
Hopkinton.
Hudson.
Hull.
Ipswich.
Lexington.
Lincoln.
Lynnfield.
Manchester.
Marblehead.
Marshfield.
Maynard.
Medfield.
Middleton.
Millis.
Milton.
Nahant.
Natick.
Needham.
Norfolk.
North Reading.
Norwell.
Norwood.
Pembroke.
Randolph.
Reading.
Rockland.
Rockport.
Saugus.
Scituate.
Sharon.
Sherborn.
Southborough.
Stoneham.
Stoughton.
Stow.
Sudbury.
Swampscott.
Topsfield.
Wakefield.
Walpole.
Watertown.
Wayland.
Wellesley.
Wenham.
West Bridgewater.
Weston.
Westwood.
Weymouth.
Whitman.
Wilmington.
Winchester.
Winthrop.

§ 481.26 Hartford-New Haven-Springfield Interstate Air Quality Control Region.

The Hartford-New Haven-Springfield Interstate Air Quality Control Region (Connecticut-Massachusetts) consists of the territorial area encompassed by the boundaries of the following juridictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Connecticut:

CITIES

Ansonia.
Bristol.
Derby.
Hartford.
Meriden.
Middletown.
Milford.
New Britain.
New Haven.
Shelton.
Waterbury.
West Haven.

TOWNSHIPS

Andover.
Avon.
Beacon Falls.
Berlin.
Bethany.
Bethlehem.
Bloomfield.
Bolton.
Branford.
Burlington.
Canton.
Cheshire.
Cromwell.
Durham.
East Granby.
East Haddam.
East Hampton.
East Hartford.
East Haven.
East Windsor.
Ellington.
Enfield.
Farmington.
Glastonbury.
Granby.
Guilford.
Haddam.
Hamden.
Hebron.
Madison.
Manchester.
Marlborough.
Middlebury.
Middlefield.
Naugatuck.
Newington.
North Branford.
North Haven.
Orange.
Oxford.
Plainville.
Plymouth.
Portland.
Prospect.
Rocky Hill.
Seymour.
Simsbury.
Somers.
Southbury.
Southington.
South Windsor.
Suffield.
Thomaston.
Tolland.
Vernon.
Wallingford.
Watertown.
West Hartford.
Wethersfield.
Windsor.
Windsor Locks.
Wolcott.
Woodbridge.
Woodbury.

In the State of Massachusetts:
Franklin County.

CITIES

Chicopee.	Springfield.
Holyoke.	Westfield.
Northampton.	

TOWNSHIPS

Agawan.	Ludlow.
Amherst.	Middlefield.
Belchertown.	Monson.
Blandford.	Montgomery.
Brimfield.	Palmer.
Chester.	Pelham.
Chesterfield.	Plainfield.
Cummington.	Russell.
Easthampton.	Southampton.
East Longmeadow.	Southwick.
Goshen.	South Hadley.
Granby.	Tolland.
Granville.	Wales.
Hadley.	Ware.
Hampden.	Westhampton.
Hatfield.	West Springfield.
Holland.	Wilbraham.
Huntington.	Williamsburg.
Longmeadow.	Worthington.

(Sec. 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a) as amended by sec. 15(c)(2) of Pub. L. 91-604)

Dated: March 3, 1971.

WILLIAM D. RUCKELHAUS,
Administrator.

[FR Doc.71-3245 Filed 3-8-71;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

Washita National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

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

OKLAHOMA

WASHITA NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on all waters of the Washita National Wildlife Refuge during the open season in areas designated by signs as open to fishing. These open areas, comprising 3,367 acres, are delineated on maps available at refuge headquarters, Butler, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from April 1 through October 14, 1971, inclusive.

(2) Seining is prohibited in all refuge waters.

(3) The use of boats is permitted only in those waters south of State Highway 33. Boats may not exceed speeds of 10 miles per hour within 100 yards of any shoreline or other boats from which people are fishing.

The provisions of this special regulation 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 October 14, 1971.

ROBERT H. STRATTON, JR.,
Refuge Manager, Washita National Wildlife Refuge.

FEBRUARY 24, 1971.

[FR Doc.71-3231 Filed 3-8-71;8:47 am]

PART 33—SPORT FISHING

Quivira National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

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

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

Sport fishing on the Quivira National Wildlife Refuge, Stafford, Kans., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 990 acres, are delineated on maps available at refuge headquarters, Stafford, Kans., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 1, 1971, to September 30, 1971, inclusive.

(2) Fishing will be with closely attended rod(s) and line(s) only.

(3) The use of boats is not permitted. One-man floater tubes may be used.

(4) Overnight camping is not permitted.

The provisions of this special regulation 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 September 30, 1971.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kans.

MARCH 2, 1971.

[FR Doc.71-3229 Filed 3-8-71;8:47 am]

PART 33—SPORT FISHING

Salt Plains National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

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

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Sport fishing on the Salt Plains National Wildlife Refuge, Okla., is permitted only on areas designated by signs as open to fishing. These open areas, comprising 7,800 acres, are delineated on maps available at refuge headquarters, Jet, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from April 15 through October 15, 1971, inclusive, in Great Salt Plains Lake as posted, in Sand Creek, the three main channels of Salt Fork River, and the right-of-way of Oklahoma State Highway 11 as posted.

(2) It is illegal to take game fish by any means other than hook and line. Trotlines must be removed from waters at the close of the fishing season.

The provisions of this special regulation 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.

FRED L. BOLWAHNN,
Refuge Manager, Salt Plains National Wildlife Refuge, Jet, Okla.

FEBRUARY 26, 1971.

[FR Doc.71-3230 Filed 3-8-71;8:47 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-25; Notice No. 71-3]

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Location of Exhaust Systems in Buses

Section 393.83 of the Motor Carrier Safety Regulations provides, in part, that "The exhaust system of every bus shall discharge to the atmosphere at or within 6 inches forward of the rearmost part of the bus." The Bureau of Motor Carrier Safety has interpreted the phrase "rearmost part of the bus" to refer to the rearmost part of the rear bumper of a bus that is equipped with bumpers, rather than the rearmost part of the body of the bus.

Motor Coach Industries, Inc., of Pembina, N. Dak., a manufacturer of buses, has filed a petition for rule making asking the Bureau of Motor Carrier Safety to amend § 393.83 to permit the exhaust

systems of buses to discharge to the atmosphere at a point farther forward than that allowed under the existing rule, as it has been interpreted. After studying the information supplied with the petition, the Bureau has concluded that the petition should be granted and, inasmuch as the amendment will increase design freedom and provide larger manufacturing tolerances, to do so without further rule-making proceedings.

Since 1967, at least 1,500 buses have been manufactured with an exhaust system that discharges more than 6 inches forward of the rearmost point of the rear bumper. The Bureau has found no indication that this configuration of the exhaust system has caused, or threatens to cause, any danger or discomfort to occupants of those vehicles. Furthermore, the requirements in § 393.83 were issued at a time when the majority of buses engaged in interstate or foreign commerce were powered by gasoline-fueled engines. Today, most of those vehicles, including the 1,500 mentioned above, are powered by diesel engines, which exhaust far less carbon monoxide than gasoline engines of the older type. Accordingly, the Bureau has concluded that relaxation of the 6-inch rule in § 393.83 will result in no additional hazard if it is limited to buses powered by diesel engines.

In consideration of the foregoing, the petition of Motor Coach Industries, Inc., is granted. Section 393.83 of the Motor Carrier Safety Regulations, in Subpart B of Chapter III of Title 49, CFR is revised to read as follows:

§ 393.83 Exhaust system location.

(a) No part of the exhaust system of any motor vehicle shall be so located as would be likely to result in burning, charring, or damaging the electrical wiring, the fuel supply, or any combustible part of the motor vehicle.

(b) The exhaust system of every bus, except a bus powered by a diesel engine, shall discharge to the atmosphere at or within 6 inches forward of the rearmost part of the bus. The exhaust system of a bus powered by a diesel engine shall discharge to the atmosphere at or within 15 inches forward of the rearmost part of the bus.

(c) The exhaust system of every truck and truck tractor shall discharge to the atmosphere at a location to the rear of the cab or, if the exhaust projects above the cab, at a location near the rear of the cab.

Since this amendment imposes no new obligation and relieves a restriction, notice and public procedure thereon are unnecessary, and it is effective upon publication in the FEDERAL REGISTER.

(Sec. 204, Interstate Commerce Act, as amended, 49 U.S.C. 304, sec. 6, Department of Transportation Act, 49 U.S.C. 1655, the delegation of authority by the Secretary of Transportation in 49 CFR 1.48, and the delegation of authority by the Federal Highway Administrator in 49 CFR 389.4)

Issued on February 24, 1971.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.71-3236 Filed 3-8-71;8:47 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Limitation on Tax Attributable to Certain Total Distributions From Qualified Plans

Correction

In F.R. Doc. 71-2827 appearing at page 3822 in the issue of Saturday, February 27, 1971, the following changes should be made:

1. In the third from the last line of the last paragraph of *Example (1)* (iv) (*a*) in § 1.72-19(e) the figure now reading "$895" should read "$905".

2. The figure in the last line of *Example* (3) (ii) (*c*) of § 1.72-19(e) now reading "13,000" should read "13,100".

Bureau of Customs

[19 CFR Part 1]

CUSTOMS PORTS OF ENTRY

Notice of the Proposed Revocation as Ports of Entry and the Designation as Customs Stations of Fort Covington, N.Y., and Chateaugay, N.Y.

FEBRUARY 25, 1971.

A survey of the workload at the ports of Fort Covington, N.Y., and Chateaugay, N.Y., indicates that the reestablishment of these ports of entry as Customs stations under the port of Trout River would increase administrative flexibility and improve the overall management of these offices. This would result in greater efficiency and economy through better utilization of Customs personnel and would provide improved service to the public.

Therefore, notice is hereby given that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, Septmeber 17, 1951 (3 CFR, Ch. II), and pursuant to authorization provided by Treasury Department Order No. 190, Rev. 7 (34 F.R. 15846), it is proposed to revoke the designations of Fort Covington and Chateaugay as Customs ports of entry in the Customs district of Ogdensburg, N.Y., in Region I, and to designate Fort Covington and Chateaugay as Customs stations under the supervision of the Port of Trout River in the District of Ogdensburg, Region I. It is further proposed to amend §§ 1.2(c) and 1.3(d) of the Customs Regulations (19 CFR 1.2(c), 1.3(d)) to reflect these changes.

Data, views, or arguments with respect to the proposed action may be addressed to the Commissioner of Customs, Washington, D.C. 20226. To insure consideration of such communications, they must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-3247 Filed 3-8-71;8:48 am]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 70]

RESPIRABLE DUST STANDARDS FOR INTAKE AIR COURSES IN UNDERGROUND COAL MINES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under section 508 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173), and in accordance with section 303(b) of the Act which requires that the Secretary or his authorized representative prescribe the maximum respirable dust level in the intake air courses of each underground coal mine, it is proposed that Part 70, Subchapter 0 of Chapter I, Title 30, Code of Federal Regulations be amended by adding a new paragraph (d) and paragraph (e) to § 70.100 and a new § 70.212 as set forth below, which prescribe the respirable dust levels which must be continuously maintained in the intake air courses of each underground coal mine, and the dust sampling procedures which must be initiated by each operator to determine compliance with the dust standard for intake air.

Interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 30 days following publication of this notice in the FEDERAL REGISTER.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 3, 1971.

Part 70, Subchapter 0 of Chapter I, Title 30, Code of Federal Regulations would be amended by adding the following:

§ 70.100 Dust standards; respirable dust.

* * * * *

(d) Effective June 30, 1971, each operator shall continuously maintain the average concentration of respirable dust in the intake air courses in the mine during each shift to which each miner in the active workings of such mine is exposed below 2.0 milligrams of respirable dust per cubic meter of air.

(e) Effective December 30, 1972, each operator shall continuously maintain the average concentration of respirable dust in the intake air courses in the mine during each shift to which each miner in the active workings of such mine is exposed below 1.0 milligram of respirable dust per cubic meter of air.

§ 70.212 Violation of dust standard; intake air samples.

(a) If the data recorded pursuant to § 70.261 for a single intake air sample with respect to a working section of a coal mine establish a concentration of respirable dust in excess of the concentration stated in paragraph (d) or paragraph (e) of § 70.100, as applicable, the Secretary shall require the operator to submit five additional intake air samples to determine whether such working section is in compliance with the applicable respirable dust limit.

(b) Upon receipt of advice that additional sampling is required, the operator shall commence such sampling on the first day on which there is a production shift following the day upon which he receives such advice from the Secretary pursuant to this paragraph, and shall continue to take such consecutive samples until he is advised in writing by the Secretary that the total number of valid samples required have been received.

(c) Where additional samples are received by the Secretary in accordance with paragraph (b) of this section, they shall be combined with the valid intake air sample already received, and a determination of compliance or noncompliance shall be made with respect to the working section.

(d) If the data recorded pursuant to § 70.261 with respect to the working section establish an average concentration of respirable dust in excess of the concentration stated in paragraph (d) or paragraph (e) of § 70.100 with respect to the particular applicable limit, the Secretary shall issue a notice to the operator that he is in violation of paragraph (d) or paragraph (e) of § 70.100.

[FR Doc.71-3250 Filed 3-8-71;8:48 am]

[30 CFR Part 75]

STANDARDS FOR PREVENTING EXPLOSIONS FROM EXPLOSIVE GASES OTHER THAN METHANE AND PROCEDURES FOR TESTING ACCUMULATIONS OF SUCH GASES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the Secretary under section 101(a) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173), and in accordance with section 317(t) of the Act which requires that the Secretary propose standards for preventing explosions from explosive gases other than methane and for testing accumulations of such gases, it is proposed that Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations be amended by adding §§ 75.301–5 through 75.301–8, as set forth below. This amendment prescribes maximum allowable concentrations for explosive gases other than methane and specifies the air sampling procedures to be followed by the Secretary and each operator of an underground coal mine in testing for the accumulation of such gases.

Interested persons may submit written objections, comments or suggestions to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 30 days following publication of this notice in the FEDERAL REGISTER.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 3, 1917.

Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations will be amended by adding the following:

§ 75.301–5 Explosive gases other than methane; maximum allowable concentrations.

Notwithstanding the provisions of § 75.301–2, for the purpose of preventing explosions from gases other than methane, the following gases shall not be allowed to accumulate in excess of the concentrations listed below:

(1) Carbon monoxide (CO)—2.5 volume per centum.
(2) Hydrogen (H_2)—.80 volume per centum.
(3) Hydrogen sulfide (H_2S)—.80 volume per centum.
(4) Acetylene (C_2H_2)—.40 volume per centum.
(5) Propane (C_3H_8)—.40 volume per centum.
(6) MAPP (Methyl acetylene-propylene-propodiene)—.30 volume per centum.

§ 75.301–6 Explosive gases other than methane; air sampling by the Secretary; general.

Air samples shall be taken periodically by an authorized representative of the Secretary in each underground coal mine, and such samples shall be analyzed to determine the concentration of explosive gases other than methane which may be present.

§ 75.301–7 Explosive gases other than methane; analysis of air samples; notice of violation; control measures and additional samplings requirements.

(a) Where the analysis of air samples taken pursuant to § 75.301–6 show that the accumulation of any explosive gas is in excess of the limit prescribed for such gas, the Secretary shall issue a written notice to the operator that he is in violation of § 75.301–5, and each such Notice of Violation shall specify the accumulation of explosive gas which exceeds the maximum allowable concentrations prescribed.

(b) Upon receipt of a notice of violation issued pursuant to paragraph (a) of this section, the operator shall immediately institute ventilation or other control measures in the mine so that the air shall contain less than the maximum allowable concentration of explosive gas prescribed in § 75.301–5.

(c) (1) During the first calendar month following receipt of a notice of violation, and during each calendar month thereafter, until otherwise advised in writing by the Coal Mine Health and Safety District Manager for the district in which the mine is located, the operator shall take one air sample in each area of the mine in which excessive concentrations of explosive gas were shown to be present after analyses conducted in accordance with this section.

(2) Air samples taken in accordance with subparagraph (1) of this paragraph shall be promptly transmitted for analysis to:

Gas Analysis Services, Health and Safety Technical Support Center, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, PA 15213.

(3) Air samples transmitted in accordance with the provisions of this section shall be clearly marked for identification and include a specific description of the location in the mine from which they were taken.

§ 75.301–8 Potential explosion hazards; control measures; air sampling by the operator; requirements.

(a) Where explosive gasses other than methane have been (1) accidentally or inadvertently released in excessive amounts, or (2) where other potential explosion hazards are known by the operator to exist in the mine due to the liberation or presence of an excessive amount of explosive gas other than methane, the operator shall immediately notify the Coal Mine Health and Safety District Manager for the district in which the mine is located of the potential explosion hazard which is present in the mine, and promptly institute ventilation or other control measures to reduce the accumulation of such gases.

(b) Where potential explosion hazards exist due to the presence of excessive amounts of explosive gas other than methane, the operator shall promptly institute an air sampling program which includes frequent periodic samples to determine the concentration of explosive gas in any area of the mine where such gases are known to be present, and he shall continue to take such samples for the entire period during which such potential explosion hazard exists.

(c) (1) Air samples taken in accordance with the provisions of paragraph (b) of this section shall be promptly transmitted for analysis to:

Gas Analysis Services, Health and Safety Technical Support Center,
Bureau of Mines,
4800 Forbes Avenue,
Pittsburgh, PA 15213.

(2) Air samples transmitted in accordance with the provisions of this section shall be clearly marked for identification and include a specific description of the location in the mine from which they were taken.

[FR Doc.71–3251 Filed 3–8–71;8:48 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

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

[Docket No. AO–10–A41 etc.]

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

Decision and Order To Terminate Proceeding on Proposed Amendments to Marketing Agreements and to Orders

Correction

In F.R. Doc. 71–760, appearing at page 921 of the issue for Wednesday, January 20, 1971, in the third column on page 927 the ninth line of the third paragraph is corrected to read "ported the 15-cent figure. The Milk In-"

[7 CFR Part 1124]

[Docket No. AO 368–A4]

MILK IN OREGON-WASHINGTON MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Sweetbrier Inn, Tualatin Exit, Interstate 5, Tualatin, OR, beginning at 10 a.m., on March 30, 1971, with respect to proposed amendments to

the tentative marketing agreement and to the order, regulating the handling of milk in the Oregon-Washington marketing area.

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

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Mayflower Farms, Eugene Farmers Creamery, Portland Independent Milk Producers Association, Farmers Cooperative Creamery, and Tillamook County Creamery Association.

Proposal No. 1. Amend § 1124.9(b) and a new paragraph (c) as follows:

(b) A supply plant which:

(1) During any of the months of August through February in which 50 percent or more of the receipts of Grade A milk from dairy farmers except as filled milk is moved to plants described in paragraph (a) of this section, or

(2) During any of the months of March through July in which 40 percent or more of the receipts of Grade A milk from dairy farmers except filled milk is moved to plants described in paragraph (a) of this section.

(c) A supply plant which is operated by a cooperative association if 50 percent of the member producer milk of such cooperative association is received during the immediately preceding 12-month period at pool distributing plants either directly from member producer's farms or by transfer from such supply plant: *Provided,* That for the purpose of determining the appropriate percentages in this paragraph the following shall be considered as deliveries to pool distributing plants:

(1) The volume of fluid milk products processed and packaged in such supply plant and disposed of as Class I milk products on routes in the marketing area, and

(2) The volume of fluid milk products and cream used to produce Class II products in such supply plant: *And further provided,* If two or more cooperative associations desire to qualify a supply plant(s) operated by one or more of such cooperatives, as a pool plant(s) on the basis of their combined deliveries to pool distributing plants and have filed a request to this effect in writing with the market administrator on or before the first day of the month in which the agreement is effective, such a supply plant(s) shall be a pool plant(s) during the month if the above specified percentages of the total member milk of such cooperative associations was received during the month at pool distributing plants.

Proposal No. 2. Amend § 1124.11(a) as follows:

(a) During any month of the year a cooperative association may divert for its account to a nonpool plant the milk of any member producer from whom at least three deliveries are received at a pool distributing plant during the month, except that the aggregate quantity diverted may not exceed that aggregate quantity received during the month from all such producers at pool distributing plants. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed such a request in writing with the market administrator on or before the first day of the month such agreement is effective. This request shall specify the basis for assigning any overdiverted milk to the producer members of each cooperative association according to a method approved by the market administrator.

(b) A handler in his capacity as the operator of a pool distributing plant may divert during any month for his account to a nonpool plant the milk of any producer whose milk has been received previously at a pool distributing plant other than a member of a cooperative association which has diverted milk pursuant to paragraph (a) of this section during the month. Such handler may divert on other days the milk of any producer from whom at least three deliveries are received during the month at his pool distributing plant(s) and who is not a member of a cooperative association which is diverting milk pursuant to paragraph (a) of this section during the month, except that the aggregate quantity diverted may not exceed the aggregate quantity received during the month from all such producers at his pool distributing plant(s).

Proposal No. 3. Amend § 1124.13(a)(3) as follows:

(3) Diverted by the operator of such pool plant or cooperative association to another pool plant if he claims such diversion and both handlers have requested Class III classification on such diverted milk in their reports filed pursuant to § 1124.30.

Proposal No. 4. Amend § 1124.41(c)(5) to read as follows:

(5) In inventory of bulk fluid milk products and creams containing 18 percent or more butterfat on hand at the end of the month.

Proposal No. 5. Amend § 1124.51(a) to read as follows:

(a) The price for Class I milk shall be the basic formula price for the preceding month plus $1.75 plus an additional 20 cents.

Proposal No. 6. Amend § 1124.12 to read as follows:

§ 1124.12 Producer-handler.

"Producer-handler" means any person who is an individual partnership or corporation and who meets all the following conditions:

(a) Operates a dairy farm(s) from which the milk produced thereon is supplied to a plant operated by him in accordance with the conditions set forth in paragraph (b) of this section, and provides proof satisfactory to the market administrator that:

(1) The full maintenance of milk-producing cows on such farm(s) is his sole risk, and under his complete and exclusive management and control;

(2) Each such farm is owned or operated by him, at his sole risk, and under his complete and exclusive management and control; and

(3) Only he and no other person (except a member of his immediate family, or a stockholder in the case of a corporate farm) employed on such farm(s) own, fully or partially, either the cows producing the milk on the farm or the farm on which it is produced;

(b) Operates a plant in which milk approved by a duly constituted health authority for fluid consumption is processed or packaged and is disposed of during the month in the marketing area on routes: *Provided,* That:

(1) No fluid milk products are received at such plant or by him at any other location except:

(i) From dairy farm(s) as specified in paragraph (a) of this section; and

(ii) That such person may purchase from other pool plants packaged fluid milk products, other than whole milk, in an amount not in excess of an average of 100 pounds per day during the month.

(2) Such plant is operated under his complete and exclusive management and control and at his sole risk, and is not used during the month to process, package, receive, or otherwise handle fluid milk products for any other person; and

(3) For the purpose of this section, all fluid milk products disposed of on routes or at stores operated by him or by any person (including the operator of a plant, or a vendor) who controls or is controlled by him (e.g., as an interlocking stockholder), or in which he (including, in the case of a corporation, any stockholder therein) has a financial interest, shall be considered as having been received at his plant; and the utilization for such plant shall include all such route and store dispositions; and

(c) Disposes of no other source milk (except that represented by nonfat solids used in the fortification of fluid milk products) as Class I milk.

Proposal No. 7. Add a new § 1124.63 to read as follows:

§ 1124.63 Obligation of a vendor on receipts from a producer-handler.

Each vendor shall pay the market administrator for the producer-settlement fund on or before the 25th day afer the

end of the month at the difference between the value of the skim milk and butterfat in fluid milk products received from a producer-handler during the month at the Class I price applicable at the location of the producer-handler's plant (but not less than the Class III price) and its value at the Class III price subject to the following conditions:

(a) The quantities of skim milk and butterfat in fluid milk products on which payments shall be made pursuant to this section shall not exceed the vendor's Class I disposition in the marketing area during the month; and

(b) This section shall not apply to a vendor whose total Class I disposition is obtained from a producer-handler, or whose total receipts and disposition of fluid milk products are considered as a part of the receipts and disposition of the producer-handler pursuant to § 1124.12.

Proposal No. 8. Amend § 1124.7 by adding a new paragraph (g).

(g) A vendor. Any person who does not operate a plant described in paragraphs (a) (b) and (f) of this section but who engages in the business of receiving fluid milk products for resale and distributes to retail and wholesale outlets, via a mobile delivery vehicle, packaged fluid milk products received from such a plant.

Proposal No. 9. Amend § 1124.70 to provide that fluid milk products received from an unregulated supply plant which has been received as Class I under a Federal milk order will not include any additional charges.

Proposal No. 10. Amend § 1124.85(a) by adding the following:

The market administrator shall offset any payment due any handler against payments due from such handler.

Proposal No. 11. Amend the shrinkage and allocation provisions to provide for clarification of the accounting of cream testing more than 18 percent.

Proposal No. 12. Amend § 1124.44(c) by deleting the following: "* * * except that cream so transferred may be classified as Class III if the handler claims classification of such cream in Class III in his report pursuant to § 1125.30, the handler tags the container of such cream as for manufacturing purposes, and the handler gives the market administrator sufficient notice to allow him to verify the shipment: * * *"

Proposed by Mayflower Farms:

Proposal No. 13. Eliminate the location differential in Central Washington and Eastern Oregon.

Proposed by Grade A Milk Producers' Association, Inc.

Proposal No. 14. Amend § 1124.7(c) to read as follows:

(c) A cooperative association with respect to milk of its member producers which is diverted from a pool plant to a nonpool plant for the account of such cooperative association.

Proposal No. 15. Amend § 1124.8(b) to read as follows:

(b) "Supply plant" means a plant from which filled milk or a fluid milk product which has been approved by a duly constituted health authority for fluid consumption is shipped during the month to a pool plant.

Proposal No. 16. Amend the first sentence in § 1124.9(b) to read as follows:

Any supply plant from which 30 percent of its dairy farm supply of Grade A milk is moved, except as filled milk, during the month to a pool plant(s).

Proposal No. 17. Amend the second sentence in § 1124.11(a) to read as follows:

During the month of August through February, such cooperative association may divert on other days the milk of any producer from whom at least 3 days deliveries are received at a pool plant during the month, except that the aggregate quantity diverted may not exceed the aggregate quantity received during the month from all such producers at pool plants.

Proposal No. 18. Amend § 1124.41(c) (1) to include evaporated milk products in hermetically sealed all metal containers.

Proposal No. 19. Amend § 1124.44(c) (3) (iv) to read as follows:

(iv) To the extent that Class I milk utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class III milk to the extent of such uses at the plant and then as Class II milk.

Proposal No. 20. Delete § 1124.52(b).

Proposal No. 21. Amend §§ 1124.52 and 1124.83 so that location adjustments will apply only at plants 100 miles or more from the nearest of Portland and Klamath Falls, Oreg., and Walla Walla, Wash.

Proposed by Carnation Company.

Proposal No. 22. The Oregon-Washington Class I price shall be the same as the Puget Sound Class I price.

Proposal No. 23. The Class II price should be no higher than 10 cents above the Class III price.

Proposal No. 24. Half and half should be moved from Class I to Class II.

Proposal No. 25. Ice cream, ice cream mix, frozen desserts, sour cream mixtures, and aerated cream products should be moved from Class II to Class III.

Proposal No. 26. Add a proviso to the definition of handler as follows:

Any person in his capacity as the operator of one or more pool plants: *Provided,* That in the case of recognized divisions of a corporation which are operated as separate business units, each such division shall be deemed to be a handler:

Proposed by Klamath Falls Creamery.

Proposal No. 27. Add Lake County, Oreg. to the marketing area.

Proposed by Yakima Valley Dairy Study Committee.

Proposal No. 28. Reduce the location adjustment rate in Central Washington and Umatilla County, Oreg., from 20 cents to 15 cents.

Proposed by Roy H. Matson.

Proposal No. 29. Use the 4 lowest months of production during the year for calculating producer bases.

Proposed by Medo-Bel Creamery.

Proposal No. 30. In § 1124.9(a) (1), change "15 percent" to "35 percent."

Proposed by the Dairy Division.

Proposal No. 31. Reconsider §§ 1124.52 and 1124.83 in their entirety in light of all other proposals affecting location pricing.

Proposal No. 32. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, James A. Burger, Farmers Center Building, 6700 Southwest Varns Street, Post Office Box 23354, Portland, OR 97223 or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, DC 20250 or may be there inspected.

Signed at Washington, D.C., on March 3, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71–3240 Filed 3–8–71;8:47 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 280]

EASTERN PACIFIC TUNA FISHERIES

Yellowfin Tuna

Amendments to the regulations implementing conservation measures on the taking of yellowfin tuna in the regulatory area are needed to carry into effect a change in the existing regulatory system recommended by the Inter-American Tropical Tuna Commission in a resolution adopted on February 20, 1971, and published in the FEDERAL REGISTER. In addition to the regular season closure when the quota is reached, the resolution recommends that the Director of Investigation shall cause the curtailment of the unrestricted fishing for yellowfin tuna in the regulatory area when the annual catch rate is projected to fall below 3 short tons per standard day's fishing, measured in purse seine units adjusted to limits of gear efficiency previous to 1962.

Present language in § 280.5 does not provide for a closure date determined on the basis of an annual catch rate. Therefore, it is proposed to amend § 280.5 to allow the Director of Investigations to determine a closure date on the appropriate basis.

It is proposed in § 280.6(c) to include jig boats under the provisions for the incidental catch rate and allotment provided to bait boats during the closed season.

It is proposed that in § 280.6 the closed season allotments to the different boat categories be continued in 1971 at the same level as were given for 1970 in the current regulations published May 28, 1970 (35 F.R. 8366).

Before final adoption of amendments, consideration will be given to any data,

views, or arguments in writing to the Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, within the period of 10 days from the date of publication of this notice in the FEDERAL REGISTER. Interested persons will also be afforded an opportunity to comment orally on the proposed amendments at a public hearing to be held at the United Portuguese Club, 2818 Addison Street, San Diego, CA, beginning at 9:30 a.m., March 18, 1971. Any person who intends to present views orally at this hearing is requested to furnish in writing his name and the name of the organization he represents, if any, to the said Regional Director.

These amendments are proposed under authority contained in subsection (c) of section 6 of the Tuna Conventions Act of 1950 as amended (16 U.S.C. 955(e)) as modified by Reorganization Plan No. 4, effective October 3, 1970 (35 F.R. 15627).

Issued at Washington, D.C., and dated March 4, 1971.

PHILIP M. ROEDEL,
Director, National Marine Fisheries Service.

The proposed amendments are described below:

1. Amend § 280.5 to read as follows:

§ 280.5 Closed season.

Pursuant to authority granted by the Commission, the Director of Investigations will determine the date on which he deems that the yellowfin fishing season should close and will promptly notify the Service Director of such date. The Service Director shall then announce the season closure date thus established by publication in the FEDERAL REGISTER. The closure date so announced shall be final except that if it shall at any time become evident to the Director of Investigations that the closure date initially determined has been affected by changed circumstances, he may substitute another date which shall be announced by the Service Director in like manner as provided for the date originally determined.

2. Amend subparagraphs (4) and (5) of paragraph (c) of § 280.6 to read as follows:

§ 280.6 Restrictions applicable to fishing vessels.

* * * * *

(c) * * *

(4) Bait boats and jig boats may land in any port or place yellowfin tuna not to exceed 50 percent (50%) by round weight of the vessels' carrying capacity in short tons: *Provided,* That when the catch of yellowfin tuna by bait boats and jig boats reaches 2,000 short tons, the incidental catch rate for those vessels of yellowfin tuna will revert to 15 percent (15%) of yellowfin taken as an incident to fishing for those species listed in § 280.2(b)(3). A notice of reversion which will apply to bait boats and jig boats leaving port after a selected date will be published in the FEDERAL REGISTER.

(5) The short ton capacity of vessels shall be determined from tables prepared by the Commission which relate carrying capacity to gross and/or net tonnage and from official unloading records available to the National Marine Fisheries Service. Managing owners of purse seine vessels between 301 to 400 short tons carrying capacity, inclusive will be notified by registered mail that their vessel is in that category and is therefore subject to the provisions of subparagraph (2) of this paragraph. Managing owners of vessels of 300 short tons or less carrying capacity will be notified by registered mail that their vessel is in this category and is therefore subject to the provisions of subparagraph (3) of this paragraph. Except as provided below for bait boats and jig boats, managing owners not receiving such notification by registered mail can assume that their vessel is in the category of over 400 short tons carrying capacity and is therefore subject to the provisions of subparagraph (1) of this paragraph. To qualify for the bait boat and jig boat yellowfin allocation described in subparagraph (4) of this paragraph, managing owners of bait boats and jig boats will supply the Regional Director documentation concerning the gross and net tonnage of their vessels together with records of prior unloadings. This information, together with tables supplied by the Commission which relate to gross and/or net tonnage and from official records available to the National Marine Fisheries Service will be used by the Regional Director to establish the carrying capacity of each vessel. Failure to comply will result in such vessels being limited to a 15 percent (15%) incidental catch of yellowfin taken as an incident to fishing for those species listed in § 280.2(b)(3). This incidental rate will remain in effect for such vessels until the above documentation is supplied and the vessel's capacity determined.

[FR Doc.71-3217 Filed 3-8-71;8:46 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 602, 603, 608, 609, 610, 611, 612, 614, 615, 687]

[Administrative Order 614]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment; Convention; Notice of Hearings Correction: Statutory Citation; Notice of Dates for Prehearing Statements

In Administrative Order 614, F.R. Doc. 70-13025 published on page 15226, the first sentence of item 3 appearing on page 15227 and the second sentence of item 8 on page 15228 are corrected to read as follows:

3. Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-1953 Comp., p. 1004), and 29 CFR Part 511, I hereby:

* * * * *

8. * * * Interested persons wishing to participate in any of the hearings shall file prehearing statements, as provided in 29 CFR 511.8 containing the data specified in that section not later than 10 days before the first hearing date set for each committee as set forth in this notice of hearing, that is, April 9, 1971, for matters to be considered by Industry Committee Nos. 99-A or B; April 16, 1971, for matters to be considered by Industry Committee Nos. 100-A or B; May 28, 1971, for matters to be considered by Industry Committee Nos. 101-A, B, C, or D; and June 11, 1971, for matters to be considered by Industry Committees Nos. 102-A or B.

Signed at Washington, D.C. this 2d day of March 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-3261 Filed 3-8-71;8:49 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 201, 260]

[Docket No. R-411]

ACCOUNTING AND RATE TREATMENT OF ADVANCE PAYMENTS TO SUPPLIERS FOR EXPLORATION AND LEASE ACQUISITION OF GAS PRODUCING PROPERTIES

Notice of Further Extension of Time

MARCH 2, 1971.

On February 23, 1971, Northern Natural Gas Co. filed a request for an extension of time to and including March 10, 1971, within which to file comments in the above-designated matter. On February 26, 1971, Columbia Gas System Service Corp. filed a request for an extension of time to and including March 25, 1971.

Upon consideration, notice is hereby given that the time is further extended to and including March 25, 1971, within which any interested person may submit views and comments in writing to the notice of proposed rule making (36 F.R. 377) issued January 8, 1971, in the above-designated matter. The time is extended to and including April 22, 1971, within which responses to the comments may be filed.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3219 Filed 3-8-71;8:46 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 455]

ARIZONA

Notice of Filing of Plat of Survey

MARCH 2, 1971.

1. Plat of Survey of the land described below will be officially filed in the Land Office, Phoenix, Ariz., effective at 10 a.m., on April 7, 1971:

GILA AND SALT RIVER MERIDIAN

T. 14 N., R. 2 W., sec. 34, tracts B, C, and D.

The area described aggregates 64.50 acres. It is situated within the Fort Whipple Military Reservation as established by Executive order of October 17, 1875. It is bordered by the city of Prescott on the south and west and Highways 89–69 cross the southeast corner through Tract C.

2. The soil, in the above described land, varies from nearly level to low rolling hills. The southwest portion contains no timber, and the balance is covered with scattered cedar and locust timber. The soil is a heavy clay loam.

ROY T. HELMANDOLLAR,
Acting Manager.

[FR Doc.71–3248 Filed 3–8–71;8:48 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

EGG PRICES AND MARKET CONDITIONS

Requests for Comments on Market News

The U.S. Department of Agriculture in accordance with the Agricultural Marketing Act of 1946 reports through its Federal-State Market News Service the market and prices of shell eggs and other commodities at about 35 locations throughout the country. Some of these locations cover major production areas and others cover major terminal markets. The type of egg reports released cover producer prices, shipping point prices, prices at major markets including wholesale transactions and prices of cartoned eggs sold to retail buyers. The reports also include narrative comments on market conditions. Most of these reports are issued on a daily basis.

The USDA is considering a recommendation for major changes in the reporting of market prices of shell eggs. This recommendation has been made by the Executive Committee of the United Egg Producers. UEP is a nationwide cooperative of egg producers and marketers composed of the following regional organizations:

1. Western Egg Co., Oakland, Calif.
2. National Egg Co., Atlanta, Ga.
3. Northeast Egg Marketing Association, Durham, N.H.
4. Southwestern Egg Producers, Riverside, Calif.
5. Midwest Egg Producers Cooperative, East Lansing, Mich.
6. Northwest Egg Producers Cooperative, Seattle, Wash.

UEP has recommended that:

1. The Federal-State Market News Service should discontinue daily reporting of egg prices and market conditions in terminal markets, except for the west coast.

2. The Federal-State Market News Service should discontinue the daily wholesale market report in New York City and Chicago. It should not be replaced with a weekly report.

3. In order to provide after-the-fact price information, the Federal-State Market News Service should publish each Monday the egg prices series of prices paid by retailers for cartoned eggs during the preceding week.

Should these recommendations be adopted by the Federal-State Market News Service, all reporting of egg prices on a daily basis would be discontinued for all markets in the eastern half of the U.S. prices and general market conditions would be reported each Monday covering most egg market activity for the preceding week. These Monday reports would not include any information on wholesale prices in Chicago and New York City. The wholesale price series in these two cities (the only ones now reported) would be completely discontinued.

In order to give all interested persons an opportunity to submit their views and comments on these recommendations, the Department is soliciting written comments. The Department is particularly interested in obtaining answers to the questions which follow. Specific and direct comments would be appreciated.

1. Should the Market News Service discontinue the reporting of:

a. New York City wholesale egg prices?

b. Chicago trucklot egg sales delivered Chicago?

2. Should reports on prices paid by retailers for cartoned eggs covering the United States continue to be released daily or should they be released only on Monday to cover market activity which occurred the previous week?

3. Should market comments describing trading activity at various market points, including the "National Egg Market at a Glance," which are now released daily, be discontinued on a daily basis and only a summary report released each Monday covering the previous week's marketing activity?

(No change in production or shipping point reports or in statistics on storage or receipts etc., has been recommended).

Public meetings have been scheduled for Chicago, March 10, and for New York, March 15. Both meetings will begin at 1:00 p.m. local time and the public is invited.

The Chicago meeting will be in the Federal Building, Ceremonial Courtroom, 25th Floor, 219 South Dearborn Street. The New York meeting will be in the New Federal Building, Room 305, 26 Federal Plaza.

In order to give all interested parties an opportunity to submit their views and opinions on these recommendations, the Department is also soliciting written comments in connection with the above questions. Written comments should be addressed to the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 by March 20, 1971.

Done at Washington, D.C., this 3d day of March 1971.

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

[FR Doc.71–3280 Filed 3–8–71;8:50 am]

DEPARTMENT OF COMMERCE

Maritime Administration

U.S. GOVERNMENT-SPONSORED COMMODITIES

Voyage Charter Rate Guidelines

In F.R. Doc. 69–11278 appearing in FEDERAL REGISTER issue of September 19, 1969 (34 F.R. 141614) the voyage charter rate guidelines applicable to the movement of full shiploads of U.S. Government-sponsored commodities in U.S.-flag vessels were suspended for a period of six (6) months and were thereafter suspended in F.R. Doc. 70–3488 (35 F.R. 4888 March 20, 1970) and F.R. Doc. 70–11750 (35 F.R. 14167 September 5, 1970) up to March 21, 1971.

Notice is hereby given that the Assistant Secretary of Commerce for Maritime Affairs has determined that said voyage charter guidelines shall be suspended until further notice effective March 22, 1971.

Dated: March 1971.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary,
Maritime Administration.

[FR Doc.71–3315 Filed 3–8–71;8:50 am]

Office of the Secretary

[Department Organization Order 10-3]

ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS

Authority and Functions

The following order was issued by the Secretary of Commerce effective February 14, 1971. This material supersedes the material appearing at 35 F.R. 15173 of September 29, 1970.

SECTION 1. *Purpose.* This order prescribes the scope of authority and the functions of the Assistant Secretary for Domestic and International Business.

SEC. 2. *Administrative designation.* The position of Assistant Secretary of Commerce, established by Public Law 90-191 (15 U.S.C. 1505), shall continue to be designated the Assistant Secretary for Domestic and International Business. The Assistant Secretary is appointed by the President by and with the advice and consent of the Senate.

SEC. 3. *Scope of authority.* .01 The Assistant Secretary for Domestic and International Business shall exercise policy direction and general supervision over the Bureau of Domestic Commerce and the Bureau of International Commerce. He shall also exercise direction over the Office of Import Programs, the Office of Textiles, and the Office of Administration for Domestic and International Business.

.02 Pursuant to the authority vested in the Secretary of Commerce by law, the following authorities of the Secretary are hereby delegated to the Assistant Secretary for Domestic and International Business:

a. The authorities contained in the Trade Expansion Act of 1962 (19 U.S.C. 1801 et seq.) and Executive Order 11075 of January 15, 1963, as amended by Executive Order 11106 of April 18, 1963, including the authority to make certifications pursuant to sections 302(b)(1) and 302(c) of the Act and to issue rules and regulations under section 401 of the Act.

b. The authorities contained in title I of the Defense Production Act of 1950, as amended, (50 U.S.C. App. 2071 et seq.), as conferred on the Secretary under Executive Order 10480, dated August 14, 1953, as amended, to issue or modify orders restricting transportation and discharge of certain commodities or for the prohibition of movement of American carriers to certain designated destinations, which authority has heretofore been implemented by the issuance of Transportation Orders T-1 and T-2.

c. The authorities contained in section 402 of the Act of June 30, 1949 (40 U.S.C. 512) as it relates to the authority of the Secretary of Commerce with respect to the importation of foreign excess property, section 601 of the Act of June 30, 1949 (40 U.S.C. 473) relating to the importation into the United States of surplus property sold in foreign areas before July 1, 1949, as delegated to the Secretary of Commerce pursuant to F.L.C. Regulation 8 (44 CFR 308.15), and the authority to promulgate regulations pertaining thereto.

d. The authorities contained in the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897).

e. The authorities contained in headnote 6 (d) of Schedule 7, part 2, subpart E of the Tariff Schedules of the United States (19 U.S.C. 1202), added by Public Law 89-805, pertaining to the allocation of watches and watch movements among producers located in the Virgin Islands, Guam, and American Samoa, respectively. Such allocations shall be made jointly with the Secretary of the Interior or his designated official.

.03 The Assistant Secretary may redelegate his authority, except the authorities delegated in subparagraph .02a of this section, subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. *Functions.* The Assistant Secretary for Domestic and International Business shall serve as the principal officer of the Department to advise the Secretary on and to direct Commerce activities aimed at promoting progressive business policies and growth and at strengthening the international economic position of the United States. In this respect, the Assistant Secretary shall:

a. Propose general Federal policies for the Secretary to establish for promoting the business economy.

b. Develop and implement new programs to accomplish national objectives for improving and expanding the economic strength of the United States.

c. Exercise overall direction of Commerce functions involving: the expansion of exports; business-consumer relations; import quota administration; administration of export controls; trade adjustment assistance; the collection, analysis, and dissemination of selected information on various industries, commodities, and markets; the preparation and execution of plans for industrial mobilization readiness; and Federal recognition of and participation in international expositions and trade fairs;

d. Consult with and encourage cooperation and appropriate participation of the business community in the Department's domestic and international business program; and

e. Coordinate the Department's domestic and international business programs with other Federal agencies.

SEC. 5. *Deputy Assistant Secretaries.* The Assistant Secretary for Domestic and International Business shall be assisted by the following officers in carrying out his responsibilities:

a. The Deputy Assistant Secretary and Director, Bureau of Domestic Commerce.

b. The National Export Expansion Coordinator who shall also be the Deputy Assistant Secretary and Director, Bureau of International Commerce. In his capacity as National Export Expansion Coordinator, he shall coordinate all aspects of the Federal effort to increase exports for the improvement of the U.S. balance of payments.

c. The Deputy Assistant Secretary for International Economic Policy who shall be the focal point of contact with Federal agencies on financial and international economic policy affecting U.S. business, and shall serve as liaison officer with the Council on International Economic Policy. He shall coordinate the development of Commerce's views on such policy issues as export financing and foreign investment, barter programs, domestic and international tax policies affecting trade, governmental lending activities and other aspects of domestic financial operations, and shall represent the Department in multilateral and bilateral trade negotiations.

d. The Deputy Assistant Secretary for Resources who shall be principally responsible for import policy matters and who shall directly supervise the Office of Import Programs and the Office of Textiles.

Effective date: February 14, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-3210 Filed 3-8-71;8:45 am]

[Department Organization Order 40-1A]

BUREAU OF DOMESTIC COMMERCE

Delegation of Authority

The following order was issued by the Secretary of Commerce effective February 14, 1971. This material supersedes the material appearing at 35 F.R. 15174 of September 29, 1970.

SECTION 1. *Purpose.* .01 This order delegates authority to the Deputy Assistant Secretary and Director, Bureau of Domestic Commerce, and prescribes the functions of the Bureau.

.02 This revision of the order eliminates authorities and/or functions transferred from the Bureau to the Office of Import Programs and the Office of Textiles, being separately established; transfers to the Bureau responsibilities for labor-management matters heretofore vested in the Office of Policy Development; and gives the Bureau a primary role on consumer matters.

SEC. 2. *Status and line of authority.* .01 The Bureau of Domestic Commerce is hereby continued as a primary operating unit of the Department of Commerce.

.02 The Bureau of Domestic Commerce shall be headed by the Deputy Assistant Secretary and Director, Bureau of Domestic Commerce (hereinafter called the "Deputy Assistant Secretary"). He shall report and be responsible to the Assistant Secretary for Domestic and International Business. The Deputy Assistant Secretary shall be assisted by a Deputy Director of the Bureau of Domestic Commerce who shall perform the functions of the Deputy Assistant Secretary in the latter's absence.

SEC. 3. *Delegation of authority* .01 Pursuant to the authority vested in the Secretary of Commerce, and subject to such policies and directives as the Secretary of Commerce or the Assistant Secretary for Domestic and International

Business may prescribe, the Deputy Assistant Secretary is hereby delegated the authority of the Secretary of Commerce under:

a. The Act of February 14, 1903 (15 U.S.C. 1512; 15 U.S.C. 175) as amended, to foster, promote, and develop the domestic commerce of the United States, and related provisions (15 U.S.C. 171 et seq.);

b. Chapters 1 and 2 of title III of the Trade Expansion Act of 1962 (19 U.S.C. 1801 et seq.), other than the authority to make certifications pursuant to sections 302(b)(1), 302(c), and 311(b) of the Act;

c. Headnote 2, subpart B, part 6, schedule 6 of the Tariff Schedules of the United States (19 U.S.C. 1202) relating to the development, maintenance, and publication of a list of bona fide motor-vehicle manufacturers, and authority to promulgate rules and regulations pertaining thereto under section 501(2) of title V of the Automotive Products Trade Act of 1965 (19 U.S.C. 2031);

d. Public Law 91-269 of May 27, 1970 (84 Stat. 271), with respect to Federal Government recognition of and participation in international expositions proposed to be held in the United States;

e. The Defense Production Act of 1950, (50 U.S.C. App. 2061 et seq.) as amended and extended, and Executive Order 10480 thereunder except the authority of the Secretary of Commerce with respect to the use of transportation facilities and the creation of new agencies within the Department of Commerce;

f. Part 9 of Executive Order 11490 of October 28, 1969, with respect to emergency preparedness functions concerning production and distribution of materials, and use of production facilities;

g. The National Security Act of 1947 (50 U.S.C. 401 et seq.), as amended, as it relates to mobilization preparedness responsibilities assigned thereunder;

h. The Strategic and Critical Materials Stockpiling Act (50 U.S.C. 98-98h, as amended) with respect to the acquisition of stocks of materials for defense purposes;

i. Executive Order 11179 of September 22, 1964, with respect to the establishment and training of the National Defense Executive Reserve;

j. Executive Order 10421 of December 31, 1952, providing for the physical security of facilities important to the national defense; and

k. Other authorities of the Secretary for performing the functions assigned in this order.

.02 The Deputy Assistant Secretary may redelegate his authority to any employee of the Bureau of Domestic Commerce or to any other appropriate officer or agency of the Government, subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. *Functions.* The Bureau of Domestic Commerce shall:

.01 Perform the following domestic commerce functions:

a. Provide a working forum for business and the Federal Government to achieve a coordinated and unified position on domestic business policy and the major economic issues affecting business, particularly concerning the role of industry in new material resources, short-supply export controls, national growth patterns, production mobilization systems, industry-consumer and industry-government relations, industry-wide data banks, and domestic business services.

b. Collect, analyze, and maintain factual data on U.S. industries in levels of detail based on the importance of the industry to the overall economy, exclusive of data related to the fiber, textile and apparel sector of the industrial economy which shall be the responsibility of the Office of Textiles. This information will be used in support of business policy decisions and program actions by the Bureau of Domestic Commerce, as well as other parts of the Department and the Government. Both domestic and international data shall be included in categories such as production, pricing, inventories, marketing, labor, financing, taxation, and location and size of companies.

c. Assess the implications for the business economy of major consumer protection proposals under consideration within the Department; promote voluntary efforts by business and industry segments to increase consumer protection efforts; and represent the Department of consumer protection matters.

d. Conduct studies and develop policy recommendations on domestic and international labor-management relations issues, and participate, as appropriate, in conferences and meetings relating thereto.

e. Through Business Services Field Offices, located in principal cities, provide the local business community with advice, information, and assistance on the domestic, international and industrial mobilization programs of the Bureau of Domestic Commerce and the Bureau of International Commerce; and, as may be requested, provide information and services on selected program activities for other operating units of the Department.

.02 Perform the following actions specifically required by law:

a. Recommend individual firms, claiming injury or threat of injury by imports, for certification to apply for technical, financial or tax assistance under the Trade Expansion Act of 1962; provide technical assistance to the firms when needed in preparing proposals to the Secretary; refer each certified proposal to the appropriate agency to furnish technical, financial or tax assistance; and maintain necessary controls to insure maximum utilization of financial assistance provided to firms;

b. Certify U.S. firms as "bona fide motor-vehicle manufacturers" qualified to trade under the provisions of United States-Canadian Automotive Agreement; and prepare the President's Annual Report to Congress concerning implementation of the Automotive Products Trade Act of 1965;

c. Evaluate prospective international expositions to be held in the United States and prepare studies and recommendations for the President, including the nature and extent of Federal participation therein; and perform all activities relating to the certification and promotion of domestic trade fairs pursuant to the Trade Fair Act of 1959 (19 U.S.C. 1751-1756); and

d. Publish the Commerce Business Daily.

.03 Perform the following national defense and industrial mobilization functions:

a. Assist in achieving an adequate supply of strategic and critical materials for defense-supporting activities and essential civilian needs, including the timely completion of current military, atomic energy, and space programs for production, construction, and research and development; and

b. Participate in the development of national plans to assure maximum readiness of the industrial resources of the United States, including the means for administering them, to meet any future demands of any national emergency.

SEC. 5. *Administrative management and related services.* The Office of Administration for Domestic and International Business shall furnish administrative management and related services to the Bureau, as determined by the Assistant Secretary for Domestic and International Business.

SEC. 6. *Saving provision.* Department Organization Order 15-4 of August 5, 1970 (Office of Policy Development) (35 F.R. 13149 of August 18, 1970), is constructively amended to reflect the actions of this order.

Effective date: February 14, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-3211 Filed 3-8-71;8:45 am]

[Dept. Organization Order 40-1B]

BUREAU OF DOMESTIC COMMERCE

Organization and Functions

This material supersedes the material appearing at 35 F.R. 3836 of February 27, 1970; 33 F.R. 10158 of July 16, 1968; 33 F.R. 10756 of July 27, 1968; and 32 F.R. 11348 of August 4, 1967.

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

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

SEC. 3. *Office of the Bureau head.* .01 The Deputy Assistant Secretary and Director, Bureau of Domestic Commerce, shall determine the objectives of the Bureau, formulate policies and programs for achieving those objectives, and direct execution of the Bureau's programs.

.02 The Deputy Director shall assist in the direction of the Bureau and perform the functions of the Director in his absence. He shall also provide direction and guidance to the following staff units each of which shall be headed by a Staff Director:

a. The Management Resources Control Staff shall develop and provide, on a regular basis, tabulations, analyses and reports of project dollar and manpower costs; develop and maintain systems for measuring project accomplishments, and otherwise assist top management in assessing progress and in planning program operations; perform the budget function and exercise fiscal control; coordinate the Bureau's data processing requirements; and facilitate the provision of administrative management services by the Office of Administration, DIB and, as applicable, by the Office of the Secretary to the Bureau.

b. The Legislation Review and Development Staff shall prepare or coordinate within the Bureau the preparation of responses to legislative inquiries, and shall develop and review proposed legislation on business-related issues. The Staff shall coordinate its activities with the Office of the General Counsel.

c. The Business and Trade Relations Staff shall assess the need for, and determine policies covering, programs with national organizations and trade associations; exercise overall review and monitoring of public advisory committees of the Bureau, including consultation with Bureau officials on the need for committees, their membership, and reporting requirements.

d. The Communications Services Staff shall plan and conduct an information program for the Bureau and shall provide technical guidance and control in the preparation and issuance of Bureau publications.

e. The Project Systems Design Staff shall identify business-related issues which may affect the domestic business economy and shall undertake preliminary studies to determine alternative proposals for projects to be undertaken by the Bureau to cope with such issues.

SEC. 4. *Office of Domestic Business Policy.* The Office of Domestic Business Policy shall provide analyses of current and developing industry and trade conditions; recommend policies and program objectives to stimulate balanced growth of U.S. industry; prepare analyses of policy issues involving specific industries and business segments for use by other operating units of the Department, other Federal agencies, the Congress, and business and industry in developing policies, plans, and programs; and serve as the principal office within the Bureau for examining issues of specific industries and business segments as these might affect the economic and technological growth of the economy. The Office shall be organized as set forth below:

.01 The Office shall be headed by a Director who shall direct all activities of the Office. He shall be immediately assisted by a Deputy Director who shall also perform the functions of the Director in his absence.

.02 The Marketing and Consumer Affairs Division shall coordinate intra-Department consumer matters. It shall identify, analyze, and conduct or sponsor research on issues and problems with respect to the marketing sector and consumer affairs matters; develop related policy recommendations on governmental plans, programs and legislations; and consult with industry on the impact of such proposals. The Division shall be the contact point for industry in promoting voluntary consumer protection efforts and shall develop and disseminate information on various aspects of marketing and consumer affairs, including primary data on consumer needs, attitudes, and behavior patterns.

.03 The Industrial Relations Division shall analyze management-labor relations problems in terms of the economic impact on business, industry and national goals by examining such matters as national and international labor-management problems, labor standards, strikes, wages, benefits, welfare and pension plans, and technological displacement of employees, and shall evaluate the impact of changing conditions in business insurance and business taxes.

.04 The Trade Adjustment Assistance Division shall recommend policies and procedures of adjustment assistance to minimize the adverse effects on industry of import competition; and administer the trade adjustment assistance program.

.05 The Business and Community Growth Division shall analyze current and projected urban business problems and propose actions to facilitate business involvement in the development and growth of new and existing communities.

.06 The Analytic Methods Division shall provide substantive analytical methods, utilizing available models as appropriate, for use in addressing current and future policy issues of specific industries and business segments.

.07 The Special Programs Division shall undertake, as requested by the Director, projects that do not fit the functional areas of the Office.

SEC. 5. *Office of Business Research and Analysis.* The Office of Business Research and Analysis shall serve as a principal source within Government for data concerning industry and shall establish and maintain a data base for use by Government, industry, and others in analyzing and assessing developments and trends in selected industry areas and in establishing appropriate policy and program recommendations. The Office shall be organized as set forth below:

.01 The Office shall be headed by a Director who shall direct all activities of the Office. He shall be immediately assisted by a Deputy Director who shall also perform the functions of the Director in his absence. In addition, the Deputy Director shall provide direction to the following staff units:

a. The Data Quality Assurance Staff shall assure the quality and adequacy of the data concerning industry collected by the respective industry divisions by coordinating and improving the varied data mantenance programs within the Office, by developing procedures to attain consistency and usefulness of the information to Government, industry, and other users, and by assessing the quality of data output for assisting in the solution of industry problems involving such matters as export expansion, projections of growth, and technological advances.

b. The Data Forecasting Staff shall develop techniques and methods for improving forecasting of measures of activity for specific industries and business segments.

c. The Special Reports Staff shall compile special-purpose tabulations and reports involving more than one industry or business segment.

.02 The industry divisions, as listed below, shall collect, evaluate, categorize, and analyze statistical data on an assigned group of industries; and shall otherwise prepare such data for dissemination:

Metals and Minerals Division.
Chemicals, Petroleum and Rubber Division.
Construction and Engineering Division.
Forest Products, Packaging, Printing and Publishing Division.
Business and Scientific Equipment Division.
Consumer Products and Services Division.
Electrical and Electronics Division.
Transportation Division.
Communications Division.
General Industries Division.

In carrying out these responsibilities, each Division shall:

a. Obtain industry data from established governmental sources, major industry sources trade associations, and other primary statistical data collection organizations, or directly from industries, journals, trade publications or any other source of potential business information and data;

b. Evaluate, categorize, analyze and maintain economic, business, industry, trade, finance, and technology data; and

c. Publish and disseminate commodity/industry data to a wide range of users within and outside Government, as well as provided data in readily useable formats for the specialized needs of individual users.

SEC. 6. *Office of Industrial Mobilization.* The Office of Industrial Mobilization shall carry out the Bureau's assigned industrial mobilization and readiness responsibilities; assure readiness of industrial resources for national emergencies and an adequate flow of materials essential for national defense, atomic energy, and other critical programs; provide policy guidance and coordinate industrial mobilization activities within the Department; and maintain liaison with other agencies of the Government and with friendly governments on industrial mobilization matters. The Office shall be organized as set forth below:

.01 The Office shall be headed by a Director who shall direct all activities of the Office. He shall be immediately assisted by a Deputy Director who shall also perform the functions of the Director in his absence.

.02 The Mobilization Readiness Division shall develop and test the organizational plans and procedures for the Bureau to assume the responsibility for industrial production, construction, and distribution in the event of national emergencies; assist and guide industry in preparing for the conduct of emergency operations to assure the continuity of required production; and recruit and train Executive Reservists to be prepared to assume major responsibilities in the event of a national emergency.

.03 The Industrial Resources Division shall provide guidance and recommendations to the Office of Emergency Preparedness on matters relating to the National Stockpile Program, including the establishment of objectives, development of procurement programs and purchase specifications, special instructions, disposal programs, storage manuals and special studies; provide staff support for the Chairman, NATO Industrial Planning Committee and the Co-Chairman, United States/Canada Emergency Industrial Production and Materials Committee; and investigate and report on alleged impact of imports on national security.

.04 The Industrial Evaluation Division shall identify industrial facilities of exceptional importance to mobilization readiness, the national security, and postattack and recovery; specify standards for assessing and evaluating their production capabilities; supervise the preparation of industrial analyses of critically important products and industrial services, including essential survival items; conduct industrial feasibility studies to determine capabilities to meet national emergencies; and provide liaison between the Bureau and the National Resources Analysis Center of the Office of Emergency Preparedness.

.05 The Mobilization Plans Division shall support current national defense requirements by administering the Defense Materials System and Priorities Program under title I of the Defense Production Act, and plan for and maintain emergency measures for regulating the production and distribution of materials during emergency situations.

SEC. 7. *Office of Business Services.* The Office of Business Services shall serve as the Department's principal medium of contact with the local business community for: (a) Ascertaining the needs and desires for information relevant to the private economy that falls within the scope of Commerce's responsibilities, arranging or participating in the effective delivery of Commerce's business-related information products, and assisting in the planning and design of additional business information; (b) aiding businesses in the utilization of such information services; and (c) promoting participation of the general business community in the resolution of economic and minority business problems of the Nation. Though Business Services Field Offices, located throughout the country, the Office shall, in particular, provide local assistance and service to business communities in utilizing information and related business aids of Commerce and of other agencies; shall perform the field work and services involved in the programs of the Bureau and the Bureau of International Commerce; and shall perform special services for other organizations of Commerce as may be arranged from time to time. The Office shall also carry out the domestic trade fair and the domestic international exposition functions of the Bureau; and shall provide staff support for the National and Regional Export Expansion Councils. The Office shall be organized as set forth below:

.01 The Office shall be headed by a Director who shall plan and direct the activities of the Office, and a Deputy Director who shall assist in direction of the Office and perform the functions of the Director in his absence.

.02 The Field Office Program Management Staff shall develop and prescribe procedures for administering activities of the Business Services Field Offices; conceive and implement management improvement practices; evaluate field office performance and recommend appropriate measures to assure maximum efficiency; coordinate workload requirements with field office resources; develop and provide measures for continuous improvement of technical proficiency; prepare guidelines for use by the field offices in the preparation of operational plans and coordinate and supervise the accomplishment of these plans; and provide central direction of publication sales and library business reference services.

.03 The Business Cooperation Staff shall develop and maintain liaison and communication with local and national business and trade organizations, State and local governmental entities, professional groups, and institutions to effect the exchange of ideas and to develop the framework for promoting Government/business participation in the resolution of economic and socio-economic problems; and provide support and guidance to field offices in these endeavors.

.04 The Business Services Development Staff shall, in cooperation with program managers of the Bureau, other units of the Department, or other agencies, identify and adapt substantive program products and data for marketing to the business community through the Business Services Field Offices in a manner that will respond to the needs of business in local communities, and create greater awareness of as well as provide utilization of the business related services of the Department.

.05 The Business Opportunity Staff shall develop and administer the effective delivery of private and Government information on business opportunities, both foreign and domestic, to industry and business and shall evaluate source materials and the effectiveness of distribution of business opportunities information.

.06 The Domestic Trade Fairs and Expositions Staff shall provide information, promotional assistance, and certification services to industry associations, business and civic groups and other operators of domestic trade fairs; arrange trade fair and industry visits for foreign businessmen; develop, schedule, and arrange for exhibits and displays to promote Bureau and Department programs and services at selected domestic trade fairs; review requests and prepare recommendations on U.S. Government recognition of international expositions to be held in the United States; plan, develop, construct, and operate Federal pavilions and exhibitions at such international expositions; and publicize scheduled domestic trade fairs and Federal exhibitions.

.07 The Business Services Field Offices, as listed in Appendix B, shall perform the following functions for the geographic areas pertinent to their respective locations:

a. Represent the Bureau of Domestic Commerce and the Bureau of International Commerce with local business, industry, and community groups;

b. Provide representation or particular services in their respective localities for the Office of the Secretary or for any operating unit of the Department as may be requested and arranged from time to time;

c. Create awareness of and disseminate marketing information, business opportunities, technological data and other information products of the Department applicable to business;

d. Obtain information on business, industry and community conditions and trends to assist the Bureau of Domestic Commerce and the Bureau of International Commerce in formulating and recommending policies, plans and programs on such matters;

e. Promote the expansion of exports to improve the U.S. Balance of Payments; and

f. Serve as a general source of information on all Commerce programs; facilitate contacts and communication, as may be needed, between local groups and individuals on the one hand and appropriate offices and officials of the Department on the other; and otherwise serve as a focal point for effective relations with various segments of the local communities on major developments involving Commerce programs that affect business and economic growth.

Effective date: February 14, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

APPENDIX A—PUBLIC INFORMATION APPENDIX—BUREAU OF DOMESTIC COMMERCE

A. *Purpose.* The purpose of this appendix is to describe, in general, the public information services of the Bureau of Domestic Commerce (BDC) to describe the places at which, and the methods whereby, the public may obtain information, to inform the public as to the sources or availability of rules, regulations, procedures, instructions, forms or other requirements established by the Bureau of Domestic Commerce which affect the public, and otherwise to comply with the requirements of section 552, title 5, U.S.C., as amended by Public Law 90-23, June 5, 1967 (81 Stat. 54), (hereinafter referred to as the Act).

B. *Public information services.* .01 BDC provides the business community with a wide

range of information on domestic and foreign industry, domestic markets, and business opportunities. This includes periodic and special reports and studies covering foreign market surveys, market analyses and trends, industry reports, input-output relationships between industries, international business opportunities, and analyses of data bearing on production, sales, employment, profits, and distribution.

.02 Publications of the Bureau are listed in the Annual Catalog of Commerce Publications and the weekly Business Service Checklist, both of which are available from the field offices of the Office of Business Services, Department of Commerce, or the U.S. Department of Commerce, Washington, D.C. 20230. In addition, BDC publishes a BDC Publications Booklet, which can be obtained from the U.S. Department of Commerce or the field offices of the Office of Business Services, Department of Commerce.

C. *Guide to published rules and regulations.* .01 *Defense Production Act.* Public orders and regulations issued in implementation of title I (priorities and allocation powers) under the Defense Production Act of 1950, as amended, (64 Stat. 798; 50 U.S.C. 2061 et seq.) are found in Title 32A, Code of 1950, as amended (64 Stat. 798; 50 U.S.C. procedures under these orders and regulations are through the normal Department of Commerce appeals procedures.

.02 *National Defense Executive Reserve.* Departmental responsibilities for the National Defense Executive Reserve, as exercised by BDC are outlined in Department Administrative Order 210–8 (30 F.R. 12957). Selection procedures and criteria are found in the BDC Operating Instruction Manual. Applications for participation in the NDER must be made on CD–174 which is available from the Director, Mobilization Readiness Division, BDC, U.S. Department of Commerce, Washington, D.C. 20230.

.03 *Trade Adjustment Assistance.* Rules and regulations for certification of eligibility to apply for trade adjustment assistance and for application for such assistance under the Trade Expansion Act of 1962 (76 Stat. 883–892; 19 U.S.C. 1901–1920) are contained in 48 CFR 310.

.04 *Automotive Products Trade.* Rules, procedures, and criteria for determination of bona fide motor vehicle manufacturers under the Automotive Products Trade Act of 1965 (79 Stat. 1023; 19 U.S.C. 3032) are found in 19 CFR 301.

D. *Submission of requests and applications.* The established places at which and the methods whereby the public may make any submittals, applications, or requests concerning the programs listed in section C of this Appendix are found in the rules and regulations cited therein.

E. [Reserved]

F. *Inspection and copying of opinions and orders.* All final opinions and orders made in the adjudication of cases, statements of policy and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public; and any other materials required to be made available for public inspection and copying under section 552 (a) (2) are made available for such purposes in the Central Reference and Records Inspection Facility of the Department of Commerce, Room 2122, Main Commerce Building, 14th Street between Pennsylvania Avenue and Constitution Avenue NW., Washington, DC 20230. Rules concerning the use of this facility are contained in Part 4, Title 15, Code of Federal Regulations, or may be obtained from the facility.

G. *Inspection of bureau records.* Rules for persons desiring, pursuant to section 552(a) (3), to inspect records not available to the public as part of the regular public information services of the Bureau of Domestic Commerce are contained in Part 4, Title 15, Code of Federal Regulations. Applications are available from the Central Reference and Records Inspection Facility of the Department of Commerce, or from the field offices of the Office of Business Services, Department of Commerce.

WILLIAM D. LEE,
Director,
Bureau of Domestic Commerce.

APPENDIX B—BUREAU OF DOMESTIC COMMERCE, OFFICE OF BUSINESS SERVICES

BUSINESS SERVICES FIELD OFFICES

Albuquerque, N. Mex.
Anchorage, Alaska.
Atlanta, Ga.
Baltimore, Md.
Birmingham, Ala.
Boston, Mass.
Buffalo, N.Y.
Charleston, S.C.
Charleston, W. Va.
Cheyenne, Wyo.
Chicago, Ill.
Cincinnati, Ohio.
Cleveland, Ohio.
Dallas, Tex.
Denver, Colo.
Des Moines, Iowa.
Detroit, Mich.
Greensboro, N.C.
Hartford, Conn.
Honolulu, Hawaii.
Houston, Tex.
Jacksonville, Fla.
Kansas City, Mo.
Los Angeles, Calif.
Memphis, Tenn.
Miami, Fla.
Milwaukee, Wis.
Minneapolis, Minn.
New Orleans, La.
New York, N.Y.
Philadelphia, Pa.
Phoenix, Ariz.
Pittsburgh, Pa.
Portland, Oreg.
Reno, Nev.
Richmond, Va.
St. Louis, Mo.
Salt Lake City, Utah.
San Francisco, Calif.
San Juan, P.R.
Savannah, Ga.
Seattle, Wash.

See local telephone directory under "United States Government—Commerce, Department of—Field Services" for address and telephone number.

[FR Doc.71-3212 Filed 3-8-71;8:45 am]

[Department Organization Order 40-8]

OFFICE OF IMPORT PROGRAMS

Establishment and Functions

The following order was issued by the Secretary of Commerce effective February 14, 1971.

SECTION 1. *Purpose.* This order establishes the Office of Import Programs and prescribes the functions of the Office.

SEC. 2. *Status and line of authority.* The Office of Import Programs is hereby established as a constituent operating unit of the Department. It shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Domestic and International Business.

SEC. 3. *Transfers.* .01 The functions enumerated in subparagraphs a, through h, of section 4 of this order, as heretofore assigned to the Bureau of Domestic Commerce, are hereby transferred to the Office of Import Programs together with the resources involved.

.02 The provision of secretariat and administrative support to the Foreign Trade-Zones Board is transferred from the Bureau of International Commerce together with the resources involved.

.03 The Assistant Secretary for Administration, in consultation with the Assistant Secretary for Domestic and International Business, shall determine the funds, personnel, property, and records being transferred by this order and shall effect these transfers.

SEC. 4. *Functions.* The Office of Import Programs shall be the principal point of contact within the Department on special import problems involving industries experiencing difficulty from import competition. For such industries, it shall maintain interagency relationships, coordination of legislative proposals, international negotiations, and representation with business and trade groups. It shall make policy recommendations as appropriate. In this respect, the Office shall perform the following functions:

a. Analyze the effect of imports upon domestic markets;

b. Keep abreast of activities and developments within the Government on import matters;

c. Represent the Department in U.S. Government participation in international arrangements and agreements on commodities and industrial products;

d. Review, prepare comments, and recommend positions of the Department on legislation concerning imports;

e. Provide staff assistance to the Department's member on the Oil Import Appeals Board;

f. Process applications for duty free importation of educational, scientific, and cultural materials;

g. Perform necessary staff work pertaining to the allocation of watches and watch movements among producers located in the Virgin Islands, Guam, and American Samoa;

h. Process applications to import foreign excess property into the United States; and

i. Provide executive secretariat services and administrative support to the Foreign Trade-Zones Board.

SEC. 5. *Organization.* The principal organization structure of the Office shall be determind by the Director, subject to the approval of the Assistant Secretary for Domestic and International Business.

SEC. 6. *Administrative and related services.* The Office of Administration for Domestic and International Business shall furnish administrative management services to the Office of Import Programs, as determined by the Assistant Secretary for Domestic and International Business.

SEC. 7. *Saving provision.* This order constructively amends Department Organization Order 40–2A of September 15, 1970 (35 F.R. 15175 of Sept. 29, 1970), and Department Organization Order 40–2B of October 16, 1970 (35 F.R. 16988 of

Nov. 4, 1970), to reflect the actions of this order.

Effective date: February 14, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-3213 Filed 3-8-71;8:45 am]

[Department Organization Order 40-9]

OFFICE OF TEXTILES

Establishment and Functions

The following order was issued by the Secretary of Commerce effective February 14, 1971.

SEC. 1. *Purpose.* This order establishes the Office of Textiles and prescribes the functions of the Office.

SEC. 2. *Status and line of authority.* The Office of Textiles is hereby established as a constituent operating unit of the Department. It shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Domestic and International Business.

SEC. 3. *Transfers.* .01 The functions enumerated in subparagraphs a. through f of section 4 of this order, as heretofore assigned to the Bureau of Domestic Commerce, are hereby transferred to the Office of Textiles with the resources involved.

.02 The Assistant Secretary for Administration, in consultation with the Assistant Secretary for Domestic and International Business, shall determine the funds, personnel, property, and records being transferred by this order and shall effect the transfer.

SEC. 4. *Functions.* The Office of Textiles shall be the principal point of contact within the Department on matters involving the fiber, textile, and apparel sector of the industrial economy, including the administration of the Long Term Arrangement Regarding International Trade in Cotton Textiles, interagency relationships, coordination of legislative proposals, international negotiations, and representation with relevant industry and trade groups. In this respect, the Office shall perform the following functions:

a. Conduct studies and analyses of the fiber, textile and apparel sector of the industrial economy; provide interpretative data on trends affecting its economic stability; and recommend necessary and appropriate action on the part of Government to improve the economic position of the sector;

b. Obtain and consider the views of the sector in formulating policy recommendations on matters affecting the sector;

c. Keep abreast of conditions in the sector, particularly with respect to the impact of imports and identify potential problem areas requiring governmental action;

d. Develop position papers and recommendations for interagency consideration of policy issues concerning international arrangements affecting trade in the sector, and participate in the negotiation of such arrangements and agreements;

e. Participate, as appropriate, in the conduct of investigations and analyses by the National Bureau of Standards in developing or appraising product standards under the Flammable Fabrics Act and provide views on proposed new or amended standards; and

f. Compile, analyze, interpret, an publish statistics on trade and domestic production and related activities of the sector.

SEC. 5. *Organization.* The principal organization structure of the Office shall be determined by the Director, subject to the approval of the Assistant Secretary for Domestic and International Business.

SEC. 6. *Administrative and related services.* The Office of Administration for Domestic and International Business shall furnish administrative management and related services to the Office of Textiles, as determined by the Assistant Secretary for Domestic and International Business.

Effective date: February 14, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-3214 Filed 3-8-71;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 9295; Docket No. FDC-D-302; NDA 9-295 etc.]

BUCLIZINE HYDROCHLORIDE FOR ORAL ADMINISTRATION

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Softran Tablets containing buclizine hydrochloride; The Stuart Co. Division of Atlas Chemical Industries, Inc., Wilmington, Del. 19899 (NDA 11-378).

2. Vibazine Hydrochloride Tablets containing buclizine hydrochloride; Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, NY 10017 (NDA 9-295).

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

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

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that:

1. Buclizine hydrochloride is effective for the prevention of motion sickness.

2. Buclizine hydrochloride lacks substantial evidence of effectiveness for the following claimed indications: "Conditions in which emotional stress is a complicating or causative factor such as essential hypertension, sterility, hyperkinesia, palpitation, cramps, hyperhidrosis, tremor, headache, and insomnia have been relieved by buclizine hydrochloride"; "additional antihistaminic, antinauseant, antimotion sickness and hypotensive properties make (buclizine hydrochloride) a unique compound in the field of non-phenothiazine tranquilizers;" and bronchial asthma.

3. The drug is regarded as possibly effective for its other labeled indications.

B. *Form of drug.* Buclizine hydrochloride preparations are in tablet form suitable for oral administration.

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

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

INDICATIONS

Buclizine hydrochloride is indicated for use in preventing motion sickness.

D. *Indications permitted during extended period for obtaining substantial evidence.* Those indications for which the drug is described in paragraph A.3. above as possibly effective (not included in the labeling conditions in paragraph C) may continue to be used for 6 months following the date of this publication to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration, data to provide substantial evidence of effectiveness. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

E. *Previously approved applications.* 1. Each holder of a "deemed approved"

new-drug application (i.e., an application which became effective on the basis of safety prior to October 10, 1962) for such drug is requested to seek approval of the claims of effectiveness and bring the application into conformance by submitting supplements containing:

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

b. Adequate data to assure the biologic availability of the drug in the formulation which is marketed. If such data are already included in the application, specific reference thereto may be made.

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

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

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

b. 180 days for biologic availability data.

c. 60 days for updating information.

3. Marketing of the drug may continue until the supplemental applications submitted in accord with the preceding subparagraphs 1 and 2 are acted upon, provided that within 60 days after the date of this publication, the labeling of the preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described in this announcement. (It may continue to include the indications referenced in paragraph D for the period stated.)

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

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

a. Within 60 days from the date of publication of this announcement in the FEDERAL REGISTER, the labeling of such preparation shipped within the jurisdiction of the Act is in accord with the labeling conditions described herein. (It may continue to include the indications referenced in paragraph D for the period stated.)

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

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

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

G. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new-drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A.2. of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Promulgation of the proposed order would cause any such drug for human use offered for the indications for which substantial evidence of effectiveness is lacking, to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing, together with a well-organized and full-factual analysis of the clinical and other investigational data the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named and he shall issue a written notice of the time and place at which the hearing will commence.

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

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

A copy of the NAS–NRC report has been furnished to each firm referred to above. Any other interested person may obtain a copy by request to the appropriate office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 9295, directed to the attention of the appropriate office listed below, and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Original abbreviated new-drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

Request for Hearing (Identify with Docket Number): Hearing Clerk, Office of General Counsel (GC–1), Room 6–62, Parklawn Building.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

Requests for NAS–NRC report: Press Relations Office (CE–200), Food and Drug Administration, 200 C Street SW., Washington, DC 20204.

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

Dated: February 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-3225 Filed 3-8-71;8:46 am]

[DESI 50359]

CERTAIN PREPARATIONS FOR OPHTHALMIC USE CONTAINING ANTIBIOTICS AND CORTICOSTEROIDS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the

National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Predmycin Ophthalmic Solution, containing neomycin sulfate, prednisolone, and phenylephrine hydrochloride; marketed by Allergan Pharmaceuticals, 1000 South Grand Avenue, Santa Ana, Calif. 92705. (50–359)

2. Prednicidin Ophthalmic Suspension, containing neomycin sulfate, gramicidine, prednisolone acetate, and phenylephrine hydrochloride; marketed by Tilden-Yates Laboratories, Inc., Fairfield Road, Wayne, N.J. 07470. (60–637)

The Food and Drug Administration concludes that preparations containing neomycin sulfate, prednisolone (or its acetate ester), and phenylephrine hydrochloride with or without gramicidin for ophthalmic use are possibly effective for the treatment of nonpurulent ocular infections complicated by inflammation of the eyelids, conjunctiva, cornea, sclera, and uveal tract; preventing bacterial infection; preventing potential infection in chemical and thermal burns or following foreign body removal; for the treatment or control of ophthalmic disorders involving inflammatory, allergic, and traumatic conditions of the anterior segment, lids, and conjunctiva whether or not complicated by infection; and for prophylaxis of infection in such conditions.

Preparations containing neomycin sulfate-prednisolone-phenylephrine hydrochloride or neomycin sulfate-gramicidin-prednisolone acetate-phenylephrine hydrochloride in solution or suspension for ophthalmic use are subject to the antibiotic certification procedures under section 507 of the Federal Food, Drug, and Cosmetic Act. To allow applicants to obtain and submit data to provide substantial evidence of effectiveness of the drug in those conditions for which it has been evaluated as possibly effective, batches of preparations containing these drugs which bear labeling with these indications will continue to be accepted for certification by the Food and Drug Administration for a period of six months after publication of this announcement in the FEDERAL REGISTER.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken, or if the studies do not provide substantial evidence of effectiveness, such drug will not be eligible for release or certification.

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

Communications forwarded in response to this announcement should be identified with the reference number DESI 50359, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Amendments (identify with NDA number, if known): Division of Antiinfective Drugs (BD–140), Office of Scientific Evaluation, Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended; 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-3228 Filed 3-8-71;8:46 am]

[DESI 12024]

CLEMIZOLE HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

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

1. Reactrol Tablets, containing clemizole hydrochloride; the Purdue Frederick Co., 99–101 Saw Mill River Road, Yonkers, N.Y. 10701 (NDA 12–779).

2. Allercur Tablets, containing clemizole hydrochloride; J. B. Roerig and Co., Division, Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 12–024).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available information, and concludes that:

1. Clemizole hydrochloride is probably effective for the conditions described in the labeling "Indications" section which follows.

2. Except for those indications referred to above, the drugs is possibly effective for the labeled indications.

B. *Marketing status.* 1. Those indications for which the drug is described in paragraph A above as probably effective may continue to be used for 12 months, and the indications described as possibly effective may continue to be used for 6 months, following the date of this publication, to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month and 12-month periods, any such data will be evaluated to determine whether there is substantial evidence of effectiveness of the drug for such uses. The conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for the drug, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

3. Within 60 days from publication hereof in the FEDERAL REGISTER, the holder of any approved new-drug application for such drug is requested to submit a supplement to his application to provide for revised labeling as needed, which, taking into account the comments of the Academy, furnishes adequate information for safe and effective use of the drug, is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74), and recommends use of the drug for the probably effective indications as follows: (The possibly effective indications may also be included for 6 months.)

INDICATIONS

For the symptomatic relief of:
Seasonal and perennial allergic rhinitis.
Vasomotor rhinitis.
Allergic conjunctivitis.
Mild, uncomplicated cutaneous manifestations of angioedema and urticaria.

4. After 60 days following publication hereof in the FEDERAL REGISTER, any such drug on the market without an approved new-drug application and shipped within the jurisdiction of the Federal Food,

Drug, and Cosmetic Act should be labeled in accord with this notice.

The above-named holders of the new-drug applications for these drugs have been mailed a copy of the Academy's report. Any other interested person may obtain a copy of these reports by request to the Food and Drug Administration, Press Relations Office, 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 12024, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

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

Dated: February 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-3227 Filed 3-8-71;8:46 am]

[DESI 10126]

POLYOXYETHYLENE DODECANOL, MENTHOL, CAMPHOR, EUCALYPTUS OIL, AND BENZOIN FOR INHALATION

Drugs for Human Use; Drug Efficacy Study Implementation

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

Vicks Vaposteam Liquid, containing polyoxyethlene dodecanol, menthol, camphor, eucalyptus oil, and benzoin tincture; marketed by Vick Chemical Co., Division of Richardson-Merrell, Inc., 1 Bradford Road, Mount Vernon, N.Y. 10017 (NDA 10-126).

The drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report and concludes that this over-the-counter drug is possibly effective when administered as an inhalant in steam for the relief of cough, stuffiness, and chest congestion.

B. *Marketing status.* 1. Holders of previously approved new-drug applications and any person marketing any such drug without approval will be allowed 6 months from the date of publication of this announcement in the FEDERAL REGISTER to obtain and submit in a supplemental or original new-drug application data to provide substantial evidence of effectiveness for those indications for which this drug has been classified as possibly effective. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

2. At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug applications for such drugs, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the applications will cause any such drugs on the market to be new drugs for which an approval is not in effect.

The above-named holder of the new-drug application for this drug has been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy of the report by writing to the applicable office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 10126, directed to the attention of the following appropriate office, and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Requests for NAS-NRC Reports: Press Relations Office, Food and Drug Administration (CE-200), 200 C Street SW., Washington, D.C. 20204.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

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

Dated: February 8, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-3226 Filed 3-8-71;8:46 am]

[DESI 7898]

PROBENECID

Drugs for Human Use; Drug Efficacy Study Implementation

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

Benemid Tablets containing probenecid; Merck, Sharp and Dohme, Division of Merck and Co., Inc., West Point, Pa. 19486 (NDN 7-898).

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

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

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that this drug is effective for the indications described in the labeling conditions which follow.

B. *Form of drug.* This preparation is in tablet form suitable for oral administration.

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

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

INDICATIONS

For the treatment of gout and gouty arthritis.

As an adjuvant to therapy with penicillin G, O, or V for elevation and prolongation of penicillin plasma levels by whatever route the antibiotic is given.

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

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

b. Adequate data to assure the biologic availability of the drug in the formulation which is marketed. If such data are already included in the application, specific reference thereto may be made.

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

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

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

b. 180 days for biologic availability data.

c. 60 days for updating information.

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

E. *New applications.* 1. Any other person who distributes or intends to distribute such drug which is intended for the conditions of use for which it has been shown to be effective, as described under A above, should submit an abbreviated new-drug application meeting the conditions specified in § 130.4(f) (1), (2), and (3), published in the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6574). Such applications should include proposed labeling which is in accord with the labeling conditions described herein and adequate data to assure the biologic availability of the drug in the formulation which is marketed or proposed for marketing.

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

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

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

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

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

F. *Exemption from periodic reporting.* The periodic reporting requirements of §§ 130.35(e) and 130.13(b)(4) are waived in regard to applications approved for this drug solely for the conditions of use for which the drug is regarded as effective as described herein. The requirements of §§ 130.35(f) and 130.13(b) (1), (2), and (3) remain a continuing responsibility of each applicant.

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

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

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

Communications forwarded in response to this announcement should be identified with the reference number DESI 7898, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new-drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

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

Dated: February 8, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-3224 Filed 3-8-71;8:46 am]

ATOMIC ENERGY COMMISSION

URANIUM ENRICHMENT SERVICES CRITERIA

Charge for Enriching Services

The U.S. Atomic Energy Commission (AEC) hereby announces revisions to the notice entitled "Uranium Enrichment Services Criteria" as published in the FEDERAL REGISTER on December 23, 1966 (31 F.R. 16479), and as amended in 35 F.R. 13546 of August 25, 1970 (referred to herein as the notice).

1. Subparagraphs 5(c) (1), (2), and (3) of the notice are revised to read as follows:

(c) *Charge for enriching services.* (1) The charge for enriching services, in accordance with the Act, will be established on a nondiscriminatory basis and on a basis of recovery of the Government's costs over a reasonable period of time. Applicable charges for enriching services and related services will be those in effect at the time of delivery of enriched uranium to the customer as (i) published in the FEDERAL REGISTER, or (ii) in the absence of such publication, determined in accordance with the Commission's pricing policy. The charge per unit of separative work for enriching services will be the same as that employed in the Commission's published schedule of charges for sale or lease of enriched uranium. The AEC may impose an appropriate surcharge representing additional costs, if any, to the AEC for providing enriching services on short notice.

(2) AEC's charge for enriching services will be established on a basis that will assure the recovery of appropriate Government costs projected over a reasonable period of time. The cost of separative work includes electric power and all other costs, direct and indirect, of operating the gaseous diffusion plants; appropriate depreciation of said plants; and a factor to cover applicable costs of process development, AEC administration and other Government support functions, and imputed interest on investment in plant and working capital. During the early period of growth of nuclear power, there will be only a small civilian demand on the large AEC diffusion plants. These plants were originally constructed for national security purposes, but will be utilized in meeting future civilian requirements. In this interim period of low plant utilization, the Commission has determined that the costs to be charged to the separative work produced for civilian customers will exclude those portions of the costs attributable to depreciation and interest on plant investment which are properly allocable to plant in standby and to excess capacity.

(3) Projections of supply and demand over a reasonable time period will be used in establishing a plan for diffusion plant operations. This plan will be the basis for establishing an average charge

for separative work over the period involved, which charge will be kept as stable as possible as operating plans are periodically updated. Under such operating plans, AEC will at times be preproducing enriched uranium. Interest on the separative work costs of any such preproduced inventories will be factored into the average separative work charges.

Effective date. This notice is effective upon publication in the FEDERAL REGISTER. (3-9-71)

Dated at Washington, D.C., this 3d day of March 1971.

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

[FR Doc.71-3215 Filed 3-8-71;8:45 am]

URANIUM HEXAFLUORIDE

Charges, Enriching Services, Specifications, and Packaging; Revisions

The U.S. Atomic Energy Commission (AEC) hereby announces revisions to the notice entitled, "Uranium Hexafluoride: Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specifications, and Packaging", as published in the FEDERAL REGISTER on November 29, 1967 (32 F.R. 16289), and as amended in 35 F.R. 13547, August 25, 1970 (referred to herein as the notice).

1. The first sentence of the notice is revised to read as follows: "The U.S. Atomic Energy Commission (AEC) hereby announces the establishment of its standard table of enriching services, its charge per kilogram unit of separative work, its standard processing loss pursuant to the established Uranium Enrichment Services Criteria set forth in the FEDERAL REGISTER, 31 F.R. 16479, December 23, 1966, as amended in 35 F.R. 13546, August 25, 1970, and 36 F.R. 7562, March 9, 1971, and revisions in (1) its schedule of base charges for normal uranium and uranium enriched or depleted in the isotope U^{235}, (2) its use charge for uranium and other materials leased by the AEC, (3) its charges for withdrawal and packaging of UF_6, (4) its limits on loading of containers, and (5) its assay variation limits."

2. The penultimate sentence of paragraph 3 of the notice is revised to read as follows: "The charge per kilogram unit of separative work is $32.00."

3. Table 1 of the notice is revised to read as follows:

TABLE 1—SCHEDULE OF BASE CHARGES AND STANDARD TABLE OF ENRICHING SERVICES

Assay (wt. % U^{235})	Schedule of base charges ($/kg U as UF_6)	Standard table of enriching services	
		Feed component (normal (kgs U feed/ kg U product)	Separative work component (kg SWU/ kg U product)
0.20	3.00	0	0
0.25	3.00	0.098	−0.100
0.30	3.00	0.196	−0.158
0.35	3.00	0.294	−0.189
0.38	3.00	0.352	−0.197
0.40	3.00	0.391	−0.198
0.42	3.81	0.431	−0.197
0.44	4.82	0.470	−0.194
0.46	5.89	0.509	−0.189
0.48	7.03	0.548	−0.182
0.50	8.24	0.587	−0.173
0.52	9.47	0.626	−0.163
0.54	10.79	0.665	−0.151
0.56	12.16	0.705	−0.137
0.58	13.52	0.744	−0.123
0.60	14.95	0.783	−0.107
0.65	18.68	0.881	−0.062
0.70	22.56	0.978	−0.012
0.711	23.46	1.000	0.000
0.75	26.65	1.076	0.044
0.80	30.87	1.174	0.104
0.85	35.22	1.272	0.168
0.90	39.69	1.370	0.236
0.95	44.26	1.468	0.307
1.00	48.90	1.566	0.380
1.10	58.43	1.761	0.535
1.20	68.25	1.957	0.698
1.30	78.29	2.153	0.868
1.40	88.52	2.348	1.045
1.50	98.95	2.544	1.227
1.60	109.50	2.740	1.413
1.70	120.15	2.935	1.603
1.80	130.96	3.131	1.797
1.90	141.86	3.327	1.994
2.00	152.86	3.523	2.194
2.20	175.09	3.914	2.602
2.40	197.57	4.305	3.018
2.60	220.30	4.697	3.441
2.80	243.24	5.088	3.871
3.00	266.33	5.479	4.306
3.20	289.61	5.871	4.746
3.40	313.02	6.262	5.191
3.60	336.52	6.654	5.638
3.80	360.16	7.045	6.090
4.00	383.86	7.436	6.544
4.50	443.50	8.415	7.690
5.00	503.59	9.393	8.851
5.50	564.03	10.372	10.022
6.00	624.77	11.350	11.203
7.00	746.97	13.307	13.587
8.00	869.93	15.264	15.995
9.00	993.51	17.221	18.422
10.00	1,117.54	19.178	20.863
12.00	1,366.76	23.092	25.782
14.00	1,617.14	27.006	30.737
16.00	1,868.39	30.920	35.719
18.00	2,120.37	34.834	40.724
20.00	2,372.93	38.748	45.747
25.00	3,006.37	48.532	58.369
30.00	3,642.16	58.317	71.064
35.00	4,279.78	68.102	83.816
40.00	4,918.92	77.886	96.616
50.00	6,201.33	97.456	122.344
60.00	7,488.93	117.025	148.235
70.00	8,782.18	136.595	174.302
80.00	10,082.97	156.164	200.605
85.00	10,737.71	165.949	213.892
90.00	11,397.63	175.734	227.341
92.00	11,664.01	179.648	232.796
93.00	11,798.05	181.605	235.550
94.00	11,932.86	183.562	238.328
96.00	12,233.13	187.476	244.842
98.00	13,129.41	191.389	260.982

All values are computed on the basis of taking normal uranium having an assay of 0.711 wt. percent U^{235}, as having a zero separative work component, and on the basis of a tails (waste) assay of 0.20 wt. percent U^{235}.

The base charges, kilograms of feed, and separative work components for assays not shown will be determined by linear interpolation between the nearest assays listed in the above schedules. A comprehensive listing of interpolated values for both the base charges and standard table is contained in report TID-21015 (Revised), 'Interpolated Values For The Schedule of Base Charges and The Standard Table of Enriching Services' available for a charge from Clearinghouse for Federal, Scientific and Technical Information, National Bureau of Standards, U.S. Department of Commerce, Springfield, Va. 22151.

Uranium having an assay (wt. percent U^{235}) below 0.711 will normally be accepted by the AEC as feed material for the performance of enriching services only if such uranium was previously distributed by the AEC or has been derived solely from uranium previously distributed by the AEC.

The base charge for depleted uranium requested without a specification as to assay is $2.50 per kilogram U. The assay furnished by the AEC in this case will normally be in the neighborhood of 0.20 wt. percent U^{235} of which large amounts are available.

The inclusion in the Schedule of Base Charges of specific assays above 93.00 wt. percent U^{235} is for the purpose of interpolation and for establishment of base charges for limited amounts of specified assays above 93 percent. Inquiries concerning the availability of material for lease or sale of specified assays above 93 percent should be addressed to the AEC Materials Leasing Officer, USAEC, Oak Ridge Operations Office, Post Office Box E, Oak Ridge, TN 37830.

Effective date. This notice shall become effective 180 days after publication in the FEDERAL REGISTER (3-9-71).

Dated at Washington, D.C., this 3d day of March 1971.

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

[FR Doc.71-3216 Filed 3-8-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 17665]

REOPENED WASHINGTON/BALTIMORE HELICOPTER SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on March 24, 1971, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner William F. Cusick.

Requests for information and evidence, proposed statements of issues and procedural dates shall be filed with the Examiner and served on Bureau Counsel and parties to the proceeding on or before March 18, 1971.

Dated at Washington, D.C., March 3, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-3271 Filed 3-8-71;8:49 am]

FEDERAL MARITIME COMMISSION

ARABIAN/PERSIAN GULF-U.S. ATLANTIC & GULF RATE 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:

A. J. Wassler, Secretary, Arabian/Persian Gulf-U.S. Atlantic & Gulf Rate Agreement, Room 1539, 26 Broadway, New York, NY 10004.

Agreement No. 9778–2, among the members of the Arabian/Persian Gulf-U.S. Atlantic & Gulf Rate Agreement No. 9778, as amended, modifies the terms of the self-policing system under the agreement to conform to the requirements of the Commission's General Order 7 (Revised).

Dated: March 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3273 Filed 3-8-71;8:50 am]

ATLANTIC AND GULF/PANAMA CANAL ZONE, COLON, AND PANAMA CITY CONFERENCE

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Office 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:

C. D. Marshall, Chairman, Atlantic and Gulf/Panama Canal Zone, Colon, and Panama City Conference, 11 Broadway, New York, NY 10004.

Agreement No. 3868–23, among the member lines of the Atlantic and Gulf/Panama Canal Zone, Colon, and Panama City Conference, modifies the conference self-policing provisions pursuant to General Order 7 (Revised) by cancelling the existing Articles 10 through 13 and substituting therefore new Articles 10 through 14.

Dated: March 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3274 Filed 3-8-71;8:50 am]

LEEWARD & WINDWARD ISLANDS & GUIANAS CONFERENCE

Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

C. D. Marshall, Chairman, Leeward & Windward Islands & Guianas Conference, 11 Broadway, New York, NY 10004.

Agreement No. 7540–21, among the member lines of the Leeward & Windward Islands & Guianas Conference, modifies the conference self-policing provisions pursuant to General Order 7 (Revised) by cancelling the existing Articles 15 through 20 and substituting therefore new Articles 15 through 18.

Dated: March 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3275 Filed 3-8-71;8:50 am]

TRANSPORTACION MARITIMA MEXICANA, S.A. AND COMPANIA TRASATLANTICA ESPANOLA

Notice of Agreement Filed

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

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

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

Notice of agreement filed by:

Mr. T. H. Schroeder, Smith & Johnson, 11 Broadway, New York, NY 10004.

Agreement No. 9930 establishes a joint cargo service between Transportacion

Maritima Mexicana, S.A. and Compania Trasatlantica Espanola, to be known as the Tras-Mex Line in the trade between U.S. ports of the Gulf of Mexico and ports of call in Spain and Western Mediterranean areas under the terms and conditions set forth therein.

Dated: March 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3276 Filed 3-8-71;8:50 am]

UNITED STATES ATLANTIC & GULF-JAMAICA CONFERENCE

Notice of Agreement Filed

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

C. D. Marshall, Chairman, United States Atlantic & Gulf-Jamaica Conference, 11 Broadway, New York, NY 10004.

Agreement No. 4610-17, among the member lines of the United States Atlantic & Gulf-Jamaica Conference, modifies the conference self-policing provisions pursuant to General Order 7 (Revised) by canceling the existing Articles 9 through 14 and substituting therefore new Articles 9 through 12.

Dated: March 4, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3277 Filed 3-8-71;8:50 am]

[Docket No. 71-19]

IML SEATRANSIT, LTD.

Increases in Freight, All Kinds Rate in the U.S. Pacific Coast/Hawaii Trade; Order of Investigation and Suspension

IML SeaTransit, Ltd. has filed with the Federal Maritime Commission Supplement No. 4 to its Tariff FMC-F No. 2 to become effective March 8, 1971. This publication increases the rate on freight, all kinds, between U.S. Pacific Coast ports and ports in the Hawaiian Islands.

Upon consideration of said publication, the Commission is of the opinion that the above designated tariff matter should be made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore:

It it ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended, or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, Supplement No. 4 to Tariff FMC-F No. 2 is suspended and the use thereof deferred to and including July 7, 1971, unless otherwise ordered by the Commission.

It is further ordered, That there shall be filed immediately with the Commission by IML SeaTransit, Ltd., a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until July 8, 1971, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the provisions of Rule 12 of the Commission's Rules of Practice and Procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within ten days of commencement of the proceeding, is similarly waived;

It is further ordered, That IML SeaTransit, Ltd. be named as respondent in this proceeding;

It is further ordered. That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (1) a copy of this order shall forthwith be served on the respondent herein and published in the FEDERAL REGISTER; and (2) the said respondent be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR § 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3272 Filed 3-8-71;8:50 am]

NORFOLK PORT AND INDUSTRIAL AUTHORITY AND CUNARD LINE LTD.

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 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United

States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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

Notice of agreement filed by:

Mr. James N. Crumbley, General Manager, Norfolk Port and Industrial Authority, Maritime Tower, Norfolk, VA 23510.

Agreement No. T-2492, between the Norfolk Port and Industrial Authority (Authority) and Cunard Line Limited (Cunard), provides for the use of Pier Two, Southside, at the Norfolk International Terminal for the operation of Cunard's passenger cruise vessels. Cunard will also have the right to use all passenger facilities located on the berth. For the use of the facilities, Cunard will pay the Authority all applicable tariff charges. The agreement also requires that Cunard will place one of its passenger vessels on berth approximately four times per month, commencing on or about May 1, 1972.

Dated: March 4, 1971.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-3311 Filed 3-5-71; 12:40 pm]

FEDERAL POWER COMMISSION

[Docket No. G-3072 etc.]

HUMBLE OIL & REFINING CO. ET AL.

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

FEBRUARY 25, 1971.

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

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 19, 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.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-3072 D 1-25-71	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., acreage in Starr County, Tex.	Assigned	
G-3973 C 1-18-71[1]	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Natural Gas Pipeline Co., of America, La Gloria Field, Brooks and Jim Wells Counties, Tex.	16.7338	14.65
G-4318 1-20-71[2]	R. C. Harris et al., 221 Hall Bldg., Beeville, TX 78102.	Transcontinental Gas Pipe Line Corp., West Tuleta Field, Bee County, Tex.	(3)	
G-11937 E 2-4-71	Pennzoil Producing Co. (successor to Mobil Oil Corp.), 900 Southwest Tower, Houston, TX 77002.	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	14.0	14.65
G-12584 E 2-4-71	do	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	11.9004	14.65
G-12585 E 2-4-71	do	do	11.9004	14.65
G-12586 E 2-4-71	do	do	11.9004	14.65
G-12587 E 2-4-71	do	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	14.0	14.65
G-16232 E 1-21-71	North American Royalties, Inc. (successor to Salmon Corp.), 200 East 8th St., Chattanooga, TN 37402.	Florida Gas Transmission Co., Kain Field, Matagorda County, Tex.	19.5	14.65
G-18029 C 2-5-71	Hunt Oil Co. (Operator) et al., 1401 Elm St., Dallas, TX 75202.	Texas Gas Transmission Corp., Red Rock-North Shongaloo Area, Webster Parish, La.	[3] 19.75	15.025
G-19546 1-20-71[2]	Houston Natural Gas Production Co. (Operator) et al., c/o Grover B. Cobb, attorney, Foy, Cobb, Campbell, & Gall, Post Office Box 1188, Houston, TX 77001.	Transcontinental Gas Pipe Line Corp., Ray-Wilcox Unit, Ray Field; South Mineral Unit, South Mineral Field; and Mineral Unit, Mineral Field, Bee County, Tex.	(3)	
C161-1307 C 2-2-71	Pan American Petroleum Corp., Post Office Box 591, Tulsa, OK 74102.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	13.0	15.025
C163-470 C 1-18-71[4]	Mobil Oil Corp	Natural Gas Pipeline Co. of America, La Gloria Field, Brooks and Jim Wells Counties, Tex.	16.7295	14.65
C164-1422 C 2-4-71	Ashland Oil, Inc., Post Office Box 18695, Oklahoma City, OK 73118.	Oklahoma Natural Gas Gathering Corp., South Ringwood Field, Major County, Okla.	13.0	14.65
C165-1227 D 1-18-71	Mobil Oil Corp	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Second Bayou Field, Cameron Parish, La.	(4)	
C167-1519[5] E 2-1-71	Austral Gas Co. (Operator) et al. (successor to J. P. Owen (Operator) et al.), 2700 Humble Bldg., Houston, TX 77002.	Michigan Wisconsin Pipe Line Co., Lawson Field, Acadia Parish, La.	20.625	15.025
C167-1651[5] E&C 2-1-71	Austral Gas Co. (Operator) et al. (successor to Owen Oil Co., Inc. (Operator) et al.).	Trunkline Gas Co., Lake Arthur Field, Jefferson Davis Parish, La.	[6] 20.0	15.025
C170-676 1-25-71[7]	George Mitchell & Associates, Inc., agent for GM & A Gas Products Plant, Inc. (Operator) et al., 12th Floor, Houston Club Bldg., Houston, TX 77002.	Natural Gas Pipeline Co., of America, Seven Oaks Field Area, Polk County, Tex.	17.0	14.65
C170-722 (G-6170) C&F 1-25-71[8]	Miss-Tex Oil Producers (successor to The Superior Oil Co. (Operator) et al.) 225 Petroleum Bldg., Jackson, MS 39201.	Southern Natural Gas Co., Gwinville Field, Jefferson Davis county, Miss.	[6] 20.0	15.025
C170-723 (G-3146) C&F 1-25-71[10]	Miss-Tex Oil Producers (successor to Atlantic Richfield Co.).	do	[11] 19.0	15.025
C170-724 (G-12094) C&F 1-25-71[12]	Miss-Tex Oil Producers (successor to Mobil Oil Corp.).	do	[11] 15.0256	15.025
C170-917 C 2-1-71[13]	Phillips Petroleum Co., Bartlesville, OK 74004.	Panhandle Eastern Pipe Line Co., Powder River Basin Area, Converse and Campbell Counties, Wyo.	17.0	14.65
C171-219 12-3-70[14]	Humble Oil & Refining Co. (Operator) et al.	Florida Gas Transmission Co., Jay Field, Santa Rosa County, Fla.	30.0	14.65
C171-219 1-18-71[15]	do	do	30.0	14.65

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

See footnotes at end of table.

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

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI71-532..... B 1-18-71	Mobil Oil Corp.....	Transcontinental Gas Pipe Line Corp., La Gloria Field, Brooks and Jim Wells Counties, Tex.	(3)	.....
CI71-556..... B 2-1-71	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Heyser Field, Victoria and Calhoun Counties, Tex.	Depleted	.....
CI71-557..... A 2-1-71	J. M. Huber Corp., 2300 West Loop, Houston, TX 77027.	Phillips Petroleum Co., Quinduno Field, Roberts County, Tex.	13.5	14.65
CI71-558..... A 2-1-71	STANCO Petroleum, Inc., Box 202, Kimball, NE 69145.	Kansas-Nebraska Natural Gas Co., Inc., Highland No. 1 Well, Washington County, Colo.	15.0	14.65
CI71-559..... A 2-1-71	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	United Fuel Gas Co., Kentland Coal & Coke No. 2 Well, Pike County, Ky.	32.0	15.325
CI71-560..... A 2-1-71	Phillips Petroleum Co.....	El Paso Natural Gas Co., Sales Ranch Field, Martin County, Tex.	[17] 24.5	14.65
CI71-561..... A 2-1-71	Mobil Oil Corp.....	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Greenwood Field, Baca County, Colo.	[17] 16.0	14.65
CI71-562..... (CI67-353) F 2-2-71	Ladd Petroleum Corp. (Operator) et al. (successor to First General Resources Co.,[18] 830 Denver Club Bldg., Denver, CO. 80202.	Florida Gas Transmission Co., South Manchester Field, Calcasieu Parish, La.	20.0	15.025
CI71-565[18]..... B 2-5-71	C. Dale Armour (Operator) et al., Post Office Box 1432, Fulton, MS 38843.	Texas Eastern Transmission Corp., Beans Ferry Field, Itawamba County, Miss.	Uneconomical	.....
CI71-566[18]..... B 2-5-71	do.....	do.....	Uneconomical	.....
CI71-568..... A 2-5-71	Jones & Pellow Oil Co., 101 Northeast 26th St., Oklahoma City, OK 73105.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	[17] 22.0	14.65
CI71-569..... B 2-8-71	Union Oil Co. of California, Union Oil Center, Los Angeles, CA 90017.	Cities Service Gas Co., Sterling Field, Comanche County, Okla.	Assigned	.....
CI71-570..... A 2-8-71	Stephens Production Co., c/o W. R. Walker, attorney, 115 North 12th St., Fort Smith, AR 72901.	Arkansas Louisiana Gas Co., Tidwell Field, Sequoyah County, Okla.	[11] 15.0	14.65
CI71-571..... A 2-8-71	Chevron Oil Co., Western Division, Post Office Box 599, Denver, CO 80201.	Northern Natural Gas Co., Hog Creek Area, Ellis County, Okla.	[17] 20.0	14.65
CI71-572..... B 2-4-71	Colorado Oil & Gas Corp., Denver Club Bldg., Denver, CO 80201.	El Paso Natural Gas Co., Laverne Field, Beaver County, Okla.	Depleted	.....
CI71-574..... A 2-10-71	Arch B. Gilbert, 705 Fort Worth National Bank Bldg., Fort Worth, TX 76102.	Arkansas Louisiana Gas Co., Bonanza Field, Sebastian County, Ark.	16.0	14.65
CI71-575..... A 2-10-71	Basin Petroleum Corp., 545 First National Bldg., Oklahoma City, OK 73102.	Natural Gas Pipeline Co. of America, Mobeetie Field, Wheeler County, Tex.	20.5	14.65
CI71-576..... A 2-10-71	Southwest Oil Industries, Inc., 801 First National Bldg., Oklahoma City, OK 73102.	Transwestern Pipeline Co., Lipscomb (Tonkawa) Field, Lipscomb County, Tex.	20.5	14.65
CI71-577..... A 2-10-71	K. M. McClain, 529 Fort Worth National Bank Bldg., Fort Worth, TX 76102.	Arkansas Louisiana Gas Co., Bonanza Field, Sebastian County, Ark.	16.0	14.65

[1] Amendment to certificate filed to increase daily contract quantity.
[2] Amendment to certificate filed to delete acreage, extend term of contract and provide for rates of 19 cents, 21 cents, and 25 cents per Mcf, depending on vintage.
[3] Applicant proposes to sell natural gas from additional acreage pursuant to its FPC Gas Rate Schedule No. 47 at the contract rate of 19.75 cents per Mcf at 15.025 p.s.i.a., including tax reimbursement, but is willing to accept certificate authorization at the Commission's guideline rate. The guideline rate is 18.75 cents per Mcf, including tax reimbursement.
[4] Deletes nonproducing leases.
[5] Pending—temporary authorization only granted.
[6] Predecessor's rate is 19.5 cents per Mcf for gas produced from reservoirs discovered prior to Jan. 1, 1968 and 20 cents per Mcf for gas produced from newly discovered reservoirs.
[7] Amendment to certificate filed to include the interest of Energy Resources Group—1968 and Houston Corp., trustee and to redesignate rate schedule as "Operator et al.".
[8] Adds acreage acquired from The Superior Oil Co., Docket No. G-6170.
[9] Subject to adjustment for compression and gathering charges.
[10] Adds acreage acquired from Atlantic Richfield Co., Docket No. G-3146.
[11] Subject to reduction for compression charges.
[12] Adds acreage acquired from Mobil Oil Corp., Docket No. G-12004.
[13] Amendment to certificate filed to add acreage and to increase daily contract quantity.
[14] Amendment to certificate filed to add interest of coowners, W. A. Moncrief and Marshall R. Young Oil Co., and to redesignate rate schedule as "Operator et al.".
[15] Amendment to certificate filed to add interest of coowner, Sun Oil Co.
[16] Terms of contract with Transcontinental terminates Apr. 1, 1971, and applicant's reserves have been dedicated to contracts with Natural Gas Pipeline Co. of America.
[17] Subject to upward and downward B.t.u. adjustment.
[18] Related certificate in Docket No. CI61-1697 was issued to W. A. Wegmann (Operator) et al.
[19] Related certificate in Docket No. CI61-506 was issued to Gragg Drilling Co. (Operator) et al.

[FR Doc.71-2940 Filed 3-8-71;8:45 am]

[Docket No. RI71-745 etc.]

MOBIL OIL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

FEBRUARY 26, 1971.

The respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the 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 Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and

[1] Does not consolidate for hearing or dispose of the several matters herein.

undertakings shall be deemed to have been accepted.[2]

[2] If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

(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, DC 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before April 14, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting 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.
RI71-745	Mobil Oil Corp.	456	[3] 4	Texas Eastern Transmission Corp. (Main Pass Block 6) (Offshore Louisiana).	(1)	1-28-71		[2] 3-13-71	[5] [40] 17.0	[4] [40] 21.25	
		457	[3] 4	Transcontinental Gas Pipe Line Corp. (Vermilion Block 215) (Offshore Louisiana).	$12,503	1-28-71		[2] 3-13-71	[5] [40] 17.0	[4] [40] 21.25	
		459	[3] 4	Tennessee Gas Pipeline Co. a division of Tenneco Inc. (South Marsh Island Block 79) (Offshore Louisiana).	(1)	1-28-71		[2] 3-13-71	[5] [40] 17.0	[4] [40] 21.25	
		461	[3] 3	Southern Natural Gas Co. (Main Pass Block 144) (Offshore Louisiana).	31,025	1-28-71		[2] 3-13-71	[5] [40] 17.0	[4] [40] 21.25	
RI71-746	Suburban Propane Gas Corp.	6	9	United Gas Pipeline Co. (Roanoke Field, Jefferson Davis Parish) (Southern Louisiana).	23,980 5,800	1-28-71		[2] 3-13-71	18.87 [6] 19.98	[4] 21.05	
		14	3	do	3,800	1-28-71		[2] 3-13-71	[6] [40] 20.40	[4] [40] 21.5	
RI71-747	Amerada Hess Corp.	144	[7] 7	Tennessee Gas Pipeline Co. a division of Tenneco Inc. (Southwest Belle Isle Field) (St. Mary Parish) (Southern Louisiana).	1,296	1-28-71		[2] 3-13-71	[6] [40] 20.0	[4] [40] 21.625	
RI71-748	The California Co., A division of Chevron Oil Co. et al.	35	3	Transcontinental Gas Pipe Line Corp. (Block 23 Field, South Marsh Island Field) (Offshore Louisiana).	14,600	1-29-71		[2] 3-14-71	[4] [40] 19.0	[4] [40] 20.0	
		64	1	Texas Eastern Transmission Corp. (Main Pass Block 103 Field) (Offshore Louisiana).	219,000	1-28-71		[2] 3-13-71	[9] [40] 18.5 [8] [10] [40] 17.0	[4] [40] 26.0	
RI71-749	Cities Service Oil Co.	330	1	do	[9] 101,250	2-1-71		[2] 3-17-71	[9] [40] 18.5 [8] [10] [40] 17.0	[4] [40] 26.0	
RI71-750	Getty Oil Co.	107	[11] [13] 24	Tennessee Gas Pipeline Co. a division of Tenneco Inc. (Grand Isle Block 47 Field) (Offshore Louisiana) (Disputed Zone).	4,611	2-1 71		[2] 3-17-71	[40] 21.375	[2] [4] [40] 23.5	RI71-428.
		185	1	Tennessee Gas Pipeline Co. a division of Tenneco Inc. (Grand Isle Block 63) (Offshore Louisiana).	[8] 5,850 [10] 6,480	2-1-71		[2] 3-17-71	[9] [40] 18.5 [10] [40] 17.0	[4] [40] 26.0	
RI71-751	Humble Oil & Refining Company et al.	166	[14] 12	United Fuel Gas Co. (Calcasieu Pass Field, Cameron Parish) (Southern Louisiana).	912	2-1-71		[2] 3-17-71	[40] 22.375	[4] [40] 22.5	R171-700.
RI71-752	Skelly Oil Co.	246	1	Texas Eastern Transmission Corp. (Block 103 Field Main Pass Area) (Offshore Louisiana).	8,438	2-1-71		[2] 3-17-71	[9] [40] 18.5 [10] [40] 17.0	[4] [40] 26.0	
RI71-753	The Fundamental Oil Corporation et al.	2	1	United Gas Pipe Line Co. (Southeast Houma Field, Terrebonne Parish) (Southern Louisiana).	13,688	2-1-71		[2] 3-17-71	[9] [40] 20.0	[4] [40] 21.5	
RI71-754	Houston Natural Gas Production Co.	23	4	South Texas Natural Gas Gathering Co. (Yeary Field, Kleberg County Tex. RR. District No. 4).	28,774	2-1-71	3-4-71	3-5-71	15.05625	[15] 19.07125	R170-1289.
RI71-755	Shell Oil Co. et al.	189	5	Transcontinental Gas Pipe Line Corp. (Big Foot Field Frio County) (Texas RR. District No. 1).	1,322	2-1-71	4-27-71	4-28-71	15.6738	16.78462	RI67-346.
RI71-756	W. L. Pickens et al.	5	[16] 2	Transcontinental Gas Pipe Line Co. (West Mission Valley Field) (Goliad County) (Texas RR. District No. 2).		2-1-71	3-4-71	[41] Accepted			
		5	3	do	[20] 10,500	2-1-71	3-4-71	3-5-71	[17] 11.0 [18] 12.0 [19] 13.0	19.0 21.0 [21] 25.0	
RI71-757	Pennzoil Producing Co.[22]	276	[22] [24] 3	United Gas Pipe Line Co. (Agua Dulce Field, Nueces County) (Texas RR. District No. 4).	912	2-1-71	2-1-71	2-2-71	15.0	16.0	RI70-282. RI70-1490.
RI71-427	do		[23] [25] 2	do	39,000	11-3-70	11-3-70	11-4-70	15.0	16.0	RI70-282. RI70-1490.
RI71-758	Atlantic Richfield Co. et al.	224	13	Natural Gas Pipeline Co. of America (Northeast Thompsonville and Taquachie Creek Fields, Jim Hogg and Zapata Counties) (Texas RR. District No. 4).	403,710	2-4-71	3-7-71	3-8-71	18.0675	22.0	RI68-91.
RI71-759	Aquitaine Oil Corp.	4	2	Transcontinental Gas Pipe Line Corp. (Ship Shoal 239-256) (Offshore Louisiana).	5,200	2-5-71		23-21-71	[40] 20.0	[4] [40] 21.25	RI71-317.
RI71-760	Pan American Petroleum Corp. et al.[26]	391	[26] 5	Natural Gas Pipeline Co. of America (Willamar Field, Willacy County, Texas RR. District No. 4).	[27]	2-4-71	3-7-71	3-8-71	16.06	17.06375	RI70-441.
RI71-761	Monsanto Co. et al.	78	7	Lone Star Gas Co. (Dibble & S.E. Boyle Areas, McClain County, Oklahoma Other Area).	20,000	2-4-71	3-7-71	3-8-71	15.0	16.0	

APPENDIX A—Continued

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.
RI71-762	John C. Oxley et al	3	[29] 10	Arkansas Louisiana Gas Co. (Kinta Field, Pittsburg County, Okla., Other Area).	1,803	2-3-71	3-6-71	3-7-71	15.0	16.015	
RI71-763	American Trading and Production Corp.	3	7	Natural Gas P/L Co. of America (Boonsville Field, Wise County, Texas RR. District No. 9).	9,047	1-28-71	3-1-71	3-2-71	[30 31] 14.5	[30 31] 17.3185	
RI71-764	Brammer Engineering, Inc., et al.	11	([32])	United Gas P/L Co. (Bethany Field, Harrison & Panola Counties, Texas District No. 6).	----------	1-27-71	2-27-71	[41 42] Accepted	----------	----------	
			[33] 1	----do----------	----------	1-27-71	2-27-71	[41 42] Accepted	----------	----------	
			[35] 2	----do----------	7,800	1-27-71	2-27-71	2-28-71	[34] 11.75	15.00	
RI71-765	Texaco, Inc	360	4	Northern Natural Gas Co. (Ozona Field, Crockett County, Texas RR. District 7-C) (Permian Basin).	88	2-1-71	3-4-71	3-5-71	17.02	17.0638	
RI71-766	National Cooperative Refinery Association	23	2	El Paso Natural Gas Co. (Chinle Wash Field) (San Juan County Utah) (Anetha Area).	1,700	2-1-71	3-4-71	3-5-71	[37 40] 17.7	[37 40] 18.7	
RI71-767	Phillips Petroleum Co	47	13	El Paso Natural Gas Co. and Pecos Co. (Jack Herbert Field) (Upton County, Tex.) (RR. District 7-C). (Permian Basin).	----------	2-1-71	3-4-71	[41] Accepted	----------	----------	
			14	----do----------	2,503	2-1-71	3-4-71	3-5-71	16.2760	18.3105	
RI71-768	Monsanto Co	80	2	Baca Gas Gathering System, Inc. (Flank Field, Baca County Colo.).	600	2-4-71	3-7-71	3-8-71	12.0	13.0	
RI71-769	Union Oil Co. of California.	94	5	Northern Natural Gas Co. (Coyanosa Field; Pecos County Tex.) (RR. District. No. 8) (Permian Basin).	10,200	1-26-71	3-1-71	3-2-71	6.060	17.064	
RI71-770	Frio-Tex Oil & Gas Co. et al.	2	[38] 8	Northern Natural Gas Co. (Ozona (Strawn) Field; Crockett County, Tex.) (RR. District No. 7-C) (Permian Basin).	4,168	1-28-71	5-1-71	5-2-71	16.060	17.0637	
RI71-771	Aztec Oil & Gas Co	34	6	El Paso Natural Gas Co. (Basin Dakota Field) (San Juan County, N. Mex.). (San Juan Basin).	1,507	2-1-71	3-4-71	3-5-71	[39 40] 14.0536	[39 40] 15.0578	RI64-460.
RI71-772	Thomas A. Dugan	12	4	El Paso Natural Gas Co. (Ballard Pictured Cliffs Field; Rio Arriba County) (New Mexico).	127	2-1-71	3-4-71	3-5-71	12.0	13.0551	
RI71-773	Monsanto Co	93	3	Transwestern Pipeline Co. (Rock Tank Morrow Field) (Eddy County, N. Mex.) (Permian Basin).	24,760	2-4-71	3-7-71	3-8-71	16.48	17.718	

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] No production at present.
[2] The date from Jan. 10, 1971, corresponding to the number of days filed after Nov. 27, 1970.
[3] Applicable only to casinghead gas.
[4] Increase resulting from termination of moratorium in Southern Louisiana pursuant to Order No. 413 issued 10-27-70.
[5] As corrected by letter dated Feb. 2, 1971.
[6] Includes upward B.t.u. adjustment.
[7] Applies only to acreage added by Supplement No. 5.
[8] Subject to B.t.u. price adjustment.
[9] Gas well gas.
[10] Casinghead gas.
[11] Pertains only to gas produced from the "KD" and "KJ" Sand Reservoirs discovered after Oct. 1, 1968.
[12] Pursuant to Opinion No. 567.
[13] Includes documents required by Opinion No. 567 establishing the discovery date of new reservoirs.
[14] Applicable to sales from reservoirs discovered on or after Oct. 1, 1968.
[15] Step periodic increase.
[16] Agreement dated Dec. 14, 1970, provides among other things for an extension of contract term until Apr. 1, 1981, and for renegotiated rates of 19 cents for gas produced from reservoirs discovered prior to Sept. 28, 1960, 21 cents for gas from reservoirs discovered Sept. 28, 1960, to June 17, 1970, and 25 cents for gas discovered on or after June 17, 1970, or any higher area ceiling rate.
[17] For gas which does not require compression or which is compressed by buyer.
[18] For gas presently compressed by buyer, the facilities for which seller may elect to take over.
[19] For gas requiring compression, the facilities for which seller may elect to maintain and operate.
[20] Based on the assumption that all gas is sold at 19 cents which may or may not be true as the gas may be sold at one, two, or three rates.
[21] Subject to a 0.21931-cent dehydration charge.
[22] Both buyer and seller are wholly owned subsidiaries of Pennzoil United, Inc.
[23] Includes documents establishing new reservoirs pursuant to Opinion No. 567.
[24] Pertains only to gas produced from the 5,300' Stry Sand Reservoir.
[25] Applicable to gas well gas sold from new reservoirs discovered May 21, 1970 and to those reservoirs previously shown in Mar. 11, 1970 filing.
[26] Pertains only to acreage added by Supplement No. 3.
[27] No deliveries at present.
[28] Changed name to Amoco Production Co. on Feb. 1, 1971.
[29] Applicable only to the gallon unit.
[30] Includes 0.25-cent dehydration charge paid by buyer to seller.
[31] Base rate subject to upward and downward B.t.u. adjustment.
[32] Contract dated Dec. 28, 1970, which provides for increased rate and supersedes contract dated Sept. 8, 1955.
[33] Letter agreement dated Dec. 28, 1970, which provides for measurement procedures under contract of same date.
[34] Subject to downward B.t.u. adjustment.
[35] Applicable to gas produced above a depth of 7,000 feet from the surface of the ground.
[36] Not used.
[37] Subject to price reduction for sour gas treating, approximately, 3.3 cents per Mcf.
[38] Applicable to production from Strawn Sand only (does not apply to gas produced from acreage under Supplements Nos. 2 and 5).
[39] Includes 1 cent per Mcf minimum guarantee for liquids.
[40] Pressure base is 15.025 p.s.i.a.
[41] Accepted as a contract amendment effective as of the date set forth in the "Effective Date Unless Suspended" column, subject to the conditions prescribed elsewhere in this order.
[42] Acceptance of contract does not constitute authorization to abandon any acreage covered by the original contract dated Sept. 8, 1955, as amended, which is not covered by the subject superseding contract.

The agreements filed by Pickens and Phillips in addition to providing for the proposed increased rates also provide for future escalations to any higher area ceiling or settlement rate perscribed by the Commission. The provisions relating to the area rate do not conform with § 154.93(b-1) of the Commission's regulations. Consistent with Commission action taken on similar filings not in conformity with § 154.93(b-1), the agreements are accepted for filing upon expiration of statutory notice with the condition that the provisions relating to the area rate will only apply upon the Commission's approval of a just and reasonable rate, or settlement rate, in an applicable area rate proceeding, for gas of comparable quality and vintage.

The Southern Louisiana increases involved here were filed after the November 27, 1970, deadline. In view of the action taken in the procedural order in Docket No. AR69-1 accompanying Order No. 413, we believe it appropriate to suspend and permit an increase filed after November 27, 1970, to become effective subject to refund on the date from January 10, 1971, that corresponds to the number of days that the filing was made after November 27, 1970. This order so provides.

Although the proposed increased rate of Pennzoil Producing Co. (Supplement No. 3 to its FPC Gas Rate Schedule No. 276) does not exceed the 16-cent rate prescribed in Opinion No. 567, it is suspended for 1 day from the date of filing because of the affiliation between buyer and seller. In addition, the order issued November 25, 1970, suspending Pennzoil's proposed increase in Docket No. RI71-427 is amended to reflect that such increase also applies to gas sold from newly discovered reservoirs shown in the filings submitted on March 11, 1970, as reflected in Supplement No. 2 to Pennzoil's FPC Gas Rate Schedule No. 276 which is reported herein. The suspension period for Supplement No. 2 is the same as that provided in the November 25 order.

The superseding contract of Brammer Engineering, Inc., which provides the basis for the proposed increase includes two maps outlining the acreage dedicated thereunder. No other acreage description is shown and it cannot be determined whether or not the superseding contract covers all or only part of the acreage dedicated to the original contract. Brammer is hereby advised that acceptance of the superseding contract and the

letter agreement does not constitute authorization to abandon any acreage covered by the original contract (dated September 8, 1955) which is not covered by the subject superseding contract.

Certain respondents request effective dates for which adequate notice was not given. Good cause has not been shown for granting these requests and they are denied.

[FR Doc.71-3054 Filed 3-8-71;8:45 am]

[Docket No. E-7229]

IDAHO POWER CO.

Notice Fixing Oral Argument

MARCH 2, 1971.

The Commission has before it the Presiding Examiner's initial decision issued on August 18, 1970, the briefs on exceptions, and the briefs opposing exceptions. On November 2, 1970, Idaho Power Co. filed a motion for oral argument.

Take notice that an oral argument is scheduled to be heard by the Commission en banc commencing at 9:30 a.m., e.s.t., on April 8, 1971, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426.

All participants in this proceeding who desire to present oral argument shall notify the Secretary of the Commission in writing on or before March 10, 1971, of the amount of time requested for presentation of their respective oral arguments.

By direction of the Commission.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3220 Filed 3-8-71;8:46 am]

[Dockets Nos. CI-71-118, etc.]

PAN AMERICAN PETROLEUM CORP.[1] ET AL.

Order Prescribing Procedure

MARCH 2, 1971.

In our order issued February 22, 1971 in Dockets Nos. CI71-118, et al. we stated that: "Evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a permanent certificate on the terms proposed in that application. Although evidence on all applications will be admitted in one consolidated hearing, each individual application will be considered on its own merits." However, because there may be a large number of persons having common interests which may be affected by the determination contemplated by this proceeding, and in order to expedite the progress of this proceeding, it is appropriate in the public interest that parties having common interest should be permitted to present evidence jointly to avoid duplicate and cumulative presentations, and to agree to cross-examine witnesses in a manner as to avoid cumulative and repetitious cross-examination.

Therefore, where appropriate, and not in derogation of the rights of any party, those parties having common interests should be permitted to combine for the purposes above set out. In no way should this procedure interfere with the right of any person, having an interest independent of other applicants and intervenors, to present, cross-examine and rebut evidence in any proceedings involving that person.

The Commission orders: Parties having common interests in the consolidated proceeding will be allowed to jointly present evidence, cross-examine and rebut evidence in the proceedings involving those parties in Dockets Nos. CI71-118, et al.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3221 Filed 3-8-71;8:46 am]

[1] Petition of name change to: "Amoco Production Company" was filed Feb. 22, 1971.

[Docket No. CP71-210]

RAYMOND LUCAS GAS CO., AND CITIES SERVICE GAS CO.

Notice of Application

MARCH 3, 1971.

Take notice that on February 26, 1971, Raymond Lucas, doing business as Raymond Lucas Gas Co. (Applicant), Post Office Box 138, Ochelata, OK 74051, filed in Docket No. CP71-210 an application pursuant to section 7(a) of the Natural Gas Act requesting that Cities Service Gas Co. (Respondent), be directed to establish physical connection of its natural gas transmission facilities with the facilities to be constructed by Applicant and to sell and deliver natural gas to Applicant for resale and delivery to meet third year peak day and annual requirements of 40 Mcf and 5,777 Mcf, respectively, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests that Respondent be directed to provide a new delivery point on its 16-inch transmission line in Washington County, Okla. and to sell and deliver natural gas to enable Applicant to initiate service to 39 residences and one fraternal lodge in a rural unincorporated portion of Washington County.

Applicant proposes the construction, at an estimated cost of $20,550, and operation of a natural gas distribution system to serve the aforementioned customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 29, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-3222 Filed 3-8-71;8:46 am]

FEDERAL RESERVE SYSTEM

MIDLANTIC BANKS INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Correction

In F.R. Doc. 71-2837 appearing on page 4081 in the issue of Wednesday, March 3, 1971, the company name as it appears in the heading and in the fifth line of the document should read as set forth above.

FIRST AT ORLANDO CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First at Orlando Corp., Orlando, Fla., for approval of acquisition of 80 percent or more of the voting shares of Tampa Bay Bank, Tampa, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of First at Orlando Corp., Orlando, Fla. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Tampa Bay Bank, Tampa, Fla. (Bank).

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

Notice of receipt of the application was published in the FEDERAL REGISTER on January 14, 1971 (36 F.R. 575), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

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

Applicant is the fifth largest banking organization in Florida controlling 16 banks with $476 million in deposits, representing 3.9 percent of the deposits held by all banking organizations in the State. (All banking data are as of June 30, 1970, adjusted to reflect holding company

formations and acquisitions approved by the Board through January 31, 1971.) Applicant's acquisition of Bank deposits of $18 million) would increase its share of deposits in the State by less than two-tenths of 1 percent.

Bank is the 10th largest of 21 banking organizations serving Hillsborough County, holding only 2.1 percent of the deposits in that area. Applicant's closest subsidiary to Bank is located 60 miles east of Bank in Lake Wales, Fla. Because of this distance between the two, the presence of intervening banks and restrictive Florida law, there is little meaningful competition between them and, based on the facts of record, little possibility that more competition will develop in the future. Through affiliation with Applicant, Bank would be in a stronger position to compete with its much larger competitors in Hillsborough County, two of which each have deposits in excess of $200 million. Based upon the foregoing, the Board concludes acquisition of Bank would not have an adverse effect on competition in any relevant area, and is likely to have a procompetitive effect in the Hillsborough County area.

The banking factors as they pertain to Applicant and Bank are consistent with approval of the application. Considerations relating to the convenience and needs of banking customers in Hillsborough County lend some weight in favor of approval of the application. Although the needs of those customers are being served, consummation of the acquisition will enable Bank to offer additional services (such as trust services) which are presently being offered only by large banks in the area or those affiliated with large banking organizations. It is the Board's judgment that the proposed transaction would be in the public interest and should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] March 2, 1971.

KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-3209 Filed 3-8-71;8:45 am]

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

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

ALLIED CHEMICAL CORP.

Application for Renewal Permit; Notice of Opportunity for Public Hearing

Application for a Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.^{3}) has been received for consideration as follows:

(1) ICP Docket No. 10842, Allied Chemical Corp.—Semet-Solvay Division, A Mine—Harewood, USBM ID No. 46 01896 0, Longacre, Fayette County, W. Va., section ID No. 014 (A Mine Mains).

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

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

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MARCH 3, 1971.

[FR Doc.71-3238 Filed 3-8-71;8:47 am]

BEATRICE POCAHONTAS CO. ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for renewal permits for noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.^{3}) have been received as follows:

(1) ICP Docket No. 10072, Beatrice Pocahontas Co., Beatrice Mine, USBM ID No. 44 00238 0, Keen Mountain, Buchanan County, Va., section ID No. 001 (No. 1 Longwood—south) section ID No. 002 (No. 2 Longwood—1st north).

(2) ICP Docket No. 10100, Imperial Smokeless Coal Co., Imperial No. 2 Mine, USBM ID No. 46 01472 0, Quinwood, Greenbrier County, W. Va., section ID No. 004 (11th Left), section ID No. 005 (1st west).

(3) ICP Docket No. 10101, Imperial Smokeless Coal Co., Imperial No. 7 Mine, USBM ID No. 46 01474 0, Quinwood, Greenbrier County, W. Va., section ID No. 001 (3d east), section ID No. 002 (1st east), section ID No. 003 (1st west), section ID No. 004 (2d right).

(4) ICP Docket No. 10158, Mill Coal Co., Inc., Mill Coal Co., Inc. No. 1 Mine, USBM ID No. 46 01829 0, Leivasy, Nicholas County, W. Va., section ID No. 001 (rooms off second right).

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

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

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MARCH 3, 1971.

[FR Doc.71-3237 Filed 3-8-71;8:47 am]

POSTAL RATE COMMISSION

[Docket No. R71-1; Order No. 1]

RECOMMENDED DECISION ON CHANGES IN RATES OF POSTAGE AND FEES FOR POSTAL SERVICES

Notice of Prehearing Conference

MARCH 5, 1971.

On March 3, 1971, the Commission, in its order granting petitions to intervene, stated that it would issue a separate order setting a date for a prehearing conference in this proceeding. In accordance with section 19 of the Commmission's rules of practice, the Commission hereby schedules the prehearing conference to begin on March 29, 1971, in Washington, D.C. The presiding officer shall conduct the prehearing conference with a view toward beginning the hearings on April 19, 1971.

The Commission's rules of practice (§24) note that "It is the intent of the Commission to issue its recommended decision * * * with the utmost practicable expedition." The Post Office Department filed its rate-increase request in this docket on February 1, and its direct testimony has thus been publicly available for over a month. The Post Office Department was also obligated to serve copies of its request and testimony upon the interveners after the Commission's

March 3 order. In these circumstances the Commission believes at this time that its proposed conference and hearing dates are reasonable.

Nonetheless, we recognize that the Commission can adhere to an expedited schedule only with the parties' fullest cooperation and assistance. Section 24 of the rules of practice (36 F.R. 400–401) spells out the matters which the presiding officer and the participants shall consider and resolve at the prehearing conference. All participants are expected to come to the prehearing conference fully prepared to discuss in detail and resolve these matters.

In this connection, the Commission's March 3 order directed the presiding officer to consider whether parties who filed jointly—and others—should be regarded as having substantially like interests and positions and should be requested to join together in making their presentations. Sections 20(f) and 24(d)(5) of our rules of practice provide for such groupings as are consistent with procedural fairness to the parties.[1] We expressly encourage the parties to confer, before and during the prehearing conference, for the purpose of agreeing upon the voluntary grouping of parties with common or similar interests. The benefits of grouping are manifold. Thus, the parties with a general identity of interests stand to achieve meaningful savings of both time and expense through joint evidentiary presentations. Moreover, parties engaged in cooperative efforts will enhance the likelihood of avoiding duplicative and repetitive presentations which would be objectionable or, at a minimum, delay the prompt conclusion of these proceedings.

Additionally, we call the parties' attention to the provisions of sections 25 and 26 of our rules of practice, establishing the availability of discovery procedures. Parties are expected to use discovery procedures "at the earliest possible time and no later than at the prehearing conference * * *." (section 24(c).) As noted earlier, the Post Office's direct evidence has been publicly available since its filing on February 1, 1971, and is now being formally served on each party. Each participant should make every effort to complete all necessary discovery before the prehearing conference or within the shortest possible time thereafter.

At the prehearing conference, the parties should also be prepared to narrow those issues on which they intend to cross-examine or to submit evidence. Parties who expect to be active participants in the hearing shall submit written statements of issues in question form rather than in narrative form. The parties are also encouraged to submit, in written form, their positions on all other matters specified in section 24(d). The parties may, in advance of the conference, serve these documents on the other parties. Upon request of counsel, such written documents may be copied into the formal prehearing conference record.

In scheduling the hearing for April 19, the Commission contemplates that Phase I of the hearings will consist of the formal proffer of the Post Office Department's direct case, followed by cross-examination of the Department's witnesses.[2] At the end of the prehearing conference, the presiding officer will fix the dates for the service of answering and rebuttal evidence.

The Commission orders:

(A) A prehearing conference in this proceeding, regarding which a notice of proceeding was published in the FEDERAL REGISTER on February 4, 1971 (36 F.R. 2431), will be held on March 29, at 10 a.m., e.s.t., in the main hearing room at the U.S. Tariff Commission, F Street between Seventh and Eighth Streets, NW., Washington, DC. The conference will be held for the purposes specified in section 24 of the Commission's rules of practice (36 F.R. 400–401) and in this order, and to afford all interested persons an opportunity to be heard with respect to the procedures to be followed in expeditiously determining the issues to be tried in the proceedings in Docket No. R71–1. The conference proceedings shall be recorded by an official reporter, and shall be recessed and reconvened at the discretion of the presiding officer, to be designated later.

(B) A copy of this order shall be published in the FEDERAL REGISTER and served on each of the intervener parties and upon the United States Post Office Department.

(C) Pursuant to section 55 of the rules of practice, the Commission designates its Assistant General Counsel, Litigation Division, as the officer of the Commission who shall represent the interests of the general public.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[FR Doc.71-3317 Filed 3-8-71;8:50 am]

[1] See Postal Reorganization Act, 39 U.S.C. § 3624(b). Through its General Counsel, the Associated Third Class Mail Users have petitioned for amendment or repeal of sections 20(f) and 24(d)(5) of our rules of practice. The Commission will soon rule on that petition.

[2] In arriving at the dates for the commencement of the prehearing conference and the beginning of Phase I, we gave consideration to the procedural views expressed by certain parties in their intervention pleadings. The parties expressing such views were the Direct Mail Advertising Association, Inc., the American Retail Federation, and J. C. Penney Co., Inc.

SECURITIES AND EXCHANGE COMMISSION

[813-34]

ARTHUR ANDERSEN & CO. AND ARTHUR ANDERSEN'S FUND A PARTNERSHIP

Notice of Filing of Application for Exemption

MARCH 2, 1971.

Notice is hereby given that Arthur Andersen & Co., a general partnership formed under the laws of the State of Illinois (herein called "Arthur Andersen") and Arthur Andersen's Fund A Partnership (herein called "Fund A") 1345 Avenue of the Americas, New York, NY, an investment company registered under the Investment Company Act of 1940 (Act), have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Fund A, to the extent hereafter set forth, from sections 2(a)(13) and 6(b), and pursuant to section 6(b) for an order of exemption from sections 10(a), 14(a), 15(a), 16(a), 18(i), 22(e), and 32 of the Act and Rule 22c–1 of the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

ARTHUR ANDERSEN

Arthur Andersen, a public accounting firm, has approximately 10,000 employees and maintains offices throughout the world, serving approximately 40,000 clients in auditing, tax accounting, and administrative services. As of July 1, 1970, the business of Arthur Andersen was managed by 510 general partners, all of whom are U.S. residents, and an additional 132 "participating principals" and 44 "overseas representatives". Participating principals and overseas representatives occupy positions substantially equivalent to partners; they make noninterest bearing subordinated loans to Arthur Andersen in lieu of capital contributions, receive participations in partnership income (but do not share in losses), and have drawing accounts, as do general partners, but are not common law partners or signatories of the general partnership agreement. Participating principals operate in the administrative services area of the firm; they are not certified public accountants and, therefore, may not officially, under various State statutes, be members of an accounting firm. Arthur Andersen's overseas representatives perform functions outside the United States similar to those performed by partners in the United States; they are either citizens and residents of foreign countries or U.S. personnel who, but for their residence abroad, would be partners and who it is expected will be made partners upon their return to the United States.

Under the Arthur Andersen partnership agreement, each partner has one vote; a majority vote is required for the election of Arthur Andersen's managing board of directors (who serve staggered 3-year terms, with four of the 12 directors being elected each year) and a managing partner, who are responsible to the partnership for firm operations; a majority vote is also required for the annual election of a nominating committee which makes recommendations to the partnership for election of directors (none of the members of which committee may serve as directors); admission of new partners requires the unanimous consent of all existing partners; a partner may be asked to resign upon the affirmative vote of 80 percent of the partners; and changes in the Arthur

Andersen partnership agreement require the consent of 95 percent of the partners.

FUND A PARTNERSHIP

Fund A is being organized as a partnership under the laws of the State of New York. Fund A is registered as a nondiversified open-end no-load investment company of the management type under the Act, and will invest in readily marketable securities with the investment objective of long-term capital growth. Arthur Andersen has organized Fund A to enable Arthur Andersen partners to pool their investment resources in a manner consistent with the interests of Arthur Andersen. Fund A has filed a registration statement under the Securities Act of 1933 for the partnership interest it is offering to sell to Arthur Andersen partners, participating principals, and overseas representatives (File No. 2–36748).

Only partners, participating principals, and overseas representatives of Arthur Andersen will be admitted as participants in Fund A. Any partner of Fund A who resigns, or withdraws from Arthur Andersen for any reason other than retirement, must withdraw as a participant in Fund A. Any participant in Fund A who retires from Arthur Andersen may continue as a participant in Fund A unless and until the Management Committee of Fund A (the "Committee"), selected by Arthur Andersen, as described below, determines that his withdrawal is in the best interests of Arthur Andersen. Partnership interests in Fund A are nonassignable.

The partnership agreement of Fund A expressly provides that the interests of Arthur Andersen are paramount and prior to the interests of Fund A and any of its participants. Accordingly, Fund A may not invest in clients of Arthur Andersen, or make any other investment of a type which partners of Arthur Andersen are not permitted to make as a matter of firm policy or which the Committee or Arthur Andersen determines to be adverse to the independence, reputation or business of Arthur Andersen as an international accounting firm. Fund A must promptly dispose of any investment which becomes, or is determined by the Committee or Arthur Andersen to be, in investment of the type prohibited by these restrictions. Applicants represent that the criteria relating to the independence of Arthur Andersen are complex: They may be affected by the unique facts of a particular situation; they depend not only on interpretations, which may be subject to revision from time to time, of the accounting profession and of the Securities and Exchange Commission but also on Arthur Andersen's rules which are designed to insure that no action of Arthur Andersen or any of its partners reflects adversely on, or raises questions as to the independence of Arthur Andersen. At present, Arthur Andersen policy restricts its partners (and spouses and children living with partners) not only with respect to ownership of any securities or other interests in client companies but also with respect to investments in nonclients which have substantial interests in clients. Arthur Andersen is constantly reviewing its policies with respect to permissible investments by partners with a view to further insulating Arthur Andersen and its partners from any adverse reflections on the firm's independence. Fund A is designed as a vehicle which will permit partners to make investments which they can be assured will not interfere with the independence or business of Arthur Andersen.

The minimum initial capital contribution of each participant in Fund A is $2,000. Additional capital contributions and withdrawals from capital accounts may be made in multiples of $1,000. New participants may be admitted and additional capital contributions to, and capital withdrawals from Fund A may be made as of April 30 of each year or such other date or dates, not less frequently than once a year, as the Committee may determine. Valuation of interests in Fund A will be made on April 30 of each year, or on such date or dates, not less frequently than once a year, as the Committee may determine.

The administrative business of Fund A will be managed by the Committee, whose members will be appointed and subject to replacement and removal by Arthur Andersen. Only general partners of Arthur Andersen will be eligible to serve on the Committee. The Committee is authorized to employ others under contract to supply investment advisory and management services (provided that the Committee shall at all times have the responsibility of insuring that investments shall not be made or retained which are adverse to the independence or reputation of Arthur Andersen).

Arthur Andersen, through the Committee, will retain control over the identity of any portfolio manager to insure that the independence and reputation of Arthur Andersen will not be adversely affected by Fund A's relationship with any portfolio manager, and to insure that no portfolio manager will achieve an entrenched position with respect to Fund A.

Applicant presently contemplate that the Committee will retain the services under a contract terminable at any time by the Committee, of Goldman, Sachs & Co., which firm will have discretion to manage the investment portfolio of Fund A, subject only to the Committee's power to veto, or require the disposition of any investment which in its opinion compromises the independence or reputation of Arthur Andersen. Before making any investment on behalf of Fund A, Goldman, Sachs must check with the Committee or its designee to ascertain whether the proposed investment would threaten the independence or reputation of Arthur Andersen .

The Committee intends to have any brokerage transactions executed on the best terms available; in light of this objective, the proposed contract with Goldman, Sachs provides that 25 percent of any brokerage commissions earned by Goldman, Sachs will be deducted from the Goldman, Sachs management fee (which will initially be at the annual rate of three-fourths of 1 percent of the portfolio). Goldman, Sachs has advised the applicants that in the opinion of their counsel such an arrangement is permitted under the rules of the various securities exchanges.

No compensation whatsoever, either direct or indirect, may be paid to any Committee member, other than reimbursement of reasonable and necessary out-of-pocket expenses incurred in the conduct of Fund A's business. No Committee member will receive any monetary benefits of any kind, either directly or indirectly, from Fund A, other than from his interest, if any, as a participant in Fund A. The partnership agreement prohibits purchase or sale or borrowing transactions between Fund A and any Committee member or any entity in which any Committee member has an interest or of which he is a director or officer and any joint or several participations in transactions by Fund A and members of the Committee or any such entities.

All expenses of organizing Fund A, of registering Fund A under the Act and under the Securities Act and of applying for exemptions for Fund A under the Act are being borne by Arthur Andersen.

All proceedings of the Committee will be recorded, and such records and all other records of Fund A will be available for inspection by any participant in Fund A. Reports of the value of the participant's interest in Fund A, transactions and investments by, and financial statements of Fund A, will be transmitted to the partners of Fund A annually on April 30 or such other annual date as the Committee may determine. Reports will also be transmitted in connection with any distribution, explaining the character and source of the distribution. All other reports called for by the Act will also be made. In addition, after the conclusion of each tax fiscal year, reports will be made to partners of Fund A of income, gains and losses for tax purposes.

REQUESTED EXEMPTIONS

Applicants request pursuant to section 6(c) an exemption from section 6(b) and section 2(a)(13) of the Act only to the extent that such sections would require Fund A as an "employees" securities company to be beneficially owned by employees of Arthur Andersen, since all the participants in Fund A will be either partners, overseas representatives or participating principals of Arthur Andersen.

The applicants have also requested that the Commission issue an order under section 6(b), of the Act exempting the Fund A from the following provisions of the Act:

(a) Section 10(a) provides, in pertinent part, that no registered investment

company shall have a board of directors more than 60 percentum of the members of which are persons who are investment advisers of, affiliated persons of an investment advisers of, or officers or employees of such registered investment company.

To the extent that members of the management committee may be considered to be officers of Fund A, the applicants request exemption from section 10(a) to permit the management committee to be so constituted.

(b) Section 14(a) provides in pertinent part that no registered investment company shall make a public offering of its securities unless it has a net worth of $100,000.

Applicants request exemption from section 14(a) to the extent necessary to permit Fund A to offer its securities to Arthur Andersen partners prior to the time the Fund has a net worth of $100,000; *Provided*, That the Fund shall not commence operation unless and until it has a net worth of at least $100,000.

(c) Section 15(a) provides, among other things, that no person shall act as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such investment company and which may be terminated at any time without penalty by the board of directors of such investment company, or by vote of a majority of the outstanding voting securities of such company.

Applicants request an exemption from section 15(a) to the extent necessary to permit the Fund A Management Committee alone to approve and to terminate any contract with an investment adviser without a vote of shareholders: *Provided*, That such exemption from section 15(a) shall terminate when partners of Arthur Andersen are precluded by Arthur Andersen from making investments in publicly traded securities except through Fund A or similar funds sponsored by Arthur Andersen.

(d) Section 16(a) provides, among other things, that no person shall serve as director of a registered investment company unless elected to that office by the holders of the outstanding voting securities of such company.

Applicants request an exemption from section 16 to the extent necessary to permit Arthur Andersen to appoint and remove the members of Fund A management committee without a vote of the shareholders in Fund A.

Applicants assert that exemption from sections 15(a) and 16(a) is necessary to permit the Arthur Andersen partnership to maintain the necessary control over the operations of Fund A. Applicants assert the following: Arthur Andersen and all Arthur Andersen partners have an interest in Fund A; the Fund is being sponsored by Arthur Andersen as a vehicle uniquely adapted to Arthur Andersen needs; many of its expenses are being borne by Arthur Andersen; it will be available as an investment vehicle only to Arthur Andersen partners; it will have a continuing relationship with Arthur Andersen and its activities will have a direct bearing on the independence, reputation, and business of Arthur Andersen and its partners. It is of vital concern to all Arthur Andersen partners, whether or not they invest in Fund A, that the operations of Fund A do not adversely affect the independence, reputation, or business of their firm.

Applicants also represent that Committee members serve totally without compensation or remuneration of any kind from Fund A; and no Committee member will receive any monetary benefits, either directly or indirectly from the Fund, other than from his interest, if any, as a partner of Fund A.

(e) Section 18(i) provides, in pertinent part, that every share of stock issued by a registered investment company shall be voting stock.

Applicants request an exemption from section 18(i) to permit the Fund to issue interests in the Fund which do not have the right to vote on investment advisory contracts, and for management committee members, and do not have the right to vote to select accountants of Fund A.

(f) Rule 22c–1 under the Act provides that all sales and redemptions of redeemable investment company shares must be made at a price computed at the next current offering price in effect after the order is placed to purchase or redeem. Section 22(e) provides in pertinent part that no investment company may suspend the right of redemption or postpone the date of payment of any redeemable security for more than 7 days.

Applicants request exemptions from Rule 22c–1 and section 22(e) to permit Fund A to limit sales and redemptions of its partnership interests to the 30th day of April in any year or such other date or dates as may be fixed, but not less frequently than once in each calendar year, and to limit partial withdrawals to multiples of $1,000.

(g) Section 32 of the Act provides among other things that the selection of independent public accountants must be ratified by the shareholders of the investment company.

Applicants request an exemption from section 32 to the extent necessary to permit the Management Committee of Fund A alone to select independent public accountants for Fund A without submitting such selection for ratification or rejection to the partners of Fund A.

Applicants assert that only those exemptions are being requested which are necessary or relevant to the operation of Fund A as an investment program uniquely adapted to the needs of Arthur Andersen and its partners. The exemptions requested are necessary, it is asserted, to control the investment activities and associations of Fund A to the extent required to insure that such activities and associations do not adversely affect the independence and reputation of Arthur Andersen in the conduct of its business as an international accounting firm, and to operate the Arthur Andersen investment program as contemplated. Such exemptions are said to be in the interests of Arthur Andersen and all its partners (who are sponsoring Fund A and defraying many of its expenses and who constitute the only persons to whom interests in Fund A are being offered). All provisions of the Act relating to self-dealing, such as section 17, and all reporting requirements of the Act will be complied with. Arthur Andersen will bear the costs of forming the partnership and registering it and the partnership interests under the Act and the Securities Act of 1933. There will be no sales load; and the members of the Committee appointed by Arthur Andersen will receive no compensation from Fund A.

Applicants submit that Fund A will be an "employees' securities company" within the meaning of section 2(a)(13) of the Act. While the participants, or most of them, are technically "partners" rather than "employees" of Arthur Andersen, they believe that this is not a distinction which has relevance under the Act. The fact that the participants are "partners" rather than "employees" of Arthur Andersen is due in large part to the requirement that accounting firms be partnerships; if Arthur Andersen were a corporation, such "partners" would be "employees". Fund A is, like other employees' securities companies, being sponsored for the participants by the organization for which they work. Applicants assert that investment programs for unsophisticated personnel are granted exemptions as employees' securities companies on the ground that such exemptions are not inconsistent with the protection of such investors, and that such exemptions should not be regarded as inconsistent with the protection of the Arthur Andersen partners who will be the investors in Fund A. Applicants believe none of the factors set forth in section 6(b) of the Act suggests any reason why Fund A should not be granted the requested exemptions.

Section 6(b) of the Act provides that the Commission shall by order exempt any "employees' security company" from the provisions of the Act if and to the extent that such exemption is consistent with the protection of investors.

Secion 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 18, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3234 Filed 3-8-71;8:47 am]

[70-4950]

MIDDLE SOUTH UTILITIES, INC., AND ARKANSAS POWER & LIGHT CO.

Notice of Proposed Acquisition and Sale of Assets, and Issue and Sale of Notes to Banks and to Holding Company by System Service Company and Acquisition of Notes by Holding Company

MARCH 3, 1971.

In the matter of Middle South Services, Inc., 225 Baronne Street, New Orleans, LA 70160; Middle South Utilities, Inc., 280 Park Avenue, New York, NY 10017; Arkansas Power & Light Co., Ninth and Louisiana Streets, Little Rock, AR 72203; 70-4950.

Notice is hereby given that Middle South Utilities, Inc. (Middle South), a registered holding company, and two of its subsidiary companies, Middle South Services, Inc. (Services), the system service company, and Arkansas Power & Light Co. (AP&L), an electric utility company, have filed a joint application-declaration and certain amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, 9(a), 10, 12 (b) and (f) thereof Rules 43, 45, and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Services now functions as the wholly owned subsidiary service company in the Middle South holding-company system pursuant to an order of this Commission dated March 23, 1965 (Holding Company Act Release No. 15207). On September 30, 1970 the outstanding capitalization and surplus of Services consisted of $20,000 aggregate par value of capital stock and $2,500,000 principal amount of long-term notes (Old Notes), all of which are owned by Middle South.

Control of bulk power supply and load dispatching for the Middle South System presently are performed by a System Operator under the direction of the Middle South System Operating Committee, using an administrative building and system control and dispatching equipment now owned by AP&L in Pine Bluff, Ark. In order to simplify coordinated operation of the Middle South System, meet prospective growth requirements, and provide increased reliability of System operations, the applicants-declarants propose to establish a new Middle South System Operations Center (Operations Center) in Pine Bluff, Ark., to be owned and operated by Services for the System.

To establish this center, it is proposed that Services acquire from AP&L, and that AP&L sell to Services for cash at the depreciated original cost thereof of approximately $450,000, the control and dispatching facilities and building now owned by AP&L. The purchase price would be adjusted for any change in book cost from October 1, 1970, to the date of closing. Services would expend additional funds of approximately $1,400,000 to alter and expand these facilities and provide arrangements to accommodate the installation of a new Bulk Power Management System (BPMS).

The BPMS, which has been designed specifically for the Operations Center, would be the principal component of equipment in the center, and it would consist of extensive data acquisition and control equipment, a large digital control computer installation, and a complex information retrieval and display system. Approximately 2 years would be required to complete construction of the BPMS and related equipment, and it is expected to cost approximately $6,400,000. The Operations Center is scheduled to become operational in 1973.

In order to finance the Operations Center, Services would require approximately $8,250,000 of additional capital. To meet the cost of the BPMS and related equipment, applicants-declarants propose that Services issue and sell, from time to time prior to June 30, 1974, up to $6,400,000 aggregate principal amount of unsecured notes to the following commercial banks (Bank Notes) for cash at the principal amount thereof:

Name	*Amount*
Simmons First National Bank of Pine Bluff (Pine Bluff, Ark.)	$1,500,000
Whitney National Bank of New Orleans (New Orleans, La.)	1,500,000
Deposit Guaranty National Bank (Jackson, Miss.)	1,000,000
First National Bank of Jackson (Jackson, Miss.)	1,000,000
The Hibernia National Bank in New Orleans (New Orleans, La.)	700,000
The National Bank of Commerce in New Orleans (New Orleans, La.)	700,000
	6,400,000

The Bank Notes would mature not more than 10 years from the date of issuance thereof and in any event not later than September 30, 1982. Such notes would bear interest at a rate one-half of 1 percent (one-half percent) per annum above the prime rate charged from time to time by banks in New York, N.Y., for short-term commercial loans, with adjustments to be made in such rate effective as of the first date of the month next following the month in which such change occurs. The notes may be prepaid by Services at any time in whole or in part at the principal amount thereof. Beginning September 30, 1974, the total repayments of principal in each year thereafter are required to be not less than the provisions for depreciation of the Operations Center accrued for such year, and the aggregate provisions for depreciation of the Operations Center would be sufficient to repay the entire issue of Bank Notes prior to October 1, 1982.

In order to finance the remaining costs of the Operations Center ($1,850,000) and to provide services with $750,000 of additional working capital, it is further proposed that Services issue and sell to Middle South for cash from time to time prior to June 30, 1975, and Middle South acquire, up to $2,600,000 aggregate principal amount of unsecured notes ("New Notes"). Such notes would mature in not more than 50 years from the date of issuance thereof and would be prepayable by Services in any amount at any time without penalty. The New Notes would bear the prevailing prime rate of interest charged from time to time by banks in New York, N.Y., on short-term commercial loans, with adjustments in such rate to be made effective as of the first day of the month next following the month in which any change occurs.

The Bank Notes would be guaranteed as to principal and interest by Middle South, and all existing and future indebtedness of Services to Middle South (including the Old and New Notes) would be subordinated to the Bank Notes except that Services would pay interest on such indebtedness when due so long as Services is not in default on any of its obligations in respect of the Bank Notes. Beginning with the year following the year in which repayment on the Bank Notes is completed, Services proposes to repay the New Notes each year in amounts equal

to at least the annual provisions for depreciation of the Operations Center for such year.

Giving effect to the proposed transactions, the pro forma capitalization and surplus of Services would consist of $6,400,000 principal amount of Bank and surplus of Services would consist of $6,400,000 principal amount of Bank Notes (55.56 percent), and $5,100,000 principal amount of subordinated Old Notes and New Notes plus $20,000 of common stock (44.44 percent). As at November 30, 1970, the consolidated capitalization and surplus of Middle South and its subsidiary companies included 56 percent long-term debt and 44 percent capital stock and surplus.

The applicants-declarants represent that various alternative methods of financing the Operations Center have been explored, and that the proposed plan was found to be the most economical from the viewpoint of both Services and the Middle South System.

It is stated that (a) recording fees, transfer taxes and other expenses estimated at $550, and legal fees estimated at $400 will be incurred and paid by Services in connection with its acquisition of the facilities from AP&L; and (b) that expenses estimated at $200 will be incurred and paid by AP&L in connection with its sale of such facilities to Services. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 18, 1971, request in writing that a hearing be held in respect of the above entitled matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as heretofore amended or as it may be further amended, may be granted and permitted to become effective in the manner provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-3235 Filed 3-8-71;8:47 am]

TARIFF COMMISSION

TELEVISION RECEIVERS FROM JAPAN CAUSING INJURY

Dumping Duty To Be Imposed

MARCH 4, 1971.

The Tariff Commission today notified the Secretary of the Treasury that an industry in the United States is being injured by reason of imports from Japan of monochrome and color television receiving sets sold at less than fair value. The Commissioners voting were unanimous in their decisions; Chairman Mize did not participate. As a result of the Commission's determination, television receivers from Japan sold at less than fair value will become subject to special dumping duties.

On December 4, 1970, the Treasury Department had advised the Commission that television receiving sets, monochrome and color, from Japan are being, and are likely to be sold at less than fair value as defined in the Antidumping Act. The Treasury Department's advice was based on an investigation which it had instituted after receiving a complaint filed in March 1968 on behalf of the World Trade Committee, Parts Division, Electronic Industries Association. On receipt of Treasury's advice, the Commission had instituted an investigation (No. AA1921-66) to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established by reason of imports of such television receiving sets from Japan sold at less than fair value. A public hearing was held January 26-28, 1971.

U.S. imports of television receivers from Japan amounted to 3.3 million sets valued at $255 million in 1970. The imports from Japan accounted for about three-fourths of total U.S. imports of television sets in that year. Shipments of domestically produced television receivers amounted to about 7.8 million sets in 1970. Data on the value of domestic shipments in 1970 are not yet available; shipments in 1969 amounted to 8.9 million sets valued at $1.9 billion.

The Commission's report contains a statement of reasons for the determination. Copies of the report (TC Publication 367) are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission Eighth and E Streets NW., Washington, DC 20436.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-3243 Filed 3-8-71;8:48 am]

[AA1921-66]

TELEVISION SETS FROM JAPAN

Determination of Injury

The Assistant Secretary of the Treasury advised the Tariff Commission on December 4, 1970, that television receiving sets, monochrome and color, from Japan are being, and are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted Investigation No. AA1921-66 to determine whether an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on January 26-28, 1971. Notice of the investigation and hearing was published in the FEDERAL REGISTER of December 10, 1970 (35 F.R. 18768).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission determined unanimously[1] that an industry in the United States is being injured by reason of the importation of television receiving sets, monochrome and color, from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS

In the Commission's judgment, an industry in the United States is being injured by reason of the importation of television receivers from Japan, which are being sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended.

In reaching this determination, three reasons have been persuasive: (1) Imports of television receivers from Japan, determined by the Treasury to have been sold at less than fair value, have increased and now supply a substantial share of the U.S. market; (2) the sellers of the LTFV Japanese receivers have for the most part undersold U.S. manufacturers of television sets in the domestic market; and (3) sales of the LTFV television sets have contributed substantially to declining prices of domestically produced television receivers.

The industry. The Commission has considered the injured industry to consist of the facilities in the United States for the production of television receivers. Television sets are currently manufactured in the United States by approximately 20 firms, most of which produce

[1] Chairman Mize did not participate in the determination.

both monochrome and color sets in a wide range of screen sizes.

The imported product. Except for console-type television receivers, few of which are imported into the United States, imported television sets from Japan cover the broad range of types and sizes sold in the U.S. market. Both monochrome and color receivers in nearly all screen sizes are imported into the United States from Japan in large volume.

The U.S. market. Annual sales of television receivers in the United States ranged between 5.1 million and 7.6 million sets during the 1950's and early 1960's; they rose appreciably in the mid-1960's with the advent of color television and averaged about 12.5 million sets in recent years. Sales in 1970 (12.2 million sets) were somewhat lower than those in the 2 preceding years (12.8–12.9 million sets).

In the past 3 years (1968–70), the U.S. market has been divided about equally between monochrome and color sets; annual sales of the monochrome sets have generally accounted for about 55 percent of total sales, and color sets, for 45 percent. Monochrome sets have been sold in substantial volume in a wide range of screen sizes, while color sets have been sold primarily in the larger screen sizes. In recent years, however, U.S.-market demand for both monochrome and color rereivers has shifted appreciably toward receivers having smaller screens. In 1970, for example, sales in the United States of monochrome receivers having screen sizes of 13 inches or less accounted for about 45 percent of total sales of monochrome sets, compared with 20 percent in 1965. Sales of large color receivers (screens of 20 inches or more) accounted for nearly 95 percent of total sales of color sets in 1965, but only 50 percent in 1970.

The competition in the U.S. market between domestic and Japanese television receivers has been sharpest in the middle screen sizes. Nearly all of the very large television sets sold in the United States have been produced domestically, while the great bulk of the very small sets have been imported. The market for receivers in sizes between those extremes, however, has been supplied by both Japanese and U.S. producers. Television sets in the middle sizes—that is, sets having screens larger than 9 inches but less than 20 inches—accounted for more than half of the output of domestic receivers and nearly three-fourths of the imports of Japanese receivers in 1970. Thus, the competition in the U.S. market between the Japanese and the domestically produced middle-sized receivers affects a great part of U.S. production.

Data on the number of television sets produced in the United States and imported from Japan in 1965–70 are given in the following table.

Television receivers: U.S. production and imports from Japan, 1965–70

(Thousand units)

Description	1965	1966	1967	1968	1969	1970
Monochrome:						
Not over 13"						
U.S. production	1,166	1,376	949	1,016	831	640
Imports from Japan	575	632	791	1,164	1,594	1,724
Over 13", not over 16"						
U.S. production	511	610	405	408	478	329
Imports from Japan	141	158	110	158	212	206
Over 16"						
U.S. production	5,401	4,626	2,688	3,133	2,301	2,132
Imports from Japan	17	58	116	144	251	344
Color:						
Not over 16"						
U.S. production	33	233	332	444	550	558
Imports from Japan	24	13	121	404	467	492
Over 16"						
U.S. production	2,576	4,548	4,886	4,802	4,624	3,744
Imports from Japan	10	160	130	209	375	310

Market penetration. U.S. imports of Japanese television receivers have increasingly penetrated the U.S. market. In 1970, Japan supplied about 28 percent of the apparent U.S. consumption of television receivers, compared with 10 percent in 1965. In the more recent year, 36 percent of apparent consumption of monochrome receivers, and 16 percent of apparent consumption of color sets, consisted of Japanese receivers.

Substantial market penetration by Japanese television receivers has occurred in all of the middle screen sizes. Imports from Japan of monochrome sets having 10- to 13-inch screens, for example, increased rapidly in recent years; the imports supplied about 50 percent of the U.S. market in 1970, compared with 25 percent in 1965. Imports from Japan of monochrome sets having 17- to 19-inch screens accounted for 1 percent of the domestic market for such sets in 1965, but more than 15 percent in 1970. Aggregate U.S. production of monochrome receivers in the middle screen-size groups in 1970 was less than half of that in 1965, evidencing both lost production and lost jobs. While this decline reflects in part the substitution of color for monochrome sets, it resulted in substantial part from the increasing imports of LTFV sets from Japan. In its investigation the Treasury found that the bulk of the Japanese monochrome sets having 10- to 16-inch screens, accounting for about a fourth of total supply of middle-sized monochrome receivers in the U.S. market, were sold at less than fair value.

Although the pattern of import penetration has been more erratic for color sets than for monochrome sets, imports from Japan of color sets have generally increased since 1965 and have taken a marked share of the U.S. market in the middle screen sizes. The Japanese share of the U.S. market for middle-sized color receivers was about 30 percent in 1970. In its investigation the Treasury found that virtually all of the Japanese color receivers having 14- to 19-inch screens, accounting for about a fifth of total supply of middle-size color receivers in the U.S. market, were sold at less than fair value.

Price effects. Information obtained by the Commission in the investigation indicates that the bulk of the television receivers imported from Japan have been sold in recent years in the United States at prices significantly lower than the prices of comparable domestic television receivers. Such underselling has been concentrated in certain of the middle screen sizes—the market area where competition between the Japanese and domestic sets has been most substantial and direct. The price differences were found to exist when comparing weighted average prices of Japanese-produced and domestically-produced television receivers within narrow screen-size categories, as well as in instances where virtually identical sets (i.e., sets having comparable screens, cabinets, circuitry, and automatic tuning devices) could be compared. The LTFV margins were often equivalent to a substantial part of the margin of underselling in the United States; in other instances, the LTFV margin was found to be greater than the margin of underselling. In any event, the ability of the Japanese suppliers to undersell domestic producers in the U.S. market appears to have been significantly enhanced as a result of the selling of Japanese sets at less than fair value. While margins of underselling in the U.S. market have generally diminished since 1967, perhaps in part as a response to the Treasury's investigation of allegations of LTFV sales, they have continued to be an important competitive factor in the market place.

Since 1967 the prices of major categories of domestically-produced television receivers, both monochrome and color, have dropped substantially, particularly in the middle range of screen sizes. Weighted average prices of domestically-produced sets in the middle screen sizes ranged as much as 25 percent lower in 1970 than in 1968. As indicated earlier, imports of television receivers from Japan at LTFV were a major factor in the U.S. market during that period, supplying a substantial and increasing share of apparent consumption. Under these circumstances, the LTFV imports clearly contributed in substantial measure to the price deterioration that has occurred in the domestic market for television receivers.

Conclusion. In the Commission's judgment, the imports of television receivers from Japan, sold at LTFV, have adversely affected the prices of comparable domestically-produced receivers in

the United States, and have caused substantial loss of sales by U.S. producers. Accordingly, we have unanimously determined that an industry in the United States is being injured by reason of such LTFV imports.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.71-3244 Filed 3-8-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 994; ICC Order No. 54-A]

GRAND TRUNK WESTERN RAILROAD CO.

Car Distribution

Upon further consideration of ICC Order No. 54 (Grand Trunk Western Railroad Co.) and good cause appearing therefor:

It is ordered, That:

(a) ICC Order No. 54 be, and it is hereby, vacated and set aside.

(b) Effective date: This order shall become effective at 4:10 p.m., March 2, 1971.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 2, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.71-3262 Filed 3-8-71;8:49 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 4, 1971.

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

LONG-AND-SHORT HAUL

FSA No. 42143—*Newsprint paper—rejected shipments—returned to southern territory.* Filed by O. W. South, Jr., agent (No. A6230), for interested rail carriers. Rates on newsprint paper, in carloads, rejected or returned to mill point from which originally shipped, as described in the application, from and to points in southern territory.

Grounds for relief—Returned movements of commodities.

Tariff—Supplement 44 to Southern Freight Association, agent, tariff ICC S-864.

FSA No. 42144—*Chlorine from Gramercy, La.* Filed by O. W. South, Jr., agent (No. A6231), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Gramercy, La., to specified points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 169 to Southern Freight Association, agent, tariff ICC S-699.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-3263 Filed 3-8-71;8:49 am]

[Notice 257]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 4, 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 107515 (Sub-No. 738 TA), filed February 19, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat byproducts, meat products,* fresh or frozen, in vehicles equipped with mechanical refrigeration, from Bonne Terre, Mo., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia, for 150 days. Supporting shipper: Redfern Sausage Co., Post Office Box 43387, Atlanta, GA 30336. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 113666 (Sub-No. 50 TA) (Amendment), filed January 26, 1971, published FEDERAL REGISTER issue of February 3, 1971, amended and republished as amended this issue. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Daniel R. Smetanick (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Fluxing compounds,* dry, in bulk, in tank vehicles, from New Kensington, Pa., to Brooklyn, N.Y.; and (2) *fluxing compounds and rimming agents* (except in bulk), from New Kensington, Pa., to points in New York (except New York City commercial zone), Kentucky and West Virginia and the municipalities of Warren, Mingo Junction, Cleveland, and Youngstown, Ohio; Baltimore and Sparrows Point, Md., Gary, Ind., and Kankakee, Ill., and the return of *materials and supplies* used in the production of fluxing compounds and rimming agents. NOTE: The purpose of this republication is to broaden the scope of authority sought and territorial description. The rest of the application remains the same.

No. MC 114045 (Sub-No. 349 TA), filed February 25, 1971. Applicant: TRANSCOLD EXPRESS, INC., Post Office Box 5842, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same address as applicant). 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,* as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except skins and commodities in bulk), from the plantsite of Swift & Co. at Clovis, N. Mex., to points in Connecticut, Delaware, Maryland, Massachusetts, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Swift Fresh Meats Co., 115 West Jackson Boulevard, Chicago, IL 60604. 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 114273 (Sub-No. 79 TA), February 23, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common 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 commodities in bulk), from the plantsite and storage facilities of John Morrell & Co. at or near Ottumwa, Iowa; to points in Michigan, Ohio, New York, and Pennsylvania, for 180 days. Supporting shipper: John Morrell & Co., Ottumwa, Iowa. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA 52801.

No. MC 114917 (Sub-No. 4 TA), filed February 24, 1971. Applicant: DART TRANSPORTATION SERVICE (California corporation), 1430 South Eastman Avenue, Post Office Box 23035, Lugo Station, Los Angeles, CA 90023. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt on by mail-order and chain retail department business houses, from points in the Los Angeles and Los Angeles Harbor (Calif.) commercial zones, to Merced, San Bruno, San Rafael, and Santa Cruz, Calif. Restriction: The operations proposed herein are limited to a transportation service to be performed under a continuing contract or contracts with Sears, Roebuck & Co., for 180 days. Supporting shipper: Sears, Roebuck & Co., Post Office Box 3021, Terminal Annex, Los Angeles, CA 90054. 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 116967 (Sub-No. 13 TA), filed February 25, 1971. Applicant: WONDAAL TRUCKING CO., INC., 2857 Ridge Road, Lansing, IL 60438. Applicant's representative: Samuel Ruff, Jr., 2109 Broadway, East Chicago, IN 46312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Patio stones, brick, and related landscaping material, articles and supplies*, in dump vehicles and flatbeds, between East Chicago, Ind., and points in Michigan, Wisconsin, Illinois, Indiana, Ohio, Tennessee, and Missouri, limited to transportation service to be performed under continuing contract, or contracts with Van Drie-King Co. of East Chicago, Ind., for 150 days. Supporting shipper: Van Drie-King Co., 4608 Baring Avenue, East Chicago, IN. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 125294 (Sub-No. 4 TA) (Correction) filed January 27, 1971, and published FEDERAL REGISTER issue of February 4, 1971, and republished in part as corrected this issue. Applicant: HILLDRUP TRANSFER & STORAGE CO., INC., Post Office Box 745, 510 Essex Street, Fredericksburg, VA 22401. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. NOTE: The purpose of this partial republication is to correctly set forth the authority in (1) as follows: (1) Between points in Rockingham County, Va., on the one hand, and on the other, points in Page and Shenandoah Counties, Va. The rest of the publication remains the same.

No. MC 128853 (Sub-No. 5 TA), filed February 23, 1971. Applicant: COOKE CARTAGE AND STORAGE, LTD., 110 Anne Street South, Post Office Box 429, Barrie, ON Canada. Applicant's representative: Ronald J. Mastej, 900 Guardian Building, Detroit, MI 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle seats*, not in containers, from those ports of entry on the international boundary line located at or near Detroit and Port Huron, Mich., to the facilities of the Ludwig Honold Manufacturing Co. at or near Edgemoor, Md., restricted to a transportation service to be performed under a contract or contracts with Heywood-Wakefield Co. of Canada, Ltd., for 180 days. Applicant intends to joinder its authority issued by the Ontario Highway Transport Board. Supporting shipper: Heywood-Wakefield Co. of Canada, Ltd., Orillia, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

No. MC 134934 (Sub-No. 1 TA), filed February 25, 1971. Applicant: DONALD L. BROWN, doing business as DONALD BROWN TRUCKING, Post Office Box 335, Warren, IL 61087. Applicant's representative: Carl E. Munson, 675 Fischer Building, Dubuque, IA 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, liquid in bulk, in tank vehicles, between points in Bureau, Carroll, Jo Daviess, Ogle, and Winnebago Counties, Ill.; Clinton, Dubuque, and Jackson Counties, Iowa; Dane, Grant, Green, Lafayette, and Walworth Counties, Wis.; for 180 days. Supporting shipper: H & H Farm Chemicals, Inc., Warren, Ill. 61087. Send protests to: Andrew J. Montgomery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135281 (Sub-No. 1 TA), filed February 25, 1971. Applicant: RAYMOND LANGLEY, doing business as LANGLEY TRUCKING, Route No. 4, Post Office Box 61, Elizabethtown, KY 42701. Applicant's representative: George Catlett, Suite 703, 706 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum shot*, in bulk, in dump vehicles, from the site of the plant of the National Aluminum Corp. in Hancock County, Ky., to the site of the plant of Great Lakes Steel Corp., Ecorse (Detroit), Mich. Supporting shipper: Paul L. Klinvex, Manager, Traffic and Transportation, National Aluminum Corp., 2800 Grant Building, Pittsburgh, PA 15219. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, KY 40202.

No. MC 135287 (Sub-No. 1 TA), filed February 24, 1971. Applicant: MANIWAKI-MONTREAL TRANSPORT LTEE-LTD., Post Office Box 778, Maniwaki, PQ Canada. Applicant's representative: Paquette, Paquette, Toupin & Perreault, 200 St. James Street West Montreal, PQ Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber*, from the port of entry on the international boundary line between the United States and Canada located in Rock Island, Vt., to Beecher Falls, Vt., for 180 days. Supporting shipper: Maniwaki Lumber Co. (Office) Montreal, PQ Canada, (Mill) Maniwaki, PQ Canada, Attention: Mr. Leonard Barrett, General Manager. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, O'Donnell Building, 301 Erie Boulevard West, Syracuse, NY 13202.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-3264 Filed 3-8-71;8:49 am]

[Notice 657]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 4, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72549. By order of February 12, 1971, the Motor Carrier Board approved the transfer to F. W. Groves Trucking Co., Leland, N.C., of the operating rights in certificate No. MC-64856, issued March 3, 1961 to Christina Augusta Jurgensen, Beverly Anne Jurgensen, and Christian Adolph Jurgensen, Jr., a partnership, doing business as Jurgensen Motor Transfer, Wilmington, N.C., authorizing the transportation of food products, packinghouse products, and concrete products, from Wilmington, N.C., to points in North Carolina and South Carolina within 150 miles of

Wilmington, and machinery, from Wilmington, N.C., to points in South Carolina. Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, NC 27601, attorney at law.

No. MC–FC–72634. By order of February 10, 1971, the Motor Carrier Board approved the transfer to Robert H. Hecht, doing business as Hecht Auto Service, Toledo, Ohio, of the operating rights in certificate No. MC–108805 (Sub-No. 1) issued March 30, 1949, to Charles G. Seyfang, Robert E. Seyfang, and Fred C. Seyfang, a partnership, doing business as Seyfang Auto Service, Toledo, Ohio, authorizing the transportation of wrecked or disabled motor vehicles, in truckaway service between points in a described area of Ohio on the one hand, and, on the other, points in Steuben County, Ind., and Monroe, Lenawee, and Wayne Counties, Mich. Edwin H. van Deusen, 50 West Broad Street, Columbus, OH 43215, attorney for applicants.

No. MC–FC–72647. By order of February 11, 1971, the Motor Carrier Board approved the transfer to Canadian Machinery Movers, Ltd., Windsor, ON, Canada, of certificate No. MC–47024 issued to Gale Industrial Rigging and Erecting Contractors, Inc., Detroit, Mich., authorizing the transportation of: Heavy machinery, between points in the Lower Peninsula of Michigan. Robert E. Gesell, 1600 Commonwealth Building, Detroit, MI 48226, attorney.

No. MC–FC–72653. By order of February 11, 1971, the Motor Carrier Board approved the transfer to Keenan Bros., Inc., Steubenville, Ohio, of the operating rights in permit No. MC–14458 issued May 5, 1960, to Rhoda Keenan doing business as Keenan Bros., Steubenville, Ohio, authorizing the transportation of petroleum products and gasoline filling-station equipment from Midland, Pa., and Steubenville and Martins Ferry, Ohio, to specified portion of Ohio; liquid petroleum products, in bulk, in tank trucks, from Freedom, Pa., to specified portion of Ohio and from Midland, Pa., to points in Ohio County, W. Va.; coal mining machinery between Morgantown and Charleston, W. Va., McKeesport and Washington, Pa., and Smithfield, Fairpoint, Amsterdam, and Tiltonsville, Ohio; and road construction materials, contractors' supplies and equipment, and such commodities as are usually transported in dump trucks between points in West Virginia, Ohio, and Pennsylvania within 50 miles of Steubenville, Ohio, including Steubenville. James M. Burtch, 100 East Broad Street, Columbus, OH 43215, attorney for applicants.

No. MC–FC–72665. By order of February 12, 1971, the Motor Carrier Board approved the transfer to Larry L. Fincher, 2031½ Andreasen Drive, Clarkston, WA 99403, of the operating rights in certificate No. MC–68408 issued October 4, 1967 to LaVern Lohman, doing business as Inter-State Truck Line, Clarkston, Wash., authorizing the transportation of general commodities with specified exceptions between specified points in Washington, Oregon, and Idaho. James W. Giverns, 1026 F Street, Post Office Box 875, Lewiston, ID 83501, attorney for transferor.

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

[FR Doc.71–3265 Filed 3–8–71;8:49 am]

[Notice 657–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 4, 1971.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–72675. By application filed March 3, 1971, TOM B. YORK, doing business as HILL TOP TRANSPORT, Post Office Box 8, White Plains, NC 27031, seeks temporary authority to lease the operating rights of FLOYD VESTAL DULL, Route 5, Box 182, Mocksville, NC 27038, under section 210a(b). The transfer to TOM B. YORK, doing business as HILL TOP TRANSPORT, of the operating rights of FLOYD VESTAL DULL, is presently pending.

By the Commission.

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

[FR Doc.71–3266 Filed 3–8–71;8:49 am]

[Notice 256]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 3, 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 30837 (Sub-No. 427 TA), filed February 22, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Post Office Box 160 (53141), Kenosha, WI 53140. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *All terrain vehicles*, from New Castle, Pa., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Lockley Manufacturing Co., Inc., 310 Grove Street, New Castle, PA 16103 (Richard A. Snow, vice president, sales and marketing). 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 64317 (Sub-No. 36 TA), filed February 25, 1971. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road NE., Post Office Box 2888, Roanoke, VA 24001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garbage disposal units*, from Kankakee, Ill., to points in Alabama, Delaware, District of Columbia, Georgia, Kentucky, Maryland, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: A. O. Smith Corp., Post Office Box 584, Milwaukee, WI 53201. Send protests to: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue, SW., Roanoke, VA 24011.

No. MC 87720 (Sub-No. 104 TA), filed February 25, 1971. Applicant: BASS TRANSPORTATION CO., INC., Star Route A, Old Croton Road, Post Office Box 391, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles, and closures*, for the account of Bemis Co., Inc., from Nashua, N.H., to points in Ohio; for 180 days. Supporting shipper: Bemis Co., Inc., East Pepperell, Mass. 01437. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 88826 (Sub-No. 3 TA), filed February 25, 1971. Applicant: CELLUS STRATMAN, doing business as STRATMAN TRUCK SERVICE, Vienna, Mo. 65582. Applicant's representative: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated and untreated wood mine blocks and props*, from Vienna, Mo., to points in Illinois, for 180 days. Supporting shipper: Mid-Missouri Post & Lumber Co., Inc., Vienna, Mo. 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.

No. MC 105925 (Sub-No. 2 TA), filed February 25, 1971. Applicant: PLAINFIELD TRANSPORTATION CO., INC., Federal Road, Danbury, CT 06810. Applicant's representative: Reubin Kaminsky, Society Plaza Building, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, in containers, and in packages, in vehicles equipped with mechanical refrigeration, from Syosset, Long Island, N.Y., to points in Connecticut and in Hampden County, Mass., for 150 days. Supporting shipper: N. Dorman & Co., Inc., 73 Hudson Street, New York, NY. Send protests to: District Supervisor David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, CT 06101.

No. MC 106400 (Sub-No. 80 TA), filed February 25, 1971. Applicant: KAW TRANSPORT COMPANY, Post Office Box 8525, Highway 10, Pleasant Valley, MO, Sugar Creek, MO 64054 (Missouri Corp.). Applicant's representative: H. D. Holwick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lignin liquid*, in bulk, in tank vehicles, from Wolcott, Kans., to points in Arkansas, Illinois, Iowa, Missouri, Nebraska, Oklahoma, and South Dakota, for 120 days. Supporting shipper: Georgia-Pacific Corp., 900 Southwest Fifth Avenue, Portland, OR. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 117940 (Sub-No. 40 TA), filed February 24, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: M. James Levitus (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, fresh, canned, and frozen, from Kennett Square, Pa., to points in Colorado, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, for 180 days. Supporting shipper: Kennett Canning Co., Post Office Box K, Kennett Square, Pa. 19348. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 126899 (Sub-No. 44 TA), filed February 25, 1971. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Post Office Box 3051, Paducah, KY 42001. Applicant's representative: William A. Usher (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and incidental advertising material*, when shipped with malt beverage from Newport, Ky., to La Crosse, Milwaukee, and Sheboygan, Wis., to Newport, Ky.; from Newport, Ky., to Nashville, Tenn.; from Newport, Ky., to points in New Jersey. *Empty used beer containers* used in the transportation of malt beverages, on the return movement, for 180 days. Supporting shipper: G. Heileman Brewing Co., Inc., 925 South Third Street, La Crosse, WI 54601. Attention: F. W. Liegois, general traffic manager. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 933 Federal Building, 167 North Main Street, Memphis, TN 38103.

No. MC 133128 (Sub-No. 3 TA), filed February 24, 1971. Applicant: F–B TRUCK LINE COMPANY, 1891 West 2100 South Street, Salt Lake City, UT 84119. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Lumber and forest products* (except wood chips), such as plywood and plywood mill products, boards and sheets, particle board, hardboard, prefinished and hardboard panelling, from mills and storage areas in that part of Oregon west of U.S. Highway 97 to points in California south of a line formed by the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino; and (b) *Pulpboard, paper and paper articles*, from Toledo, Oreg., to points in California south of a line formed by the northern boundaries of the Counties of San Luis Obispo, Kern, and San Bernardino; and (c) *Straight or mixed loads of the above-described commodities*, from and to the points set forth above, for 180 days. Supporting shipper: Georgia-Pacific Corp., 900 Southwest Fifth Avenue, Portland, OR 97204. (Lewis G. Hallett, western traffic manager). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, Salt Lake City, UT 84111.

No. MC 133655 (Sub-No. 45 TA), filed February 23, 1971. Applicant: TRANSNATIONAL TRUCK, INC., Post Office Box 4168, Amarillo, TX 79105. Applicant's representative: Harold H. Pike (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat* packinghouses as defined, from Guymon, Okla., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, District of Columbia, Pennsylvania, Rhode Island, Vermont, and Virginia, for 120 days. Supporting shipper: G. Dwight Weed, Assistant Transportation Manager, Swift Fresh Meats Co., 115 West Jackson Boulevard, Chicago IL 60604. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1012 Herring Plaza, 317 East Third Street, Amarillo, TX 79101.

No. MC 133819 (Sub-No. 4 TA), filed February 24, 1971. Applicant: SERVICE, INCORPORATED, 301 West First Avenue, Post Office Box 384, Crossett, AR 71635. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, AR 72204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood sawdust, chips, and shavings*, from points in Arkansas to Lillie and West Monroe, La., for 180 days. Supporting shipper: Olinkraft, Post Office Box 488, West Monroe, LA 71291. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 135227 (Sub-No. 1 TA), filed February 24, 1971. Applicant: CHESTER CLARK, doing business as SPECIAL DISPATCH, 240 West Ohio, Post Office Box 460, Indianapolis, IN 46206. Applicant's representative: Keith F. Henley, 88 East Broad Street, Suite 1660, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics, toilet preparations, toilet articles, drugs, cleaning, scouring, and washing compounds, soap powder or soap, clothing, toys, greeting cards, and premium, and prizes;* (2) *materials, equipment, and supplies*, used in connection with Item (1); and (3) *returned merchandise*, between Cincinnati, Ohio, on the one hand, and, on the other, points in Indiana. (Restricted to transportation service to be performed under a continuing contract with Avon Products, Inc.), for 180 days. Supporting shipper: Avon Products, Inc., 175 Progress Place, Springdale, OH 45246. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 135232 (Sub-No. 1 TA), filed February 25, 1971. Applicant: CROWN METAL & SALVAGE CO., Old Route 82, Brookfield, OH 44403. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, between points in Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, New Jersey, New York, Pennsylvania, and West Virginia, for 150 days. Supporting shipper: Columbus Iron & Metal Co., Post Office Box 307, Girard, OH 44420. Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 135327 (Sub-No. 1 TA), filed February 24, 1971. Applicant: ARMAND VEILLEUX, 18 Lake Street, Ste. Rose Station (Laval Co.), PQ Canada. Applicant's representative: Adrien R. Paquette, 200 Rue St.-Jacques, Suite 1010, Montreal, PQ Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber*, from Montreal, PQ Canada, to points in Vermont, New York, New Jersey, and Pennsylvania, for 180 days. Supporting shipper: Herbert Lumber Ltd., 1417 Charlevoix, Montreal, PQ Canada. Send

protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Montpelier, VT 05602.

No. MC 135328 (Sub-No. 2 TA), filed February 23, 1971. Applicant: MARVIN E. YATES, doing business as MARVIN YATES TRUCKING, Route 1, Box 131B, Klamath Falls, OR 97601. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Lakeview, Bly, and Klamath Falls, Oreg., to Dorris, Calif., and from Burney and Weed, Calif., to White City, Oreg., for 180 days. Supporting shippers: Southern Oregon Moulding Co., White City, Oreg. 97501; Mountain Valley Moulding Co., Post Office Box 517, Dorris, CA 96023; Dorris Lumber Co., Post Office Box 2688, Sacramento, CA 95812; Oregon Cutstock & Moulding Corp. White City, Oreg.; Weyerhaeuser Co., Post Office Box 9, Klamath Falls, OR 97601. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, OR 97204.

By the Commission.

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

[FR Doc.71-4267 Filed 3-8-71;8:49 am]

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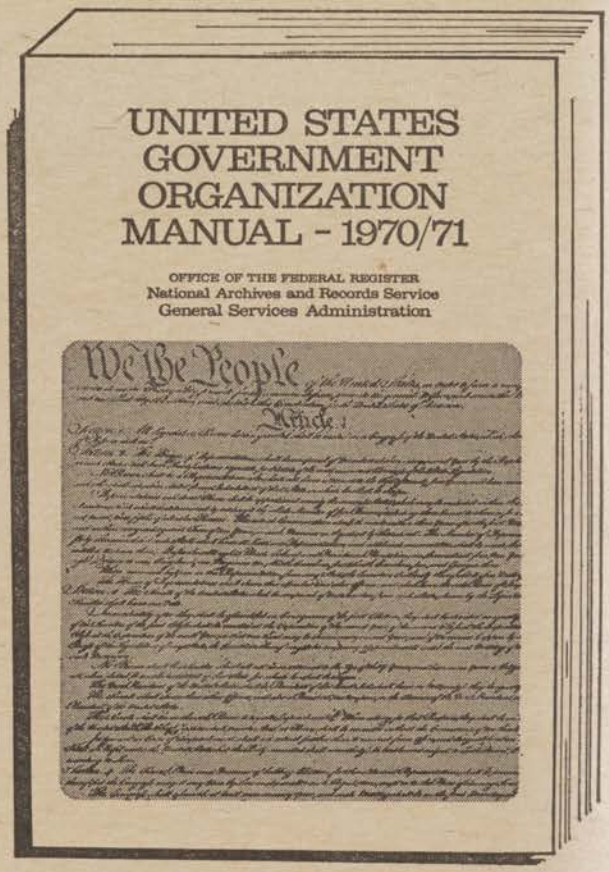

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